



Federal Register

12-31-02

Vol. 67 No. 251

Pages 79833-80332

Tuesday

Dec. 31, 2002



The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see <http://www.nara.gov/fedreg>.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at <http://www.access.gpo.gov/nara>. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type *swais*, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512-1262; or call (202) 512-1530 or 1-888-293-6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday-Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is \$699, or \$764 for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$264. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$10.00 for each issue, or \$10.00 for each group of pages as actually bound; or \$2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 67 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 202-741-6005
Assistance with Federal agency subscriptions 202-741-6005

What's NEW!

Federal Register Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to <http://listserv.access.gpo.gov> and select:

Online mailing list archives

FEDREGTOC-L

Join or leave the list

Then follow the instructions.



Contents

Federal Register

Vol. 67, No. 251

Tuesday, December 31, 2002

Agriculture Department

See Animal and Plant Health Inspection Service

Animal and Plant Health Inspection Service

RULES

Interstate transportation of animals and animal products (quarantine):

- Tuberculosis in cattle and bison—
State and area classifications; compliance date delay, 79836–79837

Centers for Medicare & Medicaid Services

RULES

Medicare:

- Physician fee schedule (2003 CY); payment policies and relative value unit adjustments, 79965–80184

Coast Guard

RULES

Drawbridge operations:

- Iowa and Illinois, 79853

Merchant marine officers and seamen:

- Great Lakes Maritime Academy; graduates eligibility for unrestricted third-mate licenses, 79881

Ports and waterways safety:

- San Francisco Bay, CA; security zones, 79854–79856
- San Pedro Bay, CA; liquefied hazardous gas tank vessels; security zones, 79856–79858

Commerce Department

See International Trade Administration

See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission

NOTICES

Meetings; Sunshine Act, 79906

Defense Department

RULES

Federal Acquisition Regulation (FAR):

- Introduction, 80319–80320
- Section 508 micro-purchase exception sunset provision, 80320–80322
- Small Entity Compliance Guide, 80321–80323
- Special simplified procedures for commercial item purchases in excess of simplified acquisition threshold, 80319–80321

Energy Department

See National Nuclear Security Administration

Environmental Protection Agency

RULES

Air programs:

- Ambient air quality standards, national—
Particulate matter, 80325–80328
- Stratospheric ozone protection—
Montreal Protocol; decisions incorporation and petition criteria reconsideration, 79861–79874

Air quality implementation plans:

- Preparation, adoption, and submittal—
Prevention of significant deterioration and nonattainment new source review; baseline emissions determination, actual-to-future-actual methodology, etc., 80185–80289

Air quality implementation plans; approval and promulgation; various States:

- Indiana, 79859–79861

Solid wastes:

- Hazardous waste; identification and listing—
Exclusions, 79874–79879

PROPOSED RULES

Air programs:

- Ambient air quality standards, national—
Particulate matter, 80328–80329

Air quality implementation plans:

- Preparation, adoption, and submittal—
Prevention of significant deterioration and nonattainment new source review; routine maintenance, repair, and replacement, 80289–80314

Air quality implementation plans; approval and promulgation; various States:

- Indiana, 79897–79898

Water supply:

- National primary drinking water regulations—
Chemical and microbiological contaminants; analytical method approval; Colitag method; additional information, 79898

NOTICES

Agency information collection activities:

- Submission for OMB review; comment request; correction, 79963

Meetings:

- Science Advisory Board, 79912–79914

Pesticide, food, and feed additive petitions:

- Syngenta Crop Protection, Inc., 79914–79918
- Valent U.S.A.Corp., 79918–79927

Toxic and hazardous substances control:

- New chemicals—
Receipt and status information, 79927–79931

Executive Office of the President

See Trade Representative, Office of United States

Federal Aviation Administration

PROPOSED RULES

Air traffic operating and flight rules, etc.:

- Los Angeles International Airport, CA; special flight rules in vicinity—
Revision, 80315–80318

Airworthiness directives:

- Eurocopter France, 79893–79894
- Raytheon, 79891–79893

NOTICES

Aviation insurance:

- Third party war risk liability insurance, 79959

Exemption petitions; summary and disposition, 79959–79960

Federal Election Commission**RULES**

Federal Election Campaign Act:

- Brokerage loans and lines of credit; transmittal to Congress, 79844

Federal Emergency Management Agency**RULES**

Flood insurance; communities eligible for sale:

- Various States, 79879–79881

Federal Energy Regulatory Commission**NOTICES***Applications, hearings, determinations, etc.:*

- Discovery Gas Transmission LLC, 79590

Editorial Note: In the **Federal Register** of December 30, 2002, the preceding document was inadvertently left out of that issue's Table of Contents.

Federal Reserve System**RULES**

Home mortgage disclosure (Regulation C):

- Depository institutions; annual asset-size exemption threshold adjustment, 79844–79845

NOTICES

Banks and bank holding companies:

- Change in bank control, 79931
- Formations, acquisitions, and mergers, 79931

Federal Trade Commission**NOTICES**

Meetings:

- Public/private partnerships to combat cross-border fraud; public workshop, 79931–79934

Premerger notification waiting periods; early terminations, 79934–79939

Food and Drug Administration**RULES**

Animal drugs, feeds, and related products:

- Praziquantel injectable solution, 79852–79853

Food for human consumption:

- Food labeling—
- Uniform compliance date, 79851–79852

NOTICES

Harmonisation International Conference; guidelines availability:

- E2C clinical safety data management; periodic safety update reports for marketed drugs; addendum, 79939–79940

General Accounting Office**RULES**

Bid protest regulations; revision, 79833–79836

General Services Administration**RULES**

Federal Acquisition Regulation (FAR):

- Introduction, 80319–80320
- Section 508 micro-purchase exception sunset provision, 80320–80322
- Small Entity Compliance Guide, 80321–80323
- Special simplified procedures for commercial item purchases in excess of simplified acquisition threshold, 80319–80321

Health and Human Services Department

See Centers for Medicare & Medicaid Services

See Food and Drug Administration

See National Institutes of Health

Housing and Urban Development Department**NOTICES**

Organization, functions, and authority delegations:

- Departmental Enforcement Center; civil money penalty actions—
- National Housing Act violations, 79945
- Specified multifamily housing programs violations, 79944–79945
- General Counsel; civil money penalty actions—
- National Housing Act violations, 79945–79946
- Specified multifamily housing programs violations, 79943–79944

Immigration and Naturalization Service**NOTICES**

Agency information collection activities:

- Submission for OMB review; comment request, 79946–79947

Internal Revenue Service**PROPOSED RULES**

Income taxes:

- Accuracy-related penalty; imposition defenses establishment, 79894–79897

International Trade Administration**RULES**

Steel import licensing and surge monitoring, 79845–79851

NOTICES

Antidumping:

- Cut-to-length carbon steel plate from—
- Ukraine, 79901–79902
- Tapered roller bearings and parts, finished and unfinished, from—
- China, 79902–79903

Justice Department

See Immigration and Naturalization Service

See Juvenile Justice and Delinquency Prevention Office

Juvenile Justice and Delinquency Prevention Office**NOTICES**

Grants and cooperative agreements; availability, etc.:

- Drug-Free Communities Support Program, 80331–80332

Labor Department

See Mine Safety and Health Administration

Mine Safety and Health Administration**NOTICES**

Mining products; testing, evaluation, and approval; user fee adjustments, 79947

National Aeronautics and Space Administration**RULES**

Federal Acquisition Regulation (FAR):

- Introduction, 80319–80320
- Section 508 micro-purchase exception sunset provision, 80320–80322
- Small Entity Compliance Guide, 80321–80323
- Special simplified procedures for commercial item purchases in excess of simplified acquisition threshold, 80319–80321

National Institutes of Health**NOTICES**

Meetings:

- National Center for Research Resources, 79940
- National Eye Institute, 79940–79941
- National Heart, Lung, and Blood Institute, 79941
- National Institute of Allergy and Infectious Diseases, 79941
- National Institute of Child Health and Human Development, 79941–79942
- National Institute of Environmental Health Sciences, 79942–79943
- Warren Grant Magnuson Clinical Center Board of Governors, 79943
- Xenotransplantation Advisory Committee, 79943

National Nuclear Security Administration**NOTICES**

Environmental statements; availability, etc.:

- Los Alamos National Laboratory, NM; Technical Area 18 capabilities and materials relocation, 79906–79911

Floodplain and wetlands protection; environmental review determinations; availability, etc.:

- Los Alamos National Laboratory, NM; multiple permeable reactive barrier installation, 79911–79912

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

- Northeastern United States fisheries—
 - Atlantic surfclams, ocean quahogs, and Maine mahogany ocean quahogs, 79887–79889
- West Coast States and Western Pacific fisheries—
 - Coastal pelagic species, 79889–79890

PROPOSED RULES

Endangered and threatened species:

- Salmon and steelhead; evolutionarily significant units in California; status review updates and information request, 79898–79900

NOTICES

Agency information collection activities:

- Proposed collection; comment request, 79903–79905

Marine mammals:

- Atlantic Ocean, Gulf of Mexico, and Caribbean fisheries; integrated registration authorization program, 79905–79906

Nuclear Regulatory Commission**RULES**

- Federal Advisory Committee Act regulations, 79837–79844

NOTICES

Meetings; Sunshine Act, 79947–79948

Reports and guidance documents; availability, etc.:

- Extended power uprates; review standard, 79950
- Extended power uprate testing programs; generic guidelines; standard review plan, 79948
- Reactor operator and nonlicensed plant staff training, operating and emergency operating procedures, and human factors engineering; standard review plan, 79948–79950

Office of United States Trade Representative

See Trade Representative, Office of United States

Postal Service**RULES**

- Privacy Act; implementation, 79858–79859

Public Health Service

See Food and Drug Administration

See National Institutes of Health

Social Security Administration**NOTICES**

- Organization, functions, and authority delegations:
 - Office of Chief Strategic Officer, 79950–79952

State Department**NOTICES**

Art objects; importation for exhibition:

- Sargent and Italy, 79952

Meetings:

- U.S.-Chile Environmental Cooperation Agreement; negotiations, 79952–79953

Surface Transportation Board**NOTICES**

Railroad operation, acquisition, construction, etc.:

- Corn Products International, Inc., 79960
- Union Pacific Railroad Co., 79960–79961

Trade Representative, Office of United States**NOTICES**

Committees; establishment, renewal, termination, etc.:

- U.S.-Japan Private Sector/Government Commission, 79953–79954

Harmonized Tariff Schedule:

- Technical corrections, 79954–79956

Steel products; Trade Act exclusions

- Consideration procedures, 79956–79957

Transportation Department

See Coast Guard

See Federal Aviation Administration

See Surface Transportation Board

See Transportation Security Administration

NOTICES

Aviation proceedings:

- Agreements filed; weekly receipts, 79957–79958
- Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 79958–79959

Transportation Security Administration**RULES**

- Private charter passenger aircraft; security rules, 79881–79887

Treasury Department

See Internal Revenue Service

Veterans Affairs Department**NOTICES**

Agency information collection activities:

- Submission for OMB review; comment request, 79961

Committees; establishment, renewal, termination, etc.:

- Disciplinary Appeals Board panel, 79961–79962

Separate Parts In This Issue**Part II**

Health and Human Services Department, Centers for Medicare & Medicaid Services, 79965–80184

Part III

Environmental Protection Agency, 80185–80314

Part IV

Transportation Department, Federal Aviation
Administration, 80315–80318

Part V

Defense Department; General Services Administration;
National Aeronautics and Space Administration,
80319–80323

Part VI

Environmental Protection Agency, 80325–80329

Part VII

Justice Department, Juvenile Justice and Delinquency
Prevention Office, 80331–80332

Reader Aids

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

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov> and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

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

4 CFR	
21.....	79833
9 CFR	
77.....	79836
10 CFR	
7.....	79837
11 CFR	
100.....	79844
104.....	79844
113.....	79844
12 CFR	
203.....	79844
14 CFR	
Proposed Rules:	
39 (2 documents)	79891, 79893
91.....	80316
93.....	80316
19 CFR	
360.....	79845
21 CFR	
101.....	79851
522.....	79852
26 CFR	
Proposed Rules:	
1.....	79894
33 CFR	
117.....	79853
165 (2 documents)	79854, 79856
39 CFR	
266.....	79858
40 CFR	
51.....	80186
52 (2 documents)	79859, 80186
58.....	80326
82.....	79861
261.....	79874
Proposed Rules:	
51.....	80290
52 (2 documents)	79897, 80290
58.....	80329
141.....	79898
42 CFR	
410.....	79966
414.....	79966
485.....	79966
44 CFR	
64.....	79879
46 CFR	
10.....	79881
48 CFR	
Ch. I (4 documents).....	80319, 80322
13.....	80319
39.....	80321
49 CFR	
1544.....	79881
50 CFR	
648.....	79887
660.....	79889
Proposed Rules:	
223.....	79898
224.....	79898

Rules and Regulations

Federal Register

Vol. 67, No. 251

Tuesday, December 31, 2002

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.

GENERAL ACCOUNTING OFFICE

4 CFR Part 21

General Accounting Office, Administrative Practice and Procedure, Bid Protest Regulations, Government Contracts, Government Procurement

AGENCY: General Accounting Office.

ACTION: Final rule.

SUMMARY: The General Accounting Office (GAO) is amending its Bid Protest Regulations after receiving and considering comments on the proposed rule published on October 1, 2002. The final rule, promulgated in accordance with the Competition in Contracting Act of 1984, conforms the current regulations to current practice, and otherwise improves the overall efficiency and effectiveness of the bid protest process at GAO. GAO has not revised Part 21 since 1996, and the amendment will clarify several aspects of the bid protest process that have evolved since that time.

EFFECTIVE DATE: January 1, 2003.

FOR FURTHER INFORMATION CONTACT: John M. Melody (Assistant General Counsel) or David A. Ashen (Deputy Assistant General Counsel), 202-512-9732.

SUPPLEMENTARY INFORMATION:

Effective Dates

Protests filed at GAO prior to the effective date of this final rule will be considered under the previous rule published at 61 FR 39039 on July 26, 1996. That previous rule will also be applied in considering (1) protests filed on or after the effective date of this rule that supplement or amend a protest filed at GAO prior to the effective date of this rule and (2) claims and requests for reconsideration filed on or after the effective date of this rule that concern a protest considered under the previous rule.

Background

On October 1, 2002, GAO published a proposed rule (67 FR 61542) in which it proposed to revise its Bid Protest Regulations. The supplementary information included with the proposed rule explained that the proposed revisions to GAO's regulations, promulgated in accordance with the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556, were prompted by GAO's recognition that there have been legal developments and changes in practice that have occurred since the last revision, in 1996. For example, the use of alternative dispute resolution (ADR) has grown in practice and electronic filing of protests has become technologically feasible. Of particular interest, the proposed revision reflected GAO's view that recent decisions by the Court of Appeals for the Federal Circuit and the Court of Federal Claims may warrant a change in our review of protests challenging affirmative responsibility determinations. GAO's final rule makes changes in these and other areas in order to improve the overall efficiency, effectiveness, and fairness of the bid protest process at GAO.

Summary of Comments

Interested persons were invited to submit comments on GAO's proposed rule by November 12, 2002. We received written comments from three Federal agencies, two law firms, and one bar association. In adopting this final rule, we have carefully considered all comments received. The commenters were generally supportive of our efforts to improve the bid protest process and clarify GAO's procedures, and suggested further language changes consistent with these goals. Several of these suggested changes have been adopted, either in the final rule itself, or in the form of additional information in GAO's publication, "Bid Protests at GAO: A Descriptive Guide" (Descriptive Guide), which will be updated to reflect the revised regulations.

A discussion of the more significant comments concerning GAO's proposed rule, and our responses to these comments, are set forth below.

Section 21.0—Definitions

One commenter suggested that GAO clarify which word processing applications/programs are acceptable for

use by parties in filing electronic protests and other protest documents, in order to ensure that applications used by protesters, agencies, and GAO are compatible. In response, GAO will set forth the details regarding electronic filing on both its Web site (www.gao.gov) and in the Descriptive Guide, including such essential information as the e-mail address to which protests must be sent and the word processing application used by GAO. While GAO cannot warrant compatibility between various word processing applications, disclosing the application used by GAO is information that may assist protesters in deciding upon an appropriate word processing application, and thereby should minimize any risk that a protest may be received in garbled form, or not be received at all, due to word processing application incompatibilities. However, as is made clear in the revised section 21.0(g), protesters bear the risk that the filing method chosen, including electronic filing, will not result in timely receipt of a legible protest at GAO; this includes any risk of incompatibility between word processing applications and other potential transmission problems. As for compatibility between protesters' and agencies' word processing programs, to the extent that electronic submissions are authorized in a particular case, the cognizant GAO attorney, together with the parties, will determine the appropriate means for transmitting submissions. We note that the extent to which electronic filings are permitted after receipt of an electronically transmitted protest will be determined by the GAO attorney, taking into consideration, in particular, whether protected information will be involved and the extent to which it can be transmitted securely, to GAO's and the parties' satisfaction.

Some commenters expressed the view that, in order for electronic filing of protests to be practicable, protesters must be able to confirm receipt of their protest transmission. GAO recognizes that the ability of protesters to confirm receipt of their protest is essential if electronic filing is to be a meaningful filing option. Toward this end, the system GAO has in place will provide an automatic return e-mail that can be used to confirm receipt of an electronic protest at GAO. Also, GAO will list its

case status telephone number on its website and in the Descriptive Guide to provide protesters with an additional means of confirming receipt.

Section 21.3—Notice of Protest, Submission of Agency Report, and Time for Filing of Comments on Report

One commenter expressed concern that the revised language under paragraph (i) of section 21.3 could lead to the dismissal of meritorious protest issues where the agency report inadequately responds to an issue and the protester does not comment further, having nothing new of substance to add. GAO notes that this hypothetical situation is only a theoretical possibility and does not reflect GAO's experience. The regulations to date have permitted protesters, in lieu of substantive comments, to merely ask that their protest be decided on the existing record, and it is GAO's experience that protesters choosing this option invariably have their protest denied. The purpose of the revision is to make protesters, particularly those proceeding on a *pro se* basis, aware of the need for them to respond substantively to the agency report on their protest in order to maximize the chance that their protest will be sustained; alternatively, it is intended to lead protesters to withdraw protests more promptly where they are unable to rebut the agency's substantive response. The revision is not intended to change the manner in which GAO handles comments on specific issues raised in a protest. Currently, where a protester fails to comment on an agency's substantive response to an issue that is consistent with the record and appears reasonable on its face, we typically will consider that aspect of the protest abandoned and dismiss it. On the other hand, where the agency report does not adequately address a protest issue, GAO does not automatically dismiss the issue; rather, GAO considers the record as a whole, and, if necessary, develops the record further, and decides whether the issue has merit. GAO will continue this practice under the revised regulations.

One commenter suggested that GAO include in the regulations or the Descriptive Guide a warning to protesters that their comments should address all issues raised in the original protest. However, GAO believes such a warning would be inconsistent with one of the underlying purposes of the change—to lead protesters to withdraw protests where the protester is unable to respond to the agency's position substantively—since the suggested warning could encourage protesters to address issues superficially solely to

avoid dismissal. However, GAO will highlight this change in the Descriptive Guide by making it clear that protests are seldom sustained where protesters do not submit substantive comments in response to an agency report.

Section 21.5—Protest Issues Not for Consideration

Two commenters expressed the view that the change under paragraph (b)(2) of section 21.5—providing that GAO will consider protests of Small Business Administration (SBA) Certificate of Competency (COC) reviews where it is alleged that SBA failed to follow its own published regulations—is unwarranted. GAO recognizes that SBA's judgments in connection with a COC determination are matters within SBA's discretion and are not subject to GAO review. It is GAO's view, however, that there are some circumstances under which it may be appropriate to consider protest arguments that SBA has violated its own regulations in making a particular COC determination, and thereby has deprived a bidder or offeror of a contract award to which it otherwise was entitled under applicable laws and regulations. As explained in the proposed rule's supplementary information, this change is intended to make GAO's review in this area consistent with that in the area of protests of procurements under section 8(a) of the Small Business Act (Sec. 21.5(b)(3)), and protests of affirmative determinations of responsibility (Sec. 21.5(c), as revised in this final rule). Further, as indicated in the revised language, GAO will interpret the exception narrowly and, as a result, anticipates that this review will occur infrequently.

One agency commenter expressed concern that the revised language could lead to the inequitable result that a protest could be sustained against a contracting agency based on SBA's misconduct. However, in the event that GAO sustained a protest based solely on SBA's actions, the decision would clearly indicate that the violation was SBA's, not the contracting agency's.

Several commenters questioned the change under section 21.5(c), providing for expanded GAO review of protests challenging affirmative determinations of responsibility. One agency commented that the change may lead to GAO's substituting its judgment for that of the contracting agency, while another commenter suggested that GAO provide some guidance as to what is meant by "serious concerns." The language providing for expanded GAO review in this area was prompted by the desire for consistency between our standard and

the Court of Appeals for the Federal Circuit's standard for reviewing affirmative responsibility determination protests. We believe the revised language serves this purpose. GAO believes it would not be practical or useful to provide detailed examples of protests that fall within or outside of the changed review standard, since small changes in the facts or evidence presented could result in a different conclusion. As a general matter, however, the language requiring the protester to "identify evidence raising serious concerns" is intended to encompass protests where, for example, the protest includes specific evidence that the contracting officer may have ignored information that, by its nature, would be expected to have a strong bearing on whether the awardee should be found responsible. At the other end of the spectrum, the revised language was intended to exclude from review general and "information and belief" allegations not supported by evidence, and those that identify what appear to be minor, rather than significant, discrepancies related to the awardee's responsibility.

Two commenters suggested that GAO review affirmative responsibility determination protests where it is alleged that the contracting officer unreasonably evaluated available information, in the same manner in which we review negative responsibility determinations. However, we believe this approach would accord too little weight to the contracting officer's discretion in the area of affirmative responsibility determinations and also place a substantial unwarranted additional burden on contracting agencies. In this regard, this change was prompted not by evidence of agency abuse in this area, but by our desire to preserve consistency between GAO and the courts. GAO's review therefore generally will involve a contracting officer's failure to consider "available relevant information," rather than the reasonableness of the contracting officer's judgments based on that information, or his or her failure to obtain information through an exhaustive investigation. Whereas GAO's review of negative responsibility determinations for reasonableness is intended to ensure that firms found entitled to a contract award under the announced evaluation scheme are not then unreasonably denied the award, no similar "nullification" of the evaluation scheme comes into play with an affirmative determination of responsibility.

One commenter suggested adding language to section 21.5 to make it

clear—as GAO recently held in *Champion Bus. Servs., Inc.*, B-290556, June 25, 2002, 2002 CPD ¶ 109—that protests challenging the inclusion of the protester’s own proposal in the competitive range fall outside GAO’s bid protest jurisdiction. GAO agrees that this change should be included in the regulations and, accordingly, has added appropriate language in new paragraph (j).

Section 21.10—Express Options, Flexible Alternative Procedures, Accelerated Schedules, Summary Decisions, and Status Conferences

One commenter suggested that GAO clarify in paragraph (e) of section 21.10 that flexible alternative procedures may be invoked by GAO on its own initiative or at the request of the parties. GAO agrees that this point should be clarified and has amended the paragraph accordingly.

List of Subjects in 4 CFR Part 21

Administrative practice and procedure, Bid protest regulations, Government contracts, Government procurement.

For the reasons set out in the preamble, Title 4, Chapter I, Subchapter B, of the Code of Federal Regulations is amended to read as follows:

PART 21—BID PROTEST REGULATIONS

1. The authority citation for Part 21 continues to read as follows:

Authority: 31 U.S.C. 3551–3556.

2. Amend § 21.0 by revising paragraphs (f) and (g), and adding new paragraph (h) to read as follows:

§ 21.0 Definitions.

* * * * *

(f) *Adverse agency action* is any action or inaction by a contracting agency that is prejudicial to the position taken in a protest filed with the agency, including a decision on the merits of a protest; the opening of bids or receipt of proposals, the award of a contract, or the rejection of a bid or proposal despite a pending protest; or contracting agency acquiescence in continued and substantial contract performance.

(g) A document is *filed* on a particular day when it is received by GAO by 5:30 p.m., eastern time, on that day. Protests and other documents may be filed by hand delivery, mail, commercial carrier, facsimile transmission, or other electronic means (but see § 21.4(b) for restrictions on electronic filing where a protective order has been issued). Hand delivery and other means of delivery may not be practicable during certain periods due, for example, to security

concerns or equipment failures. The filing party bears the risk that the delivery method chosen will not result in timely receipt at GAO.

(h) *Alternative dispute resolution* encompasses various means of resolving cases expeditiously, without a written decision, including techniques such as outcome prediction and negotiation assistance.

* * * * *

3. Amend § 21.1 by revising paragraph (c) introductory text and (c)(1) to read as follows:

§ 21.1 Filing a protest.

* * * * *

(c) A protest filed with GAO shall: (1) Include the name, street address, electronic mail address, and telephone and facsimile numbers of the protester,

* * * * *

4. Amend § 21.3 by revising paragraphs (a) and (i) to read as follows:

§ 21.3 Notice of protest, submission of agency report, and time for filing of comments on report.

(a) GAO shall notify the contracting agency by telephone within 1 day after the filing of a protest, and, unless the protest is dismissed under this part, shall promptly send a written confirmation to the contracting agency and an acknowledgment to the protester. The contracting agency shall immediately give notice of the protest to the contractor if award has been made or, if no award has been made, to all bidders or offerors who appear to have a substantial prospect of receiving an award. The contracting agency shall furnish copies of the protest submissions to those parties, except where disclosure of the information is prohibited by law, with instructions to communicate further directly with GAO. All parties shall furnish copies of all protest communications to the contracting agency and to other participating parties. All protest communications shall be sent by means reasonably calculated to effect expeditious delivery.

* * * * *

(i) Comments on the agency report shall be filed with GAO within 10 days after receipt of the report, with a copy provided to the contracting agency and other participating parties. The protest shall be dismissed unless the protester files comments within the 10-day period, except where GAO has granted an extension or has established a shorter period in accordance with § 21.10(e). Extensions will be granted on a case-by-case basis. Unless otherwise advised by the protester, GAO will assume the protester received the agency report by the due date specified in the

acknowledgment of protest furnished by GAO.

* * * * *

5. Amend § 21.4 by revising paragraph (b) to read as follows:

§ 21.4 Protective orders.

* * * * *

(b) If no protective order has been issued, the agency may withhold from the parties those portions of its report that would ordinarily be subject to a protective order. GAO will review in camera all information not released to the parties. Where a protective order has been issued, documents may be filed by electronic means (other than facsimile transmission) only when specifically authorized by GAO.

* * * * *

6. Amend § 21.5 by revising the introductory text and paragraphs (b)(2), (c) and (d), and adding new paragraphs (i) and (j), to read as follows:

§ 21.5 Protest issues not for consideration.

A protest or specific protest allegations may be dismissed any time sufficient information is obtained by GAO warranting dismissal. Where an entire protest is dismissed, no agency report need be filed; where specific protest allegations are dismissed, an agency report shall be filed on the remaining allegations. Among the protest bases that shall be dismissed are the following:

* * * * *

(b) * * *

* * * * *

(2) *Small Business Certificate of Competency Program.* Referrals made to the Small Business Administration (SBA) pursuant to sec. 8(b)(7) of the Small Business Act, or the issuance of, or refusal to issue, a certificate of competency under that section will generally not be reviewed by GAO. The exceptions, which GAO will interpret narrowly out of deference to the role of the SBA in this area, are protests that show possible bad faith on the part of government officials, or that present allegations that the SBA failed to follow its own published regulations or failed to consider vital information bearing on the firm’s responsibility due to the manner in which the information was presented to or withheld from the SBA by the procuring agency. 15 U.S.C. 637(b)(7).

* * * * *

(c) *Affirmative determination of responsibility by the contracting officer.*

Because the determination that a bidder or offeror is capable of performing a contract is largely committed to the contracting officer's discretion, GAO will generally not consider a protest challenging such a determination. The exceptions are protests that allege that definitive responsibility criteria in the solicitation were not met and those that identify evidence raising serious concerns that, in reaching a particular responsibility determination, the contracting officer unreasonably failed to consider available relevant information or otherwise violated statute or regulation.

(d) *Procurement integrity.* For any Federal procurement, GAO will not review an alleged violation of subsections (a), (b), (c), or (d) of sec. 27 of the Office of Federal Procurement Policy Act, 41 U.S.C. 423, as amended by sec. 4304 of the National Defense Authorization Act for Fiscal Year 1996, Public Law 104-106, 110 Stat. 186, February 10, 1996, where the protester failed to report the information it believed constituted evidence of the offense to the Federal agency responsible for the procurement within 14 days after the protester first discovered the possible violation.

(i) *Suspensions and debarments.* Challenges to the suspension or debarment of contractors will not be reviewed by GAO. Such matters are for review by the contracting agency in accordance with the applicable provisions of the Federal Acquisition Regulation.

(j) *Competitive range.* GAO will not consider protests asserting that the protester's proposal should not have been included or kept in the competitive range.

7. Amend § 21.7 by revising paragraphs (c) and (g) to read as follows:

§ 21.7 Hearings.

(c) Hearings generally will be conducted as soon as practicable after receipt by the parties of the agency report and relevant documents. Although hearings ordinarily will be conducted at GAO in Washington, DC, hearings may, at the discretion of GAO, be conducted at other locations, or by telephone or other electronic means.

(g) If a hearing is held, each party shall file comments with GAO within 5 days after the hearing was held or as specified by GAO. If the protester has not filed comments by the due date, GAO shall dismiss the protest.

8. Amend § 21.8 by revising paragraph (e) to read as follows:

§ 21.8 Remedies.

(e) If the contracting agency decides to take corrective action in response to a protest, GAO may recommend that the agency pay the protester the reasonable costs of filing and pursuing the protest, including attorneys' fees and consultant and expert witness fees. The protester shall file any request that GAO recommend that costs be paid within 15 days of the date on which the protester learned (or should have learned, if that is earlier) that GAO had closed the protest based on the agency's decision to take corrective action. The protester shall furnish a copy of its request to the contracting agency, which may file a response within 15 days after receipt of the request, with a copy furnished to the protester.

9. Amend § 21.10 by removing paragraph (d)(3), redesignating (d)(4) as (d)(3), and by revising paragraph (e) to read as follows:

§ 21.10 Express options, flexible alternative procedures, accelerated schedules, summary decisions, and status and other conferences.

(e) GAO, on its own initiative or upon request by the parties, may use flexible alternative procedures to promptly and fairly resolve a protest, including alternative dispute resolution, establishing an accelerated schedule, and/or issuing a summary decision.

10. Amend § 21.11 by revising paragraph (b) to read as follows:

§ 21.11 Effect of judicial proceedings.

(b) GAO will dismiss any case where the matter involved is the subject of litigation before, or has been decided on the merits by, a court of competent jurisdiction. GAO may, at the request of a court, issue an advisory opinion on a bid protest issue that is before the court. In these cases, unless a different schedule is established, the times provided in this part for filing the agency report (§ 21.3(c)), filing comments on the report (§ 21.3(i)), holding a hearing and filing comments (§ 21.7), and issuing a decision (§ 21.9) shall apply.

11. Amend § 21.12 by revising paragraph (b) to read as follows:

§ 21.12 Distribution of decisions.

(b) Decisions may be distributed to the parties, and are available from GAO, by electronic means.

Anthony H. Gamboa,
General Counsel.

[FR Doc. 02-32929 Filed 12-30-02; 8:45 am]
BILLING CODE 1610-02-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 02-021-3]

Tuberculosis in Cattle and Bison; State and Zone Designations; Texas: Delay of Compliance Date

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim Rule; delay of compliance date.

SUMMARY: In an interim rule amending the bovine tuberculosis regulations to classify the State of Texas as modified accredited advanced, we delayed the date for compliance with certain identification and certification requirements in those regulations until January 1, 2003. In this action, we are further delaying the date for compliance until September 30, 2003. This action will allow affected parties additional time to make necessary preparations to comply with certain requirements.

DATES: The date for complying with certain requirements of 9 CFR 77.10 for sexually intact heifers, steers, and spayed heifers moving interstate from the State of Texas (see "Tuberculosis in Cattle and Bison; State and Zone Designations; Texas," published in the **Federal Register** on June 6, 2002 [67 FR 38841-38844, Docket No. 02-021-1]) is September 30, 2003.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph Van Tiem, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-7716.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2002, we published an interim rule in the **Federal Register** (67 FR 38841-38844, Docket No. 02-021-1) amending the bovine tuberculosis regulations in 9 CFR part 77 regarding State and zone classifications by removing the split-State status of Texas and classifying the entire State as modified accredited advanced. Under

the regulations in § 77.10 for certain cattle or bison originating in a modified accredited advanced State or zone, cattle or bison that are not known to be infected with or exposed to tuberculosis must meet certain identification, certification, and testing requirements prior to being moved interstate.

In the interim rule, we delayed, until January 1, 2003, the date for compliance with the following interstate movement requirements for the State of Texas, except for the former modified accredited advanced zone in El Paso and Hudspeth Counties, TX:

- The identification of sexually intact heifers moving to approved feedlots and steers and spayed heifers (§ 77.10(b));
- The identification requirements for sexually intact heifers moving to feedlots that are not approved feedlots (§ 77.10(d)); and
- Because identification is required for certification, the certification requirements for sexually intact heifers moving to unapproved feedlots (§ 77.10(d)).

We delayed compliance of these requirements for two reasons. First, the size of the cattle industry in Texas necessitated additional time to implement the identification requirements of the regulations. These additional identification requirements would require obtaining identification devices, developing procedures and processes for numbering the identification devices, and possibly developing a new State-Federal system to record the identification, if the existing State-Federal system is not adequate. Second, some cattle that had begun moving through channels prior to the change in Texas' tuberculosis status would not have been identified at their premises of origin. We agreed with the State of Texas to allow those cattle to complete their movement through normal industry channels. We would then begin enforcing certain provisions of the regulations on cattle that would be identified at their premises of origin.

The State of Texas has requested that we extend the compliance date to allow State animal health officials and other affected parties additional time to make preparations for complying with the identification and certification requirements outlined above. As noted in the interim rule, the two affected herds were depopulated, and a complete epidemiological investigation into the potential sources of the disease was conducted. We heightened our surveillance activities at slaughtering plants in Texas and in surrounding States. Also, since the fall of 2001, no affected herds have been detected in the State of Texas. Based on comments that we received on the interim rule, it

appears that the tuberculosis risk associated with the movement of nonbreeding cattle through channels to slaughter is low and that identification requirements for certain cattle destined for slaughter may be unnecessary. We are currently considering proposing changes to the regulations as a result of those comments. Therefore, we are further delaying the date for compliance with the identification and certification requirements of § 77.10(b) and (d) until September 30, 2003. As stated in the interim rule, this delay in compliance does not apply to the movement of cattle from the former modified accredited advanced zone in El Paso and Hudspeth Counties, TX.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 20th day of December 2002.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–33001 Filed 12–30–02; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 7 RIN 3150–AH02

Federal Advisory Committee Act Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations on the Federal Advisory Committee Act (FACA) to conform with General Services Administration regulations. In this final rule, the Commission clarifies its practices regarding Federal advisory committee exemptions from the FACA requirements.

EFFECTIVE DATE: January 30, 2003.

FOR FURTHER INFORMATION CONTACT: John Szabo, Senior Attorney, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, telephone 301–415–1610, e-mail JLS@nrc.gov.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Voluntary Consensus Standards
- III. Finding of No Significant Environmental Impact: Categorical Exclusion
- IV. Paperwork Reduction Act Statement
- V. Regulatory Analysis
- VI. Regulatory Flexibility Certification
- VII. Backfit Analysis
- VIII. Small Business Regulatory Enforcement Fairness Act

I. Background

In 1972, the Congress enacted the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App.) to regulate the formation and operation of advisory committees by Federal agencies. Section 7(c) of the Act requires the Administrator of the General Services Administration (GSA) to establish administrative guidelines and management controls applicable to advisory committees. Section 8(a) of the Act directs the head of each Federal agency to establish uniform administrative guidelines and management controls for advisory committees established by that agency. Agency guidelines and management controls must be consistent with GSA's directives.

In 1975, the NRC promulgated its Advisory Committee regulations as 10 CFR part 7 (40 FR 8774; March 3, 1975). A revision of Part 7 was published on June 27, 1989 (54 FR 26947), in order to maintain consistency between NRC and GSA FACA regulations, which had been issued on December 2, 1987 (52 FR 45929). The GSA issued a revision of its regulations, effective August 20, 2001 (66 FR 37728; July 19, 2001), providing administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Act. GSA's new regulations reflect recent legislative changes, shifts in Federal policy, and Federal court decisions issued since the GSA regulations were issued in 1987.

The Commission determined that NRC's advisory committee regulations should be revised to make them more consistent with the new GSA FACA regulations. On August 8, 2002, the Commission published for public comment a proposed rule revising its FACA Regulations (67 FR 51501). The NRC received no comments and is now publishing its proposal as a final rule.

The following are the most significant changes that are made to current NRC regulations by this final rule:

1. The meetings of NRC advisory committee subcommittees are exempted from FACA requirements unless the subcommittee reports and makes recommendations directly to the agency or its recommendations are adopted by its parent advisory committee without full deliberations by the parent committee.

2. There is an exemption from FACA requirements for meetings composed only of Federal employees and officials or employees of State, local, and tribal governments to exchange views,

information, or advice on the management or implementation of Federal programs in which they share responsibilities, as provided in section 204(b) of the Unfunded Mandates Act of 1995.

3. There is an exemption from FACA requirements for meetings between NRC employees and committees or groups not actually managed or controlled by the Government which were created by a non-Federal entity and meetings with NRC contractors, applicants, or licensees to discuss specific matters involving the contract or the Commission's efforts to ensure compliance with regulations.

4. The definition of a "utilized" committee is amended to mean a group or committee not established by the Federal Government but whose operations are managed or controlled by a Federal agency.

5. There is a de-emphasis of the goal of achieving "consensus" as an important factor in determining whether an advisory group is subject to FACA. Instead, the final rule provides that whether there is a group deliberative process is a more important consideration than whether the group seeks to achieve consensus.

6. The definition of an "operational committee" is amended to mean a group performing operational functions specifically authorized by statute or Presidential directive, such as making or implementing Governmental decisions or policy, as long as the group does not become primarily advisory in nature.

7. New definitions of "discretionary" and "non-discretionary" committees are created. "Non-discretionary" committees are defined as advisory committees required by statute or Presidential directive, while "discretionary" committees are defined as those established under the authority of an agency head or authorized by statute, but not required by Congress.

8. The definition of advisory committee meeting is amended to include a gathering of advisory committee members through electronic means, such as by teleconference, video conference, or the Internet.

9. A provision is added to the effect that the Commission may periodically invite feedback from the public regarding the effectiveness of NRC advisory committees.

10. The amendments provide that the NRC is required to consult with the GSA Committee Management Secretariat prior to the establishment, renewal, or reestablishment of an advisory committee, in addition to current requirements on seeking the Secretariat's review.

11. There is added a requirement for reasonable access for persons with disabilities to attend advisory committee meetings.

II. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104-113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the Commission is clarifying its practices regarding Federal advisory committees. This action does not constitute the establishment of a technical standard that requires consideration of the use of voluntary consensus standards developed by voluntary consensus standards bodies.

III. Finding of No Significant Environmental Impact: Categorical Exclusion

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

IV. Paperwork Reduction Act Statement

This final rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

V. Regulatory Analysis

In 2001, the General Services Administration (GSA) published amended Federal Advisory Committee Act (FACA) regulations providing administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Act (66 FR 37728; July 19, 2001). This final rule conforms NRC regulations with the amended GSA regulations issued in 2001. The final rule does not have a significant impact on state and local governments, particular geographical regions, or health, safety and the environment; nor does it impose substantial costs on licensees, the NRC or other Federal agencies. This constitutes the regulatory analysis for this final rule.

VI. Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)),

the Commission certifies that this final rule does not have a significant economic impact on a substantial number of small entities. The final rule does not impose any obligation or have any financial impact on entities, including any regulated entities that may be "small entities," as defined by the Regulatory Flexibility Act (5 U.S.C. 601(3)), or under the size standards established by the NRC in 10 CFR 2.810.

VII. Backfit Analysis

The NRC has determined that a backfit analysis is not required for this final rule because these amendments do not include any provisions that would impose backfits as defined in 10 CFR Chapter 1.

Small Business Regulatory Enforcement Fairness Act

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

List of Subjects in 10 CFR Part 7

Advisory committees, Government in the Sunshine Act.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 7.

PART 7—ADVISORY COMMITTEES

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

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

2. In § 7.1, paragraph (d) is revised and paragraphs (e)(1), (e)(2) and (i) are added to read as follows:

§ 7.1 Policy.

* * * * *

(d)(1) An NRC advisory committee shall be established only:

- (i) When establishment of the committee is required by law;
- (ii) When the Commission determines that the committee is essential to the conduct of NRC business; or
- (iii) When the information to be obtained is not available through an existing advisory committee or a source within the Federal Government.

(2) Before establishing an advisory committee, the Commission shall consider whether:

(i) Committee deliberations will result in a significant contribution to the creation, amendment, or elimination of regulations, guidelines, or rules affecting NRC business;

(ii) The information to be obtained is available through another source within the Federal Government;

(iii) The committee will make recommendations resulting in significant improvements in service or reductions in cost; or

(iv) The committee's recommendations will provide an important additional perspective or viewpoint relating to NRC's mission. The advice or recommendations of an advisory committee should be the result of the advisory committee's independent judgment.

(e) * * *

(1) An advisory committee not required to be established by statute terminates no later than two years after its establishment or last renewal, unless renewed.

(2) An advisory committee required to be established by statute terminates upon the expiration of the time explicitly specified in the statute or implied by operation of the statute.

* * * * *

(i) The Commission may periodically invite feedback from the public regarding the effectiveness of NRC advisory committees.

3. Section 7.2 is revised to read as follows:

§ 7.2 Definitions.

Act means the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Administrator means the Administrator of General Services.

Advisory committee means any committee, board, commission, council, conference, panel, task force, or similar group, or any subcommittee or other subgroup thereof, that is established by statute for the purpose of providing advice or recommendations on issues of policy to an official, branch, or agency of the Federal Government, or that is established or utilized by the President or any agency official to obtain advice or recommendations on issues or policies that fall within the scope of his or her responsibilities, except that the term "advisory committee" does not include the following advisory meetings or groups:

(1) Any group composed wholly of full-time officers or employees of the Federal Government;

(2) Any group specifically exempted from the Act or these regulations by an Act of Congress;

(3) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to any State or local government unit or an official thereof;

(4) Any group that performs primarily operational functions specifically provided by law. Operational functions are those specifically authorized by statute or Presidential directive, such as making or implementing Government decisions or policy, as long as the group does not become primarily advisory in nature;

(5) Any meeting initiated by the President or one or more Federal employees for the purpose of obtaining advice or recommendations from one individual;

(6) Any meeting between an NRC employee with a non-governmental individual or group where advice or recommendations are provided by the attendees on an individual basis and are not sought from the group as a whole;

(7) Any meeting with a committee or group created by a non-Federal entity that is not managed or controlled by the President or a Federal employee;

(8) Any meeting of two or more advisory committee members convened solely to:

(i) Discuss administrative matters relating to the operation of their advisory committee;

(ii) Receive administrative information from a Federal employee;

(iii) Gather information or conduct research for a chartered advisory committee to analyze relevant issues and facts for their advisory committee; or

(iv) Draft proposed position papers for deliberation by their advisory committee;

(9) Any meeting with a group initiated by the President or by one or more Federal employees for the purpose of exchanging facts or information;

(10) Any meeting attended only by full-time or permanent part-time officers or employees of the Federal Government and elected officers of State, local, and tribal governments (or their designated employees with authority to act on their own behalf), acting in their official capacities. However, the purpose of the meeting must be solely to exchange views, information, or advice relating to the management or implementation of Federal programs established pursuant to statute, that explicitly or inherently share intergovernmental responsibilities or administration;

(11) Any meeting of an NRC contractor, applicant, or licensee with an NRC employee to discuss specific matters involving the solicitation, issuance, or implementation of a contract or the Commission's effort to ensure compliance with its regulations; and

(12) Any meeting of a subcommittee or other subgroup of an advisory committee where the subgroup's recommendations will be reviewed by its parent advisory committee.

Agency means an agency of the Government of the United States as defined in 5 U.S.C. 551(1).

Commission means the Nuclear Regulatory Commission of five members, or a quorum thereof, sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974, 42 U.S.C. 5841, (88 Stat. 1242).

Committee Management Secretariat means the organization established within the General Services Administration, pursuant to section 7(a) of the Act, which is responsible for all matters relating to advisory committees, and carries out the responsibilities of the Administrator of the General Services Administration under the Act and Executive Order 12024 (42 FR 61445; December 1, 1977).

Committee meeting means any gathering of advisory committee members (whether in person, by telephone, or through electronic means) held with the approval of an agency for the purpose of deliberating on the substantive matters upon which the advisory committee provides advice or recommendations.

Committee member means an individual who is appointed to serve on an advisory committee and has the full right and obligation to participate in the activities of the committee, including voting on committee recommendations.

Designated Federal Officer means a government employee appointed, pursuant to § 7.11(a), to chair or attend each meeting of an NRC advisory committee to which he or she is assigned.

Discretionary advisory committee means any advisory committee that is established, but not required to be established, under the authority of an agency head, and its establishment or termination is within the legal discretion of an agency head.

GSA means the General Services Administration.

Non-discretionary advisory committee means any advisory committee either required by statute or Presidential directive. A non-discretionary committee required by statute generally is identified specifically in a statute by

name, purpose, or functions and its establishment is mandated.

NRC means the agency established by title II of the Energy Reorganization Act of 1974, 42 U.S.C. 5801 (88 Stat. 1233), and known as the Nuclear Regulatory Commission.

NRC Advisory Committee Management Officer means the individual appointed, pursuant to § 7.10(a), to supervise and control the establishment and management of NRC advisory committees.

NRC Public Document Room means the Public Document Room maintained by the NRC at 11555 Rockville Pike, Rockville, Maryland 20852-2738.

Presidential advisory committee means an advisory committee established by statute or directed by the President to advise the President.

Staff member means any individual who serves in a support capacity to an advisory committee.

Subcommittee means a subgroup of an advisory committee, whether or not its members are drawn in whole or in part from the parent advisory committee.

Utilized committee means a committee or group not established by the Federal Government, but whose operations are managed or controlled by a Federal agency.

4. Section 7.5 is revised to read as follows:

§ 7.5 Consultation with Committee Management Secretariat on establishment of advisory committees; advisory committee charters.

(a) Before establishing a discretionary advisory committee, the NRC shall consult with the Committee Management Secretariat. With a full understanding of the background and purpose behind the proposed advisory committee, the Committee Management Secretariat may share its knowledge and experience with the NRC on how best to make use of the proposed committee, alternate methods of attaining the agency's purpose, or whether a pre-existing advisory committee performs similar functions. Such consultation should include the transmittal of the proposed committee charter and the following information:

- (1) A request for a review of the proposed charter;
- (2) An explanation stating why the committee is essential to the conduct of NRC business and is in the public interest;
- (3) An explanation stating why the committee's functions cannot be performed by the NRC, an existing NRC advisory committee, or other means (such as a public hearing); and

(4) A description of NRC's plan to attain balanced membership on the committee. The plan must ensure that, in the selection of members for the advisory committee, the NRC will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the committee. For purposes of attaining balance in an NRC advisory committee's membership, the Commission shall consider for membership interested persons and groups with professional, technical, or personal qualifications or experience that will contribute to the functions and tasks to be performed.

(b) Each proposed committee charter submitted for review pursuant to paragraph (a) of this section shall contain the following information:

- (1) The committee's official designation;
- (2) The committee's objectives and the scope of its activity;
- (3) The period of time necessary for the committee to carry out its purposes;
- (4) The NRC official to whom the committee will report;
- (5) The NRC office responsible for providing support for the committee;
- (6) A description of the duties that the committee will perform, and if such duties are not solely advisory, a specification of the authority for the functions that are not advisory;
- (7) The estimated annual operating costs, in dollars and person years, for the committee;
- (8) The estimated number and frequency of committee meetings; and
- (9) The committee's termination date, if less than two years from the date of the committee's establishment.

(c) The requirements of this part, including the requirements of paragraphs (a) and (b) of this section, shall apply to any subcommittee that functions independently of the parent advisory committee (such as by making recommendations directly to the agency rather than to the parent advisory committee), regardless of whether the subcommittee's members are drawn in whole or in part from the parent advisory committee.

(d) After the Committee Management Secretariat has notified the Commission of the results of its review of a proposal to establish or utilize an NRC discretionary advisory committee, submitted pursuant to paragraph (a) of this section, the Commission shall notify the Committee Management Secretariat whether the advisory committee is actually being established. Filing of the advisory committee charter pursuant to § 7.8 shall be deemed to fulfill this notification requirement. If

the advisory committee is not being established, the Commission shall so advise the Committee Management Secretariat, stating whether NRC intends to take any further action with respect to the proposed advisory committee.

(e) The date of filing of an advisory committee charter pursuant to § 7.8 shall be added to the charter when such filing takes place, shall appear on the face of the charter, and shall constitute the date of establishment, renewal, or reestablishment of the committee.

5. Section 7.6 is revised to read as follows:

§ 7.6 Amendment to advisory committee charters.

(a) Final authority for amending the charter of an NRC advisory committee established or utilized by the NRC is vested in the Commission.

(b) Any proposed changes made to a current charter for an NRC advisory committee shall be coordinated with the General Counsel to ensure that they are consistent with applicable legal requirements. When a statute or Executive Order that directed or authorized the establishment of an advisory committee is amended, those sections of the advisory committee's charter affected by the amendments shall also be amended.

(c)(1) The charter of an NRC advisory committee established under general agency authority may be amended when the Commission determines that the existing charter no longer reflects the objectives or functions of the committee. Such changes may be minor (such as revising the name of the advisory committee or modifying the estimated number or frequency of meetings), or they may be major (such as revising the objectives or composition of the committee).

(2) The procedures in paragraph (b) of this section shall be used in the case of charter amendments involving minor changes. A proposed major amendment to the charter of an advisory committee established under general agency authority shall be submitted to the Committee Management Secretariat for review with an explanation of the purpose of the changes and why they are necessary.

(3) A committee charter that has been amended pursuant to this paragraph is subject to the filing requirements set forth in § 7.8.

(4) Amendment of an existing advisory committee charter pursuant to this paragraph does not constitute renewal of the committee for purposes of § 7.7.

6. In § 7.7, paragraphs (a)(3) and (b)(2) are revised to read as follows:

§ 7.7 Termination, renewal, and rechartering of advisory committees.

(a) * * *

(3) Its duration has been otherwise designated by law. The NRC Committee Management Officer shall notify the Committee Management Secretariat of the effective date of termination of any advisory committee that has been terminated by the NRC.

(b) * * *

(2) Any other NRC advisory committee may be renewed, provided that such renewal is carried out in compliance with the procedures set forth in § 7.5, except that an advisory committee established by the President may be renewed by appropriate action of the President and the filing of a new charter. Renewal of an NRC advisory committee shall not be deemed to terminate the appointment of any committee member who was previously appointed to serve on the committee.

7. Section 7.8 is revised to read as follows:

§ 7.8 Charter filing requirements.

No advisory committee may meet or take any action until a charter has been filed by the Committee Management Officer designated in accordance with § 7.10.

(a) To establish, renew, or reestablish a discretionary advisory committee, a charter must be filed with:

(1) The Commission;

(2) The Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives;

(3) The Library of Congress, Anglo-American Acquisitions Division, Government Documents Section, Federal Advisory Committee Desk, 101 Independence Avenue, S.E., Washington, DC 20540-4172; and

(4) The Committee Management Secretariat, indicating the date the charter was filed with the congressional committees.

(b) Charter filing requirements for non-discretionary advisory committees are the same as those in paragraph (a) of this section, except the date of establishment for a Presidential advisory committee is the date the charter is filed with the Secretariat.

(c) Subcommittees that report directly to a Federal employee or agency must comply with this subpart.

8. Section 7.9 is revised to read as follows:

§ 7.9 Public notice of advisory committee establishment, reestablishment, or renewal.

(a) After the Commission has received notice from the Committee Management

Secretariat that its review of a proposal to establish, reestablish, renew, or utilize an NRC discretionary advisory committee has been completed, the Commission shall publish a notice in the **Federal Register** that the committee is being established, reestablished, renewed, or utilized. In the case of a new committee, the notice shall also describe the nature and purpose of the committee and shall include a statement that the committee is necessary and in the public interest.

(b) Notices required to be published pursuant to paragraph (a) of this section shall be published at least 15 calendar days before the committee charter is filed pursuant to § 7.8, except that the Committee Management Secretariat may approve publication for less than 15 days for good cause shown. The 15-day advance notice requirement does not apply to advisory committee renewals, notices of which may be published concurrently with the filing of the charter.

9. In § 7.10, paragraphs (a), (b)(5), (b)(6), (b)(7) and (c)(2) are revised to read as follows:

§ 7.10 The NRC Advisory Committee Management Officer.

(a) The Chairman of the Commission or designee shall appoint an NRC Advisory Committee Management Officer to carry out the functions specified in paragraph (b) of this section.

(b) * * *

(5) Carry out, on behalf of the NRC, the provisions of the Freedom of Information Act (5 U.S.C. 552) and implementing NRC regulations (10 CFR part 9, subpart A) with respect to such reports, records, and other papers;

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

(7) Ensure that, subject to the Freedom of Information Act and implementing NRC regulations, at least eight copies of each report made by each NRC advisory committee and, where appropriate, background papers prepared by consultants, shall be filed with the Library of Congress;

* * * * *

(c) * * *

(2) Copies of NRC's portion of the Committee Management Secretariat Annual Comprehensive Review of Federal advisory committees required by section 7(b) of the Act;

* * * * *

10. Section 7.11 is revised to read as follows:

§ 7.11 The Designated Federal Officer.

(a) The Chairman of the Commission or designee shall appoint a Designated Federal Officer or alternate Designated Federal Officer for each NRC advisory committee. The individual holding either position must be employed by the Federal Government on either a full-time or a permanent part-time basis.

(b) All meetings of an NRC advisory committee must be convened or approved by the committee's Designated Federal Officer or alternate, and the agenda for each committee meeting (except a meeting of a Presidential advisory committee) must be approved by that individual.

(c) An NRC advisory committee may not hold a meeting in the absence of its Designated Federal Officer or alternate.

(d) It shall also be the responsibility of the Designated Federal Officer or alternate to:

(1) Attend all meetings of the committee for which he or she has been appointed;

(2) Adjourn the meetings of the committee when such adjournment is in the public interest;

(3) Chair the meetings of the committee when so directed by the Commission;

(4) Ensure compliance with the requirements of § 7.13 regarding minutes of meetings of the committee; and

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

11. In § 7.12, paragraphs (a), (c), and (e) are revised, and paragraph (f) is added to read as follows:

§ 7.12 Public participation in and public notice of advisory committee meetings.

(a) Each meeting of an NRC advisory committee shall be held at a reasonable time and in a place reasonably accessible to the public, including persons with disabilities. Any advisory committee meeting conducted in whole or part by teleconference, video conference, the Internet, or other electronic medium must comply with this section. The size of the meeting room must be sufficient to accommodate

advisory committee members, committee or agency staff, and interested members of the public, except that the provisions of this paragraph relating to the room size shall not apply to any part of an NRC advisory committee meeting that has been closed pursuant to § 7.15.

* * * * *

(c)(1) Except when the President or designee determines in writing that no notice should be published for reasons of national security, at least 15 days prior to an NRC advisory committee meeting, a notice that includes the following information shall be published in the **Federal Register**:

- (i) The exact name of the advisory committee as chartered;
- (ii) The time, date, place, and purpose of the meeting;
- (iii) A summary of the agenda of the meeting;
- (iv) Whether all or part of the meeting is open to the public; and
- (v) The name and telephone number of the Designated Federal Officer, alternate, or other responsible agency employee who may be contacted for additional information concerning the meeting.

(2) If any part of the meeting is closed, the notice shall provide the reasons for the closure, citing the specific matter that has been determined to justify the closure under § 7.15. The Commission may publish a single notice announcing multiple meetings; however, a meeting may not be announced so far in advance as to prevent the public from being adequately informed of an NRC advisory committee's schedule.

* * * * *

(e) In addition to notice required by paragraph (c) of this section, the NRC may also use other forms of notice, such as press releases, posting the information on the NRC Web site, <http://www.nrc.gov>, or notice by mail, to inform the public of advisory committee meetings. To that end, the Designated Federal Officer or alternate for each NRC advisory committee will, to the extent practicable, maintain lists of people and organizations interested in that advisory committee and notify them of meetings by mail.

(f) Meetings of a subcommittee whose recommendations will not be reviewed by its parent advisory committee shall be conducted in accordance with all notice and openness requirements contained in this section and in §§ 7.13, 7.14, and 7.15.

12. In § 7.13, paragraph (c) is revised to read as follows:

§ 7.13 Minutes of advisory committee meetings.

* * * * *

(c) The chairperson of an NRC advisory committee shall certify the accuracy of the minutes of each of the committee's meetings.

* * * * *

13. Section 7.14 is revised to read as follows:

§ 7.14 Public information on advisory committees.

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

(b) Subject to the provisions of the Freedom of Information Act (5 U.S.C. 552) and NRC's Freedom of Information Act regulations at 10 CFR part 9, subpart A, copies of NRC advisory committees' records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, and other documents shall be maintained for public inspection and copying at the NRC Web site, <http://www.nrc.gov>, at the NRC Public Document Room, or both. To provide the public a meaningful opportunity to comprehend fully the work undertaken by an NRC advisory committee, advisory committee records should be available to the public as soon as practicable. Members of the public or other interested parties may review non-exempt advisory committee records without filing a request for these records under the Freedom of Information Act.

(c) Official records generated by or for an advisory committee must be retained for the duration of the advisory committee. Upon termination of the advisory committee, the records must be processed in accordance with the Federal Records Act (44 U.S.C. Chapters 21, 29–33) and regulations issued by the National Archives and Records Administration (*see* 36 CFR Parts 1220, 1222, 1228, and 1234), or in accordance with the Presidential Records Act (44 U.S.C. Chapter 22).

14. Section 7.15 is revised to read as follows:

§ 7.15 Procedures for closing an NRC advisory committee meeting.

(a) To close all or part of a meeting of an NRC advisory committee, the committee shall submit a written request for closure to the General Counsel, citing specific exemptions

listed in the Government in the Sunshine Act (5 U.S.C. 552b), as implemented by 10 CFR 9.104, that justify the closure. The request shall provide the General Counsel sufficient time for review in order to make a determination prior to publication of the meeting notice pursuant to § 7.12.

(b) If the General Counsel finds that the request for closure is consistent with the provisions of the Government in the Sunshine Act and this part, a determination shall be issued in writing that all or part of the meeting will be closed. The determination shall include a statement of the reasons for the closing, citing the applicable exemptions in the Government in the Sunshine Act (as implemented by 10 CFR 9.104).

(c) Except when the President or designee determines in writing that no notice should be published for reasons of national security, the Secretary of the Commission shall make a copy of the determination to close all or part of an NRC advisory committee meeting available to the public upon request. If such a determination has been issued, the meeting notice published in the **Federal Register** should comply with the provisions of § 7.12 applicable to closed meetings.

§ 7.16 [Amended]

15. In § 7.16, amend paragraph (b) by removing the reference to "7.27(a)" and adding, in its place, a reference to "7.17(a)".

16. Section 7.17 is revised to read as follows:

§ 7.17 Reports required for advisory committees.

(a) The Commission shall furnish a report on the activities of NRC advisory committees annually to the Committee Management Secretariat on a fiscal year basis. The report must contain information regarding NRC advisory committees consistent with instructions provided by the Committee Management Secretariat. A copy of the report shall be made available at the NRC Web site, <http://www.nrc.gov>, at the NRC Public Document Room, or both. The information provided by the Commission regarding its advisory committees is contained in the Committee Management Secretariat's report which is available on its Web site, <http://www.gsa.gov/committeemanagement>.

(b) Any NRC advisory committee holding closed or partially closed meetings shall issue a report, at least annually, setting forth a summary of its activities consistent with the policy of the Government in the Sunshine Act (5

U.S.C. 552b), as implemented by 10 CFR 9.104. A copy of the report shall be made available at the NRC Web site, <http://www.nrc.gov>, at the NRC Public Document Room, or both.

(c) Subject to the Freedom of Information Act (5 U.S.C. 552) and implementing NRC regulations (10 CFR part 9, subpart A), eight copies of each report made by an advisory committee, including any report on closed meetings pursuant to paragraph (b) of this section, and, where appropriate, background papers prepared by consultants, shall be filed for public inspection and use with the Library of Congress, Anglo-American Acquisitions Division, Government Documents Section, Federal Advisory Committee Desk, 101 Independence Avenue, SE., Washington, DC 20540-4172.

17. Section 7.18 is revised to read as follows:

§ 7.18 Appointment, compensation, and expense reimbursement of advisory committee members, staffs, and consultants.

(a) Unless otherwise provided by law, advisory committee members serve at the pleasure of the Commission and their terms are at the sole discretion of the Commission.

(b) Except where otherwise provided by law, the Commission may accept the gratuitous services of an NRC advisory committee member, staff member, or consultant who agrees in advance to serve without compensation.

(c)(1) Subject to the provisions of paragraph (c)(2) of this section, if the Commission determines that compensation of a member of an NRC advisory committee is appropriate, the amount that will be paid shall be fixed by the Chairman of the Commission at a rate that is the daily equivalent of a rate in NRC's General Grade Salary Schedule, unless the member is appointed as a consultant and compensated at a rate applicable to NRC consultants.

(2) In determining an appropriate rate of pay for a member of an NRC advisory committee, the Chairman of the Commission shall give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of the committee member; provided that the Chairman may not set the rate of pay for an NRC advisory committee member higher than the daily equivalent rate for level IV of the Executive Schedule under 5 U.S.C. 5315, unless a higher rate is expressly allowed by another statute. The Chairman may authorize a rate of basic pay in excess of the

maximum rate of basic pay established for NRC's General Grade Salary Schedule. This maximum rate includes an applicable locality payment. The Commission may pay advisory committee members on either an hourly or a daily rate basis. The Commission may not provide additional compensation in any form, such as bonuses or premium pay. The Chairman may not delegate the responsibility for making a determination that a higher rate of pay than that established by NRC's General Grade Salary Schedule is necessary and justified for an NRC advisory committee member, and such a determination must be reviewed annually.

(d)(1) Each NRC advisory committee staff member may be paid at a rate that is the daily equivalent of a rate in NRC's General Grade Salary Schedule in which the staff member's position would appropriately be placed.

(2) A staff member of an NRC advisory committee may not be paid at a rate higher than the daily equivalent of the maximum rate for a GG-15 under NRC's General Grade Salary Schedule, unless the Chairman of the Commission determines that the staff member's position would appropriately be placed at a grade higher than GG-15, provided that in establishing rates of compensation, the Chairman shall comply with any applicable statutes, regulations, Executive Orders, and administrative guidelines. The Commission may provide advisory committee staff members with additional compensation, such as bonuses or premium pay, as long as the aggregate compensation does not exceed the rate of pay for Executive Schedule level IV.

(3) A Federal employee may serve as a staff member of an NRC advisory committee only with the knowledge of the advisory committee's Designated Federal Officer or alternate and the approval of the employee's direct supervisor. A staff member who is not otherwise a Federal employee shall be appointed in accordance with applicable agency procedures, following consultation with the advisory committee.

(e)(1) Subject to the limitations in paragraph (e)(2) of this section, the following factors shall be considered in determining an appropriate rate of pay for a consultant to an NRC advisory committee:

(i) The qualifications required of the consultant, and

(ii) The significance, scope, and technical complexity of the work for which his services are required;

(2) The rate of pay for an NRC advisory committee consultant may not be higher than the maximum rate of basic pay established by NRC's General Salary Schedule (that is, the GG-15, step 10 rate, excluding locality pay or any other supplement), unless a higher rate is expressly allowed by another statute. The appointment and compensation of NRC experts and consultants must be in conformance with applicable regulations issued by the United States Office of Personnel Management (see 5 CFR part 304).

(f) A member or staff member of an NRC advisory committee engaged in the performance of duties away from his or her home or regular place of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703, title 5, United States Code, for persons employed intermittently in the Government service.

(g) Nothing in this section shall:

(1) Prevent any full-time Federal employee who provides services to an NRC advisory committee from receiving compensation at a rate at which he or she would otherwise be compensated as a full-time Federal employee;

(2) Prevent any individual who provides services to an NRC advisory committee, and who immediately before providing such services was a full-time Federal employee, from receiving compensation at a rate at which he or she was compensated as a full-time Federal employee; or

(3) Affect a rate of pay or a limitation on a rate of pay that is specifically established by law or a rate of pay established under the NRC's General Grade Salary Schedule and evaluation system.

18. Section 7.19 is revised to read as follows:

§ 7.19 Advisory committee members with disabilities.

An NRC advisory committee member who is disabled may be provided services by a personal assistant while performing advisory committee duties, if the member;

(a) Qualifies as disabled under section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(b) Does not otherwise qualify for assistance under 5 U.S.C. 3102 by reason of being an employee of NRC.

19. Section 7.20 is revised to read as follows:

§ 7.20 Conflict of interest reviews of advisory committee members' outside interests.

The Designated Federal Officer or alternate for each NRC advisory

committee and the General Counsel or designee shall review the interests and affiliations of each member of the Designated Federal Officer's advisory committee annually, and upon the commencement of the member's appointment to the committee, for the purpose of ensuring that such appointment is consistent with the laws and regulations on conflict of interest applicable to that member.

Dated at Rockville, Maryland, this 16th day of December 2002.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 02-32954 Filed 12-30-02; 8:45 am]

BILLING CODE 7590-01-P

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 104, and 113

[Notice 2002-31]

Brokerage Loans and Lines of Credit

AGENCY: Federal Election Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: On June 4, 2002, the Commission published the text of regulations regarding brokerage loans and lines of credit. The Commission announces the effective dates of the rules.

EFFECTIVE DATE: The final rules for 11 CFR 104.3, 104.8, 104.9, 104.14, and 113.1 are effective December 31, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Rosemary C. Smith, Acting Associate General Counsel, or Ms. Mai T. Dinh, Acting Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: The Commission is announcing the effective date of revisions to the regulations at 11 CFR 104.3, 104.8, 104.9, 104.14, and 113.1 regarding brokerage loans and lines of credit. See Explanation and Justification for Brokerage Loans and Lines of Credit, 67 FR 38353 (June 4, 2002). These rules implement Public Law 106-346 (Department of Transportation and Related Agencies Appropriations Act, 2001, 114 Stat. 1356 (2000)), which amended the Federal Election Campaign Act of 1971, 2 U.S.C. 431 *et seq.*, ("the Act" or "FECA"). Under the new regulations, candidates may receive, and repay, advances from their brokerage accounts, credit cards, home equity lines of credit, or other lines of credit without such advances constituting "contributions"

or "expenditures" under the Act. In addition, the new regulations require reporting of the receipt and repayment of such advances.

Under the Administrative Procedures Act, 5 U.S.C. 553(d), and the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 801(a)(1), agencies must submit final rules to the Speaker of the House of Representatives and the President of the Senate and publish them in the **Federal Register** at least 30 calendar days before they take effect. The final rules on Brokerage Loans and Lines of Credit were transmitted to Congress on May 28, 2002. Thirty legislative days expired in the Senate on July 19, 2002, and in the House of Representatives on July 26, 2002.

In addition, please note, that as part of the rulemakings implementing the Bipartisan Campaign Reform Act of 2002, Pub. L. 107-155, 116 Stat. 81 (March 27, 2002), the Commission reorganized 11 CFR 100.7 and 100.8. The final rules regarding brokerage loans and lines of credit that amended 11 CFR 100.7(b)(11) and (22), and 100.8(b)(12) and (24) were incorporated into the reorganization at new 11 CFR 100.82 and 100.83, and 100.142 and 100.143, respectively. See Distribution Table in the final rules for Reorganization of Regulations on "Contribution" and "Expenditure," 67 FR 50582 (Aug. 5, 2002). Because the final rules for Reorganization of Regulations on "Contribution" and "Expenditure" became effective on November 6, 2002, the revisions to 11 CFR 100.7(b) and 100.8(b) have been superseded. Therefore, this notice does not establish an effective date for the revisions to these sections.

The Commission also revised FEC Form C-1, C-P, and C-P-1 and their respective instructions. The revised forms and instructions are also effective as of December 31, 2002.

Dated: December 23, 2002.

Ellen L. Weintraub,

Vice-Chair, Federal Election Commission.

[FR Doc. 02-32983 Filed 12-30-02; 8:45 am]

BILLING CODE 6715-01-P

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R-1140]

Home Mortgage Disclosure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; staff commentary.

SUMMARY: The Board is publishing a final rule amending the staff commentary that interprets the requirements of Regulation C (Home Mortgage Disclosure). The Board is required to adjust annually the asset-size exemption threshold for depository institutions based on the annual percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers. The present adjustment reflects changes for the twelve-month period ending in November 2002. During this period, the index increased by 1.27 percent; as a result, the exemption threshold remains at \$32 million. Thus, depository institutions with assets of \$32 million or less as of December 31, 2002, are exempt from data collection in 2003.

DATES: Effective January 1, 2003. This rule applies to all data collection in 2003.

FOR FURTHER INFORMATION CONTACT: Dan S. Sokolov, Attorney, Division of Consumer and Community Affairs, at (202) 452-3667; for users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263-4869.

SUPPLEMENTARY INFORMATION: The Home Mortgage Disclosure Act (HMDA; 12 U.S.C. 2801 *et seq.*) requires most mortgage lenders located in metropolitan areas to collect data about their housing-related lending activity. Annually, lenders must file reports with their federal supervisory agencies and make disclosures available to the public. The Board's Regulation C (12 CFR part 203) implements HMDA.

Provisions of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (codified at 12 U.S.C. 2808(b)) amended HMDA to expand the exemption for small depository institutions. Prior to 1997, HMDA exempted depository institutions with assets totaling \$10 million or less, as of the preceding year-end. The statutory amendment increased the asset-size exemption threshold by requiring a one-time adjustment of the \$10 million figure based on the percentage by which the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPIW) for 1996 exceeded the CPIW for 1975, and provided for annual adjustments thereafter based on the annual percentage increase in the CPIW. The one-time adjustment increased the exemption threshold to \$28 million for 1997 data collection.

Section 203.3(a)(1)(ii) of Regulation C provides that the Board will adjust the threshold based on the year-to-year change in the average of the CPIW, not seasonally adjusted, for each twelve-month period ending in November,

rounded to the nearest million. Pursuant to this section, the Board raised the threshold to \$29 million for 1998 data collection, raised it to \$30 million for 1999 data collection, and kept it at that level for data collection in 2000. The Board raised the threshold to \$31 million for data collection in 2001 and to \$32 million for data collected in 2002.

During the period ending November 2002, the CPIW increased by 1.27 percent. As a result, the exemption threshold remains at \$32 million. Thus, depository institutions with assets of \$32 million or less as of December 31, 2002, are exempt from data collection in 2003. An institution's exemption from collecting data in 2003 does not affect its responsibility to report the data it was required to collect in 2002.

The Board is amending comment 3(a)-2 of the staff commentary to implement the increase in the exemption threshold. Under the Administrative Procedure Act, notice and opportunity for public comment are not required if the Board finds that notice and public comment are unnecessary. 5 U.S.C. 553(b)(B). Regulation C establishes the formula for determining adjustments to the exemption threshold, if any, and the amendment to the staff commentary merely applies the formula. This amendment is technical and not subject to interpretation. For these reasons, the Board has determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. Therefore, the amendment is adopted in final form.

List of Subjects in 12 CFR Part 203

Banks, Banking, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board amends 12 CFR part 203 as follows:

PART 203—HOME MORTGAGE DISCLOSURE (REGULATION C)

1. The authority citation for part 203 continues to read as follows:

Authority: 12 U.S.C. 2801–2810.

2. In Supplement I to part 203, under Section 203.3—Exempt Institutions, under 3(a) *Exemption based on location, asset size, or number of home-purchase loans*, paragraph 2 is revised to read as follows:

Supplement I to Part 203—Staff Commentary

* * * * *

Section 203.3—Exempt Institutions

3(a) Exemption based on location, asset size, or number of home-purchase loans.

* * * * *

2. Adjustment of exemption threshold for depository institutions. For data collection in 2003, the asset-size exemption threshold is \$32 million. Depository institutions with assets at or below \$32 million are exempt from collecting data for 2003.

* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Director of the Division of Consumer and Community Affairs under delegated authority, December 24, 2002.

Jennifer J. Johnson,
Secretary of the Board.

[FR Doc. 02–32948 Filed 12–30–02; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 360

[Docket #: 020711168–2325–02]

RIN 0625–AA60

Steel Import Licensing and Surge Monitoring

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: Import Administration (IA) issues this final rule to add new regulations implementing the Steel Import Licensing and Surge Monitoring program originally outlined in the President's March 5, 2002, Proclamation about Steel Safeguards. This final rule requires all importers of steel products covered under the above mentioned steel safeguards proclamation to obtain a license from the Department of Commerce prior to completing their Customs import summary documentation. To obtain the license, the importer, or the importer's broker or agent, will fill out a form supplying certain statistical information to Commerce about the steel import. The license number will be generated immediately upon submitting the information. That license number will be needed to complete the Customs Entry documentation. IA will use the statistical information collected from the license forms as the basis of its surge monitoring program and early warning system to alert the public about changes in the quantities, types, or origins of steel imports.

In addition, IA informs the public of the approval by the Office of Management and Budget (OMB) of the collection-of-information requirements contained in this final rule and publishes the OMB control numbers for those collections.

DATES: This final rule is effective February 1, 2003. Filers will be able to obtain their user identification numbers and apply for licenses on or after January 6, 2003.

FOR FURTHER INFORMATION CONTACT: Julie Al-Saadawi: telephone (202) 482–1930; fax (202) 501–7952; e-mail steel_license@ita.doc.gov. Additional information will also be posted on the import licensing Web site (<http://www.ia.ita.doc.gov/steel/license/>) starting on January 6, 2003.

SUPPLEMENTARY INFORMATION: Import Administration (IA) issues this final rule to add new regulations implementing the Steel Import Licensing and Surge Monitoring program originally outlined in the President's March 5, 2002, Proclamation about Steel Safeguards. This final rule requires all importers of steel products covered under the above mentioned steel safeguards proclamation to obtain a license from the Department of Commerce prior to completing their Customs import summary documentation. In order to obtain the license, the importer, or the importer's broker or agent, must fill out a form supplying certain statistical information to Commerce about the steel import. The license number will be generated immediately upon submitting the information. That license number will be needed to complete the Customs Entry documentation. The statistical information collected from the license forms will be used as the basis of IA's surge monitoring program and early warning system to alert the public about changes in the quantities, types, or origins of steel imports. IA will manage the information collection under the license system as well as the surge monitoring of the steel imports; however, it will be the responsibility of the U.S. Customs Service to enforce the licensing requirements at U.S. ports of entry. A public version of the surge monitoring system will be available on the following Web site: <http://www.ia.ita.doc.gov/steel/license/>. The proposed rule was published on July 18, 2002 (67 FR 47338) and it requested comments through August 19, 2002. The rationale and authority for the program was provided in the preamble to the proposed rule and is not repeated here.

Comments on Proposed Rules:
Comments received during the public comment period set forth in the

proposed rule are considered in this final rule. In all, thirty-one comments were received from a range of sources: importers, steel producers, ports, brokers, domestic industry, foreign governments, associations, consumers, and their counsel. Most comments focused on a particular aspect of the licensing program about which the author wanted an adjustment, but in general supported the licensing program. However, there were groups who simply stated that the filing burden outweighs the benefits. The comments are summarized below and listed in order of their frequency:

Comment 1: Customs Entry Number. As proposed, filers would be required to report the customs entry number on the license form in order to receive a steel import license. The majority of the commenters opposed requiring the customs entry number on the license form and recommended that filers be allowed to obtain a license without the number or that a revision procedure be instituted that permitted filers to submit the customs entry number at a later date.

According to these commenters, in most cases, the customs entry number would not be available until late in the importing process. Although it is possible for brokers to self-assign customs entry numbers prior to importation, in practice, it is relatively uncommon to do so much before the goods enter the country. The requirement of the customs entry number on the license form would likely result in importers obtaining licenses late in the process and in fact, would provide little incentive for an importer to obtain a license prior to the date the entry summary is filed. Any problems the importer may encounter in filing at that time could end up delaying the entry summary and the clearance of importation.

In addition, some commenters noted that entries into Foreign Trade Zones (FTZs) are not assigned a customs entry number meaning that filers would be unable to obtain a license for covered steel products entering an FTZ as set forth in the proposed rule. These commenters suggest handling FTZs in a separate manner or using the number assigned to the form for FTZ admission and/or status designation (Customs form 214), instead.

Response: The proposed requirement for the customs entry number on the license was designed to facilitate reconciliation between the import licensing system and the databases maintained by the U.S. Customs Service and the Census Bureau. Given the various concerns raised in the

comments we received, providing the customs entry number on the license form will be optional, at this time. In addition, making the customs entry number optional, along with the separate changes pertaining to goods entering an FTZ (*see* comment 13), resolves the anticipated problems with FTZ entries. However, should we determine at a later point that the reporting of the customs entry number on the license is needed to ensure the accuracy of the licensing system, we reserve the right to reinstate this requirement at any time through a subsequent rulemaking.

Comment 2: Administrative Burden and Redundant Data. A number of commenters suggested that the complexity of the proposed licensing requirement imposes costly administrative burdens on both importers and the U.S. government. They also noted that much of the information being requested was duplicative of other information requested of them by either Customs or Census. These commenters suggested that Customs could simply report the data it collects or that Commerce could use currently available Customs and Census data to monitor steel imports and respond to surges in the importation of safeguard exempt products. Some commenters suggested that, instead of the proposed system, Commerce issue quarterly licenses or a single annual license per importer.

Response: As part of the section 201 remedy, the President instructed the Secretary of the Treasury and the Secretary of Commerce to establish a system of import licensing to facilitate the monitoring of imports of certain steel products. This was done to ensure that import surges, particularly from those countries that were excluded from the President's remedies, did not undermine the relief provided by the President. Because import surges could quickly undermine the effectiveness of the remedy imposed by the President, it was crucial that the steel import licensing and monitoring system be able to quickly identify steel import trends, preferably by creating a system that could report steel imports in as close to "real time" as possible. Quarterly or annual steel licenses could not reliably meet this need.

There are legal constraints upon the use and dissemination of the import data collected by Customs and Census that preclude its use as a "real-time" steel import monitoring program. The import data collected by Customs can only be reported publicly through Census Bureau statistical releases—in the case of steel, there are two monthly

releases, an early release of preliminary steel import statistics and the official release of final steel import statistics that occurs the following month. These two releases occur between three and seven weeks after the end of the importing month, as much as seven to eleven weeks after some of the goods have entered the country. Therefore, in order to facilitate monitoring of the remedy, a separate licensing program will be used to gather and disseminate steel import data sooner. Although some of the information may be redundant, the burden upon the importer and/or filer has been lessened by the automatic nature of the system and the relatively small amount of easily accessible data being requested. Commerce estimates that, using the automatic system, it takes no longer than ten minutes to fill out the license form and receive a license number.

Comment 3: Single Entry vs. Multiple Entry. In the proposed rule, Commerce outlined and requested comments on two other possible types of steel import licenses—a single license per entry and a multiple entry license. As set forth in the proposed rule, the import license would cover multiple products if the importer, exporter, manufacturer, and the country of origin and exportation were all the same. However, separate licenses would be required if any of the above information differed with respect to a given set of covered imported steel products. Therefore, a single Customs entry could theoretically require more than one steel import license. Under the single license per entry, one license would cover the entire entry even if there were several different importer, exporter or country of origin combinations. Under the multiple entry licensing procedure, a given quantity of covered steel could be imported over an extended period (*e.g.*, 30 days) and the same license number would be reported until the quantity had been exhausted or the license expired.

Numerous conflicting comments were received regarding this issue, primarily on the issue of multiple entry licenses. Supporters of these two options argued that their greater ease and flexibility lessened the burden on the filer. Those commenters opposed to the multiple license option cited the difficulty in ensuring the accuracy of these licenses and reconciling the license data.

Response: From our review of the licensing proposals and the comments we received, we have determined that the difficulties with reconciliation and concerns over the potential inaccuracy of the resulting import licensing data raised by both domestic steel producers and consumers make a multiple license

option both infeasible and undesirable. While the single license per customs entry option does not suffer from the same concerns about inaccuracy, the potential single license per entry systems that we examined did not seem to lessen the burden on importers, in fact, for those filers importing from a single source, the burden appears to be greater. Therefore, Commerce will implement the system outlined in the proposed rule but will not implement either of the two alternate licensing proposals.

Comment 4: Correction mechanism. Many domestic and foreign steel makers recommended that the DOC create a mechanism by which errors entered on the license form can be corrected. These commenters are concerned that the reported import volumes could be exaggerated if errors, modified shipments, returned merchandise or cancelled shipments cannot be corrected in the system. The commenters suggest that such changes prior to the filing of the entry summary are not infrequent and may result in misleading import data.

Response: As explained in the proposed rule, for security reasons, it is not possible to alter an existing license electronically once it has been issued. However, Commerce agrees with the commenters that the lack of a correcting mechanism in the system creates the potential for misleading import licensing data. Therefore, Commerce has created a separate module in the licensing system that allows filers to cancel an already issued license. Once the earlier license is cancelled, a new license can be obtained using the corrected information. This can be done electronically, or if the filer prefers, through a phone/fax option with Commerce.

Comment 5: Greater Reporting of Aggregate Data. According to the proposed rules, certain aggregate information collected from the license forms would be posted on a steel import surge monitoring Web site. This data would be reported at the broader section 201 remedy product category level. Proprietary data including specific information entered on licenses (e.g., names of importers, exporters, manufacturers), would not be released to the public. Commerce encouraged parties to comment on the level of aggregated data reported and whether similar aggregate data on excluded products should be reported on the monitoring system Web site.

Commerce received a wide range of comments on this issue. Some commenters stated that a more detailed, HTS-number based level of aggregation

should be used in the surge monitoring system and that the surge monitoring system should include data on excluded products as well, either by the special chapter 99 HTS number or at a minimum by the section 201 remedy category that they would have fallen into. These commenters claimed that the greater level of detail and the data on excluded products was necessary for the monitoring system to work effectively. It was also suggested that the transparent dissemination of comprehensive and detailed information would enhance the abilities of companies to adjust to changes in the market, enabling the monitoring system to work more efficiently.

However, a number of companies were concerned that more detailed information, including any data on excluded products, no matter how aggregated, could reveal protected proprietary information that could damage both the competitiveness of the foreign mills and their U.S. customers. One commenter suggested that, with respect to some of the highly-specific excluded products, there are only a small number of foreign companies that produce and sell the products, and that even revealing aggregate information could result in the disclosure of highly sensitive and confidential data to their competitors.

Response: From our review of the comments and our discussions with the U.S. Customs Service and the Bureau of Census, the two agencies that collect and/or disseminate information on imports, we have determined that the surge monitoring system as proposed offers the greatest possible level of data dissemination to the public that does not greatly increase the risk of inadvertently disclosing business proprietary information. At this time, Commerce will not report separate data on excluded products in its surge monitoring system but will continue to monitor such products closely and share such information it deems necessary with the appropriate government agencies.

Comment 6: Duration of the Import License. Under the proposed rules, the steel import license can be applied for up to 30 days prior to the expected date of importation and until the date of filing of the entry summary documents. Most commenters argued that the 30-day period should be extended. One suggested that the quarterly system would be much easier to comply with for the importing community. Others recommended that the current filing period should be extended an additional 45 to 60 days.

Several commenters argued that, instead of the proposed system which allows filers anytime during the 45 days prior to and including the filing of entry summary documents, filers should be required to obtain an import license at least 30 days prior to importation. They argued that this would allow the Department of Commerce and the U.S. Customs Service to verify that the importer is complying with the requirements of the import licensing program prior to entry of the goods.

Response: Based on the comments received, we have extended the filing period. Filers will now be able to apply for a steel license up to 60 days prior to the expected date of importation and until the date of filing of the entry summary documents, or in the case of FTZ entries, the filing of Customs form 214. The steel import license is valid for 75 days; however, import licenses that were valid on the date of importation but expired prior to the filing of entry summary documents will be accepted.

As to the suggested change to require that an import license be obtained at least 30 days prior to importation, we have determined that such a system would not be feasible for several reasons. First, for a considerable portion of the steel trade, which comes across the border from either Canada or Mexico, the requested license data may not be known 30 days prior to importation. Second, should licensed shipments arrive before the 30 day period ended, there would be no appropriate legal means of denying or delaying the entry. Finally, the decision to make the import license a condition of entry summary rather than a condition of importation was made consistent with the objective of collecting data for surge monitoring purposes rather than inhibiting trade. In addition, denying entry to unlicensed steel shipments would impose a significant administrative burden on Customs and could snarl ports if shiploads of steel were held up because of missing licenses. To ensure compliance, Customs will consider entries of covered products without a license to be incomplete, subjecting the entry to liquidated damages (see 67 FR 51800).

Comment 7: Port of Entry. Commerce received conflicting comments regarding the need to identify and/or report the port of entry. Certain commenters argued that filers should not be required to identify the expected port of entry on the license because the ultimate port of entry may change after the license is issued. Other commenters argued that not only should the port of entry be required on the license but that

Commerce should disseminate such information in its public monitoring system. This would allow U.S. steel producers to track the regions where imported steel may be anticipated to enter, thus assisting the industry in quickly identifying and responding to potential surges.

Response: We continue to believe that the identification of the expected port of entry provides needed monitoring information to the government and does not impose an unnecessary burden on filers. However, because the dissemination of aggregate data on a port of entry basis greatly increases the possible inadvertent disclosure of proprietary information, Commerce does not intend to publicly release such data at this time.

Comment 8: Access to the System. Several commenters suggested that there should be some method to obtain a copy of the license at a later date in order to comply with the U.S. Customs Service's record keeping requirements. A number of commenters also argued that both the importer and the importer's customs broker should have access to the importer's data.

Response: As explained previously, for security purposes, filers can only print out the license at the time of filing and are unable to retrieve licenses from the system once they are issued. However, in response to the comments received, Commerce will generate an email version of the license, upon request, to the filer at the email address listed in the filer's online registration form. Because of the proprietary nature of much of the information contained in the license form, Commerce will send the information to the filer only. If that person wants to share the license email with others, it can be done at their discretion from their computer.

Comment 9: "Unknown" Manufacturer and/or Exporter. The Department of Commerce encouraged parties to comment on whether filers should be allowed to enter "unknown" in the fields for exporter and manufacturer name. Commerce received a number of comments on this issue, divided into two groups.

Several commenters argued that a filer, particularly an importer's customs broker, might not know the exporter or manufacturer when filling out the license and the ability to fill out "unknown" in the field would allow the license form to go forward. Not allowing for such an option could delay the filing of the license or even encourage the filling of misleading information.

Others argued that allowing filers to report "unknown" in the exporter and manufacturer fields would compromise

the veracity of the data derived from the licensing form. They argued that the information regarding the identity of the manufacturer and the exporter is essential to analyzing trends and is not difficult for the filer to obtain.

Response: Based on the comments received, Commerce will require filers to identify the exporter but will allow a filer to fill out "unknown" in the manufacturer field on the license form, recognizing that certain filers, particularly customs brokers, may not have such information readily available. Unlike the manufacturer's name, requiring the name of the exporter on the license form should impose little burden on the filer. Filers are encouraged to identify the manufacturer on the license and should the DOC discover a repeated pattern in a company's usage of "unknown" manufacturers or exporters, the DOC reserves the right to contact the filer regarding the difficulty in obtaining such information.

Comment 10: Identifying NAFTA Origin. Commerce received two comments regarding the country of origin designation for NAFTA merchandise under the licensing system. The commenters raised concern that the different rules for determining country of origin for imports from NAFTA countries would cause unnecessary concern about what might appear to be increases in imports of goods from NAFTA countries but in fact only reflected differing country of origin standards between the license system and other import reporting systems. The commenters suggested that the licenses allow filers the option of identifying the NAFTA-based country of origin designation along with the standard country of origin designation for the product.

Response: The option for reporting a second NAFTA-based country of origin designation was strongly opposed by the U.S. Customs Service as both confusing and unnecessary since the standard country of origin rules were being used for the license system. Commerce understands the concerns raised by the commenters but believes that these can be addressed as needed when evaluating the import trends.

Comment 11: Foreign Filers. As proposed, only filers with a "U.S. address" may register and obtain a user identification number. Several commenters suggested that foreign filers and importers of record located outside the United States be allowed to register under the system.

Response: Foreign filers are not prohibited from registering to use the system as long as they have a U.S. street

address; otherwise, they will have to find another party with a U.S. street address to file for them. Commerce believes this requirement necessary in order to address potential problems that may arise with a filer's license.

Comment 12: Coverage. A number of comments were received regarding the coverage of the license system. Several commenters suggested expanding coverage to all steel products, not simply those included in the section 201 remedy. Others argued that coverage should be more limited and that licenses should not be required on excluded products. Finally, some commenters argued that with respect to excluded products under quota, only those firms that applied for product exclusions, be allowed to apply for licenses on those excluded products but that these firms should be granted the rights to transfer their claims to a particular license if they no longer need to import the product.

Response: The coverage of the import licensing system will remain as set forth in the proposed rules. The licensing system was instituted as part of the safeguard measures announced by the President on March 5, 2002 and was intended to facilitate the administration and enforcement of those measures. As such, it is proper that the licensing system only apply to those products needed to fulfill that goal—the product categories set forth in the President's remedies including products from excluded countries and those products subject to product-specific exclusions.

As to limitations on licenses for excluded products under quota—Commerce will not limit licenses on excluded products to those firms that requested the product exclusions. Product exclusions are not granted to a specific firm or country. Product exclusion quotas are filled on a first come, first served basis.

Comment 13. Foreign Trade Zones (FTZs). As set forth in the proposed rule, steel entering into an FTZ would require two licenses, one upon entry into the zone and one when the goods leave the zone and enter for consumption. Some commenters argued that such a double licensing system was overly burdensome, could shift border FTZ trade to Canada or Mexico and could lead to over reporting. Others stated that the main concern with FTZs was ensuring that steel entering into, and ultimately consumed, in an FTZ be accurately accounted for in the surge monitoring program and suggested that an alternative to the double licensing system might be possible. Another commenter suggested that licensing should only be done when the goods

enter an FTZ as this would address the concerns of most involved with the least amount of burden.

Response: Based on our review of the comments and considerable discussion with agencies involved in administering FTZs, we have determined that proposed double licensing system for FTZs is overly burdensome and unnecessary for the effective administration of the licensing system. Licenses will only be required on covered steel products entering an FTZ; steel products leaving the zone and entered for consumption will not require a license. The import license number(s) must be reported on the form for FTZ admission and/or status designation (Customs form 214) at the time of filing.

Comment 14: Temporary Importation Bonds. Commerce received comments arguing that temporary importation bond entries—goods entered free of duty provided within one year to be re-exported to non-U.S. destinations—should not be subject to the proposed licensing system.

Response: We agree that such entries will not require import licenses.

Comment 15: Informal Entries. Commerce received several comments regarding informal entries. One comment suggested expanding the value of informal merchandise from \$2,000 to \$5,000 because such entries would still be insignificant, another asked for clarification of the limits set forth in the Customs regulations on Chapter 99 steel imports, while a third urged that the exemption for informal entries not become a means for importers to avoid their import license obligations.

Response: The exemption for informal entries is based on the value limits set forth by Customs—expanding it to higher valued merchandise is likely to cause unnecessary confusion. As to the value limit for Chapter 99 steel products, please see 19 CFR 143.21(a) and (h) for the specific limits applicable to those goods.

Comment 16: Additional Products in License Form. Two commenters suggested that the license form should allow space for more products—at a minimum, the license should have room for up to six products.

Response: We agree. Commerce has modified the form to allow for up to six products and an additional page can be requested.

Comment 17: Usurpation of USTR Authority. One commenter argued that the surge monitoring system as proposed by Commerce usurps USTR's authority to change a developing country's exempt status by

presupposing certain measurements in its presentation of data.

Response: The design of the steel import licensing and surge monitoring system in no way usurps USTR's authority to determine a developing country's exempt status. Nor does it presuppose certain outcomes in its presentation of data. The data is being presented in a manner consistent with the President's remedies and the categories set forth by the ITC. Tables, charts and comparison data have been designed to assist the user and do not mandate how USTR uses the data in its import analysis. As directed by the President, Commerce and Treasury developed the import licensing system to assist USTR in its analysis of developing country import trends. This system was designed with input from USTR and other government agencies, and like all such proposed rulemaking went through an interagency clearance process that included USTR.

Classification

Regulatory Flexibility Act

The Chief Counsel for Regulation certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant impact on a substantial number of small entities as that term is defined in the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.* A summary of the factual basis for this certification is below.

This proposed rule will not have a significant impact on a substantial number of companies. In most cases, it is anticipated that it will be brokerage companies that apply for the steel import licenses. Most brokerage companies that are currently involved in filing required documentation for importing goods into the U.S. specifically, Customs documentation, are accustomed to Customs' automated systems. Today, more than 99% of the Customs filings are handled electronically. Therefore, the web-based nature of this simple license form should not be a significant obstacle to any firm in completing this new requirement. There is no cost to register for a company-specific user code and no cost to file for the license. Each license form is expected to take at most roughly 10 minutes to complete using much of the same information the brokers will use to complete their Customs Entry Summary Documentation. This is the only additional requirement on the importer's broker to fulfill U.S. entry requirements to import each covered steel product shipment.

Paperwork Reduction Act

This final rule contains collection-of-information requirements subject to review and approval by OMB under the Paperwork Reduction Act (PRA). These requirements have been approved by OMB (OMB No.: 0625-0245; Expiration Date: 09/30/05). Public reporting for this collection of information is estimated to be 10 minutes per response, including the time for reviewing instructions, and completing and reviewing the collection of information. All responses to this collection of information are voluntary, and will be provided confidentially to the extent allowed by law. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Reports Clearance Officer, Room 4001, International Trade Administration, Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

Executive Order 12866

It has been determined that this rule is not significant for purposes of EO 12866.

Executive Order 12866

This rule does not contain policies with federalism implications as that term is defined in EO 13132.

For the reasons set out in the preamble, add part 360 to read as follows:

PART 360—STEEL IMPORT LICENSING AND SURGE MONITORING SYSTEM

Sec.	
360.101	Steel import licensing system.
360.102	Online registration.
360.103	Automatic issuance of import licenses.
360.104	Steel import surge monitoring system.
360.105	Duration of the steel import licensing program.
360.106	Fees.
360.107	Hours of operation.
360.108	Loss of electronic licensing privileges.

Authority: 19 U.S.C. 2251, 2253.

§ 360.101 Steel import licensing system.

(a) *In general.* (1) The steel import licensing system includes both the

online registration system and the automatic steel import license issuance system. All imports of steel products listed in the President's March 5, 2002, section 201 relief determination, including those products subject to country exemptions or product exclusions, are subject to the import licensing requirements. Information gathered from these licenses will be used to ensure that the purpose of the 201 relief is not undermined, with certain aggregate information reported publicly under the surge monitoring program. An interagency group will assist USTR with the analysis of the data collected beyond the data posted on the surge monitoring program.

(2) A single license may cover multiple products as long as certain information on the license (*e.g.*, importer, exporter, manufacturer and country of origin) remains the same. However, separate licenses for steel entered under a single entry will be required if the information differs. As a result, a single Customs entry may require more than one steel import license. The applicable license(s) must cover the total quantity of steel entered and should cover the same information provided on the Customs entry summary.

(b) *Entries for consumption.* All entries for consumption of covered steel products, other than the exception for "informal entries" listed in paragraph (d) of this section, will require an import license prior to the filing of Customs entry summary documents. The license number(s) must be reported on the entry summary (Customs Form 7501) at the time of filing. There is no requirement to present physical copies of the license forms at the time of entry summary; however, copies must be maintained in accordance with Customs' normal requirements. Entry summaries submitted without the required license number(s) will be considered incomplete and will be subject to liquidated damages for violation of the bond condition requiring timely completion of entry.

(c) *Foreign Trade Zone entries.* All shipments of covered steel products into FTZs, known as FTZ admissions, will require an import license prior to the filing of FTZ admission documents. The license number(s) must be reported on the application for FTZ admission and/or status designation (Customs form 214) at the time of filing. There is no requirement to present physical copies of the license forms at the time of FTZ admission; however, copies must be maintained in accordance with Customs' normal requirements. FTZ admission documents submitted

without the required license number(s) will not be considered complete and will be subject to liquidated damages for violation of the bond condition requiring timely completion of admission. A further steel license will not be required for shipments from zones into the commerce of the United States.

(d) *Informal entries.* No import license shall be required on informal entries of covered steel products, such as merchandise valued at less than \$2,000. This exemption applies to informal entries only, imports of steel valued at less than \$2,000 that are part of a formal entry will require a license. For additional information, refer to 19 CFR 143.21 through 143.28.

(e) *Other non-consumption entries.* Import licenses are not required on temporary importation bond (TIB) entries, transportation and exportation (T&E) entries or entries into a bonded warehouse. Covered steel products withdrawn for consumption from a bonded warehouse will require a license at the entry summary.

§ 360.102 Online registration.

(a) *In general.* (1) Any importer, importing company, customs broker or importer's agent with a U.S. street address may register and obtain the user identification number necessary to log on to the automatic steel import license issuance system. Foreign companies may obtain a user identification number if they have a U.S. address through which they may be reached; PO boxes will not be accepted. A user identification will be issued within two business days. Companies will be able to register online through the import licensing and monitoring Web site. However, should a company prefer to apply for a user identification number non-electronically, a phone/fax option will be available at Commerce during regular business hours.

(2) This user identification number will be required in order to log on to the steel import license issuance system. A single user identification number will be issued to an importing company, brokerage house or importer's agent. Operating units within the company (*e.g.*, individual branches, divisions or employees) will all use the same company user identification code. The steel import license issuance system will be designed to allow multiple users of a single identification number from different locations within the company to enter information simultaneously.

(b) *Information required to obtain a user identification number.* In order to obtain a user identification number, the importer, importing company, customs

broker or importer's agent will be required to provide general information. This information will include: the filer company name, employer identification number (EIN) or Customs ID number (where no EIN is available), U.S. street address, phone number, contact information and email address for both the company headquarters and any branch offices that will be applying for steel licenses. This information will not be released by Commerce, except as required by U.S. law.

§ 360.103 Automatic issuance of import licenses.

(a) *In general.* Steel import licenses will be issued to registered importers, customs brokers or their agents through an automatic steel import licensing system. The licenses will be issued automatically after the completion of the form.

(b) *Customs entry number.* Filers are not required to report a Customs entry number to obtain an import license but are encouraged to do so if the Customs entry number is known at the time of filing for the license.

(c) *Information required to obtain an import license.* (1) The following information is required to be reported in order to obtain an import license (if using the automatic licensing system, some of this information will be provided automatically from information submitted as part of the registration process):

- i. Filer company name and address;
- ii. Filer contact name, phone number, fax number and email address;
- iii. Entry type (*i.e.*, Consumption, FTZ)
- iv. Importer name;
- v. Exporter name;
- vi. Manufacturer name (filer may state "unknown");
- vii. Country of origin;
- viii. Country of exportation;
- ix. Expected date of export;
- x. Expected date of import;
- xi. Expected port of entry;
- xii. Current HTS number (from Chapters 72, 73, or 99);
- xiii. Original HTS number in Chapter 72 or 73 (if HTS number in 12 above is a Chapter 99 product);
- xiv. Quantity (in kilograms); and
- xv. Customs value (U.S. \$).

(2) Certain fields will be automatically filled out by the automatic license system based on information submitted by the filer (*e.g.*, product category, unit value). Filers should review these fields to help confirm the accuracy of the submitted data.

(3) Upon completion of the form, the importer, customs broker or the importer's agent will certify as to the

accuracy and completeness of the information and submit the form electronically. After refreshing the page, the system will automatically issue a steel import license number. The refreshed form containing the submitted information and the newly issued license number will appear on the screen (the "license form"). Filers can print the license form themselves only at that time. For security purposes, users will not be able to retrieve licenses themselves from the license system at a later date for reprinting. If needed, copies of completed license forms can be requested from Commerce during normal business hours.

(d) *Duration of the steel import license.* The steel import license can be applied for up to 60 days prior to the expected date of importation and until the date of filing of the entry summary documents, or in the case of FTZ entries, the filing of Customs form 214. The steel import license is valid for 75 days; however, import licenses that were valid on the date of importation but expired prior to the filing of entry summary documents will be accepted.

(e) *Correcting submitted license information.* Due to data security issues, it will not be possible to alter an existing license electronically once it has been issued. However, prior to the date of entry summary, filers will be able to cancel previously issued licenses and file for a new license with the correct information. If the filer prefers to have Commerce personnel change the license, there will be a phone/fax option.

§ 360.104 Steel import surge monitoring system.

(a) *In general.* (1) Throughout the duration of the licensing system, Commerce will maintain a surge monitoring Web site that will report certain aggregate information on imports of section 201 product categories obtained from the steel licenses. Aggregate data will be reported on a monthly basis by country of origin and section 201 product category and will include import quantity (metric tons), import Customs value (\$U.S.), and average unit value (\$/metric ton). The monitoring Web site will also present a range of historical data for comparison purposes.

(2) Reported monthly import data will be refreshed each week with new data on licenses issued during the previous week. This data will also be adjusted periodically for cancelled or unused steel import licenses, as appropriate.

(b) *Excluded products.* At this time, Commerce will not be separately reporting aggregate data on excluded

products. However, this information will be available for review by the appropriate government agencies.

§ 360.105 Duration of the steel import licensing program.

The licensing program will be in effect for the duration of the safeguard measures only. Licenses will be required on all subject imports entered during this period, even if the entry summary documents are not filed until after the expiration of the measures. The licenses will be valid for 10 business days after the expiration of the safeguard measures to allow for the final filing of required Customs documentation. Information collected under this system will not be kept longer than the period of time legally required beyond the expiration of these remedies.

§ 360.106 Fees.

No fees will be charged for obtaining a user identification number, issuing a steel import license or accessing the steel import surge monitoring system.

§ 360.107 Hours of operation.

The automatic licensing system will generally be accessible 24 hours a day, 7 days a week but may be down at selected times for server maintenance. If the system is down for an extended period of time, parties will be able to obtain licenses from Commerce directly via fax during regular business hours. Should the system be inaccessible for an extended period of time, Commerce would advise Customs to consider this as part of mitigation on any liquidated damage claims that may be issued.

§ 360.108 Loss of electronic licensing privileges.

Should Commerce determine that a filer consistently files inaccurate licensing information or otherwise abuses the licensing system, Commerce may revoke its electronic licensing privileges. The filer will then only be able to obtain a license directly from Commerce. Because of the additional time need to review such forms, Commerce may require up to 10 working days to process such forms. Delays in filing caused by the removal of a filer's electronic filing privilege will not be considered a mitigating factor by the U.S. Customs Service.

Dated: December 20, 2002.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 02-32745 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 00N-1596]

Uniform Compliance Date for Food Labeling Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing January 1, 2006, as the uniform compliance date for food labeling regulations that are issued between January 1, 2003, and December 31, 2004. FDA periodically announces uniform compliance dates for new food labeling requirements to minimize the economic impact of label changes. On November 20, 2000, FDA established January 1, 2004, as the uniform compliance date for food labeling regulations that issued between January 1, 2001, and December 31, 2002.

DATES: This rule is effective December 31, 2002. Submit written or electronic comments by March 17, 2003.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>.

FOR FURTHER INFORMATION CONTACT: Louis B. Brock, Center for Food Safety and Applied Nutrition (HFS-24), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301-436-2378.

SUPPLEMENTARY INFORMATION: FDA periodically issues regulations requiring changes in the labeling of food. If the effective dates of these labeling changes were not coordinated, the cumulative economic impact on the food industry of having to respond separately to each change would be substantial. Therefore, the agency periodically has announced uniform compliance dates for new food labeling requirements (see, e.g., the **Federal Registers** of October 19, 1984 (49 FR 41019), December 24, 1996 (61 FR 67710), December 27, 1996 (61 FR 68145), December 23, 1998 (63 FR 71015), and November 20, 2000 (65 FR 69666)). Use of a uniform compliance date provides for an orderly and economical industry adjustment to new labeling requirements by allowing sufficient lead time to plan for the use of existing label inventories and the

development of new labeling materials. This policy serves consumers' interests as well because the cost of multiple short-term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher prices.

The agency has determined under 21 CFR 25.30(k) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 is not required.

FDA has examined the economic implications of this final rule as required by Executive Order 12866. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity effects). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions including having an annual effect on the economy of \$100 million or adversely affecting in a material way a sector of the economy, competition, or jobs. A regulation also is considered a significant regulatory action under Executive Order 12866 if it raises novel legal or policy issues. FDA finds that this final rule is not a significant regulatory action as defined by Executive Order 12866. In addition, in accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, OMB has determined that this final rule is not a major rule for purposes of congressional review. The establishment of a uniform compliance date does not impose either costs or benefits. For future labeling regulations, FDA will assess the costs and benefits of the uniform compliance date as well as the option of setting other dates.

Because FDA has issued this final rule without first publishing a general notice of proposed rulemaking, a final regulatory analysis is not required by the Regulatory Flexibility Act (5 U.S.C. 601–612). Nonetheless, the uniform compliance date does not impose any burden on small entities. The agency will assess the costs and benefits of setting alternative dates as part of the regulatory flexibility analyses of future labeling regulations.

Title II of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires cost-benefit and other analyses before any rulemaking if the rule would include a “Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year.” The current inflation-adjusted statutory threshold is \$112 million. FDA has determined that this final rule does not constitute a significant rule under the Unfunded Mandates Reform Act.

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

This action is not intended to change existing requirements for compliance dates contained in final rules published before January 1, 2003. Therefore, all final FDA regulations published in the **Federal Register** before January 1, 2003, will still go into effect on the date stated in the respective final rule.

The agency generally encourages industry to comply with new labeling regulations as quickly as feasible, however. Thus, when industry members voluntarily change their labels, it is appropriate that they incorporate any new requirements that have been published as final regulations up to that time.

In rulemaking that began with publication of a proposal on April 15, 1996 (61 FR 16422), and ended with a final rule on December 24, 1996, FDA provided notice and an opportunity for comment on the practice of establishing uniform compliance dates by issuance of a final rule announcing the date. Receiving no comments objecting to this practice, FDA finds any further rulemaking unnecessary for establishment of the uniform compliance date. Nonetheless, under 21 CFR 10.40(e)(1), FDA is providing an opportunity for comment on whether this uniform compliance date should be modified or revoked.

Interested persons may submit to the Dockets Management Branch (see **ADDRESSES**), written or electronic

comments regarding this document. Submit a single copy of electronic comments to <http://www.fda.gov/dockets/ecomments> or two hard copies of any written comments, except that individuals may submit one hard copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. After its review of any comments received to this final rule, FDA will either publish a document providing its conclusions concerning the comments or will initiate notice and comment rulemaking to modify or revoke the uniform compliance date established by this final rule.

The new uniform compliance date will apply only to final FDA food labeling regulations that require changes in the labeling of food products and that publish after January 1, 2003, and before December 31, 2004. Those regulations will specifically identify January 1, 2006, as their compliance date. All food products subject to the January 1, 2006, compliance date must comply with the appropriate regulations when initially introduced into interstate commerce on or after January 1, 2006. If any food labeling regulation involves special circumstances that justify a compliance date other than January 1, 2006, the agency will determine for that regulation an appropriate compliance date, which will be specified when the final regulation is published.

Dated: December 24, 2002.

Margaret M. Dotzel,

Assistant Commissioner for Policy.

[FR Doc. 02–32978 Filed 12–30–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Praziquantel Injectable Solution

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Phoenix Scientific, Inc. The ANADA provides for the veterinary prescription

use of an injectable praziquantel solution in dogs and cats for the removal of various species of cestodes (tapeworms).

DATES: This rule is effective December 31, 2002.

FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Center for Veterinary Medicine (HFV-104), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301-827-8549, e-mail: lluther@cvm.fda.gov.

SUPPLEMENTARY INFORMATION: Phoenix Scientific, Inc., 3915 South 48th St. Terrace, P.O. Box 6457, St. Joseph, MO 64506-0457, filed ANADA 200-176 that provides for the veterinary prescription use of PRAZITECH (praziquantel) Injection in dogs and cats for the removal of various species of cestodes (tapeworms). Phoenix Scientific's PRAZITECH Injection is approved as a generic copy of Bayer Corp.'s DRONCIT 5.68% Injectable Solution, approved under NADA 111-607. The ANADA is approved as of October 16, 2002, and the regulations are amended in 21 CFR 522.1870 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.1870 [Amended]

2. Section 522.1870 *Praziquantel injectable solution* is amended in paragraph (b) by removing "Sponsor. See 000859" and by adding in its place "Sponsors. See Nos. 000859 and 059130".

Dated: December 18, 2002.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 02-32848 Filed 12-30-02; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08-02-044]

RIN 2115-AE47

Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the Crescent Railroad Drawbridge, Mile 481.4, Upper Mississippi River near Rock Island, Illinois. This deviation allows the drawbridge to open on signal if at least 6 hours advance notice is given during the 53 day period starting at 12:01 a.m., January 7, 2003 and ending at 12:01 a.m., March 1, 2003, Central Standard Time. This deviation is necessary to allow the bridge owner time for preventive maintenance that is essential to the continued safe operation of the drawbridge.

DATES: This temporary deviation is effective from 12:01 a.m., January 7, 2003 until 12:01 a.m., March 1, 2003.

ADDRESSES: Materials referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St.

Louis, MO 63103-2832, between 8 a.m. and 4 p.m., Monday through Friday, except on Federal holidays. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT:

Roger K. Wiebusch, Bridge Administrator, Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, (314) 539-3900, extension 2378.

SUPPLEMENTARY INFORMATION: The Burlington Northern Santa Fe (BNSF) Railroad requested a temporary deviation on December 2, 2002 for the operation of the Crescent Railroad Drawbridge, Mile 481.4, Upper Mississippi River near Rock Island, Illinois to allow the bridge owner time for preventive maintenance. The drawbridge operation regulations found at 33 CFR 117.5, require the drawbridge to open on signal. In order to perform required annual maintenance, the bridge will open on signal if at least 6 hours advance notice is given. This deviation allows the bridge to operate on a 6-hour advance notice to open for navigation for 53 days starting at 12:01 a.m., January 7, 2003 and ending at 12:01 a.m., March 1, 2003. This maintenance period was scheduled during the winter months to lessen the impact on vessel traffic which will increase when Lock Nos. 17 and 19 reopen on March 1, 2003.

The Crescent Railroad Drawbridge provides a vertical clearance of 25.7 feet above normal pool in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. The drawbridge will be able to open for emergencies during this period. There are no alternate routes for waterway traffic to bypass the Crescent Railroad Drawbridge. This deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: December 23, 2002.

Roger K. Wiebusch,

Bridge Administrator.

[FR Doc. 02-33019 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-15-U

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[COTP San Francisco Bay 02-019]

RIN 2115-AA97

Security Zones; San Francisco Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard has established moving and fixed security zones extending 100 yards around and under all cruise ships and tank vessels that enter, are moored in, anchored in, or depart from the San Francisco Bay, California and Delta ports. These security zones are needed for national security reasons to protect the public and ports from potential terrorist acts. Entry into these zones is prohibited unless specifically authorized by the Captain of the Port San Francisco Bay.

DATES: This final rule is effective December 21, 2002.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at U.S. Coast Guard Marine Safety Office San Francisco Bay, Waterways Management Branch, Coast Guard Island, Alameda, California 94501, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Diana Cranston, Chief, Waterways Management Branch U.S. Coast Guard Marine Safety Office San Francisco Bay, 510-437-3073.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

On October 30, 2002, we published a notice of proposed rulemaking (NPRM) entitled "Security Zones; San Francisco Bay, California" in the **Federal Register** (67 FR 66086). We received no letters on the proposed rule. No public hearing was requested, and none was held.

On December 21, 2001, we issued a rule under COTP San Francisco Bay 01-012, and published that rule in the **Federal Register** (67 FR 7611, February 20, 2002) creating temporary section 165.T11-098 of Title 33 of the Code of Federal Regulations (CFR). Under temporary section 165.T11-098, which expired at 11:59 p.m. PDT on June 21, 2002, the Coast Guard established 100-yard security zones around all cruise ships and tank vessels that entered, were moored in, or departed from the San Francisco Bay and Delta ports.

On June 12, 2002, a change in effective period temporary rule was issued, under docket COTP San Francisco Bay 02-012 and was published in the **Federal Register** (67 FR 42486, June 24, 2002), under the same previous temporary section 165.T11-098, which is set to expire at 11:59 p.m. on December 21, 2002. The Captain of the Port has determined the need for continued security regulations exits. Accordingly, this final rule creates a permanent regulation for security zones in the same locations covered by the temporary final rule published on February 20, 2002 (67 FR 7611) which was later extended by another rule published in the **Federal Register** on June 24, 2002 (67 FR 42486).

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because the threat of maritime attacks is real as evidenced by the attack of a tanker vessel off the coast of Yemen and the continuing threat to U.S. assets as described in the President's finding in Executive Order 13273 of August 21, 2002 (67 FR 56215, September 3, 2002) that the security of the U.S. is endangered by the September 11, 2001 attacks and that such disturbances continue to endanger the international relations of the U.S. *See also Continuation of the National Emergency with Respect to Certain Terrorist Attacks*, (67 FR 58317, September 13, 2002); *Continuation of the National Emergency with Respect to Persons Who Commit, Threaten To Commit, Or Support Terrorism*, (67 FR 59447, September 20, 2002). Additionally, a Maritime Advisory was issued to: *Operators of U.S. Flag and Effective U.S. Controlled Vessels and other Maritime Interests*, detailing the current threat of attack, MARAD 02-07 (October 10, 2002). The current temporary rule is set to expire December 21, 2002, and any delay in the effective date of this final rule is impractical and contrary to the public interest.

Background and Purpose

Since the September 11, 2001 terrorist attacks on the World Trade Center in New York, the Pentagon in Arlington, Virginia and Flight 93, the Federal Bureau of Investigation (FBI) has issued several warnings concerning the potential for additional terrorist attacks within the United States. In addition, the ongoing hostilities in Afghanistan and growing tensions in Iraq have made it prudent for U.S. ports to be on a higher state of alert because the Al-Qaeda organization and other similar organizations have declared an ongoing

intention to conduct armed attacks on U.S. interests worldwide.

In its effort to thwart terrorist activity, the Coast Guard has increased safety and security measures on U.S. ports and waterways. As part of the Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99-399), Congress amended section 7 of the Ports and Waterways safety Act (PWSA), 33 U.S.C. 1226, to allow the Coast Guard to take actions, including the establishment of security and safety zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial structures.

The Coast Guard also has authority to establish security zones pursuant to the Act of June 15, 1917, as amended by the Magnuson Act of August 9, 1950 (50 U.S.C. 191 *et seq.*) and implementing regulations promulgated by the President in subparts 6.01 and 6.04 of part 6 of title 33 of the Code of Federal Regulations.

In this particular rulemaking, to address the aforementioned security concerns, and to take steps to prevent the catastrophic impact that a terrorist attack against a cruise ship and/or tank vessel would have on the public interest, the Coast Guard is establishing permanent security zones around and under cruise ships and tank vessels entering, departing, or moored or anchored within the San Francisco Bay and Delta ports. These security zones help the Coast Guard to prevent vessels or persons from engaging in terrorist actions against cruise ships and tank vessels. Due to these heightened security concerns, and the catastrophic impact a terrorist attack on a cruise ship and/or tank vessel would have on the multiple passengers on board and surrounding area and communities, security zones are prudent for these types of vessels.

Discussion of Comments and Changes

We received no letters commenting on the proposed rule. No public hearing was requested, and none was held. Therefore, we have made no changes and will implement the provisions of the proposed rule as written.

Regulatory Evaluation

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

the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

Although this regulation restricts access to the zones, the effect of this regulation will not be significant because: (i) The zones will encompass only a small portion of the waterway; (ii) vessels will be able to pass safely around the zones; (iii) vessels may be allowed to enter these zones on a case-by-case basis with permission of the Captain of the Port, or his designated representative; and (iv) vessels are able to safely transit around the zones while a vessel is moored or at anchor in the San Francisco Bay and Delta ports.

The sizes of the zones are the minimum necessary to provide adequate protection for the cruise ships and laden tank vessels, their crews and passengers, other vessels operating in the vicinity of the cruise ships and laden taken ships and their crews, adjoining areas, and the public. The entities most likely to be affected are commercial vessels transiting the main ship channel en route the San Francisco Bay and Delta ports and pleasure craft engaged in recreational activities and sightseeing. The security zones will prohibit any commercial vessels from meeting or overtaking a cruise ship and/or a tank ship in the main ship channels, effectively prohibiting use of the channels. However, the moving security zones will only be effective during cruise ship and tank ship transits, which will last for approximately 30 minutes.

Small Entities

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

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

Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees

who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agricultural Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to

health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

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

Energy Effects

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

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.ID, this rule is categorically excluded from further environmental documentation because we are establishing a security zone. A “Categorical Exclusion Determination” is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. Add § 165.1183 to read as follows:

§ 165.1183 Security Zones; Cruise Ships and Tank Vessels, San Francisco Bay and Delta ports, California.

(a) *Definition.* "Cruise ship" as used in this section means a passenger vessel, except for a ferry, over 100 feet in length, authorized to carry more than 12 passengers for hire; making voyages lasting more than 24 hours, any part of which is on the high seas; and for which passengers are embarked or disembarked in the San Francisco Bay and Delta ports.

(b) *Location.* The following areas are security zones:

(1) All waters, extending from the surface to the sea floor, within a 100-yard radius around any cruise ship and tank ship that is anchored at a designated anchorage within the San Francisco Bay and Delta port areas shoreward of the line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9' N, 122°35.4' W and 37°46. 5' N, 122°35.2' W, respectively);

(2) The shore area and all waters, extending from the surface to the sea floor, within a 100-yard radius around any cruise ship and tank ship that is moored, or in the process of mooring, at any berth within the San Francisco Bay and Delta port areas shoreward of the line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9' N, 122°35.4' W and 37°46. 5' N, 122°35.2' W, respectively); and

(3) All waters, extending from the surface to the sea floor within a 100-yard radius around any cruise ship and/or tank ship that is underway shoreward of the line drawn between San Francisco Main Ship Channel buoys 7 and 8 (LLNR 4190 & 4195, positions 37°46.9' N, 122°35.4' W and 37°46. 5' N, 122°35.2' W, respectively).

(c) *Regulations.* (1) In accordance with the general regulations in § 165.33 of this part, entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, San Francisco Bay, or his designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port at telephone number 510-437-3073 or on VHF-FM channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

(3) When a cruise ship and/or tank vessel approaches within 100 yards of a vessel that is moored, or anchored, the stationary vessel must stay moored or anchored while it remains within the cruise ship's and/or tank vessel's

security zone unless it is either ordered by, or given permission from, the COTP San Francisco Bay to do otherwise.

(d) *Authority.* In addition to 33 U.S.C. 1231, the authority for this section includes 33 U.S.C. 1226.

(e) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the security zone by local law enforcement as necessary.

Dated: December 20, 2002.

G.M. Swanson,

Captain, Coast Guard, Captain of the Port, San Francisco Bay.

[FR Doc. 02-33018 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-15-U

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 165**

[COTP Los Angeles-Long Beach 02-010]

RIN 2115-AA97

Security Zones; Liquefied Hazardous Gas Tank Vessels, San Pedro Bay, CA

AGENCY: Coast Guard, (DOT).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing moving and fixed security zones around liquefied hazardous gas (LHG) tank vessels located on San Pedro Bay, California, near the ports of Los Angeles and Long Beach. This action is necessary to ensure public safety and prevent sabotage or terrorist acts against these vessels. Persons and vessels are prohibited from entering these security zones without permission of the Captain of the Port.

DATES: This rule is effective from 11:59 p.m. PST on December 21, 2002, to 11:59 p.m. PST on March 21, 2003.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket COTP Los Angeles-Long Beach 02-010 and are available for inspection or copying at U.S. Coast Guard Marine Safety Office/ Group Los Angeles-Long Beach, 1001 South Seaside Avenue, Building 20, San Pedro, California, 90731 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade Rob Griffiths, Assistant Chief of Waterways Management Division, at (310) 732-2020.

SUPPLEMENTARY INFORMATION:**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this rule. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM because the threat of maritime attacks is real and imminent.

The October 6, 2002, attack of a French oil tanker off the coast of Yemen and the continuing threats to U.S. assets as described in the President's finding in Executive Order 13273 of August 21, 2002 in the **Federal Register** (67 FR 56215, September 3, 2002) demonstrate continued disturbances that further endanger the security and international relations of the United States. See also *Continuation of the National Emergency with Respect to Certain Terrorist Attacks* of September 13, 2002 in the **Federal Register** (67 FR 58317); *Continuation of the National Emergency With Respect To Persons Who Commit, Threaten To Commit, Or Support Terrorism* September 20, 2002 in the **Federal Register** (67 FR 59447). As a result, a heightened level of security continues to be maintained around all liquefied hazardous gas (LHG) tank vessels near the ports of Los Angeles and Long Beach. These security zones are needed to protect the United States and more specifically the people, waterways, and properties near San Pedro Bay.

Although we had anticipated using the effective period of the current temporary final rule to engage in notice and comment rulemaking, the Captain of the Port has decided to extend the effective period for 3 months to allow sufficient time to properly develop permanent regulations tailored to the present and foreseeable security environment. This extension preserves the *status quo* within the Port while a permanent rule is developed.

For the reasons stated in the paragraphs above under 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

Since the September 11, 2001 terrorist attacks on the World Trade Center in New York, the Pentagon in Arlington, Virginia and Flight 93, the Federal Bureau of Investigation (FBI) has issued several warnings concerning the potential for additional terrorist attacks within the United States. In addition, the ongoing hostilities in Afghanistan and growing tensions in Iraq have made it prudent for U.S. ports to be on a higher state of alert because the al Qaeda organization and other similar

organizations have declared an ongoing intention to conduct armed attacks on U.S. interests worldwide.

In this particular rulemaking, to address the aforementioned security concerns and to take steps to prevent the catastrophic impact that a terrorist attack against a LHG tank vessel would have on the public interest, the Coast Guard has temporarily suspended current LHG safety zone regulations and temporarily replaced them with security zones around and under any LHG tank vessels entering, departing, or moored within the ports of Los Angeles and Long Beach. These security zones will help the Coast Guard to prevent vessels or persons from engaging in terrorist actions against LHG tank vessels.

Current regulations issued under 33 CFR 165.1151 provide for safety zones around LHG tank vessels that are anchored, moored, or underway near the Los Angeles-Long Beach port areas. However, these safety zones are inadequate to address increased security requirements for LHG tank vessels.

On January 28, 2002, we published a temporary final rule (TFR) entitled "Security Zones; San Pedro Bay, California" in the **Federal Register** (67 FR 3814). In that rule, which expired on June 15, 2002, we temporarily replaced the LHG safety zones with security zones of a similar size and location.

On June 19, 2002, we published a TFR entitled "Security Zones; Liquefied Hazardous Gas Tank Vessels, San Pedro Bay, CA" in the **Federal Register** (67 FR 41625). In that rule, which is set to expire on December 21, 2002, we continue to temporarily replace the safety zones with security zones for LHG tank vessels near Los Angeles-Long Beach. Although we had anticipated using the effective period of this TFR to engage in notice and comment rulemaking, the Captain of the Port has decided to extend the effective period again to allow sufficient time to properly develop permanent regulations tailored to the present and foreseeable security environment. Accordingly, this rulemaking extends the effective period of the temporary security zones for 3 months.

Discussion of Rule

This rule establishes a security zone in the waters of San Pedro Bay around all LHG tank vessels that are anchored, moored, or underway within the Los Angeles or Long Beach port area. These security zones will take effect upon entry of any LHG tank vessel into the waters within 3 nautical miles outside the Federal breakwaters encompassing San Pedro Bay and will remain in effect until that vessel departs the 3 nautical

mile limit. Vessels covered by a security zone can be additionally identified by an on-scene escorting law enforcement vessel with a blue flashing light. The following areas are security zones:

(1) The waters within a 500-yard radius around a LHG tank vessel that is anchored at a designated anchorage either inside the Federal breakwaters bounding San Pedro Bay or outside at designated anchorages within 3 nautical miles of the breakwater;

(2) The waters within a 500 yard radius around a LHG tank vessel that is moored at any berth within the Los Angeles or Long Beach port area;

(3) The waters within 1,000 yards ahead and 500 yards on all other sides of a LHG tank vessel that is underway on the waters either inside the Federal breakwaters bounding San Pedro Bay or on the waters within 3 nautical miles of the breakwater.

These security zones are needed for national security reasons to protect LHG tank vessels, the public, transiting vessels, adjacent waterfront facilities and the ports from potential subversive acts, accidents, or other events of a similar nature. Entry into these moving or fixed security zones is prohibited unless authorized by the Captain of the Port. Vessels already moored or anchored when these security zones take effect will not be required to get underway to avoid either the moving or fixed zones unless specifically ordered to do so by the Captain of the Port or his designated representative.

In its effort to thwart terrorist activity, the Coast Guard has increased safety and security measures on U.S. ports and waterways. As part of the Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99-399), Congress amended section 7 of the Ports and Waterways Safety Act (PWSA), 33 U.S.C. 1226, to allow the Coast Guard to take actions, including the establishment of security and safety zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial structures. The Coast Guard also has authority to establish security zones pursuant to the Act of June 15, 1917, as amended by the Magnuson Act of August 9, 1950 (50 U.S.C. 191 *et seq.*) and implementing regulations promulgated by the President in subparts 6.01 and 6.04 of part 6 of title 33 of the Code of Federal Regulations.

Vessels or persons violating this section will be subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192. Pursuant to 33 U.S.C. 1232, any violation of the security zone described herein, is punishable by civil penalties (not to exceed \$27,500 per violation, where each day of a continuing

violation is a separate violation), criminal penalties (imprisonment up to 6 years and a maximum fine of \$250,000), and in rem liability against the offending vessel. Any person who violates this section, using a dangerous weapon, or who engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce this regulation, also faces imprisonment up to 12 years. Vessels or persons violating this section are also subject to the penalties set forth in 50 U.S.C. 192: seizure and forfeiture of the vessel to the United States, a maximum criminal fine of \$10,000, and imprisonment up to 10 years, and a civil penalty of not more than \$25,000 for each day of a continuing violation.

The Captain of the Port will enforce these zones and may enlist the aid and cooperation of any Federal, State, county, municipal, and private agency to assist in the enforcement of the regulation. This regulation is proposed under the authority of 33 U.S.C. 1226 in addition to the authority contained in 50 U.S.C. 191 and 33 U.S.C. 1231.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979) because these zones will encompass a small portion of the waterway for a limited period of time. Delays, if any, are expected to be less than 30 minutes in duration. Vessels and persons may be allowed to enter these zones on a case-by-case basis with permission of the Captain of the Port.

Small Entities

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

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

We expect this rule will affect the following entities, some of which may be small entities: The owners and operators of private and commercial vessels intending to transit or anchor in a small portion of the ports of Los Angeles or Long Beach near a LHG tank vessel that is covered by these security zones. The impact to these entities would not, however, be significant since these security zones will encompass a small portion of the waterway for a limited period of time. Delays, if any, are expected to be less than 30 minutes in duration.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If this rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provision or operations for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In

particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Environment

We have considered the environmental impact of this rule and concluded that under figure 2-1, paragraph (34)(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation because we are establishing security zones. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

§ 165.1151 [Suspended]

2. Temporarily suspend § 165.1151 from 11:59 p.m. PST December 21, 2002 through 11:59 p.m. PST March 21, 2003.

3. Revise temporary § 165.T11-066(f) to read as follows:

§ 165.T11-066 Security Zones; Liquefied Hazardous Gas Tank Vessels, San Pedro Bay, California.

* * * * *

(f) *Effective period.* This section is effective from 11:59 p.m. PST on December 21, 2002, through 11:59 p.m. PST on March 21, 2003.

* * * * *

Dated: December 20, 2002.

J.M. Holmes,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.

[FR Doc. 02-33017 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-15-P

POSTAL SERVICE

39 CFR Part 266

Revision of Regulations To Exempt Privacy Act System of Records

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The U.S. Postal Service is amending its regulations implementing the Privacy Act of 1974, 5 U.S.C. 552a.

The amendment modifies existing regulations at 39 CFR 266.9 to exempt system of records, USPS 050.080, Finance Records—Suspicious Transaction Reports, from certain provisions of the Privacy Act and corresponding regulations.

DATES: This rule is effective December 31, 2002.

FOR FURTHER INFORMATION CONTACT: Henry Gibson, (202) 268-4203.

SUPPLEMENTARY INFORMATION: The Postal Service published a proposed rule on December 27, 2000, to amend 39 CFR 266.9 to apply certain Privacy Act exemptions to Privacy Act systems of records 050.080. Pursuant to the Bank Secrecy Act, 31 U.S.C. 5318(g), anti-money laundering provisions, and implementing regulations of the U.S. Treasury, 31 CFR part 103, the Postal Service is required to report to the Department of the Treasury certain suspicious financial transactions that are relevant to a possible violation of law or regulation. Further, the Postal Service is prohibited from notifying any participant in the transaction that a report has been made. 31 U.S.C. 5318(g)(2).

In order to permit compliance with the non-notification requirement of the Bank Secrecy Act, the Postal Service is adopting an exemption from the Privacy Act provisions related to individual access. Under 5 U.S.C. 552a(k)(2), the head of an agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system of records is "investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2) of this section." Comments on the proposed rule were due on or before January 26, 2001. We did not receive any comments. Therefore, the rule is adopted as final without change.

The Postal Service is hereby giving notice of a final rule to exempt the Suspicious Transaction Report system from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). The reasons for exempting the system of records from sections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) of the Privacy Act are set forth in the proposed rule.

List of Subjects in 39 CFR Part 266

Privacy.

For the reasons set out in the preamble, the Postal Service is amending part 266 of 39 CFR as follows:

PART 266—PRIVACY OF INFORMATION

1. The authority citation for part 266 continues to read as follows:

Authority: 39 U.S.C. 401; 5 U.S.C. 552a.

2. Section 266.9 is amended by adding paragraph (b)(7) to read as follows:

* * * * *

(b) * * *

(7) *Finance Records—Suspicious Transaction Reports, USPS 050.080.* This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1) through (4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2) as material compiled for law enforcement purposes. The reasons for exemption follow.

(i) Disclosure to the record subject pursuant to subsections (c)(3) through (d)(1) through (4) would violate the non-notification provision of the Bank Secrecy Act, 31 U.S.C. 5318(g)(2), under which the Postal Service is prohibited from notifying a transaction participant that a suspicious transaction report has been made. In addition, the access provisions of subsections (c)(3) and (d) would alert individuals that they have been identified as suspects or possible subjects of investigation and thus seriously hinder the law enforcement purposes underlying the suspicious transaction reports.

(ii) This system is in compliance with subsection (e)(1), because maintenance of the records is required by law. Strict application of the relevance and necessity requirements of subsection (e)(1) to suspicious transactions would be impractical, however, because the relevance or necessity of specific information can often be established only after considerable analysis and as an investigation progresses.

(iii) The requirements of subsections (e)(4)(G), (H), and (I) and subsection (f) do not apply because this system is exempt from the individual access and amendment provisions of subsection (d). Nevertheless, the Postal Service has published notice of the record source categories and the notification, access, and contest procedures.

An appropriate revision of 39 CFR 266.9 to reflect the final change will be published.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 02-33005 Filed 12-30-02; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN129-1a; FRL-57413-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On April 3, 2000, the Indiana Department of Environmental Management (IDEM) submitted a site-specific State Implementation Plan (SIP) revision request concerning volatile organic compound (VOC) reasonably available control technology (RACT) requirements for the Naval Surface Warfare Center, Crane Division (NSWC Crane) in Crane, Indiana. The SIP submission allows the Department of the Navy to use military specification coatings containing a VOC content of up to 5.45 pounds per gallon for the painting operations in Building 2728 at NSWC Crane. This rulemaking action approves, using the direct final process, the Indiana SIP revision request.

DATES: This rule is effective on March 3, 2003, unless EPA receives adverse written comments by January 30, 2003. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of this SIP revision request are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Francisco J. Acevedo at (312) 886-6061 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone: (312)886-6061, E-mail: acevedo.francisco@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, the terms "you" and "me" refer to the reader of this rulemaking and to sources subject

to the State rule addressed by this proposed rulemaking, and the terms "we," "us," or "our" refer to the EPA.

- A. What Action Is EPA Taking?
- B. Why is EPA Taking This Action?
- C. How Does This Action Change Pollution Control Requirements for NSWC Crane?
- D. How Did EPA Make This Determination?
- E. Will This Action Adversely Impact Air Quality in the Area?
- F. What Is EPA's Final Determination?

A. What Action Is EPA Taking?

EPA is approving a revision to Indiana's SIP to allow the Department of the Navy to use military specification coatings containing a VOC content up to 5.45 pounds of VOC per gallon of coating less water for the projectile renovations operations in Building 2728 at NSWC Crane.

B. Why Is EPA Taking This Action?

SIP rule 326 IAC 8-2-9 (General Provisions Relating to VOC Rules: Miscellaneous Metal Coating Operations) generally prohibits miscellaneous metal coating operations from using coatings with a VOC content greater than 3.5 pounds of VOC per gallon of coating less water. NSWC Crane submitted a petition to the Commissioner of IDEM on July 13, 1999 requesting the use of military specification coatings containing a VOC content greater than 3.5 pounds per gallon. NSWC Crane requested the change because it could not locate any low VOC substitute that would meet the military specification TT-E-516, TT-P-664D, or TT-T-306 requirements. These coatings are required to meet the performance specifications for coating of the military projectiles currently manufactured at NSWC Crane.

According to 326 IAC 8-1-7 (General Provisions Relating to VOC Rules: Military Specifications), if emission limitations established in 326 IAC Article 8 (General Provisions Relating to VOC) conflict with military specifications, the owner or operator of the source may petition the Commissioner of IDEM to have military specifications be the controlling limitation. If the Commissioner approves the petition, the modified limitation shall be submitted to EPA as a SIP revision.

IDEM evaluated the petition for military specifications and the proposed SIP limit of 5.45 pounds of VOC per coating less water. The coatings that NSWC Crane is currently using meet the requirements of Composition L, which according to the corresponding Military Specifications is the low-VOC version of these materials. Based on the Material

Safety Data Sheets for the materials used in this operation, IDEM calculated that the VOC content for all the coatings used ranged from 4.88 to 5.45 pounds of VOC per coating less water. Therefore, the 5.45 pounds of VOC per coating less water is the highest allowable limit which will enable all coatings in this operation to be in compliance.

On April 3, 2000, IDEM submitted to EPA the modified limitations as a revision to the SIP. NSWC Crane submitted additional information on October 18, 2001 and June 28, 2002, in response to requests for additional justification from IDEM and EPA. In this notice, we are taking action to approve the submittal.

C. How Does This Action Change Pollution Control Requirements for NSWC Crane?

In the early 1990s Indiana adopted RACT regulations for the entire State. We approved these regulations and incorporated them into Indiana's SIP for ozone (40 CFR 52.770). NSWC Crane manufactures ammunition, rockets and other military ordinances and, under these rules, is subject to a limit of 3.5 pounds of VOC per gallon of coating less water for coatings used on military projectiles.

Our approval of alternate control requirements for NSWC Crane exempts the painting operations in Building 2728 from the 3.5 pounds of VOC per gallon of coating limit required for any miscellaneous metal coating operation and will allow the use of military specification coatings, containing a VOC limit of up to 5.45 pounds of VOC per gallon of coating less water.

D. How Did EPA Make This Determination?

EPA reviewed the military specifications provided by NSWC Crane and submitted by IDEM, and independently investigated the availability of alternate coatings. EPA has determined that there are currently no approved alternative coatings available that meet the military specifications for the 155mm projectiles painted at NSWC Crane.

In making this determination, EPA consulted with the Armament Research Development and Engineering Center (ARDEC), in Picatinny, NJ, the agency responsible for identifying the paint requirements for the 155mm projectiles used at NSWC Crane. ARDEC is currently executing a low-VOC ammunition coating project to address the environmental coating issue at the NSWC Crane facility and is in the process of testing VOC compliant coatings to determine if they will

comply with military specifications used at NSWC Crane. The laboratory testing phase of selected VOC compliant coating candidates was completed this summer and the next phase consists of field testing selected coatings to determine if they meet the specifications. Once ARDEC identifies that complying coatings are available, NSWC Crane will need to modify its operations to allow for the use of coatings complying with the 3.5 pounds of VOC per gallon of coating less water.

E. Will This Action Adversely Impact Air Quality in the Area?

NSWC Crane is located in Martin County which is designated as attainment for ozone. All available monitoring data indicates that the area is in attainment of the 1-hour standard and regional modeling indicates that the area will meet the 8-hour standard when Indiana's nitrogen oxide rule is in effect. Since 1999, NSWC Crane has been operating under a State-approved variance which allows emissions equivalent to the emissions allowed under the SIP revision that we are approving with this action. Consequently, our approval of the alternate control requirements for NSWC Crane should not interfere with attainment or continued maintenance of the ozone standard.

F. What Is EPA's Final Determination?

Based on the rationale set forth above, we are approving a revision to the VOC control requirements for the painting operations in Building 2728 at NSWC Crane. Our approval of this revision makes federally enforceable the portion of the State's October 12, 1999, Significant Source Modification No. SSM101-11153-00005, which establishes alternate control requirements for NSWC Crane.

We are publishing this action without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, we are proposing to approve the SIP revision should adverse written comments be filed. This action will be effective without further notice unless we receive relevant adverse written comment by January 30, 2003. Should we receive such comments, we will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, this action will be effective on March 3, 2003.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority

to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 3, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hazardous air pollutants, Incorporation by reference, Volatile organic compounds, Ozone.

Dated: November 14, 2002.

Bharat Mathur,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(156) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(156) On April 3, 2000 the State submitted a revision to Indiana's State Implementation Plan to allow the Department of the Navy use of military specification coatings containing volatile organic compound (VOC) control requirements with content up to 5.45 pounds of VOC per gallon of coating less water for the projectile renovations operations in Building 2728 at the Naval Surface Warfare Center, Crane Division.

(i) Incorporation by reference.

(A) Part 70 Significant Source Modification No.: 101-11153-00005 as issued by the Indiana Air Pollution Control Board on October 12, 1999.

[FR Doc. 02-31669 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-7428-2]

RIN 2060-AK44

Protection of Stratospheric Ozone: Additional Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: With this action, EPA is making minor revisions to the accelerated phaseout regulations that govern the production, import, export, transformation and destruction of substances that deplete the ozone layer under the authority of Sections 604, 605, 606, and 614 of Title VI of the Clean Air Act Amendments of 1990 (CAA or the Act). As part of this action, EPA is clarifying the petition process for imports of used class I controlled substances. Today's amendments also reflect changes in U.S. reporting obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol) due to a recent decision

by countries that are Parties to this international agreement. Additionally, in response to a petition submitted to EPA, the Agency is removing the requirement in the petition process for imports of used class I controlled substances that a person must certify knowledge of tax liability.

EFFECTIVE DATE: This rule is effective on January 30, 2003.

ADDRESSES: Materials supporting this rulemaking and comments are contained in Public Docket No. A-92-13, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The docket is located in Room M-1500, Waterside Mall (Ground Floor). Dockets may be inspected from 8am until 12 noon, and from 1:30 p.m. until 3 p.m., Monday through Friday. EPA may charge a reasonable fee for copying docket materials.

FOR FURTHER INFORMATION CONTACT: The Stratospheric Ozone Protection Hotline at 1-800-269-1996 between the hours of 10 a.m. and 4 p.m. Eastern Standard Time, or Suzie Kocchi, U.S. Environmental Protection Agency, Global Programs Division (6205J), 1200 Pennsylvania Ave., NW., Washington, DC, 20460, (202)-564-5289, kocchi.suzanne@epa.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. What Is the Legislative and Regulatory Background of Phasing Out Production and Consumption of Controlled Substances That Deplete the Ozone Layer?
- II. What Is the Context for Today's Final Rule
- III. What Are EPA's Responses to Comments?
 - A. What Are the results of Sections EPA Withdrew on October 5, 1998 (63 FR 53290) From the Direct Final Rule Published on August 4, 1998 (63 FR 41627)?
 - B. What Are EPA's Responses to Comments Regarding the Petition Process To Import Used Controlled Substances?
 - 1. Section 82.3—What Are the Definitions for the Phrases “Individual Shipment,” “Non-Objection Notice,” and “Source Facility”?
 - 2. Section 82.4—What Quantity Constitutes a Separate Violation?
 - 3. Section 82.13—What Are the Changes to the Process for Submitting a Petition To Import Used Class I Controlled Substances?
 - a. Changing the *de minimis* Quantity for an Individual Shipment for which a Person Is Required To Submit a Petition To Import Used Class I Controlled Substances.
 - b. How Much Time Will EPA Have for Reviewing Petitions?
 - c. What Are the Revised and Expanded Information Requirements for a Petition To Import Used Class I Controlled Substances?

- d. Why Is the Information Requirement Regarding the Certification of Tax Liability for Used Class I Controlled Substances Being Removed From the Petition Process?
- e. On What Grounds Can EPA Issue an Objection Notice to a Petition for the Import of Used Class I Controlled Substances?
- f. What Must Accompany the Shipment of Used Class I Controlled Substances through U.S. Customs Clearance?
- C. Why Does This Rule Not Affect the Provisions for Transferring Essential-Use Allowances in 40 CFR 82.12?
- D. Why Does This Rule Not Include Recordkeeping and Reporting Requirements in 40 CFR 82.13 for Quantities of Class I Controlled Substance Used as a Process Agent?
- E. What Changes Is EPA Making to the Recordkeeping and Reporting Requirements for Entities Allocated Essential-Use Allowances?
- IV. What Is the Address for Submission of Reports and Petitions?
- V. Administrative Requirements
- VI. Judicial Review

I. What Is the Legislative and Regulatory Background of Phasing Out Production and Consumption of Controlled Substances that Deplete the Ozone Layer?

The current regulatory requirements of the Stratospheric Ozone Protection Program that limit production and consumption of ozone-depleting substances were promulgated by the Environmental Protection Agency (EPA or the Agency) in the **Federal Register** on December 20, 1994 (59 FR 65478), May 10, 1995 (60 FR 24970), August 4, 1998 (63 FR 41625), and October 5, 1998 (63 FR 53290). The regulatory program was originally published in the **Federal Register** on August 12, 1988 (53 FR 30566), in response to the 1987 signing of the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol).¹ The U.S. was one of the original signatories to the 1987 Montreal Protocol and the U.S. ratified the Protocol on April 4, 1988. Congress then enacted, and President Bush signed into law, the Clean Air Act Amendments of 1990 (CAA or the Act) that included Title VI on Stratospheric Ozone Protection. Today's actions amend the existing EPA regulations published under Sections 604, 605, 606 and 614 of the CAA governing the production and consumption of ozone-depleting substances. Today's amendments are

¹ Several revisions to the original 1988 rule were issued on the following dates: February 9, 1989 (54 FR 6376), April 3, 1989 (54 FR 13502), July 5, 1989 (54 FR 28062), July 12, 1989 (54 FR 29337), February 13, 1990 (55 FR 5005), June 15, 1990 (55 FR 24490) and June 22, 1990 (55 FR 25812) July 30, 1992 (57 FR 33754), and December 10, 1993 (58 FR 65018).

designed to ensure the U.S. meets its obligations under the Protocol and the CAA.

EPA derives its authority for today's action from sections 602, 604, 605, 606, and 614 of the CAA. One of today's changes is made to reflect a decision taken by the Parties to the Protocol. EPA is acting in accordance with section 614 of the CAA in amending the regulations to reflect this change. Section 614 of the CAA states that Title VI of the Act “shall be construed, interpreted, and applied as a supplement to the terms and conditions of the Montreal Protocol, as provided in Article 2, paragraph 11 thereof, and shall not be construed, interpreted, or applied to abrogate the responsibilities or obligations of the United States to implement fully the provisions of the Montreal Protocol. In the case of conflict between any provision of [Title VI of the CAA] and any provision of the Montreal Protocol, the more stringent provision shall govern.” Section 606 of the CAA allows EPA to accelerate the phaseout schedules found in sections 604 and 605 of the Act. Today's action adjusts the regulatory framework promulgated under section 606, while retaining the accelerated phaseout dates.

The requirements contained in the final rules published in the **Federal Register** on December 20, 1994 (59 FR 65478), May 10, 1995 (60 FR 24970), August 4, 1998 (63 FR 41625), and October 5, 1998 (63 FR 53290) establish an Allowance Program. The Allowance Program and its history are described in the notice of proposed rulemaking (NPRM) published in the **Federal Register** on November 10, 1994 (59 FR 56276). The control and the phaseout of production and consumption of ozone-depleting substances as required under the Protocol and CAA are accomplished through the Allowance Program.

In developing the Allowance Program, EPA collected information on the amounts of ozone-depleting substances produced, imported, exported, transformed and destroyed within the United States for specific baseline years for specific chemicals. This information was used to establish the U.S. production and consumption ceilings for these chemicals. The data were also used to assign company-specific production and import rights to companies that were in most cases producing or importing during the specific year of data collection. These production or import rights are called “allowances.” Due to the complete phaseout of many of the ozone-depleting chemicals, the quantities of production allowances and consumption allowances granted to

companies for those chemicals were gradually reduced and eventually eliminated. Production allowances and consumption allowances continue to exist for only one specific class I controlled ozone-depleting substance—methyl bromide. All other production or consumption of class I controlled substances is prohibited under the Protocol and the CAA, but for a few narrow exemptions.

In the context of the regulatory program, the use of the term consumption may be misleading. Consumption does not mean the “use” of a controlled substance, but rather is defined as production plus imports minus export of controlled substances (Article 1 of the Protocol and Section 601 of the CAA). Class I controlled substances that were produced or imported through the expenditure of allowances prior to their phaseout date can continue to be used by industry and the public after that specific chemical’s phaseout under these regulations, unless otherwise precluded under separate regulations.

The specific names and chemical formulas for the controlled ozone-depleting substances in the Groups of class I controlled substances are in Appendix A and Appendix F in Subpart A of 40 CFR Part 82. The specific names and chemical formulas for the class II controlled ozone-depleting substances are in Appendix B and Appendix F in Subpart A.

Although the regulations phased out the production and consumption of class I, Group II (halons) on January 1, 1994, and all other class I controlled substances (except methyl bromide) on January 1, 1996, a very limited number of exemptions exist, consistent with U.S. obligations under the Protocol. The regulations allow for the manufacture of phased-out class I controlled substances, provided the substances are either transformed, or destroyed. (40 CFR 82.4(b)) They also allow limited manufacture if the substances are (1) exported to countries listed under Article 5 of the Protocol, (2) produced for essential uses as authorized by the Protocol and the regulations, or (3) produced with destruction or transformation credits. (40 CFR 82.4 (b))

The regulations allow import of phased-out class I controlled substances provided the substances are either transformed or destroyed. (40 CFR 82.4(d)) Limited exceptions to the ban on the import of phased-out class I controlled substances also exist if the substances are: (1) Previously used, (2) imported for essential uses as authorized by the Protocol and the

regulations, or (3) a transshipment or a heel. (40 CFR 82.4(d))

II. What Is the Context for Today’s Final Rule?

On August 4, 1998, EPA published a direct final rule and a concurrent notice of proposed rulemaking in the **Federal Register** (63 FR 41625, 63 FR 41652). EPA received comments on some portions of the rulemakings and therefore published a partial withdrawal of the direct final rule in the **Federal Register** on October 5, 1998 (63 FR 53290). In Part III of today’s action, EPA responds to comments and describes the Agency’s final action changing the Allowance Program in Subpart A of 40 CFR Part 82.

III. What Are EPA’s Responses to Comments?

A. What Is Happening to the Sections EPA Withdrew on October 5, 1998 (63 FR 53290) From the Direct Final Rule Published on August 4, 1998 (63 FR 41627)?

1. The definition for individual shipment is contained in this rule.
2. The definition for non-objection notice is contained in this rule.
3. The definition for source facility is contained in this rule.
4. The definition for national security allowances is contained in the Notice of Proposed Rulemaking published in the **Federal Register** on July 20, 2001 (66 FR 38064).
5. The revision of newly designated 40 CFR 82.4(j), addressing the prohibition on the import of any used class I controlled substance by a person that has not received a non-objection notice, is contained in this rule.
6. The paragraph (t)(3) in newly designated 40 CFR 82.4(t) proposed allocating essential-use allowances for quantities of a specific class I controlled substance by means of a confidential letter for pre-2000 control periods, thus it is no longer applicable and is not contained in any rule.
7. The paragraph (u)(3) in newly designated 40 CFR 82.4(u), addressing national security production allowances for HCFC–141B, is contained in the Notice of Proposed Rulemaking published in the **Federal Register** on July 20, 2001 (66 FR 38064).
8. The paragraph (a)(5) in revised 40 CFR 82.9(a), addressing the baseline amounts for Article 5 production allowances, is contained in the direct final rule published in the **Federal Register** on November 28, 2000 (65 FR 70795).
9. The addition of 40 CFR 82.9(g), addressing national security production

allowances for HCFC–141B, is contained in the Notice of Proposed Rulemaking published in the **Federal Register** on July 20, 2001 (66 FR 38064).

10. The addition of 40 CFR 82.12(a)(3), addressing essential-use allowances for metered-dose inhalers (MDIs), is contained in the direct final rule published in the **Federal Register** on March 13, 2001 (66 FR 14760).

11. The addition of 40 CFR 82.13(f)(2)(xvii), (g)(1)(xvii), and (g)(4)(xv) and the revision of newly designated 40 CFR 82.13(f)(3)(xiii), which relate to proposed recordkeeping and reporting for process agent uses of controlled substances, are not contained in this final rule because of a Decision by the Parties to the Protocol in the intervening time. The Agency will consider whether to take action to address process agent uses of controlled substances in future rulemakings.

12. The revision of 40 CFR 82.13 (g)(2) and (3), addressing the petition process for submitting a request to import a used class I controlled substance, is contained in this rule.

13. The revision of 40 CFR 82.13(u), addressing reporting requirements for essential use allowances, is contained in this rule.

B. What Are EPA’s Responses to Comments Regarding the Petition Process To Import Used Controlled Substances?

In the direct final rule and concurrent proposal published in the **Federal Register** on August 4, 1998, EPA set forth changes to the petition process for the import of used controlled substances. EPA’s goal was to clarify existing provisions and to strengthen the Agency’s ability to ensure that material is, in fact, previously used before it is imported. EPA received twelve comments on amendments to the petition process for importing used controlled substances and therefore withdrew all the amendments related to the petition process before the rule became effective on October 5, 1998.

The petition process for importing used controlled substances is found in various paragraphs (40 CFR 82.3 through 40 CFR 82.13) of the Stratospheric Ozone Protection Program. In responding to comments, this preamble begins with changes in Section 82.3—Definitions, then addresses comments on the changes in Section 82.4—Prohibitions, and finally, addresses comments on changes in Section 82.13—Recordkeeping and reporting requirements.

1. Section 82.3—What Are the Definitions for the Phrases “Individual Shipment”, “Non-Objection Notice”, and “Source Facility”?

EPA proposed to add definitions for the phrases “individual shipment”, “non-objection notice”, and “source facility” in order to clarify the meaning of existing requirements pertaining to the petition process for imports of used controlled substances.

EPA received one comment on the definition of “individual shipment.” The comment asks for a clarification of the phrase “not to be dis-aggregated” in the definition. The comment also points out an inconsistency between this phrase and the phrase “not to be aggregated” in the initial paragraph under 40 CFR 82.13(g)(2). With this action, EPA is adding a definition of “individual shipment” to 40 CFR 82.3 that does not employ the phrase “not to be dis-aggregated”, and is removing the phrase “not to be aggregated” from the pre-existing language in 40 CFR 82.13(g)(2). The intent of the definition continues to be the same as explained in the rule published in the **Federal Register** on August 4, 1998: that an importer shall submit a petition to import a specific quantity of used class I controlled substance as a single U.S. Customs entry. If an importer cannot arrange for the entire quantity to be shipped as one entry through U.S. Customs, the importer is required to submit to EPA a separate petition for the quantity of each individual U.S. Customs entry of a used controlled substance.

EPA received no comments on the definition of “non-objection notice.” EPA is finalizing this definition as proposed.

EPA received one comment on the definition of “source facility.” The commenter states that the phrase “exact location” is too specific, believing that it could refer to the valve or fitting on the piece of equipment from which the used controlled substance is recovered. The commenter points out that the valve or fitting will not have a mailing address. The commenter suggests replacing the phrase “exact location” with the word “site.” EPA believes there may be some merit to the commenter’s concern about the specificity of the proposed phrase. EPA’s intent was to refer to the postal address of the owner of the equipment from which the ozone-depleting substance was recovered, not the exact location of the specific piece of equipment. However, to maintain the consistency of the wording within the definition, EPA is replacing the phrase “exact location” with the word “location” rather than site.

In response to one commenter’s confusion over the meaning of the word “recover”, used in the definition of “source facility”, EPA would like to clarify that to recover a controlled substance means to remove it from its intended use system. EPA does not consider the transfer of a controlled substance from one container to another to be the “recovery” of the controlled substance.

2. Section 82.4—What Quantity Constitutes a Separate Violation?

EPA received one comment on the proposed new language for 40 CFR 82.4(j), which includes a prohibition on the import of any used class I controlled substance by a person that has not received a non-objection notice in accordance with 40 CFR 82.13(g). The commenter believes that the phrase “exact quantity, in kilograms” is more precise than can be currently met by common commercial practices because it implies that a tiny fraction of a kilogram would be a violation. EPA believes that the final sentence of 40 CFR 82.4(j) clearly indicates that it is “every kilogram of importation” that would be a violation and that this sentence clarifies the phrase, “exact quantity, in kilograms.” If a person receives a non-objection notice from EPA for a specific quantity, such as 450 kilograms, the wording in the prohibition would make the 451st kilogram a separate violation. If the specific quantity approved was 450 kilograms, the import of 450 kilograms plus a tiny fraction of a kilogram would not result in a violation.

3. Section 82.13—What Are the Changes to the Process for Submitting a Petition To Import a Used Class I Controlled Substance?

The following discussion responds to adverse comments received on EPA’s proposed petition process. Provisions on which the Agency received no adverse comments are being finalized as proposed.

a. Changing the *de minimis* Quantity for an Individual Shipment for Which a Person Is Required To Submit a Petition to Import Used Class I Controlled Substances

EPA is reducing the *de minimis* amount for an individual shipment for which a person is required to submit a petition to import used class I controlled substances. Section 81.13(g)(2) of the final rule published in the **Federal Register** on May 10, 1995, requires a person to submit a petition to import used class I controlled substances “for each individual shipment over 150 pounds.” A *de*

minimis amount of 150 pounds was established in the May 10, 1995 final rule to allow companies to import small samples of material so they could run laboratory analyses and determine if reclamation would be physically possible and economically justifiable before importing a large tank. EPA has since learned that samples of class I controlled substances are generally taken from large ISO-tanks using special cylinders that generally weigh less than 2 pounds. EPA is therefore setting the *de minimis* quantity at five (5) pounds. EPA believes that a quantity of 150 pounds is much larger than necessary to conduct laboratory analysis for a prospective import. A *de minimis* level of five pounds allows a company to take three samples from a large ISO-tank so the samples can be sent to a laboratory testing facility in the U.S. without being subject to the petition requirements for used material. In developing today’s amendments, EPA also considered requiring that a person who wishes to import any quantity of used class I controlled substance, regardless of the size, be required to submit a petition, thereby eliminating the *de minimis* level altogether. EPA decided not to eliminate the *de minimis* level altogether in order to minimize burden on the regulated community and conserve Agency resources.

b. How Much Time Will EPA Have for Reviewing Petitions?

EPA received seven (7) comments regarding the proposed extension of time for the Agency’s review of petitions from 15 working days to 40 working days. Five of these comments support the extension of time for the review of petitions, recognizing the importance of independent verification of the submitted information. The five supportive comments also indicate that companies could easily anticipate the longer review period and manage their business practices accordingly. Two commenters suggest that the 40 working day review period would be too long because of possible shifts in market demand during this time and the need to buy the material overseas in a shorter period. EPA believes that a 40-day review period is necessary because of the need to confirm foreign governments’ restrictions and requirements for exports of used controlled substances, as well as to independently verify the source facility information provided in the petition. In addition, EPA wishes to point out that many shipments of used class I controlled substances over the past 5 years were made at least 6 months after

the Agency issued a non-objection notice. Thus, today's action extends the time for EPA's review of a petition to 40 working days in order to balance the goals of responsiveness to legitimate requests to import used class I controlled substances and thoroughness in identifying abuses of the petition process.

An additional two (2) comments object to the removal of the provision for automatic approval of petitions if the Agency does not issue a notice within the 40 working-day review period. The commenters state that the petition process already impedes the normal time of a commercial import transaction. The automatic approval provisions were originally included in the process to ensure that the Agency's review did not unduly delay commercial transactions. However, EPA again notes that many shipments of used class I controlled substances over the last five years were made more than 6 months after the date EPA issued a non-objection notice. EPA believes that because today's action would make the automatic approval process inconsistent with the prohibition in 40 CFR 82.4(j) that requires an importer of used class I controlled substance to receive a non-objection notice, as well as being inconsistent with the requirement that the non-objection notice accompany the shipment through U.S. Customs, the automatic approval provision should be removed from the petition process. In eliminating the automatic approval provision EPA is committing to continued expeditious review and processing of petitions to avoid delays in commercial transactions. We believe that today's changes to the petition process will better ensure that the material entering the United States is, in fact, previously used class I controlled substance so the U.S. meets its obligations under the Montreal Protocol and prevents illegal imports under the Clean Air Act.

c. What Are the Revised and Expanded Information Requirements for a Petition To Import Used Class I Controlled Substances?

EPA listed fourteen (14) information requirements that were numbered (i) through (xiv) in the August 4, 1998, direct final rule and concurrent proposal. No adverse comments were received by EPA on information requirements 40 CFR 82.13(g)(2)(i) through (iii), (vii), (ix) through (xi), (xiii), and (xiv), accordingly, EPA is finalizing these requirements as proposed.

Comments on the proposed information requirement in 40 CFR 82.13(g)(2)(iv) point out that the phrase

"dated documents" is ambiguous. The proposed information requirement in (iv) was, "A detailed description of the previous use of the controlled substance at each source facility and dated documents indicating the date the material was put into the equipment at each source facility (material must have remained in the equipment at least 24 months prior to recovery to be considered previously used)". The commenters suggest that the phrase "dated documents" needs clarification as to whether the Agency is seeking documents dated at the time the ODS was put into the equipment or documents dated at the time a person submits a petition certifying, to the best of their knowledge, when the ODS was put into the equipment. In addition, several commenters express concern that finding documents that are dated from the time the ODS was put into the equipment may be virtually impossible because enterprises only keep documents for a limited number of years and the equipment could have been filled with the ozone-depleting substance many years ago. Finally, several commenters point out a number of practical objections to the requirement that the ODS must have remained in the equipment for at least 24 months. Two commenters suggest that instead of requiring documents regarding the date when the controlled substance was put into equipment EPA could request such documents be submitted, when possible, but at a minimum require the petitioner to certify a "best estimate" of the length of time that the ODS was in the equipment. EPA believes that these are useful suggestions. In addition, EPA believes that the practical realities cited by commenters regarding a minimum residence time for the ODS in equipment makes such a requirement unworkable. Thus, instead of retaining the language from the proposal, EPA is adopting the following language in today's final action: "A detailed description of the previous use of the controlled substance at each source facility and a best estimate of when the specific controlled substance was put into the equipment at each source facility, and, when possible, documents indicating the date the material was put into the equipment." EPA believes that it has discretion under the existing rules to allow an import to proceed if a petition contains the best available information.

EPA received one comment on the proposed information requirement in 40 CFR 82.13(g)(2)(v), which requires the person submitting a petition for the import of used ODS to include, "A list

of the name, make and model number of the equipment from which the material was recovered at each source facility." The commenter states that obtaining such information may not always be possible. The commenter emphasizes that the chain of custody for used refrigerant may involve multiple transfers of ownership. EPA believes that the submission of this information is vital to the Agency's ability to verify that the controlled substance was, in fact, previously used and is not simply a quantity of falsely labeled controlled substance that was newly produced. EPA uses information about the specific equipment to verify that the quantity a petitioner wants to import could have been recovered from that equipment during the normal course of its operation. In general, the Agency has access to technical specifications for most equipment, including their typical ODS "charge" or amount of ODS they can hold. Over the years, the Agency has received many petitions to import tens of metric tonnes of an ODS claimed to have been recovered from specific equipment when the equipment's specifications indicated that the amount specified in the petition would not typically have been held in, or recovered from, the specific equipment (even in leaky, malfunctioning situations) over a 10 year period. Based on these kinds of analyses, and contact with the source facility, EPA can more readily determine whether controlled substances were previously used. The Agency also wants to note that most petitions received to date have included this information. Finally, EPA believes that the petitioner must take some responsibility for ensuring that the ODS was previously used before submitting a petition, and to do this the petitioner should follow the chain of custody of the material back to the source facility and equipment from which it was recovered. This diligence in tracing ODS back to the source facility would allow a petitioner to include the specific information about the equipment from which it was recovered. Because U.S. obligations under the Protocol limit imports to zero after the phaseout, the Agency's ability to independently verify that a quantity of ODS was, in fact, recovered at a source facility from specific equipment is the most critical step in ensuring the U.S. compliance under the international treaty. Therefore, EPA is promulgating this requirement as proposed.

Several commenters supported the information requirement in 40 CFR 82.13(g)(2)(vi), which requires the,

"[name, address, contact person, phone number and fax number of the exporter and of all persons to whom the material was transferred or sold after it was recovered from the source facility."

However, they suggested that EPA retain discretion to approve a petition if some of the information regarding ownership in the chain of custody is not available. EPA believes that it has discretion under the existing rules to allow an import to proceed if a petition contains the best available information.

Similarly, under the new rules, EPA "may" object to a petition if the petition lacks any of the information required under 40 CFR 82.13(g)(2); however, it is not obligated to do so. EPA is modifying the proposed language for 40 CFR 82.13(g)(3)(iv) to clarify that it is retaining the discretion not to object to a petition.

EPA received three comments on the proposed information requirement in 40 CFR 82.13(g)(2)(viii), which required the importer to submit " * * * a copy of the contract for the purchase of the controlled substance that includes the name, address, contact person, phone number and fax number of the purchaser." The commenters request that EPA clarify this information requirement. EPA intended that the petitioner provide a copy of the contract for the purchase of the controlled substance by the ultimate user in the United States. The commenters argue that in many cases the petitioner does not know the ultimate purchaser of the material at the time the petition is being submitted. EPA believes that in some instances the importer of a used controlled substance will already know the purchaser, but this will not always be the case. Therefore, EPA is revising the proposed language so that the final requirement reads: "A description of the intended use of the used controlled substance, and when possible, the name, address, contact person, phone number and fax number of the ultimate purchaser in the United States."

EPA received several comments on the proposed information requirement in 40 CFR 82.13(g)(2)(xii), which requires that the importer submit "An export license from the appropriate government agency in the country of export and, if recovered in another country, the export license from the appropriate government agency in that country." One of the comments was supportive of the requirement. The other comments suggested that there might not be such a government authority and that the licensing requirements are "not yet determined at this time." EPA believes that with the adoption in 1997 of Article 4B to the Montreal Protocol, which requires all

Parties to establish a licensing system for imports and exports, and in light of Decision IX/8, also adopted in 1997, which requires each Party to identify a contact person for inquiries about imports and exports, each petitioner should be able to meet the reporting requirement. See Handbook for the International Treaties for the Protection of the Ozone Layer, available at <http://www.unep.ch/ozone/Handbook2000.shtml>. Accordingly, EPA is adopting this requirement as proposed.

d. Why Is the Information Requirement Regarding the Certification of Tax Liability for Used Class I Controlled Substances Being Removed From the Petition Process?

EPA is removing the requirement in 40 CFR 82.13(g)(2) (viii) of the current rule from the list of information to be included with a petition to import used class I controlled substances. EPA received no adverse comments on the removal of this requirement. The provision required an importer to certify that the purchaser of the used, recycled or reclaimed substance "is liable for the payment of the tax." See 60 FR 24970 (May 10, 1995). EPA published a stay of this provision on January 31, 1996 (61 FR 3316), and published an extension of the stay on June 11, 1996 (61 FR 29485). EPA believes it is more appropriate to defer interpretation of regulatory requirements regarding excise taxes for ozone-depleting chemicals to the Internal Revenue Service (IRS), the Federal agency given authority for these taxes under the Omnibus Budget Reconciliation Act of 1989, the Omnibus Budget Reconciliation Act of 1990 and the Energy Policy Act of 1992. EPA understands from the IRS that there is an excise tax on bulk shipments of class I controlled substances, used class I controlled substances, products containing class I controlled substances and products made with but not containing class I controlled substances. However, EPA requests that all questions regarding the excise taxes on ozone-depleting chemicals be directed to the Internal Revenue Service.

e. On What Grounds Can EPA Issue an Objection Notice to a Petition for the Import of Used Class I Controlled Substances?

EPA proposed nine (9) reasons for issuing an objection notice in response to a petition to import used class I controlled substances. These proposed reasons were labeled (A) through (I) of 40 CFR 82.13(g)(3) in the direct final rule and concurrent proposal. EPA received no adverse comments on reasons (A), (C) and (D); accordingly,

these reasons are being adopted as proposed.

In the proposed rule, reason (B) for issuing an objection notice read as follows: "If the Administrator determines that any portion of the petition contains false or misleading information or has reason to believe that the petition contains false or misleading information." The adverse comment on reason (B) for issuing an objection notice states that reason (B) would allow EPA to issue an objection notice if EPA "has reason to believe" that a petition contains false or misleading information and this action would be "based on unsubstantiated allegations or unfounded belief." Since the petition process is designed to enable EPA to independently verify whether the class I controlled substance was previously used, EPA's decision hinges on whether the material was recovered from the intended use system (*i.e.*, equipment such as a refrigeration chiller or a fire suppression system). The intent of the petition process is to protect against the illegal entry of virgin (*i.e.*, un-used) class I controlled substances, which would be contrary to the United States' obligations under the Montreal Protocol and the requirements of the Clean Air Act, while at the same time not unduly impeding commerce. Accordingly, EPA is creating a process based on documentation and cross-checking of information that focuses on whether the ODS was removed from equipment. Logistically EPA cannot actually witness the removal of the ODS from the equipment. Therefore, EPA must be able to rely on written and verbal statements made by both U.S. and foreign persons or entities or agencies to independently verify whether the ODS was previously used. Under these circumstances, EPA believes that it is reasonable to issue an objection notice if the Agency has information regarding the willingness of a company or individual listed in the petition to create and/or provide false or misleading information. However, EPA agrees that the phrase, "has reason to believe", may be too vague. Thus, in today's action, EPA is modifying reason (B) for issuing an objection notice to read: "if the Administrator determines that any portion of the petition contains false or misleading information, or the Administrator has information from other U.S. or foreign government agencies indicating that the petition contains false or misleading information."

Under reason (E) in the proposed rule, EPA could issue an objection notice "If allowing the import of the used class I controlled substance would run counter to the spirit of statements made by

government officials in the country of recovery or export regarding controlled ozone-depleting substances." The adverse comment on reason (E) for disallowing a petition points to the lack of specificity in the phrase, "counter to the spirit of statements made by government officials in the country of recovery or export regarding controlled ozone-depleting substances." EPA agrees that this language is too broad and, therefore, with today's action clarifies and adds specificity through the use of the phrase, "counter to government restrictions from either the country of recovery or export regarding controlled ozone-depleting substances."

EPA received several similar comments on reasons (F) and (G) for disallowing petitions to import used class I controlled substances. In the proposed rule, reason (F) was: "If the Administrator has received information indicating that a person listed in the petition has at any time been willing to produce false information regarding trade in controlled substances, including information required by EPA or required by the appropriate government agency in the exporting country." Reason (G) was: "If the Administrator has received information indicating that a person listed in the petition is in violation of a requirement in any regulation published by the U.S. Environmental Protection Agency." The comments object to the likely use of "hearsay" and information "incorrectly or maliciously" provided to EPA during its petition review. EPA agrees that the potential for abuse of these reasons by competitors or disgruntled employees is too great. Thus, reasons (F) and (G) are not being included in today's action.

EPA received many comments on reason (H) which, as proposed, said that EPA may issue an objection notice, "[i]f the Administrator determines that, for the current control period, the U.S. demand for the controlled substance cited in the petition can be satisfied by domestic stockpiles and estimated recycling and reclamation of quantities contained in domestic equipment." One company that provides waste management services commented that any ban on imports of a used class I substance should not apply to imports for disposal. Additionally, commenters say there might be reasons for importing quantities of a controlled substance beyond immediate demand that wouldn't be evident to the Agency. The commenters also state that EPA lacks the expertise to determine market supply and demand for ozone-depleting substances. Considering the impact coupled with the administrative burden associated with the market analysis that

would be required, in today's action EPA is not going final with reason (H) as a reason for EPA to issue an objection notice.

As proposed, reason (I) stated that EPA could issue an objection notice, "[i]f reclamation capacity is installed or is being installed for that specific controlled substance in the country of recovery or country of export and the capacity is funded in full or in part through the Multilateral Fund." The two adverse comments regarding reason (I) claim that a country with a reclamation facility paid for by the Multilateral Fund of the Montreal Protocol may not have a need for the substance and thus may not have an incentive to reclaim and reuse it domestically. However, if the Executive Committee of the Montreal Protocol's Multilateral Fund decided to allocate money to a country for the construction of a reclamation facility, the Executive Committee would consider the demand for the substance within that country and region before approving the disbursement of funds. Therefore, EPA believes no used controlled class I substances should be imported from countries where reclamation capacity, for that specific controlled substance, has been or is being installed through the assistance of the Multilateral Fund. The United States contributes approximately one fourth of all funds going to the Multilateral Fund, the general purpose of which is to assist countries operating under Article 5(1) of the Protocol to make the transition away from ozone-depleting substances; and a transition policy includes the development of reclamation facilities in order to optimize the use of existing ozone-depleting substances so as to avoid unnecessary production of virgin materials. Thus, EPA views the importation of used class I controlled substances from countries where reclamation capacity has been supported by the Multilateral Fund to run counter to the aims of a global phaseout strategy. Accordingly, EPA is adopting reason (I) as proposed. In today's action, it appears as reason (F) for issuing an objection notice.

f. What Must Accompany the Shipment of Used Class I Controlled Substances Through U.S. Customs Clearance?

EPA is adding a requirement that the petition, and the non-objection notice from EPA that approves the import of a used class I controlled substance, accompany each shipment through U.S. Customs. The Agency did not receive any comments on this proposed requirement. In the preamble to the final rule published in the **Federal Register** on May 10, 1995, EPA suggested that the

petition and EPA approval letter accompany the shipment of used class I controlled substances through U.S. Customs. However, EPA did not make this a requirement. Today EPA is adding this requirement to 40 CFR 82.13(g) such that all importers of used class I controlled substances must provide these documents to bring a shipment into the United States. The experience of the past 5 years has shown that presenting the petition and the EPA approval letter with a shipment facilitates the shipment's clearance through U.S. Customs.

C. Why Does This Rule Not Affect the Provisions for Transferring Essential-Use Allowances in 40 CFR 82.12?

The direct final rule and concurrent proposal published in the **Federal Register** on August 4, 1998 (63 FR 41625, 63 FR 41652) contained a provision allowing transfers of essential-use authorizations for metered-dose inhalers (MDIs) in emergency situations. EPA received adverse comment on this provision and withdrew it from the direct final rule on October 5, 1998 (63 FR 53290). The commenters believed that the scope of the transfer provision was too narrow. EPA subsequently revisited the issue of transfers following the Parties' agreement to Decision XII/2 in December 2000, which allows transfers of essential use authorizations and CFCs produced with such authorizations more broadly. EPA has now finalized a broader transfer provision and a system to monitor and track the various types of MDI essential-use transfers. For more information see the final rule published in the **Federal Register** on February 11, 2002 (67 FR 6352).

D. Why Does This Rule Not Include Recordkeeping and Reporting Requirements in 40 CFR 82.13 for Quantities of Class I Controlled Substance Used as a Process Agent?

The direct final rule and concurrent proposal contained requirements to maintain and submit a certification that a quantity of class I controlled substance would be used as a process agent. We received adverse comment on these proposed recordkeeping and reporting requirements and withdrew them from the direct final rule on October 5, 1998. In the time between the proposed rule and today's action, the Parties to the Protocol agreed to Decision X/14 on process agent uses of controlled substances. Decision X/14 stated process agent uses of controlled substances should be treated as feedstock uses until the end of 2001. The Parties to the Protocol are conducting ongoing discussions in order

to determine how process agent uses of controlled substances should be accounted for beyond 2001. Because of this new Decision by the Parties to the Protocol, EPA is not taking action on the requirements proposed prior to the Decision. The Agency will consider whether to take action to address process agent uses of controlled substances in future rulemaking.

E. What Are the Changes to the Recordkeeping and Reporting Requirements for Entities Allocated Essential-Use Allowances?

The direct final rule and concurrent proposal contained changes to the recordkeeping and reporting requirements for entities allocated essential-use allowances. EPA received adverse comment on these proposed requirements and withdrew them from the direct final rule on October 5, 1998. After considering comments, EPA is

finalizing a revised version of these requirements in today's action.

EPA is changing the recordkeeping and reporting requirements for entities allocated essential-use allowances for two reasons. First, EPA wishes to meet its Montreal Protocol obligations under Decision VIII/9 to complete the yearly "Reporting Accounting Framework for Essential Uses other than Laboratory and Analytical Applications" (Accounting Framework). Second, the reporting requirements provide EPA and the Food and Drug Administration with information on the amount of MDIs containing CFCs manufactured annually. This information is important for making decisions regarding the amount of CFCs that should be nominated to the Parties to the Montreal Protocol for essential use authorizations in subsequent years.

The Accounting Framework, included in annex IV of the document entitled "Report of the Eighth Meeting of the

Parties to the Montreal Protocol on Substances That Deplete the Ozone Layer" (UNEP/OzL.Pro.8/12), is designed to assist the Parties in, among other things, monitoring the amount of controlled substances acquired through exempt essential-use production or import. Since 1996, EPA has requested each company receiving essential use allowances to complete the Accounting Framework under the authority of section 114 of the CAA. Today's final rule requires entities allocated essential use allowances to submit the information necessary for EPA to complete the U.S. aggregate Accounting Framework by January 30th of each year.

The following chart identifies the information that EPA requires from essential use allowances holders in order to complete the accounting framework, and where EPA will obtain this information after publication of this final rule.

	Data	Source of data
A	Year of Essential Use	The previous calendar year (e.g. the year 2001 accounting framework is sent to the Parties on January 31, 2002)
B	Amount of Class I ODS Exempted for Year of Essential Use	The amount of essential use allowances granted by the Parties for the calendar year of the accounting framework
C	Amount Acquired by Production	The total amount of ODS produced in the U.S. under essential use exemptions. This data is compiled from the companies' quarterly reports already required under 40 CFR 82.13(u)
D	Amount Acquired for Essential Uses by Import and Country(s) of Manufacture.	The total amount of ODS imported into the U.S. under essential use exemptions. This data is compiled from the companies' quarterly reports already required under 40 CFR 82.13(u)
E	Total Acquired for Essential Uses	Row C + Row D
F	Total essential use allowances authorized but not acquired	Row B - Row E
G	Amount of ODSs On Hand at Start of Year	This amount is equal to the amount the company reported to be "on hand at end of year" in the previous year accounting framework.
H	Available for Use in Current Year	Row G + Row E
I	The Amount of ODS Used for Essential Use	EPA is adding the requirement that this amount be reported within the first 30 days of January each year. (See 40 CFR 82.13(u)(2)(i))
J	Quantity of ODS Contained in Products Exported	EPA is adding the requirement that this amount be reported within the first 30 days of January each year. (See 40 CFR 82.13(u)(2)(ii))
K	Quantity of ODS Destroyed or Recycled.	EPA is adding the requirement that this amount be reported within the first 30 days of January each year. (See 40 CFR 82.13(u)(2)(iii))
L	Quantity of ODS On Hand at the End of Year	Row H, - Row I, - Row K

For I, "The Amount of ODS Used for Essential Use" the quantity to be reported includes CFCs that are included in marketable (i.e., not defective) CFC MDIs, CFCs used to clean the lines of the manufacturing equipment, and CFCs that are lost as fugitive emissions during manufacture. This amount does not include CFCs that are in non-marketable CFC MDIs that are subsequently destroyed or recycled.

For K, "Quantity of ODS Destroyed or Recycled" the quantity to be reported

includes CFCs from non-marketable CFC MDIs that are subsequently recycled or destroyed. It also includes any CFCs that are recaptured from the manufacturing process that are recycled or destroyed.

With this final rule, companies are required to supply EPA with the minimum amount of information necessary to complete the accounting framework. In the above chart, rows C and D encompass previously existing requirements and rows I, J, and K

represent added requirements. The data today's regulation specifically requires essential use allowance holders to report appears in rows C, D, I, J, and K. However, EPA highly recommends that essential use allowances holders complete the accounting framework in its entirety to assure that the completed framework is an accurate depiction of the amount of CFCs each company has on hand at the end of the year.

EPA has simplified some of the proposed reporting requirements, in

part due to public comment. First, EPA has reordered the reporting requirements under 40 CFR 82.13(u)(2) in order to more closely follow the list of information necessary to complete the Essential Use Accounting Framework. Second, EPA has reworded the language of the reporting requirements to clarify which requirements apply to all holders of essential use allowances and which apply only to companies that hold allowances to produce CFC MDIs. Third, EPA has omitted 40 CFR 82.13(u)(4), which requested the quantity of each controlled substance that was emitted during the essential use, and 40 CFR 82.13(u)(5), which requested, for MDIs, the quantity that was incorporated into marketable MDIs. These paragraphs were redundant. The quantity emitted and the quantity incorporated into marketable MDIs should be reported as part of the quantity "used for essential use" reported in 40 CFR 82.12(u)(2)(i).

EPA proposed that essential use allowance holders be required to submit reports on a quarterly basis. In response to the proposal, EPA received comments suggesting that the reporting should be on an annual basis, rather than on a quarterly basis. One commenter suggested that EPA allow annual reporting of information required by today's action while retaining quarterly reporting of the information currently required. EPA is adopting the commenter's suggestion. The existing requirements call for essential-use holders to report quarterly the quantity of each controlled substance received from each importer or producer, and are incorporated into 40 CFR 82.13(u)(1) without change. The new requirements are listed in 40 CFR 82.13(u)(2) and call for annual reporting.

EPA's practice has been to request companies to report quantities that are recycled together with quantities that are destroyed through letters requesting information under section 114 of the CAA. Today's rule slightly modifies the proposed language for 40 CFR 82.13(u)(3), which has been renumbered as (u)(2)(iii), to reflect this practice. Thus, the new (u)(2)(iii) requires reporting on the quantities of CFCs destroyed and the quantities of CFCs recycled.

EPA is clarifying the need for annual information to be submitted within 20 days after the end of the year, when possible, because this information needs to be incorporated into the U.S. nomination to the Parties to the Protocol for future-year essential-use exemptions. Although the regulation will require submission of the reports within 30

days after the end of the year, EPA is requesting the information be submitted within 20 days after the end of the year, when possible, in order to assist the Agency in meeting the January 31st deadline for submission of the U.S. essential-use nomination as required by the Parties to the Protocol in Decision VIII/9, paragraph 8.

One commenter objected to EPA's proposed reporting requirement that holders of essential use allowances for production of MDIs report "the total number of units of each specific product manufactured in the control period (including marketable and defective units)" (40 CFR 82.13(u)(9)), renumbered 40 CFR 82.13(u)(2)(vi)). The commenter stated that there was insufficient reason given in the proposal for requesting submission of this information. With today's action, EPA is adopting a slightly modified version of this reporting requirement by simply asking for "the total number of marketable units of each specific metered-dose inhaler product manufactured in the control period." EPA believes this information is necessary for several reasons. The first is to validate the quantity of CFCs each company is requesting for future control periods, and to assist the Food and Drug Administration (FDA) in determining what is medically necessary for specific allocations of essential-use allowances for each company. See CAA section 604(d)(2). The second reason is to assist EPA and FDA in developing the U.S. nomination of essential use allowances for CFCs to the Parties to the Protocol. As the U.S. transition to non-CFC MDIs progresses (and as more non-CFC MDIs are approved by FDA) the U.S. will eventually begin a process of removing particular CFC-based MDIs from the market. While this U.S. transition to non-CFC MDIs happens, it will be important for EPA and FDA to have historical data on the numbers of units of specific marketed MDI products to accurately adjust the allocation of essential-use allowances and to develop future-year U.S. nominations for consideration by the Parties to the Protocol.

IV. What Is the Address for Submission of Reports and Petitions?

Since the publication of the direct final rule, the concurrent proposal and the withdrawal notice, the mailing address for EPA and the name of the Division have changed. Therefore, today's action corrects the address for submission of reports and petitions under the definition of the "Administrator," to EPA (6205J), Global

Programs Division, 1200 Pennsylvania Ave., NW., Washington, DC, 20460.

V. Administrative Requirements

A. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more by State, local and tribal governments, in the aggregate, or by the private sector, in any one year. Viewed as a whole, all of today's amendments do not create a Federal mandate resulting in costs of \$100 million or more in any one year for State, local and tribal governments, in the aggregate, or for the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has also determined that this rule

contains no regulatory requirements that might significantly or uniquely affect small governments; therefore, EPA is not required to develop a plan with regard to small governments under section 203. Finally, because this proposal does not contain a significant intergovernmental mandate, the Agency is not required to develop a process to

obtain input from elected State, local, and tribal officials under section 204.

B. Regulatory Flexibility Analysis

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. EPA has also determined that this rule will not have a significant

economic impact on a substantial number of small entities.

For purposes of assessing the impact of today's rule on small entities, small entities are defined as: (1) A small business that is identified by the North American Industry Classification System code (NAICS) in the Table below.

Type of enterprise	NAICS code	Size standard (number of employees)
Organic Chemical Wholesaling	422690	100

(2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, EPA concludes that this action will not have a significant economic impact on a substantial number of small entities. This rule changes the recordkeeping and reporting requirements for Essential Use Allowance holders and clarifies the petition process for import of used class I controlled substances. The Essential Use Allowances holders are large corporations. The clarifications to the petition process affects importers of which there could be some small entities. EPA receives approximately 140 petitions a year. On average, a single entity submits three to five (3-5) petitions per year. Further, the average petition preparation time is 2-3 hours. EPA estimates the additional information required in the revised petition process finalized with this rule involves approximately thirty (30) more minutes of preparation time. Additionally, the information can be generally be found in the same location and from the same sources as the information required for the current petition process. Assuming 75 dollars is equivalent to one (1) hour worth of work for a small entity, the revised petition process would cost an average of 113-187 additional dollars each year per entity.

Although this final rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of the rule on all entities by rejecting a regulatory alternative that had been under consideration, which would have eliminated the *de minimis* exception to the petition process.

C. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines a "significant" regulatory action as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

D. Applicability of Executive Order 13045—Children's Health Protection

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62FR19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is

preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it implements specific standards established by Congress in Title VI of the Clean Air Act.

E. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2060-0170.

The information collection under this rule is authorized under sections 603(b) and 114 of the Clean Air Act (CAA). This information collection is conducted to meet U.S. obligations under Article 7, Reporting Requirements, of the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol); and to carry out the requirements of Title VI of the CAA, including sections 603 and 614.

The reporting requirements included in the amendments to the current rule are designed to:

(1) Ensure compliance with the restrictions on production, import and export of controlled ozone-depleting substances after the January 1, 1996 phaseout of class I substances (except methyl bromide);

(2) Allow exempted production and import for certain essential uses and the consequent tracking of that production and import;

(3) Address industry and Federal concerns regarding the illegal import of controlled substances mislabelled as "used" that are undercutting U.S. markets;

(4) Respond to industry comments on the functioning of the program to streamline reporting and eliminate administrative inefficiencies;

(5) Satisfy U.S. obligations under the international treaty, the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol), to report data under Article 7;

(6) Fulfill statutory obligations under Section 603(b) of Title VI of the Clean Air Act Amendments of 1990 (CAA) for reporting and monitoring;

(7) Provide information to report to Congress on the production, use and consumption of class I and class II controlled substances as statutorily

required in Section 603(d) of Title VI of the CAA.

EPA informs respondents that they may assert claims of business confidentiality for any of the information they submit. Information claimed confidential will be treated in accordance with the procedures for handling information claimed as confidential under 40 CFR Part 2, Subpart B, and will be disclosed only if EPA determines that the information is not entitled to confidential treatment. If no claim of confidentiality is asserted when the information is received by EPA, it may be made available to the

public without further notice to the respondents (40 CFR 2.203).

The information collection requirements for this action have an estimated reporting burden averaging 23.3 hours per response. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing the collection of information.

The estimate includes the time needed to comply with EPA's reporting requirements, as well as that used for the completion of the reports under the amended regulations.

Collection activity	No. of respondents	Responses/ Respondent	Total responses	Hours per response	Total hours
Producer's Report	8	4	32	16	512.00
Importer's Report	12	4	48	16	768.00
Notification of Trade	2	1	2	2	4.00
Export Report	10	1	10	80	800.00
Lab Certification	1,000	1	1,000	1	1,000.00
Class II Report	14	4	56	16	896.00
Transformation & Destruction	15	1	15	80	1,200.00
Essential Use Allowance Holders	12	4	48	32	1,536.00
Lab Suppliers	4	4	16	24	384.00
Lab Suppliers—Reference Standards	10	1	10	16	160.00
Total Burden Hrs					7,260.00

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.

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.

F. Executive Order 13132 (Federalism)

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of

regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This rule does not have federalism implications. It 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, as specified in Executive Order 13132. The accelerated phaseout regulations are administered and enforced solely by the Federal government, and are not currently delegated to State or local governments. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

G. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments," (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by

tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes."

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This rule extends an exemption used by large, multinational corporations that either produce, import or export class I, group VI ozone-depleting substances. It has no effect on tribal governments. Thus, Executive Order 13175 does not apply to this rule.

H. The National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Pub. L. 104-113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus

standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

I. Executive Order 13211 (Energy Effects)

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

J. Congressional Review

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective January 30, 2003.

VI. Judicial Review

Under section 307(b)(1) of the Clean Air Act, EPA hereby finds that these regulations are of national applicability. Accordingly, judicial review of this action is available only by the filing of a petition for review of this action in the United States Circuit Court of Appeals for the District of Columbia Circuit within 60 days of publication. Under section 307(b)(2) of the Act, the requirements that are the subject of today's rule may not be challenged later in judicial proceedings brought to enforce these requirements.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Exports, Hydrochlorofluorocarbons, Imports, Ozone layer, Reporting and recordkeeping requirements.

Dated: December 18, 2002.

Christine Todd Whitman,
Administrator.

For the reasons set out in the preamble, title 40, Chapter I of the Code of Federal Regulations is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart A—Production and Consumption Controls

2. Section 82.3 is amended by adding new definitions in alphabetical order for the terms "Individual shipment", "Non-Objection notice", and "Source facility," and revising the definition of "Administrator." To read as follows:

§ 82.3 Definitions.

* * * * *

Administrator means the Administrator of the United States Environmental Protection Agency or his authorized representative. For purposes of reports and petitions, the Administrator must be written at the following mailing address: EPA (6205J), Global Programs Division, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

* * * * *

Individual shipment means the kilograms of a used controlled substance for which a person may make one (1) U.S. Customs entry as identified in the non-objection notice from the Administrator under § 82.13(g).

* * * * *

Non-Objection notice means the privilege granted by the Administrator to import a specific individual shipment of used controlled substance in accordance with § 82.13(g).

* * * * *

Source facility means the location at which a used controlled substance was recovered from a piece of equipment, including the name of the company responsible for, or owning the piece of equipment, a contact person at the location, the mailing address for that

specific location, and a phone number and a fax number for the contact person at the location.

* * * * *

3. Section 82.4 is amended by revising paragraph (j) to read as follows:

§ 82.4 Prohibitions.

* * * * *

(j) Effective January 1, 1995, no person may import, at any time in any control period, a used class I controlled substance, without having received a non-objection notice from the Administrator in accordance with § 82.13(g)(2) and (3). A person who receives a non-objection notice for the import of an individual shipment of used controlled substances may not transfer or confer the right to import, and may not import any more than the exact quantity, in kilograms, of the used controlled substance cited in the non-objection notice. Every kilogram of importation of used controlled substance in excess of the quantity cited in the non-objection notice issued by the Administrator in accordance with § 82.13(g)(2) and (3) constitutes a separate violation.

* * * * *

4. Section 82.13 is amended by revising paragraphs (g)(2), (g)(3), and (u) to read as follows:

§ 82.13 Recordkeeping and reporting requirements.

* * * * *

(g) * * *

(1) * * *

(2) *Petitioning—Importers of Used, Recycled or Reclaimed Controlled Substances.* For each individual shipment over 5 pounds of a used controlled substance as defined in § 82.3, an importer must submit directly to the Administrator, at least 40 working days before the shipment is to leave the foreign port of export, the following information in a petition:

(i) Name and quantity in kilograms of the used controlled substance to be imported;

(ii) Name and address of the importer, the importer ID number, the contact person, and the phone and fax numbers;

(iii) Name, address, contact person, phone number and fax number of all previous source facilities from which the used controlled substance was recovered;

(iv) A detailed description of the previous use of the controlled substance at each source facility and a best estimate of when the specific controlled substance was put into the equipment at each source facility, and, when possible, documents indicating the date the material was put into the equipment;

(v) A list of the name, make and model number of the equipment from which the material was recovered at each source facility;

(vi) Name, address, contact person, phone number and fax number of the exporter and of all persons to whom the material was transferred or sold after it was recovered from the source facility;

(vii) The U.S. port of entry for the import, the expected date of shipment and the vessel transporting the chemical. If at the time of submitting a petition the importer does not know the U.S. port of entry, the expected date of shipment and the vessel transporting the chemical, and the importer receives a non-objection notice for the individual shipment in the petition, the importer is required to notify the Administrator of this information prior to the actual U.S. Customs entry of the individual shipment;

(viii) A description of the intended use of the used controlled substance, and, when possible, the name, address, contact person, phone number and fax number of the ultimate purchaser in the United States;

(ix) Name, address, contact person, phone number and fax number of the U.S. reclamation facility, where applicable;

(x) If someone at the source facility recovered the controlled substance from the equipment, the name and phone and fax numbers of that person;

(xi) If the imported controlled substance was reclaimed in a foreign Party, the name, address, contact person, phone number and fax number of any or all foreign reclamation facility(ies) responsible for reclaiming the cited shipment;

(xii) An export license from the appropriate government agency in the country of export and, if recovered in another country, the export license from the appropriate government agency in that country;

(xiii) If the imported used controlled substance is intended to be sold as a refrigerant in the U.S., the name and address of the U.S. reclaimer who will bring the material to the standard required under section 608 (§ 82.152(g)) of the CAA, if not already reclaimed to those specifications; and

(xiv) A certification of accuracy of the information submitted in the petition.

(3) Starting on the first working day following receipt by the Administrator of a petition to import a used class I controlled substance, the Administrator will initiate a review of the information submitted under paragraph (g)(2) of this section and take action within 40 working days to issue either an objection-notice or a non-objection

notice for the individual shipment to the person who submitted the petition to import the used class I controlled substance.

(i) For the following reasons, the Administrator may issue an objection notice to a petition:

(A) If the Administrator determines that the information is insufficient, that is, if the petition lacks or appears to lack any of the information required under § 82.13(g)(2);

(B) If the Administrator determines that any portion of the petition contains false or misleading information, or the Administrator has information from other U.S. or foreign government agencies indicating that the petition contains false or misleading information;

(C) If the importer wishes to import a used class I controlled substance from a country which is, for that particular controlled substance, out of compliance regarding its phaseout obligations under the Protocol or the transaction in the petition is contrary to other provisions in the Vienna Convention or the Montreal Protocol;

(D) If the appropriate government agency in the exporting country has not agreed to issue an export license for the cited individual shipment of used controlled substance;

(E) If allowing the import of the used class I controlled substance would run counter to government restrictions from either the country of recovery or export regarding controlled ozone-depleting substances;

(F) If reclamation capacity is installed or is being installed for that specific controlled substance in the country of recovery or country of export and the capacity is funded in full or in part through the Multilateral Fund.

(ii) Within ten (10) working days after receipt of the objection notice, the importer may re-petition the Administrator, only if the Administrator indicated "insufficient information" as the basis for the objection notice. If no appeal is taken by the tenth working day after the date on the objection notice, the objection shall become final. Only one appeal of re-petition will be accepted for any petition received by EPA.

(iii) Any information contained in the re-petition which is inconsistent with the original petition must be identified and a description of the reason for the inconsistency must accompany the re-petition.

(iv) In cases where the Administrator does not object to the petition based on the criteria listed in paragraph (g)(3)(i) of this section, the Administrator will issue a non-objection notice.

(v) To pass the approved used class I controlled substances through U.S. Customs, the petition and the non-objection notice issued by EPA must accompany the shipment through U.S. Customs.

(vi) If for some reason, following EPA's issuance of a non-objection notice, new information is brought to EPA's attention which shows that the non-objection notice was issued based on false information, then EPA has the right to:

(A) Revoke the non-objection notice;

(B) Pursue all means to ensure that the controlled substance is not imported into the United States; and

(C) Take appropriate enforcement actions.

(vii) Once the Administrator issues a non-objection notice, the person receiving the non-objection notice is required to import the individual shipment of used class I controlled substance within the same control period as the date stamped on the non-objection notice.

(viii) A person receiving a non-objection notice from the Administrator for a petition to import used class I controlled substances must maintain the following records:

(A) a copy of the petition;

(B) the EPA non-objection notice;

(C) the bill of lading for the import; and

(D) U.S. Customs entry documents for the import that must include one of the commodity codes from Appendix K to this subpart.

* * * * *

(u) Holders of Essential-Use Allowances—Reporting.

(1) Within 30 days of the end of every quarter, any person allocated essential-use allowances must submit to the Administrator a report containing the quantity of each controlled substance, in kilograms, purchased and received from each producer and each importer during that quarter as well as from which country the controlled substance was imported.

(2) Any person allocated essential-use allowances must submit to the Administrator a report containing the following information within 30 days of the end of the control period, and, if possible, within 20 days of the end of the control period:

(i) The gross quantity of each controlled substance, in kilograms, that was used for the essential use during the control period; and

(ii) The quantity of each controlled substance, in kilograms, contained in exported products during the control period; and

(iii) The quantity of each controlled substance, in kilograms, that was destroyed or recycled during the control period; and

(iv) The quantity of each controlled substance, in kilograms, held in inventory as of the last day of the control period, that was acquired with essential use allowances in all control periods (*i.e.* quantity on hand at the end of the year); and

(v) The quantity of each controlled substance, in kilograms, in a stockpile that is owned by the company or is being held on behalf of the company under contract, and was produced or imported through the use of production allowances and consumption allowances prior to the phaseout (*i.e.* class I ODSs produced before their phaseout dates); and

(vi) For essential use allowances for metered-dose inhalers only, the allowance holder must report the total number of marketable units of each specific metered-dose inhaler product manufactured in the control period.

* * * * *

[FR Doc. 02-32386 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-7432-8]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting a petition submitted by Tokusen USA, Inc. (Tokusen) to exclude from hazardous waste control (or delist) a certain solid waste. This final rule responds to the petition submitted by Tokusen to delist F006 dewatered sludge generated from the on-site Wastewater Treatment Plant (WWTP) from its electroplating operations.

After careful analysis and use of the Delisting Risk Assessment Software, the EPA has concluded the petitioned waste is not hazardous waste when disposed of in Subtitle D landfills. This exclusion applies to 670 cubic yards annually of dewatered WWTP sludge resulting from its electroplating operations. Accordingly, this final rule excludes the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and

Recovery Act (RCRA) when disposed of in Subtitle D landfills.

EFFECTIVE DATE: December 31, 2002.

ADDRESSES: The public docket for this final rule is located at the U.S. Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202, and is available for viewing in the EPA Freedom of Information Act review room on the 7th floor from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665-6444 for appointments. The reference number for this docket is "F-02-ARDEL-TOKUSEN." The public may copy material from any regulatory docket at no cost for the first 100 pages and at a cost of \$0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: For general information, contact Catherine E. Carter, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202 at (214) 665-6792. For technical information concerning this notice, contact Larry K. Landry, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665-8134.

SUPPLEMENTARY INFORMATION:

The information in this section is organized as follows:

- I. Overview Information
 - A. What Rule Is EPA Finalizing?
 - B. Why Is EPA Approving This Delisting?
 - C. What Are the Limits of This Exclusion?
 - D. How Will Tokusen Manage the Waste if It Is Delisted?
 - E. When Is the Final Delisting Exclusion Effective?
 - F. How Does This Final Rule Affect States?
- II. Background
 - A. What Is a Delisting Petition?
 - B. What Regulations Allow Facilities To Delist a Waste?
 - C. What Information Must the Generator Supply?
- III. EPA's Evaluation of the Waste Information and Data
 - A. What Waste Did Tokusen Petition EPA To Delist?
 - B. How Much Waste Did Tokusen Propose To Delist?
 - C. How Did Tokusen Sample and Analyze the Waste Data in This Petition?
- IV. Public Comments Received on the Proposed Exclusion
 - A. Who Submitted Comments on the Proposed Rule?
 - B. Response to Comments

I. Overview Information

A. What Action Is EPA Finalizing?

After evaluating the petition, EPA proposed, on July 12, 2002 to exclude the Tokusen waste from the lists of hazardous waste under §§ 261.31 and 261.32 (*see* 65 *FR* 75897). The EPA is finalizing:

(1) The decision to grant Tokusen's petition to have its wastewater treatment sludge excluded, or delisted, from the definition of a hazardous waste, subject to certain continued verification and monitoring conditions; and

(2) the decision to use the Delisting Risk Assessment Software to evaluate the potential impact of the petitioned waste on human health and the environment. The Agency used this model to predict the concentration of hazardous constituents released from the petitioned waste, once it is disposed.

B. Why Is EPA Approving This Delisting?

Tokusen's petition requests a delisting for an F006 listed hazardous waste.

Tokusen does not believe the petitioned waste meets the criteria for which EPA listed it as a hazardous waste. Tokusen also believes no additional constituents or factors could cause the waste to be hazardous. EPA's review of this petition included consideration of the original listing criteria and the additional factors required by the Hazardous and Solid Waste Amendments of 1984 (HSWA). *See* section 3001(f) of RCRA, 42 U.S.C. 6921(f), and 40 CFR 260.22 (d)(1)-(4) (hereinafter all sectional references are to 40 CFR unless otherwise indicated). In making the final delisting determination, EPA also evaluated the petitioned waste against the listing criteria and factors cited in §§ 261.11(a)(2) and (a)(3). Based on this review, the EPA agrees with the petitioner that the waste is nonhazardous with respect to the original listing criteria. If the EPA had found, based on this review, that the waste remained hazardous based on the factors for which the waste was originally listed, EPA would have proposed to deny the petition. The EPA evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. The EPA considered whether the waste is: (1) Acutely toxic; (2) the concentration of the constituents in the waste; (3) their tendency to migrate and to bioaccumulate; (4) their persistence in the environment once released from the waste; (5) plausible and specific types of management of the petitioned waste; (6) the quantities of waste generated; and (7) waste variability. The EPA believes the petitioned waste does not meet these criteria or the listing criteria. EPA's final decision to delist waste from Tokusen's facility is based on the information submitted by

Tokusen in its petition, including descriptions of the dewatered WWTP sludge and analytical data from the Conway, Arkansas facility.

C. What Are the Limits of This Exclusion?

This exclusion applies to the waste described in the petition only if the requirements described in Table 1 of 40 CFR part 261 and the conditions contained herein are satisfied.

D. How Will Tokusen Manage the Waste if It Is Delisted?

Tokusen currently sends the petitioned waste (dewatered WWTP sludge) to Envirite Corporation, a hazardous landfill in Harvey, Illinois. If the delisting exclusion is finalized, Tokusen will dispose of the sludge in a permitted solid waste landfill. At this time, Tokusen is planning to dispose of the delisted sludge at Waste Management Industrial Landfill in Little Rock, Arkansas.

E. When Is the Final Delisting Exclusion Effective?

This rule is effective December 31, 2002. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA, 42 USCA 6930(b)(1), allow rules to become effective in less than six months after the rule is published when the regulated community does not need the six-month period to come into compliance. That is the case here because this rule reduces, rather than increases, the existing requirements for persons generating hazardous waste. This reduction in existing requirements also provides a basis for making this rule effective immediately, upon publication, under the Administrative Procedure Act, pursuant to 5 USCA 553(d).

F. How Does This Final Rule Affect States?

Because EPA is issuing this exclusion under the Federal RCRA delisting program, only States subject to Federal RCRA delisting provisions would be affected. This would exclude two categories of States: States having a dual system that includes Federal RCRA requirements and their own requirements, and States who have received EPA authorization to make their own delisting decisions.

We allow states to impose their own non-RCRA regulatory requirements that are more stringent than EPA's, under section 3009 of RCRA, 42 USCA 6929. These more stringent requirements may include a provision that prohibits a federally issued exclusion from taking effect in the State. Because a dual

system (that is, both Federal (RCRA) and State (non-RCRA) programs) may regulate a petitioner's waste, we urge petitioners to contact the State regulatory authority to establish the status of their waste under the State law. Delisting petitions approved by the EPA Administrator under 40 CFR 260.22 are effective in the State of Arkansas only after the final rule has been published in the **Federal Register** and the rule has been adopted and approved by the Arkansas Pollution Control and Ecology Commission in Regulation No. 23.

EPA has also authorized some States (for example, Louisiana, Georgia, Illinois) to administer a RCRA delisting program in place of the Federal program, that is, to make State delisting decisions. Therefore, this exclusion does not apply in those authorized States. If Tokusen transports the petitioned waste to or manages the waste in any State with delisting authorization, Tokusen must obtain delisting authorization from that State before they can manage the waste as nonhazardous in the State.

II. Background

A. What Is a Delisting Petition?

A delisting petition is a request from a generator to EPA or another agency with jurisdiction to exclude, or delist, from the RCRA list of hazardous waste, waste the generator believes should not be considered hazardous under RCRA.

B. What Regulations Allow Facilities to Delist a Waste?

Under 40 CFR §§ 260.20 and 260.22, facilities may petition the EPA to remove their wastes from hazardous waste regulation by excluding them from the lists of hazardous wastes contained in §§ 261.31 and 261.32. Specifically, § 260.20 allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 265 and 268 of Title 40 of the Code of Federal Regulations. Section 260.22 provides generators the opportunity to petition the Administrator to exclude a waste from a particular generating facility from the hazardous waste lists.

C. What Information Must the Generator Supply?

Petitioners must provide sufficient information to the EPA to allow the EPA to determine that the waste to be excluded does not meet any of the criteria under which the waste was listed as a hazardous waste. In addition, the Administrator must determine, where he/she has a reasonable basis to believe that factors (including

additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.

III. EPA's Evaluation of the Waste Information and Data

A. What Waste Did Tokusen Petition EPA To Delist?

On October 24, 2001, Tokusen petitioned the EPA to exclude from the lists of hazardous waste contained in §§ 261.31 and 261.32, a waste by-product (stabilized sludge from the wastewater treatment plant in Conway, Arkansas) which falls under the classification of listed waste because of the "derived-from" rule in RCRA, 40 CFR 261.3. Specifically, in its petition, Tokusen, located in Conway, Arkansas, requested that EPA grant an exclusion for 670 cubic yards annually of dewatered WWTP sludge generated from electroplating operations. The resulting waste is listed, in accordance with § 261.3(c)(2)(i) (*i.e.*, the "derived-from" rule). The waste code of the constituents of concern is EPA Hazardous Waste No. F006. The constituents of concern for F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed).

B. How Much Waste Did Tokusen Propose To Delist?

Specifically, in its petition, Tokusen requested that EPA grant a conditional exclusion for 670 cubic yards annually of dewatered WWTP sludge.

C. How Did Tokusen Sample and Analyze the Waste Data in This Petition?

To support its petition, Tokusen submitted:

- (1) Historical information on past waste generation and management practices;
- (2) Results of the total constituent list for 40 CFR part 264, appendix IX volatiles, semivolatiles, metals, pesticides, herbicides, and PCBs;
- (3) Results of the constituent list for appendix IX on Toxicity Characteristic Leaching Procedure (TCLP) extract for volatiles, semivolatiles, and metals;
- (4) Analytical constituents of concern for F006;
- (5) Results from total oil and grease analyses;
- (6) Multiple pH testing for the petitioned waste.

IV. Public Comments Received on the Proposed Exclusion

A. Who Submitted Comments on the Proposed Rule?

The EPA received public comments on August 6, 2002, from a business student with Florida International University.

The student raised concerns that EPA had reached a quick decision to remove the waste from the hazardous list based on data submitted by the company. Also, the student felt more concrete evidence was needed to delist the waste. She stated that no evidence was given as to any test that proves or disproves hazardous content.

Response: F006 is a listed hazardous waste but the regulations in § 260.22 give individual facilities like Tokusen the ability to petition for "delisting." The procedures outlined in §§ 260.20 and 260.22 provide EPA with the framework to consider these decisions. EPA believes that Tokusen has provided all the data requested in §§ 260.20 and 260.22 and meets the requirement for excluding the waste at this particular facility.

Tokusen provided analytical data for 5 representative samples of the sludge it has petitioned for delisting. This data has undergone review for quality control and quality assurance and EPA believes that the hazardous constituents detected through the Toxicity Characteristics Leaching Procedures (TCLP) as well as the Total analyses indicated the waste constituent concentrations do not pose a threat to human health and environment based on the risk assessment determined using the Delisting Risk Assessment Software (DRAS). We believed the potential effects determined from the DRAS model that if this waste were released into the environment, it is within the acceptable [protectiveness] risk range of 10^{-5} to 10^{-6} . Also EPA has required the company to submit samples quarterly for the first year and samples annually each subsequent year while the company is in business to demonstrate that the waste does not exceed the constituent levels listed in Table 1.

V. Regulatory Impact

Under Executive Order 12866, EPA must conduct an "assessment of the potential costs and benefits" for all "significant" regulatory actions. The final rule to grant an exclusion is not significant, since its effect, if promulgated, would be to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction would be achieved by excluding waste generated

at a specific facility from EPA's lists of hazardous waste, thereby enabling this facility to manage its waste as nonhazardous. There is no additional impact therefore, due to this final rule. Therefore, this proposal would not be a significant regulation and no cost/benefit assessment is required. The Office of Management and Budget (OMB) has also exempted this rule from the requirement for OMB review under section (6) of Executive Order 12866.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the Administrator or delegated representative certifies the rule will not have any impact on small entities.

This rule if promulgated, will not have an adverse economic impact on small entities since its effect would be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation therefore, does not require a regulatory flexibility analysis.

VII. Paperwork Reduction Act

Information collection and recordkeeping requirements associated with this final rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Public Law 96–511, 44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

VIII. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, which was signed into law on March 22, 1995, EPA must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector of \$100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the UMRA, EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule.

EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected, or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements. The UMRA generally defines a Federal mandate for regulatory purposes as one that imposes an enforceable duty upon State, local, or tribal governments or the private sector. The EPA finds that this final delisting decision is deregulatory in nature and does not impose any enforceable duty upon State, local, or tribal governments or the private sector. In addition, the final delisting does not establish any regulatory requirements for small governments and so does not require a small government agency plan under UMRA section 203.

IX. Congressional Review Act

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

X. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with

representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." This rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

XI. Executive Order 13045

The Executive Order 13045 is entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997). This order applies to any rule that EPA determines (1) is economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because this is not an economically significant regulatory action as defined by Executive Order 12866.

XII. Executive Order 13084

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

XIII. National Technology Transfer and Advancement Act

Under section 12(d) if the National Technology Transfer and Advancement Act, the Agency is directed to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary

consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) developed or adopted by voluntary consensus standard bodies. Where available and potentially applicable voluntary consensus standards are not used by EPA, the Act requires that Agency to provide Congress, through the OMB, an explanation of the reasons for not using such standards.

This rule does not establish any new technical standards and thus, the Agency has no need to consider the use of voluntary consensus standards in developing this final rule.

Lists of Subjects in 40 CFR Part 261

Environmental protection, Hazardous Waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: December 20, 2002.

Stephen A. Gilrein,

Acting Director, Multimedia Planning and Permitting Division (6PD).

For the reasons set out in the preamble, 40 CFR Part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1 of appendix IX, part 261 add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX to Part 261—Waste Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
Tokusen USA, Inc.,	Conway, AR	Dewatered wastewater treatment plant (WWTP) sludge (EPA Hazardous Waste Nos. F006) generated at a maximum annual rate of 670 cubic yards per calendar year after December 31, 2002 and disposed of in a Subtitle D landfill. For the exclusion to be valid, Tokusen must implement a testing program that meets the following Paragraphs: (1) <i>Delisting Levels:</i> All leachable concentrations for those constituents listed below in (i) and (ii) must not exceed the following levels (mg/l). The petitioner must use an acceptable leaching method, for example SW-846, Method 1311 to measure constituents in the waste leachate. Dewatered WWTP sludge (i) Inorganic Constituents Antimony-0.360; Arsenic-0.0654; Barium-51.1; Chromium-5.0; Cobalt-15.7; Copper-7,350; Lead-5.0; Nickel-19.7; Selenium-1.0; Silver-2.68; Vanadium-14.8; Zinc-196. (ii) Organic Constituents 1,4 Dichlorobenzene-3.03; hexachlorobutadiene-0.21. (2) <i>Waste Holding and Handling:</i> Tokusen must store the dewatered WWTP sludge as described in its RCRA permit, or continue to dispose of as hazardous all dewatered WWTP sludge generated, until they have completed verification testing described in Paragraph (3)(A) and (B), as appropriate, and valid analyses show that paragraph (1) is satisfied.

TABLE 1.—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>(B) Levels of constituents measured in the samples of the dewatered WWTP sludge that do not exceed the levels set forth in Paragraph (1) are non-hazardous. Tokusen can manage and dispose the non-hazardous dewatered WWTP sludge according to all applicable solid waste regulations.</p> <p>(C) If constituent levels in a sample exceed any of the delisting levels set in Paragraph (1), Tokusen must retreat the batches of waste used to generate the representative sample (according to SW-846 methodologies) until it meets the levels. Tokusen must repeat the analyses of the treated waste.</p> <p>(D) If the facility has not treated the waste, Tokusen must manage and dispose the waste generated under Subtitle C of RCRA.</p> <p>(3) <i>Verification Testing Requirements:</i> Tokusen must perform sample collection and analyses, including quality control procedures, according to SW-846 methodologies. If EPA judges the process to be effective under the operating conditions used during the initial verification testing, Tokusen may replace the testing required in Paragraph (3)(A) with the testing required in Paragraph (3)(B). Tokusen must continue to test as specified in Paragraph (3)(A) until and unless notified by EPA in writing that testing in Paragraph (3)(A) may be replaced by Paragraph (3)(B).</p> <p>(A) <i>Initial Verification Testing:</i> After EPA grants the final exclusion, Tokusen must do the following:</p> <p>(i) Collect and analyze composites of the dewatered WWTP sludge.</p> <p>(ii) Make two composites of representative grab samples (according to SW-846 methodologies) collected.</p> <p>(iii) Analyze the waste, before disposal, for all of the constituents listed in Paragraph 1.</p> <p>(iv) Sixty (60) days after this exclusion becomes final, report to EPA the operational and analytical test data, including quality control information.</p> <p>(B) <i>Subsequent Verification Testing:</i> Following written notification by EPA, Tokusen may substitute the testing conditions in (3)(B) for (3)(A). Tokusen must continue to monitor operating conditions, and analyze representative samples (according to SW-846 methodologies) each quarter of operation during the first year of waste generation. The samples must represent the waste generated during the quarter.</p> <p>(C) <i>Termination of Organic Testing:</i></p> <p>(i) Tokusen must continue testing as required under Paragraph (3)(B) for organic constituents in Paragraph (1)(A)(ii), until the analytical results submitted under Paragraph (3)(B) show a minimum of two consecutive samples below the delisting levels in Paragraph (1)(A)(i), Tokusen may then request that EPA stop quarterly organic testing. After EPA notifies Tokusen in writing, the company may end quarterly organic testing.</p> <p>(ii) Following cancellation of the quarterly testing, Tokusen must continue to test a representative composite sample (according to SW-846 methodologies) for all constituents listed in Paragraph (1) annually (by twelve months after final exclusion).</p> <p>(4) <i>Changes in Operating Conditions:</i> If Tokusen significantly changes the process described in its petition or starts any processes that generate(s) the waste that may or could affect the composition or type of waste generated as established under Paragraph (1) (by illustration, but not limitation, changes in equipment or operating conditions of the treatment process), they must notify EPA in writing; they may no longer handle the waste generated from the new process as nonhazardous until the waste meets the delisting levels set in Paragraph (1) and they have received written approval to do so from EPA.</p> <p>(5) <i>Data Submittals:</i> Tokusen must submit the information described below. If Tokusen fails to submit the required data within the specified time or maintain the required records on-site for the specified time, EPA, at its discretion, will consider this sufficient basis to reopen the exclusion as described in Paragraph 6. Tokusen must:</p> <p>(A) Submit the data obtained through Paragraph 3 to the Region 6 Delisting Program, EPA, 1445 Ross Avenue, Dallas, Texas 75202-2733, Mail Code, (6PD-O) within the time specified.</p> <p>(B) Compile records of operating conditions and analytical data from Paragraph (3), summarized, and maintained on-site for a minimum of five years.</p> <p>(C) Furnish these records and data when EPA or the State of Arkansas request them for inspection.</p> <p>(D) A company official having supervisory responsibility should send along with all data a signed copy of the following certification statement, to attest to the truth and accuracy of the data submitted:</p> <p>Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete.</p> <p>As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete.</p> <p>If any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.</p> <p>(6) <i>Reopener</i></p>

TABLE 1.—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>(A) If, anytime after disposal of the delisted waste, Tokusen possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at a level higher than the delisting level allowed by the Regional Administrator or his delegate in granting the petition, then the facility must report the data, in writing, to the Regional Administrator or his delegate within 10 days of first possessing or being made aware of that data.</p> <p>(B) If the annual testing of the waste does not meet the delisting requirements in Paragraph 1, Tokusen must report the data, in writing, to the Regional Administrator or his delegate within 10 days of first possessing or being made aware of that data.</p> <p>(C) If Tokusen fails to submit the information described in paragraphs (5), (6)(A) or (6)(B) or if any other information is received from any source, the Regional Administrator or his delegate will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.</p> <p>(D) If the Regional Administrator or his delegate determines that the reported information does require Agency action, the Regional Administrator or his delegate will notify the facility in writing of the actions the Regional Administrator or his delegate believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed Agency action is not necessary. The facility shall have 10 days from the date of the Regional Administrator or his delegate's notice to present such information.</p> <p>(E) Following the receipt of information from the facility described in paragraph (6)(D) or (if no information is presented under paragraph (6)(D)) the initial receipt of information described in paragraphs (5), (6)(A) or (6)(B), the Regional Administrator or his delegate will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the Regional Administrator or his delegate's determination shall become effective immediately, unless the Regional Administrator or his delegate provides otherwise.</p> <p>(7) <i>Notification Requirements:</i> Tokusen must do following before transporting the delisted waste. Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the decision:</p> <p>(A) Provide a one-time written notification to any State Regulatory Agency to which or through which they will transport the delisted waste described above for disposal, 60 days before beginning such activities.</p> <p>(B) Update the one-time written notification if they ship the delisted waste into a different disposal facility.</p>
*	*	* * * * *

[FR Doc. 02-32899 Filed 12-30-02; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7799]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

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

rule, the suspension will be withdrawn by publication in the **Federal Register**.

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

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

FOR FURTHER INFORMATION CONTACT: Edward Pasterick, Division Director, Risk Communication Division, Federal Insurance and Mitigation Administration, 500 C Street, SW.; Room 435, Washington, DC 20472, (202) 646-3098.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the

National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of

the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to

the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

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

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

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

Paperwork Reduction Act. This rule does not involve any collection of

information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

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

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

§ 64.6 [Amended]

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

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region V				
Illinois: Champaign County Unincorporated Areas	170894	January 14, 1975, Emerg.; March 1, 1984, Reg.; January 2, 2003, Susp.	1/2/03	Jan. 2, 2003.
Mahomet, Village of, Champaign County ..	170029	April 10, 1975, Emerg.; June 15, 1983, Reg.; January 2, 2003, Susp.	.....do	Do.
Region VII				
Kansas: Hamilton County, Unincorporated Areas ...	200123	October 16, 1996, Emerg.; January 2, 2003, Reg.; January 2, 2003, Susp.	.....do	Do.
Syracuse, City of, Hamilton County	200124	July 25, 1975, Emerg.; October 17, 1986, Reg. January 2, 2003, Susp.	.....do	Do.
Region I				
Massachusetts: Worcester, City of, Worcester County.	250349	January 15, 1974, Emerg.; August 15, 1980, Reg.; January 16, 2003, Susp.	1/16/03	1/16/03
Region IV				
Mississippi: Claiborne County, Unincorporated Areas.	280201	February 14, 1974, Emerg.; May 1, 1978, Reg.; January 16, 2003, Susp.	.....do	Do.
Tennessee: Brentwood, City of, Williamson County.	470205	March 23, 1973, Emerg.; February 1, 1978, Reg.; January 16, 2003, Susp.	.....do	Do.
Region V				
Michigan, Owosso, City of, Shiawassee County	260596	May 23, 1975, Emerg.; March 1, 1982, Reg.; January 16, 2003, Susp.	.....do	Do.

Code for reading third column: Emerg.-Emergency; Reg.-Regular; Susp.-Suspension.

Dated: December 24, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02-33007 Filed 12-30-02; 8:45 am]

BILLING CODE 6718-05-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 10

[USCG-2002-13213]

RIN 2115-AG43

Great Lakes Maritime Academy— Eligibility of Certain Graduates for Unrestricted Third-Mate Licenses

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On October 18, 2002, we published a direct final rule (67 FR 64313). The direct final rule notified the public of our intent to amend minimum service or training requirements for ocean or near coastal steam or motor vessel third mate licenses so that graduation from the Great Lakes Maritime Academy (GLMA) deck curriculum ocean option will qualify an applicant for licensing on both ocean and near coastal vessels. GLMA graduates who do not complete the ocean option or one of the other approved service or training routes will continue to be eligible for licensing only on near coastal vessels. We have not received an adverse comment, or notice of intent to submit an adverse comment, on this rule. Therefore, this rule will go into effect as scheduled.

DATES: The effective date of the direct final rule is confirmed as January 16, 2003.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Kerlin, National Maritime Center, U.S. Coast Guard, 202-493-1001.

Dated: December 20, 2002.

Paul J. Pluta,

Rear Admiral, Coast Guard, Assistant Commandant for Marine Safety, Security and Environmental Protection.

[FR Doc. 02-33016 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-15-U

DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

49 CFR Part 1544

[Docket No. TSA-2002-12394; Amendment No. 1544-3]

RIN 2110-AA05

Aviation Security: Private Charter Security Rules

AGENCY: Transportation Security Administration (TSA), DOT.

ACTION: Final rule.

SUMMARY: In response to comments received, TSA is amending the aviation security requirements concerning private charter passenger operations. TSA issued the existing standard in June 2002, as an emergency final rule and requested comments on it. The rule requires private charter operators using aircraft with a maximum certificated takeoff weight of 95,000 pounds or more, to ensure that passengers and their carry-on baggage are screened prior to boarding. In response to the comments and after further analysis, TSA has determined that the existing threshold does not adequately capture the appropriate group of aircraft. TSA is now adopting an international security standard, in which private charter operations in aircraft with a maximum certificated takeoff weight greater than 45,500 kg (100,309.3 pounds), or with a passenger seating configuration of 61 or more will be subject to the screening requirement. As a result of this amendment, additional aircraft are now covered by the rule that were not previously subject to it. TSA is establishing a new compliance date for operators of these aircraft, in order to provide them sufficient time to develop procedures required by this rule and the security program. Also, in response to comments received, TSA is permitting the use of non-TSA screeners in certain circumstances.

DATES: Effective Date: The effective date for this rule is February 1, 2003.

Compliance Dates: For all private charter operators that were covered under the rule published June 19, 2002 (67 FR 41635) and continue to be covered under the rule as amended, TSA will issue the final security program no later than January 3, 2003. These operators must be in compliance with the program by February 1, 2003.

The compliance schedule for any private charter operators not covered by the rule published June 19, 2002 (those in aircraft with a maximum certificated takeoff weight less than 95,000 pounds

and with a passenger seating configuration of 61 or more), but covered under this amendment, is as follows: these operators must request a copy of the security program and provide comments to TSA by January 20, 2003; TSA will issue the final security program no later than January 3, 2003; these entities must be in compliance with the final security program by March 1, 2003.

FOR FURTHER INFORMATION CONTACT:

Emily Chodkowski, Aviation Security Specialist, Transportation Security Administration, Room 3522, Washington, DC 20591, 202-385-1838, Emily.Chodkowski@tsa.dot.gov.

SUPPLEMENTARY INFORMATION:

Availability of Final Rule

You can get an electronic copy using the Internet by—

(1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page <http://dms.dot.gov/search>;

(2) Accessing the Government Printing Office's Web page at http://www.access.gpo.gov/su_docs/aces/aces140.html; or

(3) Visiting the TSA's Laws and Regulations Web page at http://www.tsa.dot.gov/law_policy/law_policy_index.shtm.

In addition, copies are available by writing or calling the individual in the

FOR FURTHER INFORMATION CONTACT section. Make sure to identify the docket number of this rulemaking.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires TSA to comply with small entity requests for information or advice about compliance with statutes and regulations within TSA's jurisdiction. Any small entity that has a question about this document may contact the person listed in **FOR FURTHER INFORMATION CONTACT** for information. You can get further information regarding SBREFA on the Small Business Administration's Web page at http://www.sba.gov/advo/laws/law_lib.html.

Abbreviations and Terms Used in This Document

ATSA—Aviation and Transportation Security Act

CFR—Code of Federal Regulations

FAA—Federal Aviation Administration

FBO—Fixed Base Operator

ICAO—International Civil Aviation Organization

MTOW—Maximum Certificated Takeoff Weight

SIDA—Security Identification Display Areas
 TCDS—Type Certificate Data Sheet
 TSA—Transportation Security Administration
 U.S.C.—United States Code

Background

The terrorist attacks of September 11, 2001, led Congress to enact the Aviation and Transportation Security Act (ATSA), Pub. L. 107–71, November 19, 2001. ATSA created the Transportation Security Administration (TSA) and transferred responsibility for aviation security from the Federal Aviation Administration (FAA) to TSA. On February 22, 2002, TSA published a final rule transferring the bulk of FAA's aviation security regulations to TSA and adding new security standards required by ATSA. 67 FR 8340. Regulations concerning aircraft operator security, including private charter operations, previously codified at 14 CFR part 108, are now codified at 49 CFR part 1544. Section 1544.101 requires aircraft operators to adopt and implement a security program, the components of which vary depending on the type of aviation operation, volume of passengers, departure and arrival location, and type of aircraft. Depending on these operational characteristics, the security program may include procedures for screening individuals and property, training screeners, maintaining perimeter security, protecting aircraft from unauthorized entry, completing background investigations on employees, and other security measures.

There are two types of private charters, which are defined in section 1540.5. First, private charters include any flight in which the charterer engages the total passenger capacity of the aircraft for carrying passengers, the passengers are invited by the charterer, the cost of the flight is borne entirely by the charterer, and the flight is not advertised to the public in any way, to solicit passengers. Second, private charters include any flight for which the total passenger capacity of the aircraft is used for the purpose of civilian or military air movement, conducted under contract with the U.S. government or a foreign government. A public charter is defined as any charter that is not a private charter.

Section 1544.101(f) sets forth the required security program components for private charter operations that enplane or deplane into a sterile area. Pursuant to § 1544.101(f), these operations must establish a program that includes acceptance and screening of individuals and accessible property

(1544.201, 1544.207), use of metal detection devices (1544.209), use of X-ray systems (1544.211), security coordinators (1544.215), law enforcement personnel (1544.217), accessible weapons (1544.219), criminal history records checks (1544.229, 1544.230), training for security coordinators and crewmembers (1544.233), training for individuals with security-related duties (1544.235), bomb or air piracy threats (1544.303), security directives (1544.305), and all of subpart E concerning screener qualifications when the aircraft operator performs screening.

Since 1978, operators of public charters have been subject to the same security requirements as operators of aircraft in scheduled service. Private charters, however, have operated under different requirements. In private charters, the passengers choose to travel together. They may be related to one another in some way, such as being employed by the same company or on the same sports team, and so the risk that one passenger would endanger the others appeared to be low. Therefore, unless the private charter deplaned into or enplaned from a sterile area, the full panoply of security procedures did not apply. In the current threat environment, TSA believes it is necessary to reevaluate these relationships to ensure that an adequate level of security exists for private operations that do not make use of airport sterile areas. As was plainly illustrated in the September 11 attacks, terrorists may blend into their environment, interact with others easily, persistently seek out vulnerabilities in the system, and travel in groups in order to accomplish their goals more efficiently.

Therefore, TSA established additional security measures for private charters that do not use airport sterile areas to prevent the introduction of weapons, explosives, or incendiaries onto the aircraft that could enable an individual to commandeer the aircraft and use it to do harm. On June 19, 2002, TSA published a final rule that amended part 1544 by requiring all private charter operators using aircraft with a maximum certificated takeoff weight of 95,000 pounds or more (95,000 MTOW) to increase security measures. 67 FR 41635, June 19, 2002. TSA selected this class of aircraft because their size could cause great damage to targets on the ground. In addition, many of these aircraft are used in scheduled passenger service one day and in private charter service the next. While in scheduled passenger service, the operator and crew must operate in accordance with a full

security program that requires securing the aircraft and screening individuals and their accessible property. TSA reasoned that these operators should ensure that all individuals and accessible property are screened, regardless of whether they are in private charter or scheduled service. Therefore, TSA added language in § 1544.101(f) to require non-government, private charter operators of aircraft with a 95,000 MTOW, regardless of where they deplane or enplane passengers, to ensure that the individuals on board and their accessible property are screened prior to boarding. Also, TSA added language to paragraph (f) requiring these private charter operators to comply with § 1544.225 regarding the security of aircraft and facilities. In order for individual property screening to be effective, operators must ensure that the aircraft is free of weapons, explosives, and incendiaries before individuals board. Private charter operators must have security measures in place to ensure the integrity of the aircraft.

For most passenger screening under part 1544, the passenger is screened before entering a sterile area. The gate at which the passenger boards the aircraft is typically within the sterile area. Subpart B of part 1540 contains rules that apply to many persons, including airport operators, airport tenants, aircraft operators, foreign air carriers, indirect carriers, employees of these entities, passengers, and individuals at airports. In order to make clear who must comply with screening procedures, § 1540.107 requires all individuals who enter sterile areas to submit to screening. For private charter screening, however, there may be no sterile area. Accordingly, TSA amended § 1540.107 to make clear that individuals on private charters must submit to screening before boarding an aircraft. Similar changes were made to § 1540.111(a)(1), which provides that an individual may not have a weapon, explosive, or incendiary when screening begins.

TSA received more than 100 comments in response to the request for comments issued with the rule in June. After consideration of these comments and additional analysis, TSA believes that the current threshold for determining which aircraft should be subject to the screening requirement does not adequately capture the larger aircraft TSA intended to cover. The weight threshold of 95,000 MTOW, although a reasonable measure of aircraft size, is awkward in practical application. In some cases, this figure divides an aircraft type into two groups:

those certified to takeoff at weights over 95,000 pounds and those certified at weights under 95,000 pounds. Therefore, larger aircraft that TSA intends to cover in this rule fall out of the standard. For instance, early models of the DC-9 aircraft are certified to takeoff with weights less than 95,000 pounds, even though these aircraft can seat 70 passengers and appear to be nearly identical to subsequent models with a MTOW in excess of 95,000 pounds that are subject to the screening requirement.

In addition, as a result of comments, TSA reviewed an international security standard that was established to determine when hardened cockpit doors should be required. This standard applies to aircraft that weigh in excess of 45,500 kg. (100,309.3 pounds), or with 61 or more seats. This standard, by using both weight and seating configuration, captures the anomalies discussed above and in greater detail below that the 95,000 MTOW threshold does not cover. Many commenters suggested a seating configuration threshold and many suggested the international standard. TSA agrees that the international standard is a more complete approach to private charter security and so is amending the rule to incorporate it.

Finally, TSA received many comments from charter operators and small airports concerning the difficulties of scheduling charter service to accommodate the presence of TSA screeners. Most charters depend on flexibility in location and hours of operation to remain economically viable. If TSA requires all private charter operators to use TSA screeners and TSA screening checkpoints, charter operators will lose their flexibility and economic vitality. As a result of these comments, TSA is affirmatively authorizing the use of non-TSA screeners under certain circumstances.

Summary of Comments

When TSA issued the rule in June 2002 establishing a weight threshold to determine which private charter passengers must be screened, the agency requested comments from the industry and interested parties. Approximately 100 entities responded and commented primarily on five areas: confusion about the definition of "private charter," the unique operational difficulties charters may face, small airport concerns, issues specific to Alaskan operators, and the weight threshold. A summary of the comments follows, arranged by subject matter.

Some organizations requested clarification of the definition of "private

charter." The complete definition can be found in 49 CFR 1540.5. To summarize, a non-government, private charter is any aircraft operator flight in which the charterer engages the total passenger capacity of the aircraft, the cost of the flight is borne by the charterer and not directly or indirectly by any passenger, and the flight is not advertised in any way to solicit passengers. Also, government private charters include operations in which the total passenger capacity is used for government civilian or military air travel. The rule exempts government charters from the screening requirement, unless they enplane from or deplane into a sterile area. Government charters, such as a Department of Defense flight, have security procedures in place that adequately address security risks. Also, the passengers on these government charters may be required to carry weapons, which would be prohibited in other passenger operations.

Several commenters expressed concern about the adverse impact the rule will have on private charter operations. *Comment:* Private charters often use small airports in remote locations where there is no terminal or baggage check area. If the final security program requires typical screening checkpoints and magnetometers, charters would be forced to alter their network of operations entirely and use large airports where standard security procedures are in place. Also, charter operators would have to change their hours of operation to depart only when established screening checkpoints were in operation. These changes will undermine the flexibility and economic benefits charters offer to passengers, organizations, and small airports. Some organizations that make use of private charters on a regular basis, such as professional and collegiate sports teams, must travel to and from remote locations frequently and at odd hours. Altering these charter operations dramatically would impose significant barriers to completing normal business activities. Many charter operators use Fixed Base Operators (FBO) to handle administrative and operational issues at small airports. However, there are only two FBOs in the country that have screening facilities available for charter operations. If the final security program required these operators to conduct all screening at established screening checkpoints, additional facilities must be constructed and installed, which would impose significant financial burdens and time delays. *Response:* As is discussed in greater detail below,

TSA will authorize procedures to prevent these difficulties.

The commenters also asserted that private charters possess unique characteristics that diminish the risk of dangerous or unlawful acts. *Comment:* Typically, charter clientele are "known" to the charter operators or to each other. They work together or play on the same sports team, and so the likelihood that someone unknown or with suspect motives would commandeer the aircraft or injure passengers is remote. Also, the charter clientele often are "high profile" individuals who generate crowds and confusion in airport terminals. Consequently, additional security may be necessary and existing security officers are diverted from their standard duties. Further, sports teams travel with medical personnel and equipment that is needed in-flight. Some of this equipment may not be permitted in the aircraft cabin under standard screening procedures. The professional sports teams typically have security procedures in place to ensure that passengers' baggage is placed in a secure area and that only designated passengers are permitted to board the aircraft. All of these unique qualities warrant special procedures for private charter operations. *Response:* As is discussed in greater detail below, TSA will authorize use on non-TSA screeners to prevent these difficulties. We note that TSA does permit some medical equipment that otherwise would be prohibited on scheduled flights, and will work with the sports teams to consider what medical equipment should be permitted in the cabin.

Many commenters expressed concern about the fate of small airports that are unable to meet the level of security required in the charter rule. *Comment:* If these airports cannot facilitate new screening requirements, flights will be diverted to airports serving scheduled operations. This change would have an adverse economic impact on many communities. Also, large airports that become the beneficiaries of this change might not be staffed to handle security procedures adequately. One airport that serves a high number of private charters commented that the rule would not be effective as a stand-alone security mechanism, because screened charter passengers and their accessible property could be co-mingled with unscreened passengers and baggage on common ramp areas. Another regional airport urged TSA to develop a "trusted traveler" program to permit vetted passengers to bypass security prior to boarding. *Response:* The private charter security rule is not a "stand-alone"

mechanism; there are additional security regulations that prevent unscreened passengers from entering airport sterile areas and areas that are designated as security identification display areas in airports. In addition, the final security program TSA issues for private charter operators will include procedures that prevent screened passengers from mingling with non-screened passengers. The "trusted traveler" program will be addressed in another rulemaking proceeding.

Commenters also urged TSA to adopt security procedures for private charters operating in Alaska that can accommodate the special characteristics of the Alaskan environment. *Comment:* Alaska has a limited highway system and vast terrain, so there is a high volume of intrastate air travel. For instance, private zinc and lead mines located north of the Arctic Circle in a remote section of Alaska are served exclusively by private charter service. The only road on the property runs to their port site; none exist to any other community. Alaska Airlines operates two private charters per week to the mines to rotate personnel and supplies. There are many similar situations in Alaska, where the need for accessible flexible air travel is great. *Response:* The procedures TSA will authorize in the final security program, such as permitting the use of non-TSA screeners, will provide adequate flexibility to private charter operators in Alaska to ensure that operations can continue as needed.

Comment: Many commenters asked for clarification on the kind of security procedures required by the rule and the security program.

Response: The process used to develop air carrier and airport security programs involves two distinct phases. The first is issuance of a rule that establishes minimum security standards that the operator or airport must meet. For the charter rule, TSA requires affected private charter operators to adhere to a TSA-approved security program that meets the standards of 49 CFR 1544.101(f) and 1544.103. Also, TSA requires affected private charter operators to ensure that passengers and their accessible property are screened prior to boarding. The second phase of the process involves developing a security program that sets forth the details and procedures used to meet the minimum rule standards. The security program is considered sensitive security information (SSI) and cannot be issued to the public, placed in the docket, or discussed with specificity in this document. TSA developed a standard security program and forwarded it to

affected entities for comment. Each entity had an opportunity to comment on the standard program, which many have done in this proceeding, and requested changes to accommodate unique operations or characteristics. TSA may approve the changes or require the operator to adhere to the standard program. The details of the program that the commenters are seeking most likely exist in the final security program, which TSA cannot discuss in this document. However, they can be addressed privately between the affected operator and TSA staff.

The weight threshold is the factor that determines which private charter operators must screen passengers and accessible property. This issue generated many comments.

Comment: Some operators and manufacturers asked TSA to specify why 95,000 MTOW was selected. Some recommended that TSA redraw the line at 100,000 MTOW, which is part of the standard the International Civil Aviation Organization (ICAO) adopted in February 2002 to distinguish which cockpit doors must be reinforced to enhance security. Actually, the accurate ICAO standard requires reinforcing cockpit doors in aircraft with an MTOW of greater than 45,500 kg. (100,309.3 pounds), or with a seating capacity greater than 60. Some commenters asserted that TSA should include aircraft fuel capacity as part of the threshold, due to the damage fuel can cause on impact. Also, use of "more than 19 seats," or "more than 75 seats" in addition to, or in place of the maximum takeoff weight, would be preferable to the standard established in June 2002.

One manufacturer and its customers claimed that the standard creates an inequity in the treatment of the Canadian-manufactured, Bombardier Aerospace Global Express. There are several MTOWs listed for the Global Express, some less than, some more than 95,000 MTOW. The U.S.-manufactured Gulfstream V is the Global Express' primary competitor, and has a 90,700 MTOW. Therefore, private charter operations in the Gulfstream are not subject to the screening requirement, but certain models of the Global Express are, pursuant to the current rule language. Bombardier asserted that the rule is discriminatory and constitutes an unfair trade practice.

Response: As is discussed in greater detail below, TSA believes that the current international standard, which combines weight and passenger seating capacity, is the standard to adopt for private charter operations.

Rule Amendment and Response to Comments

I. Weight Threshold

TSA again analyzed charter operations, the existing aircraft fleet, and the existing standard, and determined that the threshold for passenger and carry-on baggage screening in private charter operations should be changed. TSA is amending the rule to adopt the ICAO standard, or private charter operations in aircraft with a MTOW greater than 45,500 kg., or with a passenger seating configuration of 61 or more. In pounds, the threshold is a MTOW greater than 100,309.3.

When TSA established 95,000 MTOW as the threshold, TSA sought to cover the larger aircraft that are used often in charter service. The degree to which certain aircraft are selected for charter service often depends on the number of aircraft in service, the number of runways and airports the aircraft is capable of using, and the likelihood that the operator is amenable to leasing the aircraft out to a group. For instance, the DC-9 series aircraft are used in approximately 300 flights per day. (Please note that there is no data available that distinguishes the number of charter flights from scheduled passenger service). These aircraft can operate from short runways because of the wing lift and significant engine thrust, which enables them to make use of nearly all airports. These aircraft have a maximum passenger seating configuration of more than 70 passengers, generally are not privately owned, and have the potential to be used in charter and scheduled service. When used in scheduled or public charter service, they must be operated under a full security program (49 CFR 1544.101(a)), which includes screening passengers and accessible property. TSA believes that the DC-9 series and similar aircraft constitute the class of aircraft that should be covered in this rule.

TSA also selected 95,000 MTOW for the rule published in June 2002, because it had been used previously by FAA and TSA as a benchmark to distinguish larger aircraft. For instance, pursuant to the authority set forth in Special Federal Aviation Regulation (SFAR) 91, TSA issued a notice to certain all-cargo carriers with 95,000 MTOW that required them to adopt additional security measures.

Maximum certificated takeoff weight is the maximum weight at which the FAA has determined an aircraft can take off, and is derived from engineering data, aircraft weight, acceleration, lift, and performance testing. The aircraft

manufacturer must submit design and performance figures to the FAA in order to be certified to fly at certain weights, speeds, seating configurations, fuel capacity, and so on. The MTOW is established during this process, based on a review of the engineering data and actual performance testing, and is listed on the FAA's Type Certificate Data Sheet (TCDS). Over time, manufacturers may conduct additional performance testing to prove to FAA that the aircraft can be operated safely at a higher MTOW or speed, or with more cargo. In order to increase these operational limits, the aircraft must undergo additional performance testing and may be structurally modified. These subsequent MTOW figures are then listed on the TCDS as the authorized takeoff weight.

A review of the aircraft that fall within this standard indicates they are used prevalently, would generate significant impact damage, carry a high number of passengers, and have significant fuel capacity. This threshold captures aircraft in which it is unlikely that all passengers and crew know each other or share an affinity relationship, which is the group TSA intended to cover. It is less likely that a corporate jet with fewer than 20 seats would be chartered by a group of passengers that are strangers or do not know the crew.

II. Seating Capacity

TSA and FAA have also used seating configuration to categorize aircraft by size and use. Section 1544.101 establishes requirements for security programs based on seating configuration, and requires greater security measures for aircraft with a seating configuration of 61 or more in scheduled or public charter service. Seating capacity, like MTOW, is an indicator of aircraft size and the extent of damage the aircraft would cause if used in a terrorist act. It is also reasonable to assume that passengers in an aircraft with a large seating capacity are less likely to know one another and the crew than individuals traveling in a corporate jet. TSA has determined that it is appropriate to use both seating configuration and MTOW to determine which aircraft are subject to the rule, and therefore is adopting the ICAO standard for the threshold in this amendment to the rule and the seating configuration now used for scheduled and public charter service. By using both the seating capacity and MTOW, TSA will cover the target group of aircraft, but will exclude private corporate jets with a small seating capacity.

TSA is adding the seating configuration of 61 seats or more for several reasons. First, TSA believes it is important to cover the DC-9-10 series aircraft, which have a seating configuration of 79 through 109. Some of these aircraft have a MTOW under 95,000 and would not be subject to screening under the previous threshold. These aircraft were designed specifically to operate from short runways due to their high wing lift and powerful engine thrust. Consequently, they can operate at many small airports, which might be serviced by charter operators. There are approximately 47 DC-9-10 series aircraft currently registered with FAA, making their potential for use in charter operations worthy of consideration for enhanced security standards. By adding seating configuration to the security threshold, TSA will capture the larger, but lighter, charter aircraft. Many aircraft, although under 95,000 MTOW, have a seating configuration of more than 100 seats, and these passengers should undergo security screening.

As discussed previously, ICAO recently established a requirement to install reinforced cockpit doors in aircraft with an MTOW of 45,500 kg (100,309.3 pounds) or a passenger seating configuration of 61 or more. Many commenters urged TSA to adopt a standard based on seating configuration, and some commenters suggested that TSA adopt the weight limit used in the ICAO standard. For years, scheduled and public charter aircraft with a passenger seating configuration of more than 61 seats have been required to operate with a full security program, which includes passenger screening. (49 CFR 1544.101(a)).

Due to the addition of seating configuration as a threshold, there are aircraft covered by the rule now that were not covered when the rule was issued in June 2002. The following aircraft are included in the group of new aircraft covered: British Aerospace ATP, 146-100A and 146-200A; Fokker-F.28 Mark 0100, F.28 Mark 4000, F.28 Mark 0070; Bombardier DHC-8-401; McDonnell Douglas DC-9-10 series; and AVRO RJ85A. Any private charter operators that use these aircraft and do not operate aircraft covered by the rule issued June 2002, would not have anticipated the need to develop screening procedures or comment on the TSA standard security program. Therefore, TSA has established a compliance schedule for these operators to ensure that they have adequate time to prepare.

III. Screening

As discussed previously, many private charter operators use small airports that do not have established screening checkpoints or corresponding screening equipment. Also, many private charters operate at odd hours when airport terminals with screening checkpoints are not open. Many of the commenters raised this issue as a significant impediment to their ongoing viability, and urged TSA to permit screening by non-TSA personnel. However, a few commenters questioned TSA's ability to allow screening by non-TSA employees. TSA has determined that in certain cases, screening may be completed by screeners that are not TSA employees. TSA will authorize the use of non-TSA screeners in the security program, under certain circumstances. For instance, if checkpoint screening in an airport terminal is not available due to the time of day or location, non-TSA screeners might be used. Also, if using an established airport screening checkpoint creates logistical difficulties or disrupts ongoing screening activities in the airport, non-TSA screeners might be used by the private charter operators.

ATSA includes a requirement that Federal employees carry out passenger and property screening. However, an examination of other provisions of title 49 of the U.S. Code and the history of the screening requirement demonstrates that Congress did not intend to require screening on all flights. Congress has recognized that passenger and property screening has not been required with respect to all aircraft—in particular, the Under Secretary is specifically authorized to exempt unscheduled operations from 49 U.S.C. 44901. Congress recognized that other specific types of operations were not subject to screening requirements at the time it enacted ATSA, and imposed no such requirements.

TSA will authorize private charter operators to use non-TSA screeners who complete the TSA-approved screener training program. TSA has developed the training in modular format, and the non-TSA screeners who screen these private charter operations must receive training on the type of equipment and procedures they will be responsible for using. For instance, if the screening location is not equipped with a walk-through metal detector (WTMD), the screeners at this location are not required to complete the training module that addresses WTMD. The private charter security program will provide details concerning training for screeners in private charter operations.

TSA will allow some flexibility in determining which individuals may act as screeners for private charter operations that do not use established screening checkpoints. TSA will consider such factors as the degree of independence the screener has in relation to the passengers, and the important duties the flightcrew must complete in preparation for departure. A system in which individuals screen their supervisors, close associates, or friends would not be advisable. This would require the screener to find and report prohibited or illegal items, which could lead to disciplinary action against a colleague or supervisor, or the loss of the charter contract. An arm's-length relationship between screener and passenger creates more effective and thorough screening. Also, the aircraft flightcrew typically have many safety and security responsibilities to complete prior to departure, which could make completion of the screening impossible or ineffective. Many commenters suggested that FBO employees, where present, are good candidates for screeners. Also, commenters suggested that other airport personnel, including local law enforcement personnel, may be appropriate candidates to conduct screening. TSA is aware of the fact that all affected entities must be able to complete the TSA-authorized training for screeners shortly after the final security program is released. The new compliance dates established in this rule amendment should accommodate the time needed to adequately train screening personnel.

Paperwork Reduction Act

This rule contains information collection activities subject to the Paperwork Reduction Act (PRA) (44 U.S.C. 3507(d)). In accordance with the PRA, the paperwork burden associated with the rule will be submitted to the Office of Management and Budget (OMB) for review. The PRA provides that 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 number for this information collection will be published in the **Federal Register** after it has been approved by OMB.

Need: This rule requires operators using aircraft in private charter operations with a maximum certificated takeoff weight greater than 100,309.3 pounds, or a seating configuration of 61 or more to ensure that individuals and their accessible property are screened prior to boarding.

Description of Respondents: All new and existing operators using aircraft in private charter operations with a maximum certificated takeoff weight greater than 100,309.3 pounds, or a seating capacity of 61 or more.

Burden: TSA does not currently have precise data on which aircraft operators have aircraft in private charter operations with a certificated takeoff weight greater than 100,309.3 pounds, or a seating configuration of 61 or more. TSA estimates that there are approximately 25 operators currently operating under 14 CFR part 121 (Domestic, Flag, and Supplemental Operations) that have no program in place and so will have a new paperwork burden under this rule. In addition, TSA estimates that there are approximately 45 operators operating under 14 CFR part 121 with some portion of a security program with existing paperwork procedures in place now. Also, there are airlines using aircraft with an original certificated takeoff weight of 100,309.3 pounds or more in charter service and in traditional commercial passenger service. These operators must currently do screening for commercial service, but will have an additional paperwork burden by now completing those screening activities for private charters. It is very difficult for TSA to determine what this new paperwork burden will be for these operators. Accordingly, TSA will calculate the paperwork burden using estimates assuming that 70 aircraft operators will be subject to this rule. Thus, these assumptions will overestimate the overall burden. In addition, TSA assumes no change in the number of aircraft operators over the next 10 years. Without this simplifying assumption, it would be impossible to estimate the total effect of these changes over the ten-year period.

Each air carrier subject to this rule will need to establish a program that provides for screening individuals and accessible property; training all employees with security-related duties; training all security coordinators and crewmembers; acknowledging receipt of, and distributing Security Directives and Information Circulars; and preparing, maintaining, and accommodating modifications to a security program. The total ten-year paperwork burden is approximately 6,820 hours at a cost of \$165,900. The annual burden totals approximately 560 hours at a cost of \$11,200.

TSA anticipates that the regulated entities will have to purchase no additional equipment.

Economic Analyses

This rulemaking was originally reviewed by the OMB. It is significant within the meaning of the Executive Order and DOT's policies and procedures. No regulatory analysis or evaluation accompanies this rule. TSA is in the process of determining whether this rule will have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act of 1980, as amended. TSA recognizes that this rule may impose costs on some affected operators, which stem from developing and implementing screening procedures and other security measures. However, given the current security threat, TSA believes it is necessary to require these enhanced security measures at this time. It is difficult to assess the costs of the rule until the final security program is completed, which TSA plans to finish shortly. TSA will assess the costs and benefits of the rule once the security program is in final form and place an economic analysis of it in the docket on or before January 24, 2003. TSA will make changes to the rule, if necessary, as a result of the economic analysis.

Executive Order 13132, Federalism

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

Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety and security, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. TSA has assessed the potential effect of this amendment and has determined that it will impose the same costs on domestic and international entities and thus has a neutral trade impact.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104-4 on March 22, 1995, is intended to curb the practice of imposing unfunded

Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement that assesses the effect of any Federal mandate found in a rulemaking action that may result in an expenditure of \$100 million or more (adjusted annually for inflation) in any one year by State, local and tribal governments, in the aggregate, or by the private sector. Such a mandate is identified as a "significant regulatory action." The Act does not apply to a regulatory action in which no notice of proposed rulemaking is published, as is the case in this proceeding. Accordingly, TSA has not prepared a statement under the Act.

Environmental Analysis

TSA has reviewed this action for purposes of the National Environmental Review Policy Act of 1969 (42 U.S.C. 4321-4347) and has determined that this action will not have a significant effect on the human environment.

Energy Impact

The energy impact of this rule has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that this rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 49 CFR Part 1544

Air carriers, Aircraft, Aviation safety, Freight forwarders, Reporting and recordkeeping requirements, Security measures.

The Amendment

For the reasons stated in the preamble, the Transportation Security Administration amends 49 CFR chapter XII part 1544 as follows:

PART 1544—AIRCRAFT OPERATOR SECURITY: AIR CARRIERS AND COMMERCIAL OPERATORS

1. The authority citation for part 1544 continues to read as follows:

Authority: 49 U.S.C. 114, 5103, 40119, 44901-44905, 44907, 44913-44914, 44916-44918, 44932, 44935-44936, 44942, 46105.

2. Section 1544.101(f) is revised to read as follows:

§ 1544.101 Adoption and implementation.

* * * * *

(f) *Private charter program.* In addition to paragraph (d) of this section, if applicable, each aircraft operator must carry out §§ 1544.201, 1544.207, 1544.209, 1544.211, 1544.215, 1544.217,

1544.219, 1544.225, 1544.229, 1544.230, 1544.233, 1544.235, 1544.303, and 1544.305, and subpart E of this part and—

(1) Must adopt and carry out a security program that meets the applicable requirements of § 1544.103 for each private charter passenger operation in which—

(i) The passengers are enplaned from or deplaned into a sterile area; or

(ii) The aircraft has a maximum certificated takeoff weight greater than 45,500 kg (100,309.3 pounds), or a passenger-seating configuration of 61 or more, and is not a government charter under paragraph (2) of the definition of private charter in § 1540.5 of this chapter.

(2) The Under Secretary may authorize alternate procedures under paragraph (f)(1) of this section as appropriate.

* * * * *

Issued in Washington, DC., on December 26, 2002.

Stephen J. McHale,

Deputy Administrator.

[FR Doc. 02-33032 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 021017238-2314-02; I.D. 092602I]

RIN 0648-AQ31

Fisheries of the Northeastern United States; 2003 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs

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

ACTION: Final rule; 2003 fishing quotas for Atlantic surfclams, ocean quahogs, and Maine mahogany ocean quahogs.

SUMMARY: NMFS issues final quotas for the Atlantic surfclam, ocean quahog, and Maine mahogany ocean quahog fisheries for 2003. These regulations specify allowable harvest levels of Atlantic surfclams and ocean quahogs from the exclusive economic zone and an allowable harvest level of Maine mahogany ocean quahogs from the waters north of 43° 50' N. lat. in 2003.

DATES: Effective from January 1, 2003, through December 31, 2003.

ADDRESSES: Copies of supporting documents, including the Environmental Assessment, Regulatory Impact Review, Final Regulatory Flexibility Analysis (EA/RIR/FRFA), and the Essential Fish Habitat Assessment, are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Douglas W. Christel, Fishery Management Specialist, 978-281-9141.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surfclam and Ocean Quahog Fisheries (FMP) requires NMFS, in consultation with the Mid-Atlantic Fishery Management Council (Council), to specify quotas for surfclams and ocean quahogs on an annual basis from a range that represents the optimum yield (OY) for each fishery. It is the policy of the Council that the levels selected allow sustainable fishing to continue at that level for at least 10 years for surfclams and 30 years for ocean quahogs. The Council must also consider the economic impacts of the quotas. Regulations implementing Amendment 10 to the FMP, published on May 19, 1998 (63 FR 27481), added Maine mahogany ocean quahogs to the management unit and provide that a small artisanal fishery for ocean quahogs in the waters north of 43°50' N. lat. will have an annual quota within a range of 17,000 to 100,000 Maine bu (5,991 to 35,240 hectoliters (hL)) with an initial amount of 100,000 Maine bu (35,240 hL). As specified in Amendment 10, the Maine mahogany ocean quahog quota is in addition to the quota specified for the ocean quahog fishery.

Detailed background information regarding the development of these quotas for 2003 was provided in the preamble to the proposed rule published in the **Federal Register** at 67 FR 65938, October 29, 2002, and is not repeated here. The comment period for that rule ended on November 27, 2002. No comments were received during the comment period, and the final quotas for 2003, which are unchanged from those in the proposed rule, are shown in the table below. The 2003 quotas for both ocean quahogs and Maine mahogany quahogs are the same as the 2002 quotas. However, the 2003 surfclam quota is 4 percent higher than the 2002 quotas.

FINAL 2003 SURFCLAM/OCEAN QUAHOG QUOTAS

Fishery	2003 final quotas (bu)	2003 final quotas (hL)
¹ Surfclam	3,250,000	1,730,000
¹ Ocean quahog	4,500,000	2,396,000
² Maine mahogany quahog	100,000	35,240

¹ 1 bushel = 1.88 cubic ft = 53.24 L

² 1 bushel = 1.2445 cubic ft = 35.24 L

Classification

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

A delay in the effective date of this rule would cause a disruption in the ordinary commerce of the surfclam and ocean quahog fisheries. Each individual transferable quota shareholder receives a portion of the overall quota for these two species. An allocation holder receives an amount of cage tags equivalent to his/her share of the overall quota. Fishing for surfclams and ocean quahogs begins on January 1, regardless of the publication of the annual quota. Historically, allocations have been transferred either permanently or temporarily to meet changing economic circumstances in the fishery right from the commencement of these fisheries. For example, vessel owners who enter into a supply contract with a processor may experience vessel breakdowns that thwart performance of their contractual obligations. In this situation, the vessel owner must be able to request that NMFS transfer temporarily part of his/her allocation to another harvester who is willing to fulfill the terms of the supply contract. Further, allocation holders, at times, pledge their allocation as security for a loan. This entails the permanent transfer of the individual allocation to the lending institution for the pendency of the loan. Without an effective quota, NMFS cannot make a partial or full transfer of such an allocation effective, either permanently or temporarily. This inability on the part of NMFS to make such transfers effective would have a negative economic impact on the surfclam and ocean quahog fisheries. Therefore, there is good cause under 5 U.S.C. 553(d)(3) to waive a portion of the 30-day delayed effectiveness period for the implementation of the 2003 surfclam, ocean quahog, and Maine mahogany quahog quotas.

Regulatory Flexibility Act

NMFS and the Council prepared an FRFA for this action, which is available from the Council (see ADDRESSES) as required by section 604 of the Regulatory Flexibility Act (RFA). The

preamble to the proposed rule and specifications included a detailed summary of the analysis contained in the initial regulatory flexibility analysis (IRFA), which is not repeated here. A summary of the FRFA, focusing upon the impacts of the final measures, follows:

A description of the reasons why this action is being taken by the Agency and the objectives of this final rule are explained in the preambles of the proposed rule and this final rule. This action does not contain any collection-of-information, reporting, or recordkeeping requirements. It does not duplicate, overlap, or conflict with any other Federal rules. This action is taken under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and regulations at 50 CFR part 648. There are no new compliance costs associated with this final rule.

Public Comments

There were no public comments received in response to the IRFA's analysis of the expected impacts of the proposed regulations on small entities.

Minimizing Significant Economic Impact of Small Entities

These specifications establish a 4-percent increase in the surfclam quota and continue the ocean quahog and Maine mahogany quahog quota without change from the 2002 quotas. Since 2001 harvest levels of surf clams (2.855 million bu (1.520 million hL)) and ocean quahogs (3.691 million bu (1.965 million hL)) were substantially less than the 2003 quotas implemented by this action, NMFS and the Council believe that it is likely that the 2003 quotas will yield a surplus quota available to vessels participating in all these fisheries. This is especially likely to occur in the ocean quahog fishery. In the case of a surplus quota, vessels would not be constrained from harvesting additional product, thus allowing them to increase their revenues.

Vessels

In 2001, a total of 51 vessels reported harvesting surfclams or ocean quahogs

from Federal waters under an ITQ system. Average 2001 gross income for surfclam harvests was \$753,682 per vessel, and \$678,885 per vessel for ocean quahog harvests. In the small artisanal fishery for ocean quahogs in Maine, 31 vessels reported harvests in the clam logbooks, with an average value of \$113,181 per vessel. All of these vessels fall within the definition of a small entity.

For ocean quahogs, the proposed 2003 quota is 4.500 million bu (2.396 million hL). The other alternatives considered included 4.000, 4.250, 4.750, and 6.000 million bu (2.129, 2.263, 2.529, and 3.195 million hL). Of these, 4.750 and 6.0 million bu. would have been less constraining on small entities than the selected alternative of 4.5 million bu. Adopting the maximum allowable quota of 6.000 million bu (3.195 million hL) for ocean quahogs would represent a 33-percent increase in allowable harvest and a 63-percent increase in landings from 2001, assuming all the quota were harvested. However, the industry does not have a market available to absorb such a large increase in landings and may not have the vessel capacity necessary to harvest a quota this large. Because the alternative of 4.75 million bu is so much larger than the 2001 landing amount of 3.69 million bu for ocean quahogs, the Council felt that 4.5 million bu rather than 4.75 million bu is a high enough quota for 2003 to ensure that the fishery is not unnecessarily constrained. Therefore, the proposed quota provides ample opportunity for fishermen to gain increased revenues in the ocean quahog fishery in 2003.

For surfclams, the proposed 2003 quota is 3.250 million bu (1.730 million hL). Other alternatives analyzed included 1.850, 2.850, 3.135, and 3.400 million bu (0.985, 1.517, 1.669, and 1.810 million hL). Of these, only the maximum quota considered would have been less constraining than the selected action. Adopting the maximum allowable quota of 3.400 million bu (1.810 million hL) for surfclams would allow for an 8-percent increase in the surfclam quota. The Council did not recommend a quota increase of this

magnitude at this time, due to uncertainties in the stock assessment. The preferred alternative allows for a 4-percent increase, from 3.135 million bu (1.669 million hL) to 3.25 million bu (1.730 million hL). The resource can support the 4-percent increase in landings, and the industry believes it can utilize this additional product and thus have a beneficial impact for the Nation.

The proposed quota for Maine mahogany ocean quahogs is 100,000 Maine bu (35,240 hL), the maximum allowed under the FMP. The FMP specifies that upward adjustments to the quota would require a scientific survey and stock assessment of the Maine mahogany ocean quahog resource. However, no survey or assessment has been conducted. The Council considered two alternative quotas for the Maine mahogany fishery, in addition to the preferred alternative of 100,000 bu (35,240 hL), including 50,000 bu and 72,466 bu (17,620 and 25,537 hL). Any quota the Council would have recommended below the 1999 landing level of 93,938 Maine bu (33,104 hL) would most likely have resulted in a decrease in revenues to individual vessels.

Processors

In 2001, 13 processors participated in the surfclam and ocean quahog fisheries, and 10 companies bought ocean quahogs directly from vessels from within the State of Maine. Of the 13 processors, approximately 5 are responsible for the vast majority of purchases in the ex-vessel market and sale of processed clam products in appropriate wholesale markets. Impacts to surfclam and ocean quahog processors would most likely mirror the impacts of the various quotas to vessels, as discussed above. Revenues earned by processors would be derived from the wholesale market for clam products and, since a large number of substitute products (i.e., other food products) are available, the demand for processed clam products is likely to be price-dependant.

Allocation Holders

In 2002, there were 99 surfclam allocation holders totaled 99, while 63 firms or individuals held ocean quahog allocation. Under the 2003 quotas, (that is, no change from 2002 quotas on ocean quahogs, Maine mahogany ocean quahogs, and a slight increase of 4 percent for surfclams), it is likely that impacts to allocation holders or buyers will be minimal. Theoretically, increases in quota would most likely benefit those who purchase quota

(through lower prices, or values) and affect negatively sellers of quota because of reduction in value. Decreases in quota would most likely have an opposite effect.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Act of 1996 (SBREFA) states that for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rule making process, a letter to permit holders that also serves as the small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the Northeast regional Office, and the guide, that is, permit holder letter, will be sent to all holders of permits issued for mackerel, squid, and butterfish fisheries. The guide and this final rule will be available upon request (see ADDRESSES).

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

Dated: December 23, 2002.

William T. Hogarth,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 02-33033 Filed 12-26-02; 3:49 pm]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 021112272-2328-02; I.D. 110202D]

RIN 0648-AP88

Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications

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

ACTION: Final rule.

SUMMARY: NMFS issues a regulation to implement the annual harvest guideline for Pacific sardine in the U.S. exclusive economic zone off the Pacific coast for the fishing season January 1, 2003, through December 31, 2003. This harvest guideline has been calculated

according to the regulations implementing the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) and establishes allowable harvest levels for Pacific sardine off the Pacific coast.

DATES: Effective January 30, 2003, through December 31, 2003.

ADDRESSES: The report *Stock Assessment of Pacific Sardine with Management Recommendations for 2003* may be obtained from Rodney R. McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: James J. Morgan, Southwest Region, NMFS, 562-980-4036.

SUPPLEMENTARY INFORMATION: The FMP, which was implemented by publication of the final rule in the **Federal Register** on December 15, 1999 (64 FR 69888), divides management unit species into two categories: actively managed and monitored. Harvest guidelines for actively managed species (Pacific sardine and Pacific mackerel) are based on formulas applied to current biomass estimates. Biomass estimates are not calculated for species that are only monitored (jack mackerel, northern anchovy, and market squid).

At a public meeting each year, the biomass for each actively managed species is reviewed by the Pacific Fishery Management Council's (Council) Coastal Pelagic Species Management Team (Team). The biomass, harvest guideline, and status of the fisheries are then reviewed at a public meeting of the Council's CPS Advisory Subpanel (Subpanel). This information is also reviewed by the Council's Scientific and Statistical Committee (SSC). The Council reviews reports from the Team, Subpanel, and SSC, and then, after providing time for public comment, makes its recommendation to NMFS. The annual harvest guideline and season structure are published by NMFS in the **Federal Register** as soon as practicable before the beginning of the appropriate fishing season. The Pacific sardine season begins on January 1 and ends on December 31 of each year.

The Team meeting took place at the Southwest Regional Office in Long Beach, CA on October 8, 2002. A public meeting between the Team and the Subpanel was held at the same location that afternoon. The Council reviewed the report at its October-November meeting in Foster City, CA, where comments from its advisory bodies and the public were heard. A proposed rule was published in the **Federal Register**

on November 25, 2002 (67 FR 7053), requesting public comments. The public comment period ended on December 10, 2002, and no comments were received.

Based on a biomass estimate of 999,871 metric tons (mt), the harvest guideline for Pacific sardine for January 1, 2003, through December 31, 2003, is 110,908 mt.

The FMP allocates the harvest guideline one-third for Subarea A, which is north of 35°40' N. lat. (Pt. Piedras Blancas, CA) to the Canadian border, and two-thirds for Subarea B, which is south of 35°40' N. lat. to the Mexican border. The harvest off Oregon and Washington has increased from 1 mt in 1998 to almost 38,000 mt in 2002. This expansion of sardine fisheries to the Pacific northwest has fostered a review of the current allocation system in the FMP with the aim of developing the most equitable distribution of the available resource between all users. The Council has directed its Team to analyze several alternatives to the current allocation system; however, unless and until the FMP is amended, the current allocation system will remain in effect. Therefore, the northern allocation for 2003 is 36,969 mt; the southern allocation is 73,939 mt. All Pacific sardine harvested beginning January 1, 2003, will be credited toward the 2003 harvest guideline.

When an allocation or the harvest guideline is reached, a landing allowance of sardine of up to 45 percent by weight of any landing of CPS is authorized by the FMP. An incidental allowance prevents fishermen from being cited for a violation when sardine occur in schools of other CPS, and it minimizes bycatch of sardine if sardine are inadvertently caught while fishing for other CPS. The Council recommended that the 45 percent incidental allowance be applied when an allocation or harvest guideline is reached.

The sardine population was estimated using a modified version of the integrated stock assessment model called Catch at Age Analysis of Sardine Two Area Model (CANSAR TAM). CANSAR-TAM is a forward-casting, age-structured analysis using fishery dependent and fishery independent data to obtain annual estimates of sardine abundance, year-class strength, and age-specific fishing mortality for 1983 through 2002. The modification of CANSAR-TAM was developed to account for the expansion of the Pacific sardine stock northward to include waters off the northwest Pacific coast. Information on the fishery and the stock assessment are found in the report Stock Assessment of Pacific Sardine with Management Recommendations for 2003 (see ADDRESSES).

The formula in the FMP uses the following factors to determine the harvest guideline:

1. *The biomass of age one sardine and above.* For 2003, this estimate is 999,871 mt.

2. *The cutoff.* This is the biomass level below which no commercial fishery is allowed. The FMP established this level at 150,000 mt.

3. *The portion of the sardine biomass that is in U.S. waters.* For 2003, this estimate is 87 percent, based on the average of larval distribution obtained from scientific cruises and the distribution of the resource obtained from logbooks of fish-spotters.

4. *The harvest fraction.* This is the percentage of the biomass above 150,000 mt that may be harvested. The fraction used varies (5–15 percent) with current ocean temperatures. A higher fraction is used for warmer ocean temperatures, which favor the production of Pacific sardine, and a lower fraction is used for cooler temperatures. For 2003, the fraction was 15 percent based on three seasons of sea surface temperature at Scripps Pier, CA.

Based on the estimated biomass of 999,871 mt and the formula in the FMP,

a harvest guideline of 110,908 mt was determined for the fishery beginning January 1, 2003. The harvest guideline is allocated one-third for Subarea A, which is north of 35°40' N. lat. (Pt. Piedras Blancas, CA) to the Canadian border, and two-thirds for Subarea B, which is south of 35°40' N. lat. to the Mexican border. The northern allocation is 36,969 mt; the southern allocation is 73,939 mt. If an allocation or the harvest guideline is reached, up to 45 percent by weight of Pacific sardine may be landed in any landing of Pacific mackerel, jack mackerel, northern anchovy, or market squid.

Classification

These final specifications are issued under the authority of, and NMFS has determined that they are in accordance with, the Magnuson-Stevens Fishery Conservation and Management Act, the FMP, and the regulations implementing the FMP at 50 CFR part 660, subpart I.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule for this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule. No comments were received regarding the economic impacts of this action. As a result, no regulatory flexibility analysis was prepared.

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

Dated: December 24, 2002.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 02–32952 Filed 12–30–02; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register

Vol. 67, No. 251

Tuesday, December 31, 2002

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–CE–26–AD]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Model 1900D Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Raytheon Model 1900D airplanes. This proposed AD would require you to accomplish a one-time inspection for missing rivets on certain areas of the airplane and, if necessary, install rivets. This proposed AD is the result of Raytheon identifying several instances of missing rivets on these airplanes. The actions specified by this proposed AD are intended to detect and correct an understrength condition in the fuselage, which could result in the failure of the fuselage. Such failure could lead to loss of control of the airplane in flight.

DATES: The Federal Aviation Administration (FAA) must receive any comments on this proposed rule on or before March 3, 2003.

ADDRESSES: Submit comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2002–CE–26–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may view any comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. You may also send comments electronically to the following address: 9-ACE-7-Docket@faa.gov. Comments sent electronically must contain “Docket No. 2002–CE–26–AD” in the subject line. If you send comments electronically as attached electronic files, the files must be formatted in

Microsoft Word 97 for Windows or ASCII text.

You may get service information that applies to this proposed AD from Raytheon Aircraft Company, 9709 E. Central, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140. You may also view this information at the Rules Docket at the address above.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? The FAA invites comments on this proposed rule. You may submit whatever written data, views, or arguments you choose. You need to include the rule’s docket number and submit your comments to the address specified under the caption **ADDRESSES**. We will consider all comments received on or before the closing date. We may amend this proposed rule in light of comments received. Factual information that supports your ideas and suggestions is extremely helpful in evaluating the effectiveness of this proposed AD action and determining whether we need to take additional rulemaking action.

Are there any specific portions of this proposed AD I should pay attention to? The FAA specifically invites comments on the overall regulatory, economic, environmental, and energy aspects of this proposed rule that might suggest a need to modify the rule. You may view all comments we receive before and after the closing date of the rule in the Rules Docket. We will file a report in the Rules Docket that summarizes each contact we have with the public that concerns the substantive parts of this proposed AD.

How can I be sure FAA receives my comment? If you want FAA to acknowledge the receipt of your mailed comments, you must include a self-addressed, stamped postcard. On the postcard, write “Comments to Docket No. 2002–CE–26–AD.” We will date stamp and mail the postcard back to you.

Discussion

What events have caused this proposed AD? The FAA has received reports from Raytheon that during manufacturing rivets were not installed in the following locations:

- Lower frame forward of the airstair door below the pilot’s floor;
- Forward of the upper forward corner of the airstair door;
- The bulkhead forward of the cargo door below floor level; and
- The lower fuselage panel aft of the wing.

These rivets must be installed for the fuselage to carry the ultimate design load. Without the rivets, these areas are understrength.

What are the consequences if the condition is not corrected? The understrength condition in the fuselage could result in the failure of the fuselage. Such failure could lead to loss of control of the airplane in flight.

Is there service information that applies to this subject? Raytheon has issued Service Bulletin No. SB 53–3046, Issued: February 2002.

What are the provisions of this service information? The service bulletin includes procedures for:

- Inspecting for missing rivets; and
- Installing rivets.

The FAA’s Determination and an Explanation of the Provisions of This Proposed AD

What has FAA decided? After examining the circumstances and reviewing all available information related to the incidents described above, we have determined that:

- The unsafe condition referenced in this document exists or could develop on other Raytheon Model 1900D airplanes of the same type design;
- The actions specified in the previously-referenced service information should be accomplished on the affected airplanes; and
- AD action should be taken in order to correct this unsafe condition.

What would this proposed AD require? This proposed AD would require you to incorporate the actions in the previously-referenced service bulletin.

Cost Impact

How many airplanes would this proposed AD impact? We estimate that this proposed AD affects 370 airplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
8 workhours x \$60 per hour = \$480	No parts required	\$480	\$480 x 370 = \$177,600

We estimate the following costs to accomplish any necessary rivet installation that would be required

based on the results of the proposed inspection. We have no way of

determining the number of airplanes that may need such installation:

Labor cost	Parts cost	Total cost per airplane
15 workhours x \$60 per hour = \$900	\$25	\$925

Compliance Time of This Proposed AD

What would be the compliance time of this proposed AD? The compliance time of this proposed AD is within the next 1,200 hours time-in-service (TIS) or 1 year after the effective date of this AD, whichever occurs first.

Why is the compliance time of this proposed AD presented in both hours TIS and calendar time? The usage of these airplanes varies widely because operators or lessors are cycling these airplanes between airplane storage and flight operations. However, the unsafe condition on these airplanes is not a result of the number of times the airplane is operated. Airplane operation varies among operators. For example, one operator may utilize the airplane 50 hours TIS in 3 months, while it may take another operator 12 months or more to accumulate 50 hours TIS. For this reason, FAA has determined that the compliance time of the proposed AD should be specified in both hours TIS and calendar time in order to ensure this condition is not allowed to go uncorrected over time.

Regulatory Impact

Would this proposed AD impact various entities? The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposed rule would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the

Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new airworthiness directive (AD) to read as follows:

Raytheon Aircraft Company: Docket No. 2002-CE-26-AD'

(a) *What airplanes are affected by this AD?* This AD affects Model 1900D airplanes, that are certificated in any category, with the following serial numbers: UE-1 through UE-50, UE-52 through UE-350, UE-352 through UE-358, UE-360, UE-361, UE-363 through UE-369, UE-371 through UE-379, UE-381, UE-382, UE-385, UE-386, and UE-394.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the airplanes identified in paragraph (a) of this AD must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct an understrength condition in the fuselage, which could result in the failure of the fuselage. Such failure could lead to loss of control of the airplane in flight.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Inspect for missing rivets in the following locations: (i) Lower frame forward of the airstair door below the pilot's floor; (ii) Forward of the upper forward corner of the airstair door; (iii) The bulkhead forward of the cargo door below floor level; and (iv) The lower fuselage panel aft of the wing.	Within the next 1,200 hours time-in-service (TIS) or 1 year after the effective date of this AD, whichever occurs first.	In accordance with the Accomplishment Instructions of Raytheon Aircraft Mandatory Service Bulletin No.: SB 53-3046, Issued: February 2002.

Actions	Compliance	Procedures
(2) Install rivets where rivets are found missing	Prior to further flight after the inspection required in paragraph (d)(1) of this AD.	In accordance with the Accomplishment Instructions of Raytheon Aircraft Mandatory Service Bulletin No.: SB 53-3046, Issued: February 2002.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(f) *Where can I get information about any already-approved alternative methods of compliance?* Mr. Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Wichita, Kansas 67209; telephone: (316) 946-4124; facsimile: (316) 946-4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *How do I get copies of the documents referenced in this AD?* You may get copies of the documents referenced in this AD from Raytheon Aircraft Company, 9709 E. Central, Wichita, Kansas 67201-0085; telephone: (800) 429-5372 or (316) 676-3140.

You may view these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on December 23, 2002.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02-32890 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002-SW-45-AD]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Model AS332C, C1, L, and L1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model AS332C, C1, L, and L1 helicopters. This proposal would require inspecting the main gearbox bevel gear (bevel gear) for a crack using a borescope. This proposal is prompted by a crack that was detected on a bevel gear during a main gearbox teardown inspection. The actions specified by this proposed AD are intended to detect a bevel gear crack and prevent failure of the bevel gear, loss of torque to the main rotor system, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before March 3, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2002-SW-45-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193-0110, telephone (817) 222-5123, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2002-SW-45-AD." The postcard will be date stamped and returned to the commenter.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Eurocopter Model AS332C, C1, L, and L1 helicopters, equipped with main gearbox main reduction gear modules, part numbers (P/N) 332A32-2027-00 or 332A32-2026-00, containing bevel gears, P/N 332A-2181-00, -02, -03, or -04, or 331A32-3110-07, -09, or -19. The DGAC advises that borescope inspections of the bevel gear are necessary to detect cracks.

Eurocopter has issued Alert Telex No. 05.00.58, dated August 6, 2002, which indicates that as a result of metal particles found on the chip detector of the main gearbox sump on a helicopter,

further investigation has revealed a longitudinal crack that grows lengthwise in the tube in the bevel gear where the ring retains the pinion toe bearing. The alert telex specifies inspecting the bevel gear for cracks using a borescope. Pending the result of the investigation into the cause of the fatigue crack initiation currently being conducted in France, Eurocopter specifies inspecting the bevel gear for a crack using a borescope. The DGAC classified this alert telex as mandatory and issued AD No. T2002-424-081(A), dated August 8, 2002, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that this interim AD action is necessary for products of these type designs that are certificated for operation in the United States until the cause of these fatigue cracks in the bevel gear are discovered.

This unsafe condition is likely to exist or develop on other helicopters of the same type design registered in the United States. Therefore, the proposed AD would require, for bevel gears with more than 6,600 hours time-in-service (TIS), inspecting the bevel gear for cracks using a borescope within 50 hours TIS, and thereafter at intervals not to exceed 150 hours TIS. If a crack were found in the bevel gear, replacing the bevel gear would be required. The actions would be required to be accomplished in accordance with the alert telex described previously.

The FAA estimates that 4 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per helicopter to accomplish the inspections and 16 work hours per helicopter to replace the bevel gear. The average labor rate is \$60 per work hour. Required parts would cost approximately \$31,372. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$130,288, assuming that upon the first inspection a crack is detected and the bevel gear will be replaced.

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of

power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Eurocopter France: Docket No. 2002-SW-45-AD.

Applicability: Model AS332C, C1, L, and L1 helicopters, with main gearbox bevel gear (bevel gear), part numbers (P/N) 332A32-2027-00 or 332A32-2026-00, containing bevel gears, P/N 332A-2181-00, -02, -03, or -04, or 331A32-3110-07, -09, or -19, installed, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters 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.

To detect a bevel gear crack and prevent failure of the bevel gear, loss of torque to the main rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) For bevel gears that have more than 6,600 hours time-in-service (TIS), within 50 hours TIS, unless accomplished previously, and thereafter at intervals not to exceed 150 hours TIS, inspect for a crack using a borescope in accordance with the Operational Procedure, paragraph 2.B.1. and 2.B.2., of Eurocopter Telex No. 05.00.58, dated August 6, 2002.

(b) If a crack is found in the bevel gear, before further flight, replace the bevel gear with an airworthy bevel gear.

(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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

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

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD T2002-424-081(A), dated August 8, 2002.

Issued in Fort Worth, Texas, on December 20, 2002.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 02-32889 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-126016-01]

RIN 1545-AY97

Establishing Defenses to the Imposition of the Accuracy-Related Penalty

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations that limit the defenses available to the imposition of the accuracy-related penalty when

taxpayers fail to disclose reportable transactions or fail to disclose that they have taken a position on a return based upon a regulation being invalid. By limiting a taxpayer's ability to use an opinion or advice from a tax professional as a basis for a defense, the proposed regulations are intended to promote the disclosure of reportable transactions and positions by taxpayers that conflict with regulations issued by the Secretary. The proposed regulations also clarify the existing regulations with respect to the facts and circumstances that the IRS will consider in determining whether a taxpayer acted with reasonable cause and in good faith in relying on an opinion or advice.

DATES: Written or electronically generated comments and requests for a public hearing must be received by March 31, 2003.

ADDRESSES: Send submissions to CC: IT&A:RU (REG-126016-01), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC: IT&A:RU (REG-126016-01), Courier's Desk, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically directly to the IRS Internet site at: <http://www.irs.gov/regs>.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Jamie G. Bernstein or Heather L. Dostaler at (202)622-4940; concerning submissions of comments and requests for a public hearing, Ms. LaNita Van Dyke of the Regulations Unit at (202)622-7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed regulations amending the regulations promulgated pursuant to sections 6662 and 6664, relating to the accuracy-related penalty. Section 6662 provides for the imposition of an accuracy-related penalty for underpayments of tax, including underpayments due to negligence or disregard of rules or regulations and understatements that are *substantial* within the meaning of the statute. Taxpayers, however, can avoid the accuracy-related penalty if they can establish, among other things, that there was reasonable cause for the underpayment and that they acted in good faith within the meaning of section 6664(c).

Temporary regulations issued under section 6011 require taxpayers to disclose *reportable transactions* on their

returns within the meaning of those temporary regulations. Treas. Reg. § 1.6011-4T. Reportable transactions may be abusive tax avoidance transactions. The early identification of potentially abusive tax avoidance transactions is a high priority for the IRS and Treasury. On October 22, 2002, the IRS and Treasury published proposed and temporary regulations that significantly revise the definition of certain types of reportable transactions. See Tax Shelter Disclosure Statements, (67 FR 64799 and 67 FR 64840 (October 22, 2002)) (to be codified in 26 CFR parts 1, 20, 25, 31, 53, 54, 56, and 301). The proposed amendments to the disclosure rules under section 6011 generally will apply to transactions entered into on or after January 1, 2003.

The IRS and Treasury believe that taxpayers have improperly relied on opinions or advice issued by tax advisors to establish reasonable cause and good faith as a basis for avoiding the accuracy-related penalty, even when the opinion or advice relates to a reportable transaction that the taxpayer should have, but did not, disclose pursuant to § 1.6011-4T. The IRS and Treasury also believe that taxpayers have improperly relied upon opinions or advice that a regulation is invalid without disclosing on their returns their position that the regulation is invalid.

Accordingly, the IRS and Treasury have concluded that the regulations under sections 6662 and 6664 should be amended and clarified so that (1) a taxpayer who takes a position that a regulation is invalid cannot rely on an opinion or advice to satisfy the reasonable cause and good faith exception under section 6664(c) with respect to any underpayment attributable to such position if the position was not disclosed on a return; and (2) a taxpayer who engages in a reportable transaction cannot rely on an opinion or advice to satisfy the reasonable cause and good faith exception under section 6664(c) with respect to any underpayment attributable to the transaction if the transaction was not disclosed pursuant to the regulations promulgated under section 6011. Further, a taxpayer who engages in a reportable transaction cannot rely on the realistic possibility standard under section 6662 to avoid the accuracy-related penalty for negligence or disregard of rules or regulations if the position regarding the reportable transaction is contrary to a revenue ruling or notice.

Explanation of Provisions

These proposed regulations amend 26 CFR part 1 relating to the defenses

available to the imposition of the accuracy-related penalty under section 6662(b)(1) (underpayments of tax attributable to negligence or disregard of rules or regulations) and the general exception to the accuracy-related penalty under section 6664(c).

Under these proposed regulations, the adequate disclosure exception to the accuracy-related penalty for underpayments of tax attributable to negligence or disregard of rules or regulations (*see* § 1.6662-3(a)) will not apply to underpayments relating to a reportable transaction unless the reportable transaction also is disclosed under § 1.6011-4T. In addition, if a position relates to a reportable transaction and is contrary to a revenue ruling or notice (other than a notice of proposed rulemaking), a taxpayer may not rely upon the fact that the position has a realistic possibility of being sustained on the merits as a defense to the penalty imposed under section 6662(b)(1). The taxpayer instead would be required to satisfy the adequate disclosure exception under § 1.6662-3(c)(1), including the disclosure of the reportable transaction under § 1.6011-4T.

The proposed regulations also clarify and modify the standards for, and limits on, the use of opinions and advice to satisfy the reasonable cause and good faith exception under section 6664(c) as a defense to the imposition of the accuracy-related penalty under section 6662. The proposed regulations, for instance, clarify that a taxpayer's education, sophistication and business experience will be relevant in determining whether the taxpayer's reliance on the opinion or advice was reasonable and made in good faith. The IRS currently takes these facts and circumstances into account in determining whether a taxpayer has satisfied the reasonable cause and good faith exception under section 6664(c).

These proposed regulations amend § 1.6664-4(c) to specify when a taxpayer cannot rely upon an opinion or advice to satisfy the reasonable cause and good faith exception. Taxpayers who do not disclose positions based upon a regulation being invalid (*see* § 1.6662-3(c)(2)) cannot use an opinion or advice concerning the invalidity of the regulation as a basis for satisfying the reasonable cause and good faith exception under section 6664(c). Similarly, the proposed regulations prohibit taxpayers from using an opinion or advice as a basis for satisfying the reasonable cause and good faith exception under section 6664(c) with respect to a reportable transaction

that the taxpayer did not disclose in accordance with § 1.6011-4T.

Under these proposed regulations, a taxpayer, in order to properly disclose a transaction, may be required to file with the taxpayer's return more than one disclosure form for the same transaction in order to satisfy the requirements in the regulations under sections 6662 and 6664 (as modified by these proposed regulations), and section 6011. The IRS and Treasury may consider permitting taxpayers to use a single disclosure document to satisfy those regulations, provided that all required information is provided by the taxpayer and provided that the taxpayer files a copy of the document with the Office of Tax Shelter Analysis as required under § 1.6011-4T (or as may be otherwise provided in any successor regulations).

Proposed Effective Date

These regulations are proposed to apply to returns filed after December 30, 2002, with respect to transactions entered into on or after January 1, 2003, to coincide with the temporary regulations relating to disclosure, promulgated under section 6011 and applicable for transactions entered into on or after January 1, 2003. The IRS, however, cautions taxpayers and tax practitioners that it will rigorously apply the existing facts and circumstances standard under § 1.6664-4(c) regarding a taxpayer's reasonable reliance in good faith on advice from a tax professional, as well as the other provisions of the regulations under sections 6662 and 6664, including § 1.6664-4(c) relating to special rules for the substantial understatement penalty attributable to tax shelter items of a corporation. In addition to the modifications contained in these proposed regulations, and regardless of when a transaction was entered into, the IRS, in appropriate circumstances, may consider a taxpayer's failure to disclose a reportable transaction or failure to disclose a position that a regulation is invalid as a factor in determining whether the taxpayer has satisfied the reasonable cause and good faith exception under section 6664(c) to the accuracy-related penalty.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulation does not impose a collection

of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and eight copies) or electronic comments that are submitted timely to the IRS. The IRS and Treasury Department request comments on the clarity of the proposed regulations and how they can be made easier to understand. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal authors of these regulations are Jamie G. Bernstein and Heather L. Dostaler of the Office of Associate of Chief Counsel (Procedure and Administration), Administrative Provisions and Judicial Practice Division.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

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

Par. 2. Section 1.6662-3 is amended by:

1. Revising paragraph (a).
2. Revising the last sentence of paragraph (b)(2)
3. Revising the first sentence of paragraph (c)(1).

The revisions read as follows:

§ 1.6662-3 Negligence or disregard of rules or regulations.

(a) *In general.* If any portion of an underpayment, as defined in section 6664(a) and § 1.6664-2, of any income

tax imposed under subtitle A of the Internal Revenue Code that is required to be shown on a return is attributable to negligence or disregard of rules or regulations, there is added to the tax an amount equal to 20 percent of such portion. The penalty for disregarding rules or regulations does not apply, however, if the requirements of paragraph (c)(1) of this section are satisfied and the position in question is adequately disclosed as provided in paragraph (c)(2) of this section (and, if the position relates to a reportable transaction as defined in § 1.6011-4T(b), the transaction is disclosed in accordance with § 1.6011-4T), or to the extent that the reasonable cause and good faith exception to this penalty set forth in § 1.6664-4 applies. In addition, if a position with respect to an item (other than with respect to a reportable transaction, as defined in § 1.6011-4T(b)) is contrary to a revenue ruling or notice (other than a notice of proposed rulemaking) issued by the Internal Revenue Service and published in the Internal Revenue Bulletin (see § 601.601(d)(2) of this chapter), this penalty does not apply if the position has a realistic possibility of being sustained on its merits. See § 1.6694-2(b) of the income tax return preparer penalty regulations for a description of the realistic possibility standard.

(b)

* * * * *

(2) * * * Nevertheless, a taxpayer who takes a position (other than with respect to a reportable transaction, as defined in § 1.6011-4T(b)) contrary to a revenue ruling or a notice has not disregarded the ruling or notice if the contrary position has a realistic possibility of being sustained on its merits.

* * * * *

(c) * * * (1) * * * No penalty under section 6662(b)(1) may be imposed on any portion of an underpayment that is attributable to a position contrary to a rule or regulation if the position is disclosed in accordance with the rules of paragraph (c)(2) of this section (and, if the position relates to a reportable transaction as defined in § 1.6011-4T(b), the transaction is disclosed in accordance with § 1.6011-4T) and, in case of a position contrary to a regulation, the position represents a good faith challenge to the validity of the regulation.

Par. 3. Section 1.6664-0 is amended by:

1. Adding an entry for § 1.6664-4(c)(1)(iii).

2. Redesignating the entries for § 1.6664-4(c)(2) and (c)(3) as § 1.6664-4(c)(3) and (c)(4), respectively.

3. Adding a new entry for § 1.6664-4(c)(2).

The additions read as follows:

§ 1.6664-0 Table of contents.

* * * * *

§ 1.6664-4 Reasonable cause and good faith exception to section 6662 penalties.

* * * * *

(c) * * *

(1) * * *

(iii) Reliance on the invalidity of a regulation.

(2) Opinions or advice relating to reportable transactions.

* * * * *

Par. 4. Section 1.6664-4 is amended by:

1. Revising paragraph (c)(1) introductory text.

2. Revising the last sentence of paragraph (c)(1)(i).

3. Adding paragraph (c)(1)(iii).

4. Redesignating paragraphs (c)(2) and (c)(3) as paragraphs (c)(3) and (c)(4), respectively.

5. Adding a new paragraph (c)(2).

The revision and additions read as follows:

§ 1.6664-4 Reasonable cause and good faith exception to section 6662 penalties.

(c) *Reliance on opinion or advice*—(1) *Facts and circumstances; minimum requirements.* All facts and circumstances must be taken into account in determining whether a taxpayer has reasonably relied in good faith on advice (including the opinion of a professional tax advisor) as to the treatment of the taxpayer (or any entity, plan, or arrangement) under Federal tax law. For example, the taxpayer's education, sophistication and business experience will be relevant in determining whether the taxpayer's reliance on the advice was reasonable and made in good faith. In no event will a taxpayer be considered to have reasonably relied in good faith on advice (including an opinion) unless the requirements of this paragraph (c)(1) are satisfied and the advice is not disqualified under paragraph (c)(2) of this section. The fact that these requirements are satisfied, however, will not necessarily establish that the taxpayer reasonably relied on the advice (including the opinion of a professional tax advisor) in good faith. For example, reliance may not be reasonable or in good faith if the taxpayer knew, or reasonably should have known, that the advisor lacked knowledge in the relevant aspects of Federal tax law.

(i) * * * In addition, the requirements of this paragraph (c)(1) are not satisfied if the taxpayer fails to disclose a fact that it knows, or reasonably should know, to be relevant to the proper tax treatment of an item.

* * * * *

(iii) *Reliance on the invalidity of a regulation.* A taxpayer may not rely on an opinion or advice that a regulation is invalid to establish that the taxpayer acted with reasonable cause and good faith unless the taxpayer adequately disclosed, in accordance with § 1.6662-3(c)(2), including the disclosure of the position that the regulation in question is invalid, and, if the position relates to a reportable transaction as defined in § 1.6011-4T(b), the transaction is disclosed in accordance with § 1.6011-4T.

(2) *Opinions or advice relating to reportable transactions.* Taxpayers may not reasonably rely on an opinion or advice of a tax advisor if the opinion or advice is disqualified under this paragraph. An opinion or advice is disqualified if it relates to the appropriate tax treatment of a reportable transaction, as defined in § 1.6011-4T(b), and the taxpayer does not disclose the transaction in accordance with § 1.6011-4T.

* * * * *

David A. Mader,

Assistant Deputy Commissioner of Internal Revenue.

[FR Doc. 02-32927 Filed 12-30-02; 8:45 am]

BILLING CODE 4830-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN129-1b; FRL-7413-6]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve a site-specific State Implementation Plan (SIP) revision request concerning volatile organic compound (VOC) reasonably available control technology (RACT) requirements for the Naval Surface Warfare Center, Crane Division (NSWC Crane) in Crane, Indiana as requested by the State of Indiana on April 3, 2000. The SIP submission allows the Department of the Navy to use military specification coatings containing a VOC content of up to 5.45 pounds per gallon for the

painting operations in Building 2728 at NSWC Crane.

In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP revision request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. The rationale for approval is set forth in the direct final rule. If EPA receives no written adverse comments, EPA will take no further action on this proposed rule. If EPA receives written adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect. In that event, EPA will address all relevant public comments in a subsequent final rule based on this proposed rule. In either event, EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: Comments on this action must be received by January 30, 2003.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of the State's SIP revision request is available for inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Environmental Protection Specialist, Regulation Development Section, Air Programs Branch (AR-18J), USEPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6061.

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" are used we mean the EPA.

I. What action is EPA taking today?
II. Where can I find more information about this proposal and corresponding direct final rule?

I. What Action Is EPA Taking Today?

The EPA is proposing to approve a revision to Indiana's SIP to allow military specification coatings containing VOC control requirements with content up to 5.45 pounds of VOC per gallon of coating less water for the projectile renovations operations in Building 2728 at NSWC Crane.

NSWC Crane submitted a petition to the Commissioner of Indiana Department of Environmental Management (IDEM) on July 13, 1999 requesting to be allowed to use military specification coatings containing VOC content greater than 3.5 pounds per

gallon. According to Indiana's requirements in 326 IAC 8-2-9 (General Provisions Relating to VOC Rules: Miscellaneous Metal Coating Operations) a 3.5 pounds of VOC per gallon of coating less water is required for any miscellaneous metal coating operation. NSWC Crane's petition was made because no low VOC substitute could be located that would meet the military specification TT-E-516, TT-P-664D, or TT-T-306 requirements. These coatings are required to meet the performance specifications for coating of the military projectiles currently manufactured at NSWC Crane.

According to 326 IAC 8-1-7 (General Provisions Relating to VOC Rules: Military Specifications), if emission limitations established in 326 IAC 8 (General Provisions Relating to VOC) conflict with military specifications, the owner or operator of the source may petition the Commissioner of IDEM to have military specifications be the controlling limitation. If the Commissioner approves the petition, the modified limitation shall be submitted to EPA as a SIP revision.

II. Where Can I Find More Information About This Proposal and Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Authority: 42 U.S.C. 4201 *et seq.*

Dated: November 14, 2002.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. 02-31668 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[FRL-7432-6]

Extension of Comment Period for "Notice of Data Availability; National Primary and Secondary Drinking Water Regulations: Approval of Analytical Methods for Chemical and Microbiological Contaminants; Additional Information on the Colitag™ Method"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of data availability—supplemental information; extension of comment period.

SUMMARY: In a March 7, 2002 proposed rule (67 FR 10532), EPA invited comments on the proposed

promulgation of a number of a number of analytical methods. One of those methods, Colitag™, was proposed for the analysis of total coliforms and *E. coli* in finished drinking water samples. EPA since received additional information from CPI International, developers of Colitag™, relative to the performance of this method. Because this additional information served to supplement the data included in the public record that supported the proposed rule, and because the data are relevant to a decision on whether to promulgate Colitag™, EPA invited comments on this additional information via a December 2, 2002 Notice of Data Availability. In today's action, EPA is extending the public comment period for the Notice of Data Availability.

DATES: EPA must receive public comment, in writing, by January 17, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions provided in Unit I, General Information, of the **SUPPLEMENTARY INFORMATION** section of the December 2, 2002 Notice of Data Availability published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Herb Bass, Technical Support Center, Standards and Risk Management Division, Office of Ground Water and Drinking Water, Environmental Protection Agency, Mail Stop 140, 26 W. Martin Luther King Drive, Cincinnati, OH 45268, PH: (513) 569-7926. Email: brass.herb@epa.gov.

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** issued on December 2, 2002 (67 FR 71520). In that document, EPA sought comments on additional information provided by CPI International concerning the Colitag™ method, relative to the proposal of this method for the analysis of total coliforms and *E. coli* in finished drinking water samples. EPA is hereby extending the comment period, which was set to end on January 2, 2003, to January 17, 2003.

To submit comments, or access the official public docket, please follow the detailed instructions as provided in Unit I, General Information, of the **SUPPLEMENTARY INFORMATION** section of the December 2, 2002 **Federal Register** document. If you have any questions, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Dated: December 23, 2002.

Nanci Gelb,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 02-32886 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 021219319-2319-01; I.D. 121702B]

Endangered and Threatened Species: Status Review Updates for Snake River Sockeye Salmon and Southern California Steelhead; and Additional Information Request for Nine Evolutionarily Significant Units of West Coast Steelhead

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

ACTION: Notice of updated status reviews; request for information.

SUMMARY: The National Marine Fisheries Service (NMFS) is currently reviewing the status of 25 Evolutionarily Significant Units (ESUs) of salmon and steelhead (*Oncorhynchus* spp.) that are currently listed as threatened or endangered species under the Endangered Species Act (ESA) of 1973, as amended, or listed as a candidate species. NMFS is announcing that it will also be updating the status of two additional anadromous salmonid ESUs currently listed as endangered species: Snake River sockeye salmon (*O. nerka*) and Southern California steelhead (*O. mykiss*). NMFS is also announcing that its status review updates for all listed steelhead ESUs will also address resident rainbow trout (*O. mykiss*) populations associated with each ESU. To ensure that these status reviews are complete and based upon the best available scientific information, NMFS is soliciting information and data regarding the status of these ESUs, including information on resident rainbow trout populations associated with steelhead ESUs. These status review updates will be completed after a revision of NMFS' policy regarding the consideration of hatchery fish in ESA status reviews of Pacific salmonids. At such time that the status reviews are updated, NMFS will consider whether there is a need to reevaluate critical habitat designations, protective

regulations, or any ongoing recovery planning efforts for these ESUs.

DATES: Information and comments on this action must be received by February 14, 2003.

ADDRESSES: Information and comments on this action should be submitted to the Assistant Regional Administrator, Protected Resources Division, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, or Assistant Regional Administrator, Protected Resources Division, Northwest Region, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232. Comments will not be accepted if submitted via e-mail or the Internet. However, comments may be sent via fax to the Southwest Region (562-980-4021) or the Northwest Region (503-230-5435).

FOR FURTHER INFORMATION CONTACT: Craig Wingert, NMFS, Southwest Region (562) 980-4021, Scott Rumsey, NMFS, Northwest Region (503) 872-2791, or Barry Thom, NMFS, Office of Protected Resources (301) 713-1401.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 2002, NMFS announced it was undertaking updated status reviews for 25 Evolutionarily Significant Units (ESUs) of salmon and steelhead on the West coast (67 FR 6215). These updated status reviews are in progress and include 24 of 26 currently listed salmon and steelhead ESUs, as well as one candidate ESU (Lower Columbia River coho salmon). The status review updates for 14 of these ESUs were triggered by NMFS's acceptance of five de-listing petitions requesting that the ESUs should be de-listed on the basis of the September 2001 U.S. District Court ruling in *Alsea Valley Alliance v. Evans* (Alsea decision). The Court held that NMFS made an improper distinction under the ESA by treating certain artificially propagated salmon populations included in a "distinct population segment" differently from natural populations in the same DPS in making its listing determinations. In the same **Federal Register** notice, NMFS also announced that it would not revisit the status of the endangered Snake River sockeye or the endangered Southern California steelhead ESUs because the listing determinations for these ESUs were unaffected by the ESA interpretative issues stemming from the *Alsea* decision.

NMFS is planning to undertake updated status reviews for both of these ESUs. In the case of the Snake River sockeye, this is based on two

considerations. First, the status of the ESU has not been updated since 1991 and since there is at least 10 years of new information available an update is warranted. Second, NMFS is developing a new hatchery listing policy that will give consideration to artificial propagation programs in future salmon and steelhead listing determinations. Since this ESU contains a captive hatchery population, it is appropriate to conduct an updated status review and apply the policy to this ESU so that a consistent approach will have been used in all NMFS' listing determinations for Pacific salmonids. In the case of Southern California steelhead, NMFS has determined that an updated status review is appropriate based on two considerations. First, the last comprehensive status review was completed in 1996 and thus several years of new information may be available that should be considered in a status update. Second, issues have been raised in recent litigation (*Environmental Defense Center v. Evans*) about the status of resident rainbow trout populations above and below barriers, their relationship to steelhead populations below barriers, and whether or not resident forms should be part of the listed steelhead ESU. These issues warrant further consideration and are most appropriately addressed in an updated status review.

NMFS has also determined that the issues regarding the relationship between resident rainbow trout and steelhead that were raised in the *Environmental Defense Center v. Evans* case may also apply to the 9 ESUs of steelhead for which updated status reviews have already been initiated (see 67 FR 6215; February 11, 2002). Accordingly, NMFS has expanded these 9 steelhead ESU status review updates to further consider resident rainbow trout and their relationship to steelhead. To ensure that NMFS has the best available scientific and commercial data to address these issues, this **Federal Register** notice specifically requests information on resident rainbow trout populations associated with these 9 steelhead ESUs.

In conducting these status review updates and making any future listing determinations for these ESUs, NMFS will utilize the best available scientific and commercial data and coordinate with the U.S. Fish and Wildlife Service (FWS). NMFS will also consider conservation efforts that provide substantial benefit to the protection and conservation of these ESUs (see joint NMFS - FWS "Proposed Policy on

Evaluating Conservation Efforts"; 65 FR 37102; June 13, 2000).

Description of ESUs to be Reviewed

The following sections describe the Snake River sockeye and Southern California steelhead ESUs that will be updated. The year of the most recent status review and the latest data utilized are also provided for each ESU to indicate the available data that would be most valuable to NMFS (e.g. information since the most recent status review) in conducting the status review updates.

Snake River Sockeye Salmon ESU

The Snake River sockeye ESU was listed as an endangered species on November 20, 1991 (56 FR 58619). The ESU includes all naturally spawned populations of sockeye salmon in Redfish Lake in the Salmon River Basin, Idaho. The ESU also includes a captive hatchery population of sockeye salmon. The status of the ESU was last reviewed in 1991 (Waples *et al.*, 1991) utilizing data through 1990.

Southern California Steelhead ESU

The Southern California steelhead ESU was listed as an endangered species on August 18, 1997 (62 FR 43937). The ESU was defined to include all naturally spawned steelhead populations (and their progeny) occupying rivers from the Santa Maria River, San Luis Obispo County, California (inclusive) southward to Malibu Creek, Los Angeles County, California. Resident forms of steelhead (i.e. rainbow trout) above and below barriers were not included in the final listing determination. However, the status review noted that the resident life history form may be a significant part of the ESU, but that there was insufficient information regarding resident trout to reasonably evaluate their status or interactions with steelhead (Busby *et al.* 1966). On May 1, 2002, NMFS redefined the geographic range of this ESU to include all naturally spawned steelhead (and their progeny) occupying rivers from the Santa Maria River, San Luis Obispo County, California (inclusive) to the U.S.-Mexico Border based on new information indicating that steelhead spawned in at least one location south of Malibu Creek (67 FR 21586). Resident forms of steelhead (i.e. rainbow trout) were not included in this range extension. The status of this ESU was last reviewed comprehensively in 1996 based on the best data available at that time (Busby *et al.* 1996).

The 9 steelhead ESUs for which NMFS is requesting additional information on resident rainbow trout populations are described in the

February 11, 2002, **Federal Register** notice announcing the west coast status review updates (67 FR 6215). They include the following ESUs: South-Central California Coast steelhead, Central California Coast steelhead, Upper Columbia River steelhead, Snake River Basin steelhead, Lower Columbia River steelhead, California Central Valley steelhead, Upper Willamette River steelhead, Middle Columbia River steelhead, and Northern California steelhead.

Information Solicited

To ensure that the status review updates are complete and based on the best available and most recent scientific and commercial data, NMFS is soliciting information and comments (see **DATES** and **ADDRESSES**) concerning the Snake River sockeye and Southern California steelhead ESUs. NMFS is soliciting pertinent information on naturally spawned and hatchery populations within these ESUs including: data on population abundance, recruitment, productivity, escapement and reproductive success; historical and present data on hatchery releases, outmigration, survival, returns, straying rates, replacement rates, and reproductive success in the wild; data on age structure and migration patterns of juveniles and adults; meristic, morphometric, and genetic studies; and spatial and temporal trends in the quality and quantity of freshwater, estuarine, and marine habitats. NMFS is particularly interested in receiving such information for the period subsequent to the most recent status review for the two ESUs (see Description of ESUs to be Reviewed).

In the case of Southern California steelhead and the other 9 ESUs of west coast steelhead, NMFS is also soliciting pertinent information about resident rainbow trout populations above and below barriers within the geographic range occupied by the ESU. NMFS in particular is seeking information regarding: the relationship between resident rainbow trout and steelhead; the range, distribution, and habitat-use patterns of resident rainbow trout populations; the abundance, density, and presence/absence of resident rainbow trout; genetic or other relevant data indicating the amount of exchange and the degree of historic and current relatedness between steelhead and resident rainbow trout life history forms; the existence of natural and artificial barriers to anadromous steelhead populations; the relationship of resident fish located above impassible barriers to anadromous and resident populations below such barriers; and the spatial and temporal trends in the quality and quantity of freshwater habitat, particularly above barriers.

Conservation Efforts to Protect ESUs

Section 4(b)(1)(A) of the ESA requires the Secretary to make listing determinations solely on the basis of the best scientific and commercial data available after conducting a review of the status of a species and after taking into account efforts being made to protect the species. Therefore, in making its listing determinations, NMFS first assesses the status of the species and identifies factors that have led to their decline. NMFS then assesses conservation efforts to determine whether they ameliorate a species'

extinction risk. In judging the efficacy of conservation efforts, NMFS considers the following: the substantive, protective, and conservation elements of such efforts; the degree of certainty that such efforts will be reliably implemented; the degree of certainty that such efforts will be effective in furthering the conservation of the species; and the existence of monitoring provisions to determine the effectiveness of conservation efforts and that allow for adaptive management. In some cases, conservation efforts may be relatively new or may not have had sufficient time to demonstrate their biological benefit. In such cases, provisions of adequate monitoring and funding for conservation efforts are essential to ensure that the intended conservation benefits are realized. NMFS encourages all parties to submit information regarding ongoing conservation efforts to protect the Snake River sockeye and Southern California steelhead ESUs, as well as information on recently implemented or planned activities and their likely impact on these ESUs.

The complete citations for the references in this document can be obtained by contacting NMFS or via the Internet (see **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**).

Authority: 16 U.S.C. 1531 *et seq.*

Dated: December 23, 2002.

William T. Hogarth,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 02-32953 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-22-S

Notices

Federal Register

Vol. 67, No. 251

Tuesday, December 31, 2002

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 COMMERCE

International Trade Administration

[A-823-808]

Preliminary Results of Five-Year Sunset Review of Suspended Antidumping Duty Investigation on Certain Cut-to-Length Carbon Steel Plate From Ukraine

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of full sunset review: certain cut-to-length carbon steel plate from Ukraine.

SUMMARY: On September 3, 2002, the Department of Commerce (“the Department”) initiated a sunset review of the suspended antidumping duty investigation on certain cut-to-length carbon steel plate (“CTL plate”) from Ukraine (67 FR 56268) pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”). On the basis of notices of intent to participate filed on behalf of domestic interested parties and adequate substantive comments filed on behalf of domestic and respondent interested parties, the Department is conducting a full (240-day) review. As a result of this review, the Department preliminarily finds that termination of the suspended antidumping duty investigation on CTL plate from Ukraine would likely lead to continuation or recurrence of dumping at the levels indicated in the *Preliminary Results of Review* section of this notice.

EFFECTIVE DATE: December 31, 2002.

FOR FURTHER INFORMATION CONTACT: Shannon M. McCormack or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2539 or (202) 482-3330, respectively.

SUPPLEMENTARY INFORMATION:

Scope of Review

The products covered by the sunset review of the suspended antidumping duty investigation on certain cut-to-length carbon steel plate from Ukraine include hot-rolled iron and non-alloy steel universal mill plates (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm and of a thickness of not less than 4 mm, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain iron and non-alloy steel flat-rolled products not in coils, of rectangular shape, hot-rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 mm or more in thickness and of a width which exceeds 150 mm and measures at least twice the thickness. Included as subject merchandise in this review are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been “worked after rolling”) for example, products which have been beveled or rounded at the edges. This merchandise is currently classified in the Harmonized Tariff Schedule of the United States (“HTS”) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000. Although the HTS subheadings are provided for convenience and customs purposes, the written description of the scope of this sunset review is dispositive. Specifically excluded from subject merchandise within the scope of this sunset review is grade X-70 steel plate.

History of Suspension Agreement

On December 3, 1996, the Department initiated an antidumping duty investigation under section 732 of the Tariff Act of 1930 (“the Act”) on certain

cut-to-length carbon steel plate (“CTL plate”) from Ukraine. *See Initiation of Antidumping Duty Investigations: Certain Cut-To-Length Carbon Steel Plate from the People’s Republic of China, Ukraine, the Russian Federation, and the Republic of South Africa*, 61 FR 64051 (December 3, 1996). On June 11, 1997, the Department preliminarily determined that CTL plate from Ukraine was being, or was likely to be, sold in the U.S. at less than fair value. *See Preliminary Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from Ukraine*, 62 FR 31958 (Wednesday, June 11, 1997).

The Department suspended the antidumping duty investigation on October 24, 1997, on the basis of an agreement by the Government of Ukraine to restrict the volume of direct and indirect exports of CTL plate to the U.S. in order to prevent the suppression or undercutting of price levels of U.S. domestic like products. *See Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate From Ukraine*, 62 FR 61766 (October 24, 1997). Thereafter, the Department completed its investigation and published in the **Federal Register** its final determination of sales at less than fair market value. In the final determination, the Department calculated weighted-average dumping margins of 81.43 percent for JSC Azovstal Iron & Steel Works (“Azovstal”), 155.00 percent for JSC Ilyich Iron & Steel Works (“Ilyich”), and 237.91 for “all other” Ukrainian manufacturers, producers, and exporters of the subject merchandise. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From Ukraine*, 62 FR 61754 (November 19, 1997). The Suspension Agreement (“Agreement”) remains in effect for all manufacturers, producers, and exporters of CTL plate from Ukraine.

Background

On September 3, 2002, the Department initiated a sunset review of the suspended antidumping duty investigation on CTL plate from Ukraine, pursuant to section 751(c) of the Act. *See Notice of Initiation of Five-Year (“Sunset”) Reviews*, 61 FR 64051 (September 3, 2002). The Department received Notices of Intent to Participate

on behalf of Bethlehem Steel Corporation ("Bethlehem"), United States Steel Corporation ("U.S. Steel"), IPSCO Steel Inc. ("IPSCO"), and Nucor Corporation ("Nucor") (collectively, "domestic interested parties"), within the applicable deadline specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. See Notices of Intent to Participate for IPSCO and Nucor (September 16, 2002) and Bethlehem and U.S. Steel (September 18, 2002). Domestic interested parties claimed interested-party status under section 771(9)(C) of the Act. *Id.* at 2. In addition, domestic interested parties assert that they are not related to a foreign producer/exporter and are not importers, or related to importers, of the subject merchandise. *Id.*

The Department received a complete substantive responses from the domestic interested parties within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). See Substantive Responses for IPSCO and Nucor (October 2, 2002) and Bethlehem and U.S. Steel (October 3, 2002). On October 3, 2002, the Department received a complete substantive response from respondent interested parties Azovstal and Ilyich (collectively, "respondent interested parties"). See Substantive Response for Azovstal and Ilyich (October 3, 2002). Respondent interested parties assert that they participated fully in the original investigation and have exported CTL plate from Ukraine in accordance with the terms and conditions of the Agreement. *Id.* at 4. Respondent interested parties claimed interested-party status under section 771(9)(A) of the Act as foreign manufacturers, producers, and exporters of CTL plate from Ukraine. *Id.* at 2. Lastly, domestic interested parties filed rebuttal responses to respondent interested parties' substantive response on October 8, 2002. See Rebuttal Responses from Domestic Interested Parties (October 8, 2002).

In a sunset review, the Department normally will conclude that there is adequate response to conduct a full sunset review where respondent interested parties account for more than 50 percent, by volume, of total exports of subject merchandise to the United States. See 19 CFR 351.218(e)(1)(ii)(A) (63 FR 13516 (March 20, 1998)). After examining the respondent interested parties' total exports of the subject merchandise, on October 23, 2002, the Department determined that the respondent interested parties accounted for more than 50 percent total production of the domestic like product.

See Letter from Jeffrey A. May, Director, Office of Policy, Import Administration, to Lynn Featherstone, Director, Office of Investigations, International Trade Commission (October 23, 2002). Because the response of the respondent interested parties constituted an adequate response to the notice of initiation, the Department is conducting a full (240-day) sunset review in accordance with section 751(c)(3)(B) of the Act, and 19 CFR 351.218(e)(1)(i) and will issue final results of review not later than May 1, 2003.

Analysis of Comments Received

All issues raised by parties to this sunset review are addressed in the *Issues and Decision Memorandum* ("Decision Memorandum") from Jeffrey A. May, Director, Office of Policy, Import Administration, to Faryar Shirzad, Assistant Secretary, Import Administration, dated December 23, 2002, which is adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail were the suspended antidumping duty investigation to be terminated. Parties may find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099, of the main Commerce building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>, under the heading "December 2002." The paper copy and electronic version of the Decision Memorandum are identical in content.

Preliminary Results of Review

We preliminarily determine that termination of the suspended antidumping duty investigation on CTL plate from Ukraine would likely lead to a continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/producer/exporter	Weighted-average margin percentage
Azovstal	81.43
Ilyich	155.00
Ukraine-wide	237.91

Any interested party may request a hearing within 30 days of publication of this notice in accordance with 19 CFR 351.310(c). Interested parties may submit case briefs no later than February 10, 2003, in accordance with 19 CFR 351.309(c)(1)(i). Rebuttal briefs,

which must be limited to issues raised in the case briefs, may be filed not later than February 17, 2003. Any hearing, if requested, will be held on February 19, 2003, in accordance with 19 CFR 351.310(d). The Department will issue a notice of final results of this sunset review, which will include the results of its analysis of issues raised in any such comments, no later than May 1, 2003.

This sunset review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: December 23, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02-33010 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final court decision and amended final results of administrative review.

EFFECTIVE DATE: December 31, 2002.

SUMMARY: As a result of a final and conclusive court decision, the Department of Commerce is amending its final results of the administrative review of shipments of tapered roller bearings and parts thereof, finished and unfinished from the People's Republic of China made during the period June 1, 1993, through May 31, 1994.

FOR FURTHER INFORMATION CONTACT: Jennifer Moats or Richard Rimlinger, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-5047 or (202) 482-4477, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions in effect as of December 31, 1994. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the

Department's) regulations are to the regulations as codified at 19 CFR part 353 (1995).

Summary

On February 11, 1997, the Department published in the **Federal Register** its *Final Results and Partial Termination of Antidumping Duty Administrative Review on Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China*, 62 FR 6173 (*Final Results*). This notice covered various exporters for the period June 1, 1993, through May 31, 1994. As a result of litigation, the Court of International Trade (CIT) remanded the results of the review to the Department on October 25, 2001. See *Peer Bearing Company v. United States*, Court No. 97-03-00419, Slip Op. 01-125 (CIT October 25, 2001). The CIT ordered the Department to make the following changes to its original calculations: (1) Correct a clerical error resulting from the application of best information available to certain models for which factor-of-production data were available; (2) redetermine direct labor costs on the basis of SKF India's data on labor (supplemented by facts otherwise available only to the extent necessitated by the insufficiency, if any, of SKF India's data currently on the record); and (3) determine marine insurance in a manner related to the value and risk of transporting tapered roller bearings. The Department submitted its final results of redetermination on remand to the CIT on March 12, 2002; the CIT affirmed the Department's final remand results and dismissed the case. See *Peer Bearing Company v. United States*, Court No. 97-03-00419, Slip Op. 02-53 (CIT June 5, 2002). In another decision, *Transcom, Inc., et al. v. United States*, Court No. 01-1138, 2002 U.S. App. LEXIS 12723 (June 27, 2002), the Court of Appeals for the Federal Circuit issued an opinion upholding the Department's determination in this administrative review.

As there is now a final and conclusive court decision in this action, we are amending our final results of review and we will instruct the Customs Service to liquidate entries subject to this review.

Amendment to Final Results

Pursuant to section 516A(e) of the Act, we are now amending the final results of administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China for the period of review June 1, 1993, through May 31, 1994. The revised weighted-average margins are as follows:

Company	Margin (percent)
Premier Bearing and Equipment Ltd	60.95
Guizhou Machinery Import and Export Corporation	9.06
Henan Machinery and Equipment Import and Export Corporation	0.61
Luoyang Bearing Factory	0.57
Shanghai General Bearing Company Limited	0.05
Jilin Province Machinery Import and Export Corporation	60.95
Chin Jun Industrial Limited	10.00
Wafangdian Bearing Factory	13.36
Lianning MEC Group Company Limited	7.24
China National Machinery Import and Export Corp (CMC)	0.06
China Nat'l Automotive Industry Machinery Import and Export Corp (Guizou Automotive)	0.96
Tianshui Hailin Import and Export Corp	16.55
Zhejiang Machinery Import and Export Corp	10.08

Accordingly, the Department will determine and the Customs Service shall assess appropriate antidumping duties on entries of the subject merchandise exported by firms covered by this review. Weighted-average margins for other respondent companies remain as published in the *Final Results*.

We are issuing and publishing this determination in accordance with section 751(a) of the Act.

Dated: December 19, 2002.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 02-33009 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 122602A]

Proposed Information Collection; Comment Request; StormReady and TsunamiReady/StormReady Application Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the

Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 3, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Stephan Kuhl at *Stephan.Kuhl@noaa.gov* at 301-713-0090, extension 175.

SUPPLEMENTARY INFORMATION:

I. Abstract

StormReady and TsunamiReady are voluntary programs offered as a means of providing guidance and incentive to officials interested in improving their respective hazardous weather operations. The StormReady Application Form and TsunamiReady/StormReady Application Form will be used by localities to apply for initial StormReady or TsunamiReady and StormReady recognition and renewal of that recognition every three years. A typical StormReady and/or TsunamiReady community would use this form two times every 10 years. The government will use the information collected by the StormReady or TsunamiReady/StormReady Application Form to determine whether a community has met all of the criteria to receive StormReady and/or TsunamiReady recognition.

II. Method of Collection

The information will be collected through the submission of a paper application form.

III. Data

OMB Number: 0648-0419.
Form Number: None.
Type of Review: Regular submission.
Affected Public: State, Local, or Tribal government (emergency management).
Estimated Number of Respondents: 75.
Estimated Time Per Response: 1 hour.
Estimated Total Annual Burden Hours: 75.
Estimated Total Annual Cost to Public: \$27.75.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance

of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 20, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02-33034 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-KE-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 122602B]

Proposed Information Collection; Comment Request; Capital Construction Fund Deposit/Withdrawal Report

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 3, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Charles L. Cooper, Financial

Services Division, Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, Maryland 20910, 301-713-2396.

SUPPLEMENTARY INFORMATION:

I. Abstract

Respondents will be commercial fishing industry individuals, partnerships, and corporations which entered into Capital Construction Fund agreements with the Secretary of Commerce allowing deferral of Federal taxation on fishing vessel income deposited into the fund for use in the acquisition, construction, or reconstruction of fishing vessels. Deferred taxes are recaptured by reducing an agreement vessel's basis for depreciation by the amount withdrawn from the fund for its acquisition, construction, or reconstruction. The deposit/withdrawal information collected from agreement holders is required pursuant to 50 CFR part 259.35 and Public Law 99-514 (The Tax Reform Act, 1986). The information collected is required to ensure that agreement holders are complying with fund deposit/withdrawal requirements established in program regulations and properly accounting for fund activity on their Federal income tax returns. The information must also be reported annually to the Secretary of Treasury in accordance with the Tax Reform Act, 1986.

II. Method of Collection

The information will be collected on the Capital Construction Fund Deposit/Withdrawal Report form, which agreement holders are required to submit at the end of their tax year.

III. Data

OMB Number: 0648-0041.

Form Number: NOAA Form 38-42.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 3,600.

Estimated Time Per Response: 20 minutes.

Estimated Total Annual Burden Hours: 1,200.

Estimated Total Annual Cost to Public: \$20,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the

proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 20, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02-33035 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 122602C]

Proposed Information Collection; Comment Request; Alaska Region Permit Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 3, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, NMFS Alaska Region, 907-586-7228 or e-mail at patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

Fishermen and processors wishing to participate in regulated fisheries in the Exclusive Economic Zone off Alaska must obtain either a Federal Fisheries Permit, a Federal Processor Permit, a High-Seas Power Troller Permit, or an Experimental Fishing Permit. A holder of an Experimental Fishing Permit must file a progress and final report. The application and report information is used to identify participants in the fishery, aid enforcement of fishery regulations, and analyze activity within the fisheries.

II. Method of Collection

Paper forms are used.

III. Data

OMB Number: 0648-0206.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households, and not-for-profit institutions.

Estimated Number of Respondents: 931.

Estimated Time Per Response: 21 minutes for Federal Fisheries Permit application; 21 minutes for Federal Processor Permit application; 20 minutes for a High-Seas Power Troller Permit application; 20 hours for Exempted Fisheries Permit application; 5 hours for an Exempted Fisheries Permit progress report; and 10 hours for an Exempted Fisheries Permit final report.

Estimated Total Annual Burden Hours: 483.

Estimated Total Annual Cost to Public: \$1,329.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection;

they also will become a matter of public record.

Dated: December 20, 2002.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 02-33036 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 120202B]

Marine Mammal Authorization Program Integration of Registration for Selected Atlantic Ocean, Gulf of Mexico, and Caribbean Fisheries

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

ACTION: Notice of expansion of integrated registration program.

SUMMARY: NMFS is providing notice that it is increasing the number of fisheries for which the Marine Mammal Authorization Program (MMAP) registration is integrated with existing Federal fishery licensing and permitting programs. NMFS is integrating MMAP registration at this time for Category I or II federal fisheries permitted through the NMFS Southeast Regional office. Fishers who participate in a Category I or II fishery for which registration is not integrated must continue to register as specified in the List of Fisheries.

ADDRESSES: For east coast fisheries, registration information and marine mammal injury/mortality reporting forms may be obtained from the following regional offices:

NMFS, Northeast Region, Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930-2298, Attn: Marcia Hobbs.

NMFS, Southeast Region, 9721 Executive Center Drive North, St. Petersburg, FL 33702, Attn: Teletha Griffin.

FOR FURTHER INFORMATION CONTACT: Patricia Lawson, Office of Protected Resources, 301-713-2322; Marcia Hobbs, Northeast Regional Office, 978-281-9328; or Teletha Griffin, Southeast Regional Office, 727-570-5312.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:**Background**

According to the Marine Mammal Protection Act (MMPA), all fishers who participate in a Category I or II fishery as provided in the List of Fisheries (67 FR 2410, January 17, 2002) must be registered in the MMAP. The MMAP provides an authorization for commercial fishers which allows the incidental (i.e., non-intentional) taking of marine mammals pursuant to the MMPA during the course of commercial fishing operations. To qualify for this authorization, fishers who participate in a Category I or II fishery must register in the MMAP. (For a complete description of requirements for Category I and II fisheries, consult 50 CFR 229.4). A complete description of the purpose and history of the MMAP integration process can be found in 67 FR 42237 (June 21, 2002).

The goals of the expanded integration program include assuring consistency in registration procedures across a greater number of fisheries, increasing the number of registrants to better reflect the level of participation in the fisheries for monitoring purposes, and conducting outreach to the fishing industry with regard to MMPA requirements. By using data from existing fishery licensing programs, the MMAP integration will reduce the registration burden on the fishing industry while better facilitating the protection and conservation of marine mammals. In a licensing system that is integrated with the MMAP, fishers will no longer have to submit an MMAP registration form, current fishery permit holders registration form, renewal form, or processing fee to NMFS in order to receive or validate their MMAP Authorization Certificates.

NMFS is pursuing the integration of MMAP registration based on the fishery listings in the 2002 LOF. Southeast fisheries permitted through the Southeast Regional Federal Permits office which will be integrated include Coastal Migratory Pelagics, Rock Shrimp, Shark, Snapper-Grouper, High Seas, and Swordfish. Of those fisheries, only those permit holders who indicated use of gear types that fall within the 2002 LOF will be integrated. These gear types include portions of the gillnet, longline, and trawl fisheries.

A database has been established to query the license-holder information from the Federal permit database. Using this information, NMFS will mail MMAP Authorization Certificates and marine mammal injury/mortality reporting forms to each permit or license-holder. The certificates will

provide an MMAP authorization for all fishers who participate in an integrated Category I or II fishery, provided that the fisher holds a valid Federal fishing permit or license for the affected regulated fishery.

A fisher who participates in state and/or Federal fisheries not yet integrated with the MMAP registration system must continue to send in the registration form to NMFS.

Dated: December 16, 2002.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 02-33037 Filed 12-30-02; 8:45 am]

BILLING CODE 3510-22-S

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, January 10, 2003.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Meeting.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02-33103 Filed 12-27-02; 12:30 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, January 17, 2003.

PLACE: 1155 21st St., NW., Washington DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance meeting.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02-33104 Filed 12-27-02; 12:30 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, January 24, 2003.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance meeting.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02-33105 Filed 12-27-02; 12:30 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 11 a.m., Friday, January 31, 2003.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance meeting.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 02-33106 Filed 12-27-02; 12:30 pm]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Record of Decision for the Final Environmental Impact Statement for the Relocation of Technical Area 18 Capabilities and Materials at the Los Alamos National Laboratory

AGENCY: Department of Energy, National Nuclear Security Administration.

ACTION: Record of Decision.

SUMMARY: The Department of Energy's (DOE) National Nuclear Security Administration (NNSA) is issuing this Record of Decision on the proposed relocation of Technical Area 18 (TA-18) capabilities and materials at the Los Alamos National Laboratory in the State of New Mexico. This Record of Decision is based on the information and analysis contained in the TA-18 Relocation

Environmental Impact Statement (DOE/EIS-319), and other factors, such as programmatic and technical risk, construction requirements, and cost. NNSA has decided to implement the Preferred Alternative, which would relocate Security Category I/II missions and related materials to the Device Assembly Facility at the Nevada Test Site. This alternative includes facility modification and transportation of special nuclear materials and equipment required to support Security Category I/II missions. Regarding Security Category III/IV alternatives, NNSA has determined that additional studies are required and thus is not making a decision on this set of missions.

FOR FURTHER INFORMATION CONTACT: For further information on the TA-18 Relocation EIS or Record of Decision, or to receive a copy of the TA-18 Relocation EIS, contact: James J. Rose, Document Manager, National Nuclear Security Administration (NA-53), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-5484. For information on the DOE National Environmental Policy Act (NEPA) process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (205) 586-4600, or leave a message at (800) 472-2756.

SUPPLEMENTARY INFORMATION:

Background

The DOE's NNSA prepared this Record of Decision pursuant to the regulations of the Council on Environmental Quality for implementing NEPA (40 CFR parts 1500-1508) and DOE's NEPA Implementing Procedures (10 CFR part 1021). This Record of Decision is based, in part, on DOE's TA-18 Relocation EIS (DOE/EIS-319).

NNSA is responsible for providing the Nation with nuclear weapons, ensuring the safety and reliability of those nuclear weapons, and supporting programs that reduce global proliferation. These missions are accomplished with a core team of highly trained nuclear experts. One of the major training facilities for those personnel is located at Technical Area 18 (TA-18) within the Los Alamos National Laboratory (LANL), Los Alamos, New Mexico. The operations at TA-18 enable DOE and other government personnel to gain knowledge and expertise in advanced nuclear technologies that support the following: (1) Nuclear materials

management and criticality safety; (2) emergency response in support of counter-terrorism activities; (3) safeguards and arms control in support of domestic and international programs to control excess nuclear materials; and (4) criticality experiments in support of Stockpile Stewardship and other programs. Criticality experiments involve systems of fissile material(s), called critical assemblies, which are designed to reach a condition of nuclear criticality in a controlled manner. The capability to conduct criticality experiments also includes development of nuclear instruments, measurement and evaluation of integral cross sections, accident simulation, dosimetry, and the detection and characterization of nuclear material. A critical assembly is a machine used to manipulate a mass of fissile material in a specific geometry and composition. The critical assembly machines proposed for relocation are the Flattop, Planet, Comet, and Godiva, which are currently located in TA-18 facilities called CASAs (Critical Assembly Storage Areas).

NNSA uses a cost-effective, graded approach to provide safeguards and security for special nuclear materials (SNM). Quantities of SNM stored at each site are categorized into Security Categories I, II, III, and IV with the greater quantities included under Security Categories I/II and lesser quantities included in descending order under Security Categories III/IV. Areas supporting Security Category I/II activities are protected by a Perimeter Intrusion Detection and Assessment System (PIDAS) designed to detect, control, or deny access to these areas. Each CASA at TA-18 is surrounded by a PIDAS.

TA-18 operations at LANL include Security Category I/II, as well as Security Category III/IV activities. Security Category I/II activities are associated primarily with the operation of the Flattop, Planet, Comet and Godiva critical assembly machines. Security Category III/IV activities are associated with various experiments and storage involving small quantities of SNM and the operation of the critical assembly machine.

Though TA-18 is judged to be secure by DOE's independent inspection office, its buildings and infrastructure are from 30 to more than 50 years old and are increasingly expensive to maintain and operate. Additionally, the TA-18 operations are located in a canyon which is difficult to secure, resulting in increasingly high costs to maintain a security infrastructure for the special nuclear materials (SNM) used and stored at the site. NNSA wishes to

maintain the important capabilities currently provided at TA-18 in a manner that reduces the long-term costs for safeguards and security. NNSA proposes to accomplish this by relocating the TA-18 capabilities and materials to a new location.

Alternatives Considered

NNSA evaluated the environmental impacts associated with the proposed action of relocating TA-18 capabilities and materials associated with Security Category I/II activities to a new location. Location alternatives for Security Category I/II activities and materials include the following DOE sites: (1) A different site at LANL at Los Alamos, New Mexico; (2) Sandia National Laboratories at Albuquerque, New Mexico (SNL/NM); (3) Nevada Test Site (NTS) near Las Vegas, Nevada; and (4) Argonne National Laboratory-West (ANL-W) near Idaho Falls, Idaho.

In conjunction with the relocation of Security Category I/II activities, NNSA also evaluated the environmental impacts associated with the relocation of TA-18 Security Category III/IV activities, including SHEBA, within LANL, and considered two alternatives not involving relocation: the No Action Alternative and the TA-18 Upgrade Alternative. These alternatives are described in greater detail below.

No Action Alternative

This alternative would maintain the current missions at TA-18 as described for the Expanded Operations Alternative in the LANL Site-Wide Environmental Impact Statement (LANL SWEIS) and the associated Record of Decision (64 FR 50797). Under the No Action Alternative, the operations conducted at TA-18 would continue at the level described in the LANL SWEIS with no major construction, facility modifications, or changes to the infrastructure associated with buildings or safeguards and security. Current SNM inventories (all security categories), as well as the criticality experiments machines, would remain in place. The No Action Alternative may limit NNSA's ability to support future TA-18 mission requirements.

TA-18 Upgrade Alternative

This alternative would upgrade the buildings, infrastructure and security infrastructure of existing TA-18 facilities to continue housing these TA-18 operations at their present location at LANL. Current SNM inventories (all security categories), as well as the criticality experiments machines, would remain in place.

Under the Upgrade Alternative, some construction activities would be necessary. New construction would consist of: (1) A new one-story office and laboratory building, (2) a new one-story control room, (3) a new one-story pre-engineered metal storage building, and (4) a new storage vault. In addition, some modifications to existing facilities would also be needed. The modifications include: installation of high-efficiency particulate air filters in conjunction with negative pressurization of the CASAs; paving and surfacing improvements; replacement of potable and fire-protection water systems; replacement of the sanitary sewage system; storm-water management improvements; site grading; additions or replacements of heating, ventilating, and air conditioning; power distribution and monitoring; lightning protection; grounding; surge suppression; PIDAS upgrades; and physical security enhancements.

LANL New Facility Alternative

This alternative would locate the TA-18 Security Category I/II activities in a new building to be constructed near the Plutonium Facility 4 (PF-4) at LANL's TA-55. The new Security Category I/II operations building would consist of above-grade structures that would house support operations and below-grade structures that would house criticality assembly areas and SNM vaults. A low-scatter bay would be located in a new pre-engineered-type building above ground. Access to the facility would be through a new Protected Area Access Control Building. The PF-4 PIDAS would be enlarged to encompass this new facility.

SNL/NM Alternative

This alternative would locate the TA-18 Security Category I/II operations within a new Security Category I/II facility to be constructed within TA-V at SNL/NM. The new Security Category I/II operations building would include nuclear material storage vaults, and critical assembly facilities. The alternative would also involve the modification and renovation of 10 existing aboveground buildings within SNL/NM's TA-V area. Structures that would be located in the aboveground renovations would include emergency response staging and maintenance, electronics and machine shops, instrumentation laboratory, critical assembly control rooms and warehouse, a low-scatter facility, waste management storage areas, and radioactive-source storage areas.

NTS Alternative

This alternative would locate the TA-18 Security Category I/II operations in and around the existing the Device Assembly Facility (DAF). Currently, DAF is used for the assembly of subcritical experiments, as well as other miscellaneous national security missions. To accommodate the relocated TA-18 operations, modifications to the DAF would include: modifications to internal walls, floors, and ceilings; addition of bulk and penetration-shielding materials; demolition of fire-suppression and other water systems; and, raceway additions connecting the critical assemblies to their control rooms and power supplies. A new low-scatter building would also be constructed and placed outside the DAF, within its PIDAS.

ANL-W Alternative

This alternative would locate the TA-18 Security Category I/II operations in the existing Fuel Manufacturing Facility (FMF) and other existing buildings at ANL-W. New construction to expand the existing FMF would be required to accommodate the relocated TA-18 operations. Security upgrades would also be necessary. The facilities proposed for the relocation of Security Category I/II activities are: FMF, with a proposed new addition; the Zero Power Physics Reactor (ZPPR) facility; the Experimental Breeder Reactor II (EBR-II) containment and power plant; the Transient Reactor Test (TREAT) facility; and a new General-Purpose Experimental Building (GPEB). Storage vault space requirements for Security Category III SNM would be provided in four different vaults within the protected area. Two of the vaults currently exist, while the other two would be constructed along with the new additions.

Relocation of SHEBA and Other Security Category III/IV Activities

As discussed above, in conjunction with the relocation of TA-18 Security Category I/II activities to either LANL's TA-55, SNL/NM, NTS, or ANL-W, a portion of the TA-18 Security Category III/IV activities (the SHEBA activities) would either be relocated to a new structure at LANL or remain at TA-18 and the rest of the Security Category III/IV activities would either be relocated to existing or new structures at LANL or remain at TA-18.

The relocation of the SHEBA activities to a new location at LANL would involve either the construction of a new structure on top of an existing bunker or the construction of a new

bunker and cover structure. The bunker, in both cases, would be used to house the SHEBA solution tanks and support equipment. A new control and training-room structure would be built in relatively close proximity to the construction of the new SHEBA bunker, but outside the SHEBA radiation zone.

The relocation of the TA-18 Security Category III/IV activities, other than SHEBA, to LANL's TA-55 would involve the construction of a new laboratory and a new office building at TA-55 in the proximity, but outside the PIDAS, of the proposed new underground facility for Security Category I/II activities. If a decision is made that Security Category III/IV activities remain at TA-18, some internal modifications to TA-18 facilities would be required, but no new construction. Internal modifications would be limited to rearrangement of internal spaces.

Preferred Alternative

As stated in the TA-18 Relocation Final EIS, NNSA's Preferred Alternative is the NTS Alternative for Security Category I/II materials and activities. The preferred alternative is the alternative that the agency believes would fulfill its statutory mission, giving consideration to environmental, economic, technical, and other factors.

As stated in the TA-18 Relocation Final EIS, the preferred alternative for Security Category III/IV activities is that those activities would remain at LANL. However, NNSA is currently pursuing additional studies and will issue a separate record of decision regarding these Security Category III/IV activities.

Environmentally Preferable Alternative

Ordinarily, the environmentally preferable alternative is the alternative that causes the least impact to the environment; it is also the alternative that best protects, preserves, and enhances historic, cultural, and natural resources. The analyses indicated that there would be very little difference in environmental impacts among the alternatives analyzed and also that the impacts would be small. After considering impacts to each resource area by alternative, NNSA has identified the ANL-W Alternative as having relatively the fewest impacts to the environment; it is also the alternative that best protects, preserves, and enhances historic, cultural, and natural resources.

Environmental Impacts of Alternatives

NNSA weighed environmental impacts as one factor in its decision-making, analyzing existing

environmental impacts and the potential impacts that might occur for each reasonable alternative including the irreversible or irretrievable commitments of resources.

Land Use

Differences among alternatives are primarily associated with facility construction. The only alternative with no new construction is the No Action Alternative. Potential land disturbance would range from 0.2 hectares (at TA-18; Upgrade Alternative) to 1.8 hectares (LANL New Facility and SNL/NM alternatives). In addition, 0.08 hectares of land could be disturbed at LANL's TA-39 for the relocation of SHEBA and 1.6 hectares of land could be disturbed for the relocation of other Security Category III/IV activities at LANL's TA-55. No land use change would result from implementing any of the alternatives.

Transportation

Except for the No Action Alternative and the TA-18 Upgrade Alternative, all other site relocation alternatives would require the transportation of equipment and materials. Such transportation would involve the relocation of approximately 2.4 metric tons (2.6 tons) of special nuclear material (SNM), and approximately 10 metric tons (11 tons) of natural and depleted uranium and thorium, as well as support equipment, some of which would be radioactively contaminated. For each of the relocation alternatives, the environmental impacts and potential risks of such transportation would be small, less than one fatality per 10,000 years under normal and accident conditions. The potential transportation risks would differ between the relocation alternatives primarily as a function of the transportation distance. Based on distance, the ANL-W Alternative would have the highest potential impact, the NTS Alternative the second-highest, the SNL/NM Alternative the third-highest, and the LANL New Facility Alternative the least risk (compared to the No Action and TA-18 Upgrade Alternatives). There is little variation in impacts between alternatives because effects are small, and any projected increased transport of radioactive materials is not enough to make a significant change.

Socioeconomics

Employment changes would also be very small (around 20 new hires) for the alternatives involving the relocation of TA-18 activities to new sites (SNL/NM, NTS, or ANL-W), while the overall operations workforce at LANL would

remain the same regardless (TA-18, TA-55 or TA-39). Construction activities would involve temporary increases in the workforce with a maximum peak of 300 construction workers (LANL New Facility, SNL/NM alternatives) to 120 construction workers or less for the other alternatives. The peak number of construction workers for SHEBA and other Security Category III/IV activities relocation would be less than 50. These workforce changes would have no noticeable impact on the socioeconomic conditions of the associated regions of influence.

Geology and Soils

No impacts to geology or geological conditions are expected in any of the alternatives. Proposed new facilities and renovated buildings would be evaluated, designed, and constructed in accordance with DOE Order 420.1 and sited to minimize the risk of geologic hazards. The potential exists for contaminated soils and possibly other media to be encountered during excavation and other site activities for all alternatives involving new construction. Prior to commencing ground disturbance, NNSA would survey potentially affected areas to determine the media extent and nature of any contamination and implement required remediation in accordance with the procedures established under each site's environmental restoration program.

Water Resources

Surface water would not be used to support new construction or modification of existing facilities at any of the sites considered for relocation. No impacts on surface water are expected from operations of TA-18 facilities and there would be no direct discharge of sanitary or industrial effluent to surface waters under all alternatives. Wastewater would be collected and conveyed to existing wastewater treatment facilities. Storm-water runoff from construction areas could potentially impact downstream surface water quality, although any effects on runoff quality would likely be localized around immediate points of disturbance or construction lay-down areas.

Groundwater would be required during construction for such uses as dust control and soil compaction, washing and flushing activities, and to meet the potable and sanitary needs of construction employees. It is estimated that construction activities would require from 50 thousand liters per year (ANL-W Alternative) to a maximum of 17 million liters per year (LANL New

Facility, SNL/NM Alternatives) during construction. Facility operations would require approximately 6.9 million liters per year of groundwater under all alternatives. Groundwater required during the period of construction or operation should not impact regional groundwater levels or availability for any of the alternatives considered. No operational impacts on groundwater quality are expected for any of the alternatives.

Biological Resources

With the exception of the No Action Alternative and the ANL-W Alternative, construction of new facilities would impact terrestrial resources due to the loss of small amounts of native vegetation consisting of Ponderosa pine at LANL, grassland at SNL/NM, and creosote bush at NTS. Because of the small amount of land disturbance, the habitat loss would be small and potential disturbance of wildlife would be temporary. Construction activities would have no impact on existing wetlands at LANL.

Potential impact on the federally threatened desert tortoise at NTS may occur under the NTS Alternative during construction. However, due to the low population density of the desert tortoise at NTS, it is doubtful that this impact would exceed allowable losses. Operational activities would not impact terrestrial resources at any of the alternative sites.

Air Quality

Non-radioactive hazardous air pollutants would not be expected to degrade air quality or affect human health under any of the alternatives. Small quantities of criteria and toxic air pollutants would be generated from the operation of emergency diesel generators during testing and other routine activities at all alternative relocation sites. The resulting concentrations would be well below ambient quality standards at all alternative relocation sites with the exception of LANL's TA-55 where the maximum ground-level concentration of nitrogen dioxide could exceed the 24-hour standard at the nearest public access road (Pajarito road). Short-term concentrations on public roads from testing of the emergency diesel generators at TA-55 would be controlled by appropriate design of the generator stack or other appropriate engineering or management measures including limitations on testing the diesel generators to favorable meteorological conditions.

Construction of new buildings and modifications of existing buildings at

the alternative sites would result in a temporary increase in air quality impacts from construction equipment, trucks, and employee vehicles. Although emissions would vary with the magnitude of the construction activities at each alternative relocation site the maximum ground-level concentrations would be well below the ambient air quality standards at all alternative sites with the exception of LANL's TA-55 where the short-term concentrations of total suspended particles and particulate matter could exceed standards at public receptors adjacent to the site. Construction air quality impacts at the site would be mitigated by implementing standard dust-control practices as required by the state air quality control agency.

Visual Resources

Activities related to the construction of new buildings and building modifications at the alternative relocation sites would result in a temporary change to the visual appearance of the sites due to the presence of construction equipment and possible increased dust. The overall appearance of the existing landscape would not change under any of the alternatives.

Noise

Construction of new buildings and modifications of existing buildings would result in some temporary increase in noise levels near the area from construction equipment and activities. However, there would be no change in noise levels due to normal TA-18 operations under all alternatives.

Site Infrastructure

The projected demands on key infrastructure resources associated with site construction and building modification are well within the infrastructure capabilities at each of the alternative sites. It is also projected that the existing infrastructure resources would be adequate to support the proposed TA-18 activities over 25 years for all alternative sites.

Cultural Resources

No impact to known prehistoric, historic, Native American, or paleontological resources is expected from construction or operational activities under all site alternatives. Because most of the proposed new construction would occur in previously disturbed land, it is unlikely that construction of new facilities at any of the sites could disturb previously unknown prehistoric, Native American or paleontological resources.

Consultation with the State Historic Preservation Officers and tribal representatives would be conducted in accordance with site cultural resource management plans.

Waste Management

Construction of new buildings and modifications of existing buildings at the alternative sites would mostly generate non-hazardous waste, and some hazardous (e.g., contaminated oil) and low-level radioactive waste. The projected one time non-hazardous construction waste generation volume under the action alternatives would vary depending on the size of renovation/modification needs and would contribute a very small fraction to the annual production of waste at each site. The impact of managing this waste at the alternative relocation sites would be minimal.

The projected annual waste generation volume from operations associated with TA-18 activities would not change from the No Action Alternative volume. For all alternatives, the activities generate annually 145 cubic meters of solid low-level radioactive waste, 1.5 cubic meters of mixed low-level radioactive waste, and 4 cubic meters of solid hazardous waste. In addition, refurbishment and replacement of critical assembly machine parts prior to relocation would generate a one-time 1.5 cubic meters of mixed low-level and low-level radioactive solid waste at LANL. No liquid mixed low-level or low-level radioactive waste and/or hazardous waste would be generated during the operation. The impact of managing wastes at all relocation sites would be minimal.

Worker and Public Health

Public and occupational health and safety impacts were evaluated in terms of industrial, chemical and radiological consequences.

Industrial

During construction, yearly nonfatal occupational injuries/illnesses could increase by an estimated maximum of 16 above the No Action Alternative. During the operation of all TA-18 activities (both Security Category I/II and III/IV activities), the estimated total number of yearly nonfatal occupational injuries/illnesses among the workforce would be 7 for all alternatives. No occupational fatalities are expected for the duration of the proposed action.

Chemical

No chemical has been identified that would be a risk to workers or the

members of the public from construction activities at alternative sites. During operation, very small quantities of industrial-type chemicals, such as ethanol, isopropyl alcohol, phenyl phosphine, magnesium dioxide, and xylene would be used under all alternatives. The quantities of these chemicals that could be released to the atmosphere are minor and well below the regulatory screening levels that would require additional analysis. Workers would be protected from exposure to hazardous chemicals by adherence to Occupational Safety and Health Administration and Environmental Protection Agency standards.

Radiological

There would be no radiological impacts to the members of public from construction activities. Construction workers could receive very small doses above background radiation level from exposure to radiation from other past or present activities at alternative sites. These workers would be protected through appropriate training, monitoring, and management control limiting their exposure and ensuring that the doses are kept as low as reasonably achievable.

Normal operations of critical experiments would generate small quantities of air-activation products (i.e., argon gas [argon-41]), about 110 curies per year that would be released to the environment. SHEBA operations, by the nature of its design and purpose, would generate the majority of argon-41 during operations (about 100 curies). Under all alternatives, the radiological impacts to the members of public from these releases would be lower than that of the existing TA-18 operations. For all alternatives, the radiation exposure to the members of the public would be small, and well below the regulatory limit of 10 millirem per year. For all sites, the maximally exposed offsite individual would receive less than 0.067 millirem per year from operational radiological releases associated with TA-18 activities. Statistically, this translates into a risk that one additional fatal cancer would occur approximately every 20 million years due to TA-18 operations. The maximum collective dose to general public living within 80 kilometers (50 miles) would be less than 0.1 person-rem per year (No Action Alternative, TA-18 Upgrade Alternative), which corresponds to approximately 5.0×10^{-5} estimated latent cancer fatalities, or one in every 20,000 years of operation. The collective dose to the population within 80 kilometers (50

miles) under other alternatives would be smaller, ranging from 0.020 person-rem (SNL/NM Alternative) to 0.000070 person-rem (NTS Alternative).

The direct dose (from gamma, and neutron radiation) to a member of the public from critical experiments under all alternatives, except for the current TA-18 and new SHEBA location, would be essentially zero. The maximum direct dose to a member of the public from activities at TA-18 location would be less than 4.75 millirem per year, with an estimated 2.4×10^{-6} latent cancer fatalities per year of operation. The maximum direct dose to a member of the public from SHEBA operations would be about 1 millirem per year with an estimated latent cancer fatality risk of 5×10^{-7} per year. Statistically speaking, the maximum risk of an individual member of public developing a latent cancer fatality from exposure to this direct radiation would be less than one in every 410,000 years of operation.

The annual average dose to a worker involved in TA-18 activities would be the same under all alternatives and is estimated to be 100 millirem per year with a corresponding risk of developing latent cancer fatality of 4×10^{-5} per year. There would be a one-time dose to the workers of 2.3 person-rem from SNM handling activities that would be transported from TA-18 to alternative relocation sites (i.e., LANL TA-55, SNL/NM, NTS, and ANL-W). SHEBA relocation would also incur a one-time dose to workers of 0.02 person-rem.

Facility Accidents

The accident analyses considered a wide spectrum of potential operational accident scenarios including uncontrolled reactivity insertion, inadvertent criticality, fire, explosion (i.e., hydrogen detonation), and earthquake, covering both the range of TA-18 activities and the radioactive material at risk. The accident scenarios chosen for the evaluation bound the impacts of all reasonably foreseeable accidents that could occur at existing or relocated TA-18 facilities. The accident risks were estimated in terms of both the frequency of the event and the consequences of such event. The risk of an accident is defined as the product of the accident frequency and the associated consequences to the population within 80 kilometers. The highest potential annual risk of excess latent fatalities among the population within 80 kilometers would be less than 5.1×10^{-5} (i.e., about one chance in 19,000 per year of a latent cancer fatality), for the bounding accident analyzed. The No Action Alternative, and specifically SHEBA operations,

would produce the highest potential accident impact, primarily due to the design of SHEBA. The potential annual risk of excess latent cancer fatalities among the population at the alternative sites ranges from 7.7×10^{-10} (NTS Alternative) to 2.2×10^{-7} (SNL/NM Alternative).

There would be no hazardous chemicals or explosives used or stored at existing and relocated TA-18 facilities, other than minor industrial quantities, that would impact workers or the public under accident conditions.

Environmental Justice

Based on the analysis of all resource areas and demographic information on low-income and minority populations, NNSA does not expect any environmental related issues (*i.e.*, the projected impacts are not disproportionately high and adverse for minority or low income populations) from TA-18 activities under all alternatives.

Comments on the Final EIS

NNSA distributed approximately twelve hundred copies of the Final EIS for review and to date, has received only two comments on the EIS. Both individuals were concerned that the relocation of the TA-18 missions would be a threat to national security through the loss of existing resources presently located at LANL. Both individuals indicated that these resources, especially experienced personnel, had been built up over a number of years and would not be present at another location.

Other Decision Factors

In assessing the alternatives for Security Category I/II missions, the NNSA considered other key factors such as programmatic impacts, construction risk, security concerns and overall cost.

Programmatic Risk

Due to the importance of the TA-18 missions in the Nation's overall security posture, the potential risk of programmatic impacts were assessed by reviewing the ability for each alternative to meet programmatic requirements and to determine the degree of synergy each option provided the mission set. While all alternatives met the basic program requirements, it was determined that the LANL New Facility and NTS Alternatives were more advantageous than SNL and ANL-W for minimizing programmatic risk to Security Category I/II activities. First, LANL New Facility and NTS offered improved security and operating flexibility that would allow for the accomplishment of

programmatic work for the next few decades due to facility age and location. Additionally, LANL and NTS provided programmatic synergy as both sites have existing mission requirements that complement the TA-18 mission set. SNL had increased programmatic risk because of the age of the facilities that would be modified under the alternative. ANL-W was determined to have the highest programmatic risk because it was no longer an NNSA site, had minimal programmatic synergy (namely through criticality research and training) and its remote location. The No Action and TA-18 Upgrade Alternatives were recognized to minimize programmatic risk initially, but would have increasing difficulty in meeting requirements, as the TA-18 facilities would reach the end of their useful life and operational/security requirements evolved.

Construction Risk

NNSA considered the risk from construction activities for the alternatives, taking into account the concepts proposed for each alternative. Factors that were examined included the age of the existing facility (if modifications would occur), the extent of modifications, and the complexity of designs. From this examination, it was determined that the NTS offered the least construction risk from the standpoint of facility age, design complexity, and extent of modifications. The NTS Alternative was based on a facility that was designed to modern safety standards as opposed to the TA-18 Upgrade, SNL, and ANL-W Alternatives that were based on refurbishing multiple buildings that approached 30-40 years in age. As with modifying buildings of this age, NNSA has found from past experience that there is inherently more risk from discovering unknown design aspects of the buildings. Finally, the LANL New Facility Alternative, while providing the newest location for the TA-18 missions, offered moderate construction risk due to the nature of the underground design.

Costs

In reviewing the overall costs associated with relocation of the TA-18 Security Category I/II missions, it was determined that most options fell within a similar cost range when considering construction, transportation, and project management activities as well as lifecycle costs with a few exceptions. Preliminary relocation cost estimates indicated that the NTS Alternative was the lowest from a construction standpoint, but there was a potential for slightly higher lifecycle costs from

operating activities due to the campaign structure proposed. Additionally, NTS as well as SNL and ANL-W had higher transportation costs associated with their alternative from off-site movement of materials than with the LANL options. The highest cost estimate was associated with the TA-18 Upgrade Alternative, driven by the current age of the TA-18 complex and uncertainties with future operational and security facility requirements. The remaining alternatives fell between these extremes, showing slight differences between them in terms of construction and lifecycle costs.

Mitigation Measures

Impacts were sufficiently small to negate the need for specific mitigative actions. This is not to say that the NNSA will not implement the normal storm water run-off control measures, waste minimization programs and other such normal activities so as to minimize adverse impacts to the environment, wherever possible.

Conclusion

NNSA has considered environmental impacts, stakeholders concerns, risks, costs, and national policy in its decisions regarding the relocation of TA-18 Security Category I/II missions and activities and has decided to implement the preferred alternative, transfer of missions to the Device Assembly Facility at the Nevada Test Site. At this time, the NNSA does not issue a decision regarding location of TA-18 Security Category III/IV missions and activities within LANL; however, additional studies will be performed and a separate record of decision will be issued sometime in 2003.

Issued in Washington, DC, this 5th day of December, 2002.

Linton Brooks,

Acting Administrator, National Nuclear Security Administration.

[FR Doc. 02-32995 Filed 12-30-02; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

National Nuclear Security Administration, Los Alamos Site Office

Floodplain Statement of Findings for the Proposed Installation of a Multiple Permeable Reactive Barrier Within Mortandad Canyon at Los Alamos National Laboratory, Los Alamos, NM

AGENCY: National Nuclear Security Administration, Los Alamos Site Office, Department of Energy.

ACTION: Floodplain statement of findings.

SUMMARY: This floodplain statement of findings is for the construction of a multiple permeable reactive barrier (PRB) at Los Alamos National Laboratory (LANL). The PRB will be placed across a floodplain area within Mortandad Canyon, located within the central eastern portion of LANL. In accordance with 10 CFR part 1022, the Department of Energy (DOE), National Nuclear Security Administration (NNSA) Los Alamos Site Office has prepared a floodplain/wetland assessment and will perform this proposed action in a manner so as to minimize potential harm to or within the affected floodplain.

FOR FURTHER INFORMATION CONTACT: Elizabeth Withers, U.S. Department of Energy, National Nuclear Security Administration, Los Alamos Site Office, 528 35th Street, Los Alamos, NM 87544. Telephone (505) 667-8690, facsimile (505) 667-9998; or electronic address: ewithers@doeal.gov. For further information on general DOE floodplain environmental review requirements, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, EH-42, Department of Energy, 1000 Independence Avenue, SW., Washington DC 20585-0119. Telephone (202) 586-4600 or (800) 472-2756, facsimile (202) 586-7031.

SUPPLEMENTARY INFORMATION: In accordance with DOE regulations for compliance with floodplain and wetlands environmental review requirements (10 CFR part 1022), NNSA prepared a floodplain/wetland assessment for this action. The NNSA published a notice of floodplain involvement (Volume 67, Number 236). This notice announced that the floodplain/wetland assessment document was available for a 15-day review period and that copies of the document could be obtained by contacting Ms. Withers at the above address, and that copies of the document were available for review at two public DOE reading rooms in Los Alamos and Albuquerque, New Mexico. No comments were received from the **Federal Register** notice on the proposed floodplain action.

Project Description: In November 2002, NNSA considered a proposal for constructing a PRB system at a narrow constriction in Mortandad Canyon within LANL where contaminated groundwater is confined to a small cross-section of alluvial materials (see figure 1). The entire PRB structure would extend about 120 feet from side-wall to side-wall within the canyon

bottom. The PRB would consist of a "funnel and gate" system to direct contaminated groundwater into a centrally-located gate area of reactive materials. The impermeable funnel would be constructed of sheet piling driven to a depth of approximately 27 feet on either side of the canyon. The permeable gate would contain multiple buried cells of selected media designed to react with and reduce the concentration of contaminants in groundwater passing through the gate. The PRB would be left in place for about 5 years and its function would be monitored through a system of shallow monitoring wells that would be installed at the same time the PRB was constructed. Construction of the PRB and associated monitoring wells will commence in 2003 and be completed in less than 6 months.

Alternatives: Alternative locations for the PRB were considered but eliminated from future consideration. A combination of site factors was considered that lead to the identification of the proposed site as being the least disruptive to existing environmental resources in the area.

Floodplain Impacts: The proposed action would have the potential for minimal impacts to the floodplain. Should a rain event occur during this activity, there may be some sediment movement down canyon because of the loosened condition of the soil from the clearing and construction activities.

Floodplain Mitigation: Impacts to the floodplain would be minimized by following Best Management Practices at the construction area (such as the placement of silt fences, straw bales or wattles, or wooden or rock structures to slow down water runoff and run-on at cleared sites). Post-construction reseeded and re-vegetation along the sides of the stream channel will minimize soil disturbance and reduce or prevent the potential for soil erosion. No debris will be left at the work site. No vehicle maintenance or fueling would occur within 100 feet of the stream channel. Any sediment movement from the site would be short term and temporary.

Issued in Los Alamos on December 20, 2002.

Ralph E. Erickson,

*Manager, U.S. Department of Energy,
National Nuclear Security Administration,
Los Alamos Site Office.*

[FR Doc. 02-32996 Filed 12-30-02; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7433-8]

EPA Science Advisory Board; Notification of Public Advisory Committee Meetings

1. Summary

(a) *Action*—Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the U.S. Environmental Protection Agency (EPA) Science Advisory Board (SAB) has established the Science and Technology Review Panel (S&TRP) to review EPA's Science and Technology Budget Request for 2004. This notice solicits comments from the public on the panel that has been established. Also being announced is a series of meetings in January, February, and March 2003 during which the Panel will conduct the review (dates and times are noted below and all times noted are Eastern Time). All meetings will be open to the public, however, seating is limited and available on a first come basis. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

(b) *Background*—The Office of Research and Development (ORD) is viewed as the lead science office at EPA, however, only about half of the science conducted by the Agency is performed by ORD. Each of the Program Offices and Regions conduct scientific activities which range from risk assessments to laboratory analyses. To ensure that the science conducted at EPA is well planned, organized and coordinated, EPA has, since 1999, requested that the SAB review and comment on the entire EPA Science and Technology budget. Prior to that time the SAB's Research Strategies Advisory Committee had conducted an annual review of the Office of Research and Development's R&D budget request.

The EPA SAB's mission is to provide independent advice on the scientific and technical information used to support the Agency's actions to implement its own mission of protecting human health and safeguarding the natural environment. SAB advice is given on a wide ranging set of programs and Agency science and technical products (e.g., science programs, guidelines, documents, methodologies, protocols, tests, criteria documents, standards for protection of human

health and the environment). The S&T budget review is a small, and focused, part of the SAB's activities that result in advice to the EPA Administrator on the Agency's scientific and technical programs. The review gives the SAB an opportunity to look at an integrated view of these programs.

(c) *The Charge*. The Agency Charge to the SAB asks for advice on its Science and Technology Budget Request for FY 2004. The specific Charge to the SAB is posted on the SAB Web site at www.epa.gov/sab/.

(d) *Approach to Conducting the Review*—The Science Advisory Board has determined that the Panel for conducting this review should be composed of members of the SAB's Research Strategies Advisory Committee (RSAC), supplemented by a small number of members from other SAB standing committees. Collectively, these members have broad expertise in the environmental sciences and their expertise is appropriate to address EPA's charge. Further, these SAB members have been appointed by the Administrator, to provide advice on broad issues of research planning, budgeting, and management as well as a variety of specific scientific and technical issues.

(e) *Public Comments Solicited*—By this notice, the public is invited to comment on the panel members who have been identified to serve on this review panel. Biographical sketches of the panel members who have been identified for this review panel can be found on the SAB Web site at <http://www.epa.gov/SAB/whatsnew.htm> in early January, 2003. The public is invited to provide the EPA Science Advisory Board with information or analyses pertinent to the service of any of these individuals on the review. Information, preferably in electronic form, must be received no later than January 20, 2003. Information sent by mail should be addressed to Mr. Thomas O. Miller, Designated Federal Officer, SAB Science and Technology Review Panel (see contact information below). The final roster of the participating SAB members will be placed on the SAB Web site no later than January 21, 2003.

2. Meeting Information

In January, the S&TRP will prepare for their review of the EPA Science and Technology (S&T) component of the FY 2004 President's Budget request by holding two telephone conference call meetings to receive background briefings from EPA on programs that are covered by the S&T budget. At a face-to-face meeting in February, the Panel

will review the EPA Fiscal Year 2004 S&T Budget Request and prepare a draft report on the Panel's findings and recommendations. A contingency telephone conference meeting is tentatively scheduled for March 21, 2003 if necessary for gaining closure on the review.

The telephone conference meetings will be coordinated from the EPA Science Advisory Board Conference Room (room 6013), USEPA, Ariel Rios Building North, 1200 Pennsylvania Avenue, NW., Washington, DC 20004. The location of the face-to-face meeting will be announced in a subsequent **Federal Register** notice. The meetings will convene on the dates and at the times specified below.

(a) *Science and Technology Review Panel (S&TRP)*—January 23, 2003 by teleconference from 12 p.m. to 3 p.m. Eastern Time. The EPA charge to the SAB presumes Panel knowledge of a substantial amount of information about EPA's science planning documents, strategic objectives, priorities, research planning processes, research types, and peer review approaches. The purpose of this public teleconference meeting is to: (i) Discuss the charge and background materials provided to the Panel; (ii) to receive presentations from EPA representatives on the background materials; (iii) to receive public comments if any are offered; (iv) to ask questions on the charge and the background materials; (v) to make and discuss Panel assignments for the review; (vi) to clarify specific points of interest raised by the Panelists in preparation for the face-to-face meeting to be held on February 24–25, 2003; and (vii) to identify additional information or other Panel needs. See above for information on the location of this meeting. Persons wishing to participate in the call should call Ms. Zisa Lubarov-Walton for information on call in procedures. See below for availability of review materials and contact information.

(b) *Science and Technology Review Panel (S&TRP)*—January 24, 2003, by teleconference from 12 p.m. to 3 p.m. Eastern Time. The purpose of this public teleconference meeting is to conclude Panel preparations for its review of the EPA S&T Budget Request for Fiscal Year 2004. These background briefings are to be initiated during a telephone conference meeting on January 23, 2003 (see item 2 a) above). See above for information on the location of this meeting. Persons wishing to participate in the call should call Ms. Zisa Lubarov-Walton for information on call in procedures. See

below for availability of review materials and contact information.

(c) *Science and Technology Review Panel (S&TRP)*—February 24–25, 2003 Face-to-Face Meeting. The Science and Technology Review Panel of the EPA Science Advisory Board will meet from February 24 to February 25, 2003. The meeting will be held at a location to be announced in a subsequent **Federal Register** notice. The meeting will begin at 9:30 a.m. on February 24, 2003 and end no later than 4 p.m. on February 25, 2003. All times noted are Eastern Time. The meeting is open to the public; however, seating is limited and available on a first come basis. The purpose of this public meeting is to conduct public deliberations on the EPA FY 2004 S&T component of the President's Budget request. Documentation on the budget which is to be delivered to the Panel during the first week of February, 2003. Persons wishing to participate in the call should call Ms. Zisa Lubarov-Walton for information on call in procedures. See below for availability of review materials and contact information.

(d) *Science and Technology Review Panel (S&TRP)*—March 21, 2003, by teleconference from 12 p.m. to 3 p.m. Eastern Time. The purpose of this public teleconference meeting is to conclude panel deliberations and to reach closure on its report on the S&T budget. This meeting will be held only if needed to complete the Panel's work. See above for information on the location of this meeting. Persons wishing to participate in the call should call Ms. Zisa Lubarov-Walton for information on call in procedures. See below for availability of review materials and contact information.

3. For Further Information

Any member of the public wishing further information concerning these meetings, or who wishes to submit brief oral comments, must contact Mr. Thomas O. Miller, Designated Federal Officer, Science and Technology Review Panel, USEPA Science Advisory Board (1400A), Suite 6450DD, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone/voice mail at (202) 564-4558; fax at (202) 501-0582; or via e-mail at miller.tom@epa.gov. Requests for oral comments must be *in writing* (e-mail, fax or mail) and received by Mr. Miller no later than noon Eastern Time on the dates that follow: (a) January 17, 2003 for the first two telephone conferences and (b) February 19, 2003 for the face-to-face meeting, and (c) March 14, 2003 for the contingency telephone

conference meeting. See below for time limitations on public comments.

Members of the public desiring additional information about the meeting locations must contact Ms. Zisa Lubarov-Walton, EPA Science Advisory Board (1400A), Suite 6450FF, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone/voice mail at (202) 564-4533; fax at (202) 501-0582; or via e-mail at lubarov-walton.zisa@epa.gov.

A copy of the draft agenda, and other information for the review for each meeting, will be posted on the SAB Web site (www.epa.gov/SAB/whatsnew.htm) approximately 10 days before that meeting.

(a) Availability of Review Materials—Materials that are the subject of this review are available from Ms. Laura Miner-Nordstrom, Office of the Chief Financial Officer or from Mr. Kevin Teichman, Office of Research and Development. Ms. Laura Miner-Nordstrom can be reached on (202) 564-1601 or by e-mail at Miner-Nordstrom.Laura@epa.gov and Mr. Teichman can be reached on (202) 564-6705 or via e-mail on teichman.kevin@epa.gov.

(b) Meeting Access—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Mr. Miller at least five business days prior to the meeting so that appropriate arrangements can be made.

(c) General Information—Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Web site (<http://www.epa.gov/sab>) and in the Science Advisory Board FY2001 Annual Staff Report which is available from the SAB Publications Staff at (202) 564-4533 or via fax at (202) 501-0256.

4. Providing Oral or Written Comments at SAB Meetings

It is the policy of the EPA Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes (unless otherwise indicated). For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than

fifteen minutes total. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the review panel for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 35 copies of their comments for public distribution.

Dated: December 24, 2002.

Robert Flaak,

Acting Director, EPA Science Advisory Board Staff Office.

[FR Doc. 02-32987 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-2002-0343; FRL-7284-7]

Prosulfuron; Notice of Filing Pesticide Petitions to Establish Tolerances for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of prosulfuron in or on various food commodities.

DATES: Comments, identified by docket ID number OPP-2002-0343, must be received on or before January 30, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Jim Tompkins, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number:

(703) 305-5697; e-mail address: tompkins.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2002-0343. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's

electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be

scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2002-0343. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or

other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP-2002-0343. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2002-0343.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP-2002-0343. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public

docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 20, 2002.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petitions

The petitioner's summary of the pesticide petitions is printed below as required by FFDCA section 408(d)(3). The summary of the petitions was prepared by the petitioner and represents the view of the petitioner. The petitions summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

EPA has received pesticide petitions (PP 5F4469) and (PP 4F4336), from Syngenta Crop Protection, Inc., P.O. Box 18300, Greensboro, NC 27419-8300 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of prosulfuron, 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea in or on the raw agricultural commodities, cereal grains group (except rice and wild rice) grain at 0.01 parts per million (ppm), cereal grains group (except rice and wild rice) forage at 0.10 ppm, cereal grains group (except rice and wild rice) fodder at 0.01 ppm, cereal grains group (except rice and wild rice) straw at 0.02 ppm, cereal grains group (except rice and wild rice) hay at 0.20 ppm, milk at 0.01 ppm, meat, fat, kidney, liver, and meat by-products of cattle, goats, hogs, horses, and sheep at 0.05 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

This is a revised notice of filing to amend a previous notice of filing published in the **Federal Register** of August 25, 1999 (FR 64 46382) (FRL-6093-7), to propose permanent tolerances, instead of the current time-limited tolerances for prosulfuron.

A. Residue Chemistry

1. *Plant metabolism.* The nature of the residue of prosulfuron in corn is adequately understood. Significant pathways involve oxidation of the phenyl ring to give 5-hydroxy prosulfuron, which is followed by sugar conjugation. Hydrolytic cleavage of the

sulfonylurea bridge occurs for both prosulfuron and 5-hydroxy prosulfuron, yielding the corresponding sulfonamide and triazine amine moieties. The sulfonamide metabolites are subsequently conjugated with sugars. Demethylation of the triazine amine results in the formation of the corresponding hydroxy triazine, which is further hydrolyzed at the amino group to form the dihydroxy triazine.

2. *Analytical method.* Adequate analytical methods exist for the detection and measurement of residue levels of prosulfuron in or on raw and processed commodities of cereal grains, and for meat, milk and eggs. The limit of quantitation (LOQ) is 0.01 ppm for crop commodities, processed fractions and milk, and 0.05 ppm for meat and eggs. The method is based on commodity-specific cleanup procedures followed by determination by high performance liquid chromatography with ultraviolet (UV) detection.

3. *Magnitude of residues.* Complete, full geography residue programs, including processing, have been conducted on corn, wheat and grain sorghum. A three-level dairy animal feeding study to determine the transfer of residues of prosulfuron from animal feed commodities to meat and milk has also been conducted.

B. Toxicological Profile

1. *Acute toxicity.* EPA has set an acute reference dose of 0.1 milligram/kilogram/day (mg/kg/day) based upon a no observed adverse effect level (NOAEL) of 10 mg/kg/day from the rat acute neurotoxicity study (lowest observed adverse effect level (LOAEL) of 250 mg/kg/day due to reduced motor activity and body temperature in males and impaired righting reflex in females) and a 100-fold uncertainty factor (UF).

2. *Genotoxicity.* Prosulfuron was negative for mutagenic/genotoxic effects when tested in a bacterial reverse gene mutation assay with and without metabolic activation using different *S. typhimurium* and *E. coli* stains; in a mammalian gene mutation study using V79 cells; in an *in vitro* mammalian cytogenetic test using Chinese hamster ovary (CHO) cells with and without metabolic activation; in a micronucleus test in mice; and in a DNA-repair using freshly isolated rat liver hepatocytes.

3. *Reproductive and developmental toxicity.* The data base on prosulfuron relative to prenatal and postnatal effects for children is considered to be essentially complete with no data gaps. The developmental and reproductive toxicity data do not indicate increase susceptibility of rats or rabbits to *in utero* and/or postnatal exposure to

prosulfuron. In a rat teratology study, evidence of maternal toxicity (decreased body weight gain and reduced food consumption) and developmental toxicity (increased incidence of skeletal variations that was not significantly different from the historical control) was found at the maximum tolerated dose of 400 mg/kg. There was no evidence of teratogenicity at any dose, and the maternal and developmental NOAELs were established at 200 mg/kg. In a rabbit teratology study, maternal toxicity (decreased body weight gain and reduced food consumption) was observed in the 100 mg/kg dose group. There was no evidence of teratogenicity at any dose. Since a range-finding rabbit teratology study had seen additional clinical findings and fetotoxicity at maternally toxic doses (≥ 150 mg/kg) but not in the definitive study at up to 100 mg/kg, a second rabbit teratology study was conducted at doses of 0, 20, 100, and 200 mg/kg/day. Maternal toxicity was observed at 200 mg/kg. The developmental NOAEL was 100 mg/kg and the maternal NOAEL was 20 mg/kg in this study. There was no evidence of teratogenicity at any dose. A rat multigenerational reproduction study indicated reproductive and systemic NOAELs of 13.3 mg/kg/day based on decreased mean body weights and body weight gain observed at 136 mg/kg/day for both pups and parental animals. No treatment-related effects on reproductive performance (i.e., to produce, deliver or raise litters), litter sizes, viability of pups, and necropsy findings in parental animals and offspring were noted up to the highest dose level.

4. *Subchronic toxicity.* The liver was identified as a target organ at high doses in the rat, mouse, and dog as indicated by slightly increased liver enzymes and liver weights. No histomorphologic correlates of liver damage was noted in the 90-day studies except in the mouse study where centrilobular hypertrophy was found in males at feeding levels $\geq 1,750$ ppm and in females at levels $\geq 3,500$ ppm. In general, NOAELs for target organ effects were established at doses that were much higher than overall study NOAELs, which were based on other indicators of toxicity such as body weight gain.

5. *Chronic toxicity.* In the 1-year dog chronic dosing study, the NOAEL was 1.84 mg/kg/day based on hematologic and clinical chemistry effects and incidence of lipofuscin accumulation in the liver at 18.6 mg/kg/day. In the 18-month mouse carcinogenicity study, there was no evidence of carcinogenic effects up to the highest dose tested (HDT) of 1,062 mg/kg/day. The NOAEL

was 1.71 mg/kg/day in males, and 100 mg/kg/day in females based on increased incidence/severity of centrilobular hepatocellular hypertrophy. A 2-year chronic feeding/carcinogenicity study in rats indicated systemic NOAEL of 7.9 mg/kg/day was based on decreased body weight and body weight gain, hematopoietic effects (males), and possibly increased serum GGT and decreased liver, kidney, and adrenal weights (females) at 79.9 mg/kg/day. There was uncertain evidence of carcinogenicity with slight increases in the incidence of mammary gland adenocarcinomas in females at 95.7 and 205.8 mg/kg/day, slight increase in incidence of benign testicular interstitial cell tumors at 79.9 and 160.9 mg/kg/day (significant trend only). Considering the weight of the evidence, the EPA Reference Dose Committee previously concluded that the chemical should be classified as a Group D carcinogen (inadequate evidence), not classifiable as to human carcinogenicity. The HIARC (meeting December 2, 1999) accepted the previous conclusions and updated the cancer classification to the new classification: "data are inadequate," with no new studies required. EPA has set a chronic reference dose of 0.02 mg/kg based on a NOAEL of 1.84 mg/kg in a dog feeding study and a 100-fold UF.

6. *Animal metabolism.* The metabolic pathways in the rat, goat, and hen are similar and are adequately understood. Prosulfuron is rapidly absorbed from the gastrointestinal (GI) tract of rats and is rapidly excreted. Approximately 90% of the administered dose is excreted during the first 48 hours, predominately via urine. Tissue residues are low. Prosulfuron is metabolized primarily via hydroxylation at side chain and phenyl ring positions and O-demethylation of the triazolyl methoxy group. Minor pathways include unsaturation of the trifluoropropyl side chain, hydrolysis of the phenylsulfonyleurea bridge and oxidative/hydrolytic cleavage of the triazine ring system. In the goat, the orally administered prosulfuron is quickly eliminated primarily via the urine as prosulfuron. The metabolism of prosulfuron in the goat follows a similar pathway as observed in the rat although not as extensive. The majority of the residues were accounted for as prosulfuron, the triazine amine, which results from bridge hydrolysis (CGA-150829) and the triazinyl hydroxymethyl metabolite (CGA-273437). In the hen, metabolism is similar to that observed in the rat and goat. The major residues found in edible tissues and eggs were prosulfuron, the triazine amine (CGA-150829), and the

sulfonamide (CGA-159902) which results from hydrolysis of the sulfonyleurea bridge.

7. *Metabolite toxicology.* Metabolic pathways of prosulfuron in plants and animals are comparable and no detectable residues are found in or on crops. All relevant plant metabolites are observed in the animals and are thus toxicologically covered. The remaining plant metabolites are toxicologically insignificant. Therefore, parent prosulfuron is the appropriate compound for the tolerance expression and analytical monitoring.

8. *Endocrine disruption.* Prosulfuron does not belong to a class of chemicals known for having significant adverse effects on the endocrine system. Developmental toxicity studies in rats and rabbits and reproduction study in rats gave no indication that prosulfuron might have any effects on endocrine function related to development and reproduction. The subchronic and chronic studies also showed no evidence of a long-term effect related to the endocrine system.

C. Aggregate Exposure

1. *Dietary exposure.* Acute and chronic dietary exposure assessments were conducted for prosulfuron using tolerance values published in 40 CFR 180.481. In both assessments it was assumed that 100% of all corn and cereal grains were treated with prosulfuron (100% market share). The exposure analyses was conducted using food consumption data from USDA's 1994-1996 Continuing Survey of Intake by Individuals (CSFII) and Novigen Sciences, Inc. Dietary Exposure Evaluation Model (DEEM).

i. *Food.* Chronic exposure was compared to a RfD of 0.02 mg/kg based on a NOAEL of 1.84 mg/kg in a dog feeding study and a 100-fold UF. This exposure analysis showed that the U.S. population had an exposure of less than 1% of the chronic RfD. The most sensitive subpopulation was children (1-6 years old) with a chronic exposure of 2.4%. Acute exposure was compared to an acute RfD of 0.1 mg/kg, which was based on a NOAEL of 10 mg/kg from an acute neurotoxicity study in the rat and a 100-fold UF. The most sensitive subpopulation was all infants with an exposure of 2.2% of the acute RfD. The U.S. population showed an exposure of 1.5% of the RfD. These results show that there is more than a reasonable certainty of no harm, through exposure to prosulfuron residues in the diet.

ii. *Drinking water.* For estimated surface water concentrations using generic expected environmental concentration (GENEEC), the peak day-

0 estimate, 1.86 parts per billion (ppb), was used in the acute exposure analysis and the corrected 56-day drinking water concentration of 0.4667 ppb was used in the chronic exposure analysis. The SCIGROW estimated ground water concentration for the prosulfuron uses of 0.406585 ppb contributed little to the overall exposure. The acute drinking water levels of concern (DWLOC) for prosulfuron were based on the acute RfD, a margin of exposure (MOE), the 99.9th percentile of the acute dietary exposure for U.S. population subgroups and the body weight - daily water consumption of each respective subgroup. The calculated acute DWLOC values for the population subgroups ranged from 978-3447 ppb. The estimated ground water concentration (0.406585 ppb) and the peak day-0 surface water concentration (1.86 ppb) of prosulfuron did not exceed the acute DWLOC values. The chronic (non-cancer) DWLOC for prosulfuron were based on the chronic RfD, any estimated residential exposure, the chronic dietary exposure for select U.S. population subgroups and the body weight - daily water consumption of each respective subgroup. The calculated chronic DWLOC values for the population subgroups ranged from 197-694. The estimated ground water concentration (0.406585 ppb) and the corrected average 56-day surface water concentration (0.4667 ppb) of prosulfuron did not exceed the chronic DWLOC values. Therefore, there is reasonable certainty that the residues of prosulfuron in the drinking water would not result in unacceptable levels of acute or chronic aggregate human health risk, and that such exposure would not exceed the exposure allowable by the risk cup.

Nondietary exposure. Nondietary exposure to prosulfuron is considered negligible as the chemical is registered for agricultural use only. For workers handling this chemical, acceptable MOE (in the range of thousands) have been obtained for both acute and chronic scenarios.

D. Cumulative Effects

Consideration of a common mechanism of toxicity is not appropriate at this time since there is no information to indicate that toxic effects produced by prosulfuron would be cumulative with those of any other types of chemicals.

E. Safety Determination

1. *U.S. population.* The calculation shows that less than 1% of the RfD will be utilized for the U.S. population based on chronic toxicity endpoints. EPA

generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. It is concluded that there is a reasonable certainty that no harm will result from aggregate exposure to prosulfuron residue.

2. *Infants and children.* The calculated percent of the RfD that will be utilized by aggregate exposure to residues of prosulfuron is only 2.4% for children (1 to 6 years old), the most impacted subpopulation. There were no adverse reproductive or developmental effects indicated in the prosulfuron toxicity data base, which is considered to be essentially complete with no data gaps. It is concluded that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to prosulfuron residues.

F. International Tolerances

No codex MRLs have been established for residues of prosulfuron.

[FR Doc. 02-32988 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[OPP-2002-0349; FRL-7285-6]

Flumioxazin; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket ID number OPP-2002-0349, must be received on or before January 30, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6224; e-mail address: Miller.Joanne@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS

32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2002-0349. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgrstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments,

access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's

electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2002-0349. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP-

2002-0349. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2002-0349.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP-2002-0349. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI.

Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 20, 2002.

Debra Edwards,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petitions is printed below as required by FFDCA section 408(d)(3).

The summary of the petitions was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Valent U.S.A. Corporation

1F6296 and 0F6171

EPA has received pesticide petitions (PP 1F6296, 0F6171) from Valent U.S.A. Corporation, 1333 North California Boulevard, Suite 600, Walnut Creek, California 94596-8025 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of the herbicide chemical flumioxazin, 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3(2H)-dione, in or on the raw agricultural commodities cotton at 0.02 parts per million (ppm), cotton, gin byproducts at 0.60 ppm, grape at 0.02 ppm, almonds at 0.02 ppm, almond, hulls at 0.70 ppm and sugarcane at 0.20 ppm. EPA has determined that the petitions contain data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* Metabolism of ¹⁴C-flumioxazin labeled in the phenyl- or tetrahydrophthalimido-rings has been studied in soybeans, peanuts, grapes and corn. Flumioxazin was rapidly and extensively metabolized to many metabolites in all plants. Even with exaggerated treatment, individual metabolites and parent were only found at very low concentrations. Comparisons of metabolites detected and quantified from plants and animals show that there are no significant aglycones in plants which are not also present in the excreta or tissues of animals. The residue of concern is best defined as the parent.

2. *Analytical method.* Practical analytical methods for detecting and measuring levels of flumioxazin have been developed and validated in/on all appropriate agricultural commodities and respective processing fractions. The extraction methodology has been

validated using aged radiochemical residue samples from ¹⁴C-metabolism studies. The enforcement method has been validated in soybean at an independent laboratory and by EPA. The limit of quantitation (LOQ) of flumioxazin in the method is 0.02 ppm which will allow monitoring of food with residues at the levels proposed for the tolerances.

3. *Magnitude of residues—i. Cotton.* Thirteen field trials in cotton were conducted in 1999 in EPA Regions II (1 trial), IV (4 trials), VI (1 trial), VIII (4 trials), and X (3 trials), representing approximately 97% of the U.S. cotton growing regions. Seasonal treatment ranged from 0.190 to 0.375 pounds active ingredient per acre [two applications of 0.095 lb. a.i./A each or two applications of 0.187 lb. a.i./A each], 1.5- to 3-times the proposed application rate for high organic soils. Application of VALOR was done lay-by and post direct to the soil and not over the top. Finite residues of flumioxazin were detected in 7 of 26 duplicate samples cottonseed and in 14 of the 16 duplicate samples of gin trash. The LOQ of the residue method was 0.01 ppm, and the limit of detection (LOD) was 0.005 ppm. No residues of 1-OH-HPA were detected (<0.005 ppm) in any cottonseed or gin trash sample, including samples from trial treated at the 2X rate. The data demonstrate that 1-OH-HPA is not a residue of concern in cottonseed or cotton gin trash.

No residues of flumioxazin or its degradate were found in the processed commodities treated ginned seed, hulls, solvent extracted meal and refined oil.

All these data support proposed tolerance for flumioxazin in/on cotton at 0.02 ppm, and in/on cotton, gin byproducts at 0.60 ppm. No separate tolerances are needed for cotton processed commodities.

ii. *Grapes.* Twelve field trials in grapes were conducted in 1999 in EPA Regions I (2 trials) Region X (9 trials) and Region XI (1 trial), representing approximately 96% of the U.S. grapes growing regions. Seasonal treatment ranged from 0.75 to 3.75 pounds active ingredient per acre [two applications of 0.375 lb. a.i./A each or two applications of 1.87 lb. a.i./A each] 1 to 5-times the proposed application rate. Application on grapes was post direct and not over the top. At the proposed maximum seasonal rate of 0.75 lb. a.i./A, no residues of flumioxazin were found in/on grapes from all 12 trials. Residues of flumioxazin were detected in only one of six samples treated at 2X application rate (seasonal total of 1.5 lb. a.i./A). The residue found, 0.005 ppm, was below the LOQ of 0.01 ppm.

Grapes treated at 5X (seasonal total of 3.75 lb. a.i./A) the proposed use rate were processed into grape juice and raisins. The RAC grapes contained 0.006 ppm flumioxazin. No residues (<0.005 ppm) of flumioxazin were found in grape juice. In raisins 0.007 ppm flumioxazin was detected. These residues were below the LOQ of 0.01 ppm. The data demonstrate no concentration of flumioxazin residues in juice and raisins.

All these data support a proposed tolerance for flumioxazin in/on grapes of 0.02 ppm. No separate tolerances are needed for grapes processed commodities.

iii. *Almond*. Five field trials in almonds were conducted in 1999 in EPA Regions X, representative of all U.S. almond growing regions. Seasonal treatment ranged from 0.75 to 1.5 pounds active ingredient per acre [two applications of 0.375 lb. a.i./A each or two applications of 0.75 lb. a.i./A each] 1 to 2-times the proposed application rate. Application on almonds was done post direct and not over the top. At the proposed maximum seasonal rate of 0.75 lb. a.i./A, no residues of flumioxazin were found in/on almond nutmeat greater than the LOQ (0.01 ppm). The highest average field Trial for residues of flumioxazin in/on almond hulls was 0.552 ppm. Residues of 1-OH-HPA were not detected in any sample of almond hulls (<0.05 ppm). The LOQ and LOD of the residue method for 1-OH-HPA in/on almond hulls were 0.1 ppm and 0.05 ppm, respectively.

All these data support a proposed tolerance for flumioxazin in/on almond of 0.02 ppm, and in/on almond hulls of 0.6 ppm.

iv. *Sugarcane*. Nine field trials in sugarcane were conducted in 1998 in EPA Regions III (4 trials), IV (3 trials), VI (1 trial), and XIII (1 trial), representative of all of the U.S. sugarcane growing regions. Treatments ranged from 0.37 to 1.12 pounds active ingredient per acre, 1- to 3-times the proposed application rate for high organic soils. Finite residues of flumioxazin were detected in 14 of 18 duplicate samples. Residues of flumioxazin averaged 0.039 ppm (standard deviation = 0.033 ppm) from the trials conducted at the proposed maximum application rate. Analysis for the major plant metabolite, 1-OH-HPA, was conducted on all cane samples including those from the two 3X processing trials. No residues of the degradate were found in any cane sample.

No residues of flumioxazin or its degradate were found in the processed commodity refined sugar. In molasses,

produced from cane treated at three times the proposed label rate, flumioxazin was detected (0.055 ppm) at approximately half of the concentration in the starting sugarcane. The degradate, 1-OH-HPA, was also detected in molasses (0.036 ppm). Because these detections were in a processed sample from cane treated at 3X, and are still less than the proposed RAC tolerance, no separate processed product tolerances are necessary.

All these data support a proposed tolerance for flumioxazin in/on sugarcane at 0.20 ppm. No separate tolerances for parent or degradate are needed for processed commodities.

B. Toxicological Profile

1. *Acute toxicity*. The acute toxicity of technical grade flumioxazin is low by all routes. The battery of acute toxicity studies place flumioxazin in Toxicity Category III.

i. No abnormal clinical signs, body weight changes, or gross pathological findings were observed and no rats died following administration of an oral dose of 5 g/kg of flumioxazin technical. The LD₅₀ was greater than 5 g/kg.

ii. No deaths, abnormal clinical signs, body weight changes, or gross pathological findings were observed in rats exposed to a 2.0 g/kg dermal dose of flumioxazin technical. The LD₅₀ was greater than 2.0 g/kg.

iii. Rats were exposed to a dust aerosol of flumioxazin technical for 4 hours at measured concentrations of 1.55 or 3.93 mg/l, the maximum attainable concentration. Irregular respiration, bradypnea and a decrease in spontaneous activity were observed in many of the rats, but these effects disappeared within 2 hours after termination of the exposure. No deaths, body weight changes, gross pathological findings or histopathological changes in the respiratory organs were observed. The LC₅₀ for flumioxazin technical was determined to be greater than 3.93 mg/l.

iv. Flumioxazin technical produced minimal eye irritation in rabbits which cleared within 48 hours.

v. Flumioxazin technical did not produce any signs of skin irritation in abraded or intact skin of rabbits.

vi. Flumioxazin technical was not a skin sensitizer when tested in guinea pigs using the Magnusson and Kligman maximization test methodology.

2. *Genotoxicity*. Flumioxazin does not present a genetic hazard. Flumioxazin was evaluated in the following tests for mutagenicity:

i. A reverse gene mutation assay in *Salmonella typhimurium* and

Escherichia coli was negative with or without metabolic activation.

ii. An *in vitro* chromosome aberration assay using Chinese hamster ovary (CHO) cells was negative in the absence of metabolic activation. However, an increase in cells with aberrations was observed at doses of 1×10^{-4} M and higher in the presence of S9.

iii. An *in vivo* chromosomal aberration study in the rat was negative. No significant increase in the incidence of chromosomal aberrations in bone marrow cells was observed following treatments as high as 5,000 mg/kg.

iv. An *in vitro* unscheduled DNA synthesis (UDS) assay with rat hepatocytes was negative.

v. A mouse micronucleus assay was negative following intraperitoneal injection of 5,000 mg/kg.

3. *Reproductive and developmental toxicity*. Flumioxazin shows developmental toxicity in the absence of maternal toxicity in rats. Mechanistic studies demonstrate that the effect is specifically related to the inhibition of heme synthesis, that the effect shows considerable species specificity, and that the rat is a conservative surrogate species for the potential for developmental toxicity in man. No developmental toxicity was observed in rabbits. Developmental toxicity to the pups was seen in the rat reproduction study at doses that were not toxic to the parental animals.

i. *Rat--developmental toxicity*. A pilot dose range-finding study was conducted to determine appropriate doses for the definitive oral developmental toxicity study. Flumioxazin technical was administered by oral gavage at dosages of 0, 30, 100, 200 and 500 mg/kg/day to pregnant rats on days 6 through 15 of gestation. No animals died during the course of this study and maternal toxicity was limited to decreased weight gain associated with high embryoletality observed in all dose groups. Fetuses obtained from the 30 mg/kg/day dams had significantly reduced body weights and were found to have both skeletal and visceral abnormalities--primarily wavy ribs and ventricular septal defects (VSD). Because of the high degree of embryoletality at doses of 100 mg/kg/day and greater, the highest dose selected for the definitive study was 30 mg/kg/day.

In the definitive study, pregnant rats were administered oral doses of 0, 1, 3, 10 or 30 mg/kg/day of flumioxazin technical on days 6 through 15 of gestation. No maternal deaths were observed at any dosage and no treatment-related effects on clinical signs or food consumption were noted.

A decrease in maternal body weight gain was found at 30 mg/kg/day. The number of live fetuses and fetal body weights were decreased in the 30 mg/kg/day group and the incidence of embryo mortality tended to be higher but was not statistically significant. No effects on the number of implantations, sex ratios, or external abnormalities were found. The incidence of fetuses with cardiovascular abnormalities, primarily VSD, was increased in the 30 mg/kg/day group. Other developmental effects observed at 30 mg/kg/day included an increase in the incidence of wavy ribs and curvature of the scapula, and a decrease in the number of ossified sacrococcygeal vertebral bodies. Based on these findings, a maternal NOEL of 30 mg/kg/day and a developmental NOEL of 3 mg/kg/day are proposed.

In a range-finding dermal developmental toxicity study flumioxazin technical was administered dermally at levels of 100, 200, 400 and 800 mg/kg/day in corn oil. No adverse effects on the dams were observed at doses up to 800 mg/kg/day. Because of the high degree of embryo lethality at doses of 400 mg/kg/day and greater, the highest dose selected for the definitive study was 300 mg/kg/day.

On days 6-15 of gestation, pregnant rats were exposed dermally to dose levels of 30, 100, or 300 mg/kg/day of flumioxazin technical in corn oil. No adverse effects were observed in the dams throughout the study. Increased fetal mortality was accompanied by decreases in the number of live fetuses and fetal body weights at doses of 300 mg/kg/day. No external abnormalities were observed at any dose level. An increase in cardiovascular abnormalities, primarily VSD, an increase in wavy ribs and a decrease in the number of ossified sacrococcygeal vertebral bodies was observed at 300 mg/kg/day. Based on these results, a maternal NOEL of 300 mg/kg/day and a developmental NOEL of 30 mg/kg/day are proposed.

To measure the dermal penetration of flumioxazin under the conditions of the dermal teratology study, 13-day pregnant rats were dermally exposed to [phenyl-¹⁴C] flumioxazin. The systemic absorption ranged from 3.8% at 2 hours to 6.9% of the recovered ¹⁴C at 48 hours.

ii. *Mechanistic studies.* A series of scientific studies were conducted to examine the mechanism and species differences in the production of developmental toxicity by flumioxazin. This research demonstrates clear species differences between rats, rabbits, mice, and (*in vitro*) humans and indicates a high degree of correlation between the interruption of heme synthesis and the

production of developmental toxicity in rats. The data support that the rat is a conservative model for use in the risk assessment for humans. Specifically the studies demonstrate that:

- Flumioxazin interferes with normal heme biosynthesis resulting in sideroblastic anemia and porphyria in adult rats.

- ¹⁴C-Flumioxazin administered to pregnant rats on day 12 of gestation crosses the placenta and reaches the rat fetus at maximum levels of radiocarbon (and flumioxazin), 4 hours later.

- No clear pattern of adsorption, distribution, metabolism, or excretion was evident which could account for the species-specific development toxicity in rats.

- The critical period of sensitivity to the developmental effects of flumioxazin in rats is day 12 of gestation. This correlates with the peak period of protoporphyrin IX (PPIX) accumulation in maternal rat liver and the rat fetus.

- A histological examination of rat fetus indicated signs of fetal anemia within 6 hours after dosing, but no histological changes in the fetal rat heart were observed until 36 or 48 hour after treatment. No effects were observed in rabbit fetus treated in the same manner as the rats.

- Other observations in the pathogenesis of the developmental effects of flumioxazin in rat fetuses included: enlarged heart, edema, anemia (decreased red blood cell count and hemoglobin), delayed closure of the interventricular foramen, reduced serum protein and incomplete/delayed ossification of the ribs.

- The observation of enlarged heart, edema and anemia preceding the occurrence of fetal mortality suggest these effects may be instrumental in the cause of fetal deaths.

- The occurrence of an enlarged heart preceding the failure of interventricular foramen closure could be related to the pathogenesis rather than a direct toxic effect of flumioxazin on cardiac tissue.

- A strong correlation exists between PPIX accumulation, an indicator of disrupted heme synthesis, and developmental toxicity. Evidence of this correlation exists on the basis of species differences between rats and rabbits; the critical period of sensitivity in the rat; and compound-specific differences with two chemicals structurally related to flumioxazin, one which produces developmental effects in rats and one which does not.

iii. *Rabbits.* In a pilot dose range-finding study in rabbits, flumioxazin technical was administered to rabbits on days 7 through 19 of gestation via oral

intubation at dosages of 0, 300, 500, 1,000 and 1,500 mg/kg/day. Clinical observations were recorded and on day 29 of gestation, all does were sacrificed, caesarean sectioned, and examined for gross lesions, number of corpora lutea, and number and placement of implantation sites, early and late resorptions and live and dead fetuses. No deaths, abortions or premature deliveries occurred during this study. Dosages of flumioxazin technical as high as 1,500 mg/kg/day did not result in significant clinical or necropsy observations nor affect maternal body weight gains or feed consumption values. Similarly, there were no adverse effects of dosages of flumioxazin technical up to 1,500 mg/kg/day on embryo-fetal viability, sex ratios, body weights or external morphology.

Based on these results, pregnant rabbits were administered 0, 300, 1,000, or 3,000 mg/kg/day of flumioxazin technical on days 7 - 19 of gestation by oral gavage. The highest dose was well in excess of the 1,000 mg/kg/day limit dose for developmental toxicity studies. The 3,000 mg/kg/day dosage tended to reduce maternal body weight gains and relative and absolute feed consumption values. No gross lesions were produced at any dose level. The 3,000 mg/kg/day dosage group litters tended to have reduced fetal body weights but these differences were not statistically different. No fetal external, soft tissue, or skeletal malformations or variants were attributable to the test substance. Based on these data, the maternal NOEL was 1,000 mg/kg/day and the developmental NOEL was 3,000 mg/kg/day.

iv. *Reproduction.* Two pilot range-finding rat reproduction studies were conducted with flumioxazin technical at dosages from 100 to 5,000 ppm in the diet. In the definitive two-generation reproduction study in the rat dietary levels of 0, 50, 100, 200 and 300 ppm established a systemic NOEL of 200 ppm based on increased clinical signs (both sexes and generations); mortality, gross and histopathology findings in the liver (F₁ females); decreased body weight/weight gain (F₀ and F₁ females during gestation, F₁ males during prenatation) and decreased food consumption (F₀ and F₁ females during lactation). The reproductive NOEL of 100 ppm was mainly based on developmental toxicity at 200 ppm. Observed at 200 ppm were a decreased number of live-born pups and reduced pup body weights. At 300 ppm the following effects were observed: decreased pup body weight (both generations); decreased number of live pups/litter and viability index (both

generations); increased incidence of abnormalities of the reproductive organs (predominately atrophied or hypoplastic testes and/or epididymides in F₁ males); decreased gestation index (F₀ females); decreased mating and fertility indices (F₁ males) and increased clinical signs (F₁ pups).

4. *Subchronic toxicity.* Subchronic toxicity studies conducted with flumioxazin technical in the rat (oral and dermal), mouse and dog indicate a low level of toxicity. Effects observed at high dose levels consisted primarily of anemia and histological changes in the spleen, liver and bone marrow related to the anemia.

i. *Rats.* A 90-day subchronic toxicity study was conducted in rats, with dietary intake levels of 0, 30, 300, 1,000 and 3,000 ppm flumioxazin technical (98.4% purity). The no-observed-effect-level (NOEL) of 300 ppm was based on decreased body weights; anemia; increases in absolute and/or relative liver, kidney, brain heart and thyroid weights; and histological changes in the spleen, liver and bone marrow related to the anemia.

A second 90-day subchronic toxicity study was conducted with a sample of Flumioxazin Technical of typical purity (94.8%) at dietary concentrations of 0, 30, 300, 1,000 and 3,000 ppm. The NOEL was 30 ppm based on anemia and related hematological changes; increases in liver, heart, kidney and thyroid weights; and histological changes in the spleen, liver and bone marrow related to the anemia.

ii. *Mice.* Dose levels for the mouse oncogenicity study were selected on the basis of results from a 4-week study of flumioxazin in the diets of mice at levels of 0, 1,000, 3,000 and 10,000 ppm. In this range-finding study, increases in absolute and/or relative liver weights were noted for males at 10,000 ppm and at 3,000 and 10,000 ppm for females.

iii. *Dogs.* A 90-day study was conducted in dogs given gelatin capsules containing 0, 10, 100 or 1,000 mg/kg/day. The NOEL of 10 mg/kg/day for this study was based on a slight prolongation of activated partial thromboplastin time; increased total cholesterol and phospholipid and elevated alkaline phosphatase activity; increased absolute and relative liver weights; and histological changes in the liver.

iv. *Rats.* A 21-day dermal toxicity study was conducted in rats at dose levels of 0, 100, 200 or 1,000 mg/kg/day. The NOEL was determined to be 300 mg/kg/day based on significantly decreased hemoglobin and hematocrit values for females.

5. *Chronic toxicity.* Flumioxazin technical has been tested in chronic studies with dogs, rats and mice. Valent proposes a chronic oral endpoint of 1.8 mg/kg bw/day, based on the NOEL for male rats in the two-year chronic toxicity oncogenicity feeding study.

i. *Rats.* In a 2-year study in rats, flumioxazin technical administered in the diet at levels of 0, 50, 500, and 1,000 ppm produced anemia and chronic nephropathy in rats of the 500 and 1,000 ppm groups. The anemia lasted throughout the treatment period, however, it was not progressive nor aplastic in nature. No evidence of an oncogenic effect was observed in rats and the NOEL for this study was 50 ppm (1.8 mg/kg/day for males and 2.2 mg/kg/day for females).

ii. *Mice.* Flumioxazin technical was administered to mice at doses of 0, 300, 3,000, and 7,000 ppm in diet for 78 weeks. An increased incidence of hypertrophy of centrilobular hepatocytes was observed in males of the 3,000 and 7,000 ppm groups. Increases in the incidence of diffuse hypertrophy and single cell necrosis of hepatocytes were observed in females of the 3,000 and 7,000 ppm groups. There was no evidence of any treatment-related effect on the incidence of tumors. Flumioxazin technical was not carcinogenic to mice, and the NOEL for this study was 300 ppm (31.1 mg/kg/day for males and 36.6 mg/kg/day for females).

iii. *Dogs.* Flumioxazin technical was administered to dogs in capsules at daily doses of 0, 10, 100, and 1,000 mg/kg bw/day for 1 year. Treatment-related changes in blood biochemistry included increased total cholesterol and phospholipid values, elevated *alpha*-2-globulin ratio at 1,000 mg/kg/day and increased alkaline phosphatase activity in the 100 and 1,000 mg/kg/day groups. The absolute and/or relative liver weights were elevated in one animal in the 100 mg/kg/day group and four animals of the 1,000 mg/kg/day group. Minimal treatment-related histological changes were noted in the livers of animals at the 1,000 mg/kg/day group. Based on these data the NOEL was determined to be 10 mg/kg/day.

iv. *Carcinogenicity.* Flumioxazin is not a carcinogen. Adequately designed studies with both rats and mice have shown that repeated high dose exposures produced anemia, liver effects and nephropathy, but did not produce cancer in test animals. No oncogenic response was observed in a rat 2-year chronic feeding/oncogenicity study or in a 78 week study on mice. Valent anticipates that the oncogenicity classification of flumioxazin will be "E"

(no evidence of carcinogenicity for humans).

6. *Animal metabolism.* The absorption, tissue distribution, metabolism and excretion of phenyl-¹⁴C-labeled flumioxazin were studied in rats after single oral doses of 1 or 100 mg/kg, and after a single oral dose of 1 mg/kg following 14 daily oral doses at 1 mg/kg of unlabelled material. For all dose groups, most (97.9-102.3%) of the administered radiolabel was excreted in the urine and feces within 7 days after radiolabeled test material dosing. Radiocarbon tissue residue levels were generally low on the seventh day post-dosing. Radiocarbon residues were higher in blood cells than tissues. Tissue ¹⁴C-residue levels, including those for fat, were lower than blood levels which suggests little potential for bioaccumulation. Urinary radiocarbon excretion was greater in females than males in all dose groups.

Flumioxazin was extensively metabolized by rats and 35 metabolites were detected and quantitated. The main metabolic reactions in rats were (1) hydroxylation of the tetrahydrophthalimide moiety; (2) incorporation of the sulfonic acid group into the tetrahydrophthalimide moiety; (3) cleavage of the imide linkage; (4) cleavage of the benzoxazinoneamide and; (5) acetylation of the aniline nitrogen group.

7. *Metabolite toxicology.* Metabolism studies of flumioxazin in rats, goats, hens, soybeans, and peanuts, as well as the fish bioaccumulation study demonstrate that the parent is very rapidly metabolized and, in animals, eliminated. The metabolites detected and quantified from plants and animals show that there are no significant aglycones in plants which are not also present in the excreta or tissues of animals. Because parent and metabolites are not retained in the body, the potential for acute toxicity from *in situ* formed metabolites is low. The potential for chronic toxicity is adequately tested by chronic exposure to the parent at the MTD and consequent chronic exposure to the internally formed metabolites.

8. *Endocrine disruption.* No special studies to investigate the potential for estrogenic or other endocrine effects of flumioxazin have been performed. However, as summarized above, a large and detailed toxicology database exists for the compound including studies in all required categories. These studies include acute, sub-chronic, chronic, developmental, and reproductive toxicology studies including detailed histology and histopathology of numerous tissues, including endocrine organs, following repeated or long term

exposures. These studies are considered capable of revealing endocrine effects. The results of all of these studies show no evidence of any endocrine-mediated effects and no pathology of the endocrine organs. Consequently, it is concluded that flumioxazin does not possess estrogenic or endocrine disrupting properties.

C. Aggregate Exposure

1. *Dietary exposure.* A full battery of toxicology testing including studies of acute, chronic, oncogenicity, developmental, mutagenicity, and reproductive effects is available for

flumioxazin. In these risk assessments Valent has chosen as the chronic oral toxic endpoint the NOEL for males from the rat chronic/oncogenicity feeding study, 1.8 mg/kg/day; and as the acute oral toxic endpoint the NOEL (proposed by EPA) from the rat oral developmental toxicity study of 3.0 mg/kg/day. Because the acute oral endpoint is for fetal toxicity to rats, Valent has chosen to use the full, extra 10X uncertainty factor for appropriate sub-groups of the population as mandated by FQPA.

i. *Food.* a. Acute dietary exposures to flumioxazin residues were calculated for the U.S. population, Women 13

years and older, and five children subgroups. The calculated exposure values are very conservative because tolerance-level residues and 100% of the crop treated are assumed. For refined sugar from sugarcane and juice from grapes for which processing is required, concentration factors were considered. The calculated exposures and margins of exposure (MOE) for the higher exposed proportions of the subgroups are listed below. In all cases, margins of exposure relative to the acute endpoint from the rat oral developmental toxicity study exceed 1,000.

TIER I CALCULATED ACUTE DIETARY EXPOSURES TO THE TOTAL U.S. POPULATION AND SELECTED SUB-POPULATIONS TO FLUMIOXAZIN RESIDUES IN FOOD

Population Subgroup	95th Percentile		99.9th Percentile	
	Exposure (mg/kg/day)	MOE	Exposure (mg/kg/day)	MOE
Total U.S. Population	0.000063	47,737	0.000287	10,442
Women 13 Years and Older	0.000040	74,350	0.000128	23,527
Children 7 to 12 Years	0.000076	39,620	0.000310	9,675
Children 1 to 6 Years	0.000153	19,583	0.000599	5,008
All Infants	0.000205	14,608	0.000800	3,750
Non-Nursing Infants (<1 yr old)	0.000217	13,807	0.000799	3,753
Nursing Infants (<1 yr old)	0.000106	28,357	0.000283	10,612

b. Chronic dietary exposures to flumioxazin residues were calculated for the U.S. population and 25 population subgroups. This modified Tier I analysis assumes tolerance-level residues, processing factors for grape and cane sugar, and 100 percent of the crops treated. The results from several representative subgroups are listed below. All calculated chronic dietary exposures were below 5% of the c-PAD. The c-PAD was defined as the NOEL from the rat oral two-year combined chronic toxicity oncogenicity study (1.8 mg/kg/day for males) divided by the 100X uncertainty factor for the adult exposures (0.018 mg/kg/day), or divided by 1,000 to include the extra 10X uncertainty factor for adult females of child-bearing age and infant and children population subgroups (0.0018 mg/kg/day). Generally speaking, the Agency has no cause for concern if total residue contribution for published and proposed tolerances is less than 100 percent of the c-PAD.

TIER I CALCULATED CHRONIC DIETARY EXPOSURES TO THE TOTAL U.S. POPULATION AND SELECTED SUB-POPULATIONS TO FLUMIOXAZIN RESIDUES IN FOOD

Population Subgroup	Exposure (mg/kg/day)	Percent of c-PAD
Total U.S. Population (total) (0.018)*	0.000020	0.11
Females 13+ (nursing) (0.0018)*	0.000016	0.89
Females 13+ (preg./not nursing) (0.0018)*	0.000015	0.83
Children 7-12 yrs (0.018)*	0.000030	0.17
Children 1-6 yrs (0.0018)*	0.000052	2.89
All Infants (<1 year) (0.0018)*	0.000067	3.72

TIER I CALCULATED CHRONIC DIETARY EXPOSURES TO THE TOTAL U.S. POPULATION AND SELECTED SUB-POPULATIONS TO FLUMIOXAZIN RESIDUES IN FOOD—Continued

Population Subgroup	Exposure (mg/kg/day)	Percent of c-PAD
Non-Nursing Infants (0.0018)*	0.000082	4.56
Nursing Infants (0.0018)*	0.000016	0.89

* c-PAD value used to calculate percent of occupancy.

ii. *Drinking water.* Since flumioxazin is applied outdoors to growing agricultural crops, the potential exists for the parent or its metabolites to reach ground or surface water that may be used for drinking water. Because of the physical properties of flumioxazin, it is unlikely that flumioxazin or its metabolites can leach to potable groundwater. To quantify potential exposure from drinking water, surface water concentrations for flumioxazin were estimated using GENEEC 1.2. Because K_{OC} could not be measured

directly in adsorption-desorption studies because of chemical stability, GEEC values representative of a range of K_{OC} values were modeled. The simulation that was selected for these exposure estimates used an average K_{OC} of 385, indicating high mobility. The peak GEEC concentration predicted in the simulated pond water was 9.8 ppb. Using standard assumptions about body weight and water consumption, the acute exposure from this drinking water would be 0.00028 and 0.00098 mg/kg/day for adults and children, respectively. The 56-day GEEC concentration predicted in the simulated pond water was 0.34 ppb. Chronic exposure from this drinking water would be 0.000097 and 0.000034 mg/kg/day for adults and children, respectively; 1.9 percent of the c-PAD of 0.0018 mg/kg/day for children. Based on this worse case analysis, the contribution of drinking water to the dietary exposure is comparable to that from food, but the risk is still negligible.

2. *Non-dietary exposure.* Flumioxazin is proposed only for agricultural uses and no homeowner or turf uses. Thus, no non-dietary risk assessment is needed.

D. Cumulative Effects

Section 408(b)(2)(D)(v) requires that the Agency must consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity." Available information in this context include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way.

There are other pesticidal compounds that are structurally related to flumioxazin and have similar effects on animals. In consideration of potential cumulative effects of flumioxazin and other substances that may have a common mechanism of toxicity, there are currently no available data or other reliable information indicating that any toxic effects produced by flumioxazin would be cumulative with those of other chemical compounds. Thus, only the potential risks of flumioxazin have been

considered in this assessment of aggregate exposure and effects.

Valent will submit information for EPA to consider concerning potential cumulative effects of flumioxazin consistent with the schedule established by EPA at 62 FR 42020 (Aug. 4, 1997) and other subsequent EPA publications pursuant to the Food Quality Protection Act.

E. Safety Determination

1. *U.S. population—i. Acute risk.* The potential acute exposure from food to the U.S. population and various non-child/infant population subgroups provide MOE values exceeding 1,000. Addition of the worse case, but small "background" dietary exposure from water reduces the MOE value at the 99.9th percentile from 10,442 to 5,291. In a conservative policy, the Agency has no cause for concern if total acute exposure to adults calculated for the 95th percentile (for the Tier I calculated acute dietary exposure using tolerance level residues and 100% crops treated) yields a MOE of 100 or larger. For women of child bearing age where an MOE of 1,000 or larger is appropriate, the addition of water to the diet of women, 13 years and older, reduces the MOE (99.9th percentile) from 23,527 to 7,353. It can be concluded that there is a reasonable certainty that no harm will result to the overall U.S. Population and many non-child/infant subgroups from aggregate, acute exposure to flumioxazin residues.

ii. *Chronic risk.* Using the dietary exposure assessment procedures described above for flumioxazin, calculated chronic dietary exposure resulting from residue exposure from proposed uses of flumioxazin is minimal. The estimated chronic dietary exposure from food for the overall U.S. Population and many non-child/infant subgroups is 0.11 to 0.89% of the appropriate c-PAD. Addition of the small but worse case potential exposure from drinking water (calculated above) increases exposure by 0.000097 mg/kg/day and the maximum occupancy of the c-PAD from 0.89 to 1.43% (women 13+). Generally, the Agency has no cause for concern if total residue contribution is less than 100% of the appropriate c-PAD. It can be concluded that there is a reasonable certainty that no harm will result to the overall U.S. Population and many non-child/infant subgroups from aggregate, chronic exposure to flumioxazin residues.

2. *Infants and children—safety factor for infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of flumioxazin, FFDC section 408

provides that EPA shall apply an additional margin of safety, up to ten-fold, for added protection for infants and children in the case of threshold effects unless EPA determines that a different margin of safety will be safe for infants and children.

i. *Children.* The toxicological database for evaluating pre- and post-natal toxicity for flumioxazin is complete with respect to current data requirements. Developmental toxicity was observed by both oral and dermal routes in rats. Therefore, reliable data support use of the standard 100-fold uncertainty factor and an additional uncertainty factor of 10X for flumioxazin to be further protective of infants and children.

ii. *Developmental toxicity studies.* Flumioxazin shows developmental toxicity in the absence of maternal toxicity in rats. Mechanistic studies demonstrate that the effect is specifically related to the inhibition of heme synthesis, that the effect shows considerable species specificity, and that the rat is a conservative surrogate species for the potential for developmental toxicity in man. No developmental toxicity was observed in rabbits. Developmental toxicity to the pups was seen in the rat reproduction study at doses that were not toxic to the parental animals.

a. *Rats.* In the definitive rat oral developmental toxicity study, pregnant rats were administered oral doses of 0, 1, 3, 10 or 30 mg/kg/day of flumioxazin technical on days 6 through 15 of gestation. No maternal deaths were observed at any dosage and no treatment-related effects on clinical signs or food consumption were noted. A decrease in maternal body weight gain was found at 30 mg/kg/day. The number of live fetuses and fetal body weights were decreased in the 30 mg/kg/day group and the incidence of embryo mortality tended to be higher but was not statistically significant. No effects on the number of implantations, sex ratios, or external abnormalities were found. The incidence of fetuses with cardiovascular abnormalities, primarily VSD, was increased in the 30 mg/kg/day group. Other developmental effects observed at 30 mg/kg/day included an increase in the incidence of wavy ribs and curvature of the scapula, and a decrease in the number of ossified sacrococcygeal vertebral bodies. Based on these findings, a maternal NOEL of 30 mg/kg/day and a developmental NOEL of 3 mg/kg/day are proposed.

On days 6-15 of gestation, pregnant rats were exposed dermally to dose levels of 30, 100, or 300 mg/kg/day of flumioxazin technical in corn oil. No

adverse effects were observed in the dams throughout the study. Increased fetal mortality was accompanied by decreases in the number of live fetuses and fetal body weights at doses of 300 mg/kg/day. No external abnormalities were observed at any dose level. An increase in cardiovascular abnormalities, primarily VSD, an increase in wavy ribs and a decrease in the number of ossified sacrococcygeal vertebral bodies was observed at 300 mg/kg/day. Based on these results, a maternal NOEL of 300 mg/kg/day and a developmental NOEL of 30 mg/kg/day are proposed.

To measure the dermal penetration of flumioxazin under the conditions of the dermal teratology study, 13-day pregnant rats were dermally exposed to [phenyl-¹⁴C] flumioxazin. The systemic absorption ranged from 3.8% at 2 hours to 6.9% of the recovered ¹⁴C at 48 hours.

b. *Mechanistic studies.* A series of scientific studies were conducted to examine the mechanism and species differences in the production of developmental toxicity by flumioxazin. This research demonstrates clear species differences between rats, rabbits, mice, and (in vitro) humans and indicates a high degree of correlation between the interruption of heme synthesis and the production of developmental toxicity in rats. The data support that the rat is a conservative model for use in the risk assessment for humans. Specifically the studies demonstrate that:

- Flumioxazin interferes with normal heme biosynthesis resulting in sideroblastic anemia and porphyria in adult rats.

- ¹⁴C-Flumioxazin administered to pregnant rats on day 12 of gestation crosses the placenta and reaches the rat fetus at maximum levels of radiocarbon (and flumioxazin), 4 hours later.

- No clear pattern of adsorption, distribution, metabolism, or excretion was evident which could account for the species-specific development toxicity in rats.

- The critical period of sensitivity to the developmental effects of flumioxazin in rats is day 12 of gestation. This correlates with the peak period of protoporphyrin IX (PPIX) accumulation in maternal rat liver and the rat fetus.

- A histological examination of rat fetus indicated signs of fetal anemia within 6 hours after dosing, but no histological changes in the fetal rat heart were observed until 36 or 48 hour after treatment. No effects were observed in rabbit fetus treated in the same manner as the rats.

- Other observations in the pathogenesis of the developmental

effects of flumioxazin in rat fetuses included: enlarged heart, edema, anemia (decreased red blood cell count and hemoglobin), delayed closure of the interventricular foramen, reduced serum protein and incomplete/delayed ossification of the ribs.

- The observation of enlarged heart, edema and anemia preceding the occurrence of fetal mortality suggest these effects may be instrumental in the cause of fetal deaths.

- The occurrence of an enlarged heart preceding the failure of interventricular foramen closure could be related to the pathogenesis rather than a direct toxic effect of flumioxazin on cardiac tissue.

- A strong correlation exists between PPIX accumulation, an indicator of disrupted heme synthesis, and developmental toxicity. Evidence of this correlation exists on the basis of species differences between rats and rabbits; the critical period of sensitivity in the rat; and compound-specific differences with two chemicals structurally related to flumioxazin, one which produces developmental effects in rats and one which does not.

c. *Rabbits.* Pregnant rabbits were administered 0, 300, 1,000, or 3,000 mg/kg/day of flumioxazin technical on days 7 - 19 of gestation by oral gavage. The highest dose was well in excess of the 1,000 mg/kg/day limit dose for developmental toxicity studies. The 3,000 mg/kg/day dosage tended to reduce maternal body weight gains and relative and absolute feed consumption values. No gross lesions were produced at any dose level. The 3,000 mg/kg/day dosage group litters tended to have reduced fetal body weights but these differences were not statistically different. No fetal external, soft tissue, or skeletal malformations or variants were attributable to the test substance. Based on these data, the maternal NOEL was 1,000 mg/kg/day and the developmental NOEL was 3,000 mg/kg/day.

iii. *Reproductive toxicity study.* In the two-generation reproduction study in the rat dietary levels of 0, 50, 100, 200 and 300 ppm established a systemic NOEL of 200 ppm based on increased clinical signs (both sexes and generations); mortality, gross and histopathology findings in the liver (F₁ females); decreased body weight/weight gain (F₀ and F₁ females during gestation, F₁ males during premating) and decreased food consumption (F₀ and F₁ females during lactation). The reproductive NOEL of 100 ppm was mainly based on developmental toxicity at 200 ppm. Observed at 200 ppm were a decreased number of live-born pups and reduced pup body weights. At 300

ppm the following effects were observed: decreased pup body weight (both generations); decreased number of live pups/litter and viability index (both generations); increased incidence of abnormalities of the reproductive organs (predominately atrophied or hypoplastic testes and/or epididymides in F₁ males); decreased gestation index (F₀ females); decreased mating and fertility indices (F₁ males) and increased clinical signs (F₁ pups).

iv. *Prenatal and postnatal sensitivity.* Flumioxazin interferes with normal heme biosynthesis resulting in sideroblastic anemia and porphyria in adult rats. Clear species differences between rats, rabbits, mice, and (in vitro) humans were demonstrated. There is a high degree of correlation between the interruption of heme synthesis, consequent PPIX accumulation, and the production of developmental toxicity in rats. The data support that the rat is a conservative model for use in the risk assessment for humans.

v. *Acute exposure and risk.* The potential acute exposure from food to the various child and infant population subgroups all provide MOE values exceeding 1,000. Addition of the worse case, but small "background" dietary exposure from water (0.00098 mg/kg/day) to the 99.9th percentile food exposure for infants reduces the MOE value from 3,753 to 1,686. In a conservative policy with the addition of the FQPA extra 10X uncertainty factor, the Agency has no cause for concern if total acute exposure to infants and children calculated for the 95th percentile for the Tier I acute dietary exposure yields a MOE of 1,000 or larger. It can be concluded that there is a reasonable certainty that no harm will result to infants and children from aggregate, acute exposure to flumioxazin residues.

vi. *Chronic exposure and risk.* Using the conservative exposure assumptions described above, the percentage of the c-PAD that will be utilized by dietary (food only) exposure to residues of flumioxazin ranges from 0.17% for children 7-12 years, to 4.6% for Non-Nursing Infants. Adding the worse case potential incremental exposure to infants and children from flumioxazin in drinking water (0.000034 mg/kg/day) increases the aggregate, chronic dietary exposure by 1.9%. The addition of the exposure attributable to drinking water increases the occupancy of the c-PAD for Non-Nursing Infants to 6.44%. EPA generally has no concern for exposures below 100% of the c-PAD because the c-PAD, in this case including the extra 10X FQPA uncertainty factor, represents the level at or below which daily

aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. It can be concluded that there is a reasonable certainty that no harm will result to infants and children from aggregate, chronic exposure to flumioxazin residues.

vii. *Determination of safety*—
Summary. Aggregate acute or chronic dietary exposure to various sub-populations of children and adults demonstrate acceptable risk. Chronic dietary exposures to flumioxazin occupy considerably less than 100% of the appropriate c-PAD, and all acute dietary MOE values exceed 1,000. Chronic and acute dietary risk to children from flumioxazin should not be of concern. Further, flumioxazin has only agricultural uses and no other uses, such as indoor pest control, homeowner or turf, that could lead to unique, enhanced exposures to vulnerable sub-groups of the population. It can be concluded that there is a reasonable certainty that no harm will result to the U.S. Population or to any sub-group of the U.S. population, including infants and children, from aggregate chronic or aggregate acute exposures to flumioxazin residues resulting from proposed uses.

F. International Tolerances

Flumioxazin has not been evaluated by the World Health Organization, Joint Meeting on Pesticide Residues (JMPR) and there are no Codex Maximum Residue Limits (MRL) for flumioxazin. MRL values have been established to allow the following uses of flumioxazin in the following countries.

Country	Crop	MRL (ppm)
Brazil	Soybean	0.05
Argentina	Soybean Sunflower	0.015 0.02
Paraguay	Soybean	0.015
South Africa	Soybean Groundnut	0.02 0.02

[FR Doc. 02-32990 Filed 12-30-02; 8:45 am]
BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2002-0077; FRL-7286-8]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from November 20, 2002 to December 10, 2002, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the docket ID number OPPT-2002-0077 and the specific PMN number or TME number, must be received on or before January 30, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT-2002-0077. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566-1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566-0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the

system will identify whether the document is available for viewing in EPA's electronic public docket.

Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN number or TME number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include

your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number—OPPT-2002-0077. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to oppt.ncic@epa.gov, Attention: Docket ID Number OPPT-2002-0077 and PMN Number or TME Number. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental

Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

3. *By hand delivery or courier.* Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT-2002-0077 and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564-8930.

D. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions

pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from November 20, 2002 to December 10, 2002, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of

commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 41 PREMANUFACTURE NOTICES RECEIVED FROM: 11/20/02 TO 12/10/02

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-03-0127	11/20/02	02/18/03	Reterra	(S) Intermediate for polyester resins	(G) Polyester polyol
P-03-0128	11/20/02	02/18/03	The Dow Chemical Company	(S) Semiconducting polymer for light emitting electronic devices	(G) Semiconducting light emitting polyfluorene copolymer
P-03-0129	11/21/02	02/19/03	CBI	(G) Fragrance	(G) Propanoic acid, substituted ester
P-03-0130	11/21/02	02/19/03	CBI	(G) Open, non-dispersive use.	(G) Acrylic resin
P-03-0131	11/20/02	02/18/03	CBI	(G) Polymer intermediate, industrial coating	(G) Polysilazane
P-03-0132	11/20/02	02/18/03	CBI	(G) Coating material, non-dispersive use	(G) Polysilazane
P-03-0133	11/20/02	02/18/03	CBI	(G) Coating material, non-dispersive use	(G) Polysilazane
P-03-0134	11/21/02	02/19/03	CBI	(S) Polymer stabilizer	(S) Phosphorous acid, tri-C ₁₂₋₁₄ -alkyl esters
P-03-0135	11/20/02	02/18/03	CBI	(G) Compressor lubricant	(G) Dibasic acid ester
P-03-0136	11/22/02	02/20/03	CIBA Specialty Chemicals Corporation	(S) Photoinitiator for industrial coatings	(G) Substituted aromatic ketone
P-03-0137	11/22/02	02/20/03	CBI	(G) An aid to polymerization at parts per million (ppm) levels in emulsion polymerization. (catalyst)	(G) Cobalt(ii) organic complex
P-03-0138	11/22/02	02/20/03	CIBA Specialty Chemicals Corporation, Textile Effects	(G) Textile Dye	(G) Substituted alkylamino phenyl azo substituted isoindole
P-03-0139	11/22/02	02/20/03	CBI	(G) Component of odorant compositions for highly dispersive applications	(G) Tricyclic acetal
P-03-0140	11/25/02	02/23/03	Sasol North America Inc.	(G) Surfactant/emulsifier	(S) 2-propanol, 1,1',1''-nitritoltris-, compounds with polyethylene glycol hydrogen sulfate C ₁₂₋₁₆ -alkyl ethers
P-03-0141	11/25/02	02/23/03	Zeon Chemicals, Inc.	(G) Industrial solvent	(G) Alkyl ether
P-03-0142	11/25/02	02/23/03	CBI	(G) Destructive use	(G) Metallocene fluoride complex
P-03-0144	11/26/02	02/24/03	Hi-Tech Color, Inc.	(G) Polyurethane resin for coating agent	(G) Aliphatic polyurethane
P-03-0145	11/26/02	02/24/03	CBI	(G) Component of plastic disc.	(G) Polyurethane
P-03-0146	11/27/02	02/25/03	CBI	(G) Defoamer	(G) Mixed alkyl phosphate ester
P-03-0147	11/25/02	02/23/03	R.T. Vanderbilt Company, Inc.	(S) Functional filler for polymers	(S) Silane, ethenyltrimethoxy-, reaction products with wollastonite (ca(sio3))
P-03-0148	11/25/02	02/23/03	R.T. Vanderbilt Company, Inc.	(S) Functional filler for polymers	(S) Silane, ethenyltriethoxy-, reaction products with wollastonite (ca(sio3))
P-03-0149	11/25/02	02/23/03	R.T. Vanderbilt Company, Inc.	(S) Functional filler for polymers	(S) 2-propenoic acid, 2-methyl-, 3-(trimethoxysilyl)propyl ester, reaction products with wollastonite (ca(sio3))
P-03-0150	11/27/02	02/25/03	Solutia Inc.	(S) Binder for industrial coatings	(G) Oil-free polyester resin

I. 41 PREMANUFACTURE NOTICES RECEIVED FROM: 11/20/02 TO 12/10/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-03-0151	11/27/02	02/25/03	CBI	(G) Dyestuff for ink	(G) Benzendisulfonic acid, substituted anthraquinone derivative, ammonium sodium salt
P-03-0152	11/29/02	02/27/03	CBI	(G) Coupling agent	(G) Substituted silane
P-03-0153	12/02/02	03/02/03	CBI	(S) Moisture cure adhesive	(G) Polyester polyurethane
P-03-0154	12/02/02	03/02/03	Interplastic Corp.	(S) A monomer combined with styrene and unsaturated polyester resins	(S) 1,2-benzenedicarboxylic acid, mixed esters with benzyl alc., cyclohexanol, 2-ethyl-1-hexanol, fumaric acid and propylene glycol
P-03-0158	11/27/02	02/25/03	Reichhold, Inc.	(G) Coating	(G) Alkanediol homopolymer, polymer with polyether polyol and isocyanate.
P-03-0159	12/03/02	03/03/03	CBI	(S) Polymerization catalyst	(G) Trialkylaluminum metal halide reaction product
P-03-0160	12/05/02	03/05/03	CBI	(G) Ion exchange resin	(G) Cross-linked polymer
P-03-0161	12/05/02	03/05/03	CBI	(G) Uv-curing type resin component	(G) Aromatic sulfonium salt
P-03-0162	11/27/02	02/25/03	CBI	(G) Surfactant	(G) Mixed alkyl phosphate ester
P-03-0163	11/27/02	02/25/03	CBI	(G) Surfactant	(G) Mixed alkyl phosphate ester, sodium salt
P-03-0164	12/05/02	03/05/03	Ashland Inc., Environmental Health and Safety	(G) Ion exchange resin regeneration	(G) Amine carboxylate
P-03-0165	12/09/02	03/09/03	CBI	(G) Processing aid	(G) Salt of a modified polyacrylamide
P-03-0166	12/09/02	03/09/03	CBI	(G) Processing aid	(G) Salt of a modified polyacrylamide
P-03-0167	12/09/02	03/09/03	CBI	(G) Processing aid	(G) Salt of a modified polyacrylamide
P-03-0168	12/09/02	03/09/03	CBI	(G) Processing aid	(G) Salt of a modified polyacrylamide
P-03-0169	12/10/02	03/10/03	CBI	(G) Adhesive	(G) Polyglycidyl ether

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as

CBI) on the Notices of Commencement to manufacture received:

II. 28 NOTICES OF COMMENCEMENT FROM: 11/20/02 TO 12/10/02

Case No.	Received Date	Commencement/Import Date	Chemical
P-00-0938	11/26/02	11/14/02	(G) Blocked polyisocyanate
P-01-0037	12/05/02	11/21/02	(G) Polymeric scale inhibitor
P-01-0817	11/21/02	11/17/02	(G) Silicone acrylate
P-01-0901	11/26/02	05/16/02	(G) Aromatic salts
P-01-0902	11/26/02	05/16/02	(G) Aromatic salts
P-02-0163	12/03/02	11/26/02	(G) Acrylate copolymer
P-02-0359	11/22/02	10/30/02	(G) Substituted pyridine coupled with diazotized substituted nitrobenzonitrile, diazotized substituted benzenamine and substituted pyridinecarbonitrile
P-02-0522	11/21/02	09/03/02	(G) Substituted acridin naphtha substituted benzamide
P-02-0548	11/22/02	10/24/02	(G) Substituted pyrazole ester
P-02-0565	12/04/02	11/24/02	(G) Organic transition metal complex
P-02-0655	11/29/02	11/09/02	(G) Copolymer of acrylic and methacrylic esters
P-02-0700	11/22/02	10/31/02	(G) Fluorochemical acrylate polymer
P-02-0708	12/03/02	11/26/02	(G) Multifunctional polycarbodiimide (substance a and b)
P-02-0709	12/03/02	11/26/02	(G) Multifunctional polycarbodiimide (substance a and b)
P-02-0752	12/10/02	11/11/02	(G) Salt of aromatic acids and aliphatic amine
P-02-0771	12/09/02	11/08/02	(G) Polyether polyurethane
P-02-0775	12/10/02	12/05/02	(G) 1,1'-methylenebis[diiisocyanato]benzene, polyetherpolyol polymer
P-02-0787	11/25/02	11/20/02	(G) Epoxy functional styrenated methacrylate
P-02-0799	12/05/02	11/11/02	(G) Acrylic resin
P-02-0810	11/20/02	10/23/02	(G) Titanium-aluminum complex
P-02-0868	11/27/02	10/31/02	(G) Substituted anthraquinone
P-02-0871	12/09/02	11/20/02	(G) Fluoropolymeric sulfonic acid salt
P-02-0875	11/29/02	11/20/02	(G) Modified phenoxy resin dispersion
P-02-0878	11/27/02	11/15/02	(G) Dimer ester
P-02-0879	11/22/02	11/11/02	(G) Alicyclic hydrocarbon resin
P-02-0919	11/27/02	11/21/02	(G) Unsaturated polyester
P-99-0037	12/05/02	10/31/02	(G) Aromatic urethane acrylate
P-99-0817	12/09/02	10/28/02	(G) Salt of an acrylic acid-acrylamide terpolymer

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: December 20, 2002.

Sandra R. Wilkins,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 02-32989 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-S

FEDERAL RESERVE SYSTEM**Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 15, 2003.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Antonia Whalen, Clementine Whalen and Nathaniel Whalen*, all of Chicago, Illinois, and *Amanda Whalen*, Portland, Oregon, acting in concert with their parents, *Wayne W. Whalen and Paula, Wolff*, Chicago, Illinois, to retain ownership of the outstanding shares of *Unionbancop, Inc.*, Ottawa, Illinois, and thereby indirectly retain voting shares of *Unionbank, Streator, Illinois*; *Unionbank/Central, Princeton, Illinois*; *Unionbank/West, Macomb, Illinois*, and *Unionbank/Northwest, Hanover, Illinois*.

Board of Governors of the Federal Reserve System, December 24, 2002.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 02-32976 Filed 12-30-02; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM**Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at <http://www.ffiec.gov/nic/>.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 23, 2003.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. *Chittenden Corporation*, Burlington, Vermont; to acquire 100 percent of the common stock of *Granite State Bankshares, Inc.*, and thereby indirectly acquire 100 percent of the voting shares of *Granite Bank*, both of Keene, New Hampshire.

Board of Governors of the Federal Reserve System, December 24, 2002.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 02-32977 Filed 12-30-02; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL TRADE COMMISSION**Public Workshop: Public/Private Partnerships To Combat Cross-Border Fraud**

AGENCY: Federal Trade Commission.

ACTION: Notice of public workshop and opportunity for comment.

SUMMARY: The Federal Trade Commission ("FTC" or "Commission") will hold a public workshop on how to build public/private partnerships to combat cross-border fraud against consumers. The workshop will explore how the private and public sectors can work together to identify, stop, and bring effective enforcement actions against cross-border fraud operators; any legal constraints on cooperation; and recommendations for partnerships and legislative and other measures to assist the FTC in combating cross-border fraud.

DATES: The workshop will be held on February 19 and 20, 2003, from 9 a.m. to 5 p.m., at FTC headquarters, 600 Pennsylvania Avenue, NW., Washington, DC, in Commission Meeting Room 432 and Room 332 (overflow). The workshop is open to the public and there is no fee for attendance. Pre-registration is not required.

Request to Participate as a Panelist: A written request to participate as a panelist in the workshop must be filed by January 24, 2003. If you are selected, you will be notified on or before January 31, 2003. For further instructions, please see the "Requests to Participate as a Panelist in the Workshop" section below.

Written Comments: Whether or not selected to participate as a panelist, you may submit written comments on the general subject of the workshop and in response to any discussion questions that are posed below. Such comments must be filed on or before February 14, 2003. For further instructions on submitting comments, please see the "Form and Availability of Comments" section below. To read our policy on how we handle the information that you submit, please visit <http://www.ftc.gov/ftc/privacy.htm>

ADDRESSES: Written comments and any request to participate as a panelist in the workshop should be submitted to: Secretary, Federal Trade Commission, Room 159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Alternatively, they may be sent by e-mail to crossborderfraud@ftc.gov.

FOR FURTHER INFORMATION CONTACT: Stacy Feuer, (202) 326-3072,

sfeuer@ftc.gov, or Maureen Cooney, (202) 326-3485, *mcooney@ftc.gov*, International Division of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. A detailed agenda and additional information on the workshop will be posted on the FTC's Web site, <http://www.ftc.gov>, by February 5, 2003.

SUPPLEMENTARY INFORMATION:

Background Information and Workshop Goals

The globalization of the marketplace poses new and difficult challenges for consumer protection law enforcement. Developments in trade and technology have given consumers and businesses wide and unprecedented access to new products, information, and markets. These innovations have provided consumers and businesses with considerable benefits. But fraud operators also have exploited these developments to deceive large numbers of consumers in numerous jurisdictions. Pyramid and lottery schemes, travel and credit-related ploys, and high-tech scams such as modem and page hijacking are examples of the types of frauds perpetrated across national borders that victimize consumers, harm legitimate businesses, and reduce consumer confidence in the global marketplace.

It is often more difficult to combat cross-border fraud than to combat domestic scams. Cross-border fraud operators strike quickly using easily accessible mechanisms (including telephone, e-mail, and the world wide web); victimize thousands of consumers in a short period of time; and disappear (along with the proceeds of their frauds). They face a relatively low threat of civil or criminal prosecution because law enforcement agencies have only a limited ability to pursue fraud operators outside their jurisdiction and may be constrained in sharing evidence with their foreign counterparts. Moreover, court-ordered remedies prohibiting fraud operators from engaging in certain conduct generally are ineffective across borders.

The FTC has been developing new strategies to deal with the challenges posed by cross-border fraud.¹ It has built relationships with its law

enforcement counterparts abroad to enforce laws prohibiting unfair or deceptive practices and also has worked with private sector entities including businesses, industry associations, and consumer groups. Now, the FTC seeks to expand its ability to combat cross-border fraud by increasing cooperation between the Commission and such private sector entities.

As a first step, the Commission will convene a workshop to examine the public and private sectors' mutual interests in combating cross-border fraud. Business and industry representatives, state and federal consumer protection and financial regulators, and consumer groups that have encountered problems with cross-border fraud are especially encouraged to participate. We also invite foreign businesses and foreign government officials that have engaged in successful public/private partnerships to attend the workshop.

Workshop participants will discuss existing private sector initiatives to combat cross border fraud as well as existing barriers to increased cooperation. Participants also will explore when and how the private sector can share information about fraud with law enforcement authorities, including financial and asset information about investigative targets and defendants. Panelist also will discuss how, in appropriate circumstances, legitimate private sector businesses can fight fraud by suspending domain names, telephone services, mailing services, or payments and credit processing services to fraud operators located abroad who are often difficult to reach through court orders. Participants also will address the feasibility of using practical and technological solutions from the private sector to address cross-border fraud perpetrated over the Internet. Participants are also invited to discuss business-to-business initiatives that might be instructive in developing new ways to combat cross-border consumer fraud.

We encourage interested parties to submit ideas for ways to increase public/private cooperation to combat cross-border fraud. We also invite interested parties to highlight any obstacles to private sector cooperation in combating cross-border fraud; to submit ideas for legislative and other changes to address these obstacles; and to discuss potential disincentives to increased cooperation and ways to overcome those disincentives.

Following the workshop, the Commission plans to prepare a report to the U.S. Congress discussing certain

constraints on international law enforcement cooperation facing both the FTC and the private sector, and suggesting ways to improve cross-border law enforcement. We hope to include appropriate proposals that emerge from the workshop.

Below is a non-exhaustive list of issues to be addressed at the workshop. Written comments need not address all of these issues.

1. General Issues

To set the framework for the workshop, the FTC requests comments on the general issues raised by the workshop:

a. What cross-border fraud issues is the private sector facing or expecting? How do businesses, industry associations, and consumer groups define and identify cross-border fraud in the consumer context?

b. How can the private sector assist the FTC in fighting cross-border fraud?

c. What mechanisms does the private sector currently use to detect, stop, and deter cross-border fraud? Are there existing business-to-business initiatives that could serve as models for partnerships between the FTC and the private sector? How can these mechanisms and initiatives be adapted, improved or expanded?

d. What are the key obstacles to expanded public/private cooperation in fighting cross-border fraud?

e. What are the potential downsides for the private sector in cooperating with the FTC in fighting cross-border fraud? What, if anything, can the FTC do to mitigate any potential negative effects?

f. What information about the extent of cross-border fraud, and about costs to legitimate businesses, including statistical information, can the private sector provide to the FTC? What information can the private sector provide about costs related to cooperation with law enforcement?

2. Information Sharing

Different panels of the workshop will address the ability of the private sector to share information with the FTC—both to prevent and detect fraud and to assist the FTC in providing redress to the victims of fraud. The FTC requests comments on the following general information sharing issues:

a. What types of information can private entities share with the FTC about investigative targets and defendants in civil fraud matters?

b. Are there mechanisms for sharing information among private sector entities that could assist the FTC in fighting cross-border fraud?

¹ For a discussion of specific challenges and approaches to cross-border fraud, see *The Interface of Competition and Consumer Protection*, Prepared Remarks of Timothy J. Muris, Chairman, Federal Trade Commission, at the Fordham Corporate Law Institute's Twenty-Ninth Annual Conference on International Antitrust Law and Policy, New York City, October 31, 2002. A copy of the text can be found at <http://www.ftc.gov/speeches/muris/021031fordham.pdf>.

c. Are there legal, structural, technological or other limits on the private sector's ability to share information about investigative targets and defendants with the FTC in civil fraud investigations and lawsuits?

d. Are there ways that legitimate businesses can share consumer complaints they receive with the FTC for inclusion in the FTC's Consumer Sentinel database?²

e. What role does consumer consent play in relation to information sharing?

f. Is there information that the FTC could share with the private sector that would facilitate private sector assistance to the FTC in civil fraud investigations and lawsuits?

g. Are there legal or other limits on the FTC's ability to share information with private entities that inhibit the private sector from providing information about investigative targets and defendants to the FTC in civil fraud investigations and lawsuits?

h. Are there legal or other limits on other public sector agencies sharing information with the FTC, including information obtained through partnerships with the private sector, in civil fraud investigations and lawsuits?

i. What legislative or other changes could relieve constraints on information sharing with the FTC in civil fraud investigations and lawsuits?

3. The Financial Sector

The financial sector has had much experience with cross border consumer transactions. We recognize that cross-border fraud harms consumer confidence in the global marketplace and presents challenges to participants in the financial system. The FTC seeks comment on the extent and costs of cross-border consumer fraud to the private sector, and on methods that financial sector entities can employ to stop fraud and reduce the profitability and proliferation of cross-border schemes:

a. What are the costs of cross-border consumer fraud to legitimate businesses, including businesses in the financial sector such as financial institutions and other financial services providers, credit-card issuers, electronic payment systems operators, and money transmitters (collectively, "financial sector entities")? How are these costs measured?

b. What are some mechanisms for practical cooperation between the FTC and financial sector entities in fighting cross-border telemarketing fraud, identity theft, pretexting, and the variety

of scams that misuse financial and payment systems?

c. Are there ways in which financial sector entities can assist in combating cross-border fraud by providing information to the FTC about suspicious transactions or other questionable financial practices of concern in FTC civil fraud investigations and lawsuits?

d. Are there circumstances in which financial sector entities can assist the FTC by cutting off fraud operators' access to their services or by interrupting or suspending financial transaction processing and settlement through various payment systems?

e. Are there ways in which financial sector entities can assist the FTC in civil fraud investigations and lawsuits by providing the FTC with information about investigative targets or defendants that have transferred funds to unrelated offshore entities and/or by providing the FTC with information from their offshore subsidiaries or affiliates?

f. Are there legal or other limits on financial sector entities assisting the FTC in civil fraud investigations and lawsuits? If so, are there any legislative or other changes that would relieve these constraints?

g. What are the costs of cross-border consumer fraud to financial sector participants and financial markets through fraudulent activities by FTC investigative targets and defendants as a result of misuse of legitimate payment systems, asset dissipation, and other financial frauds used by FTC investigative targets and defendants?

h. What are the possibilities for increased information sharing with the FTC, particularly concerning targets and defendants that have transferred the proceeds of consumer fraud schemes offshore in circumvent FTC civil consumer redress judgments?

4. Internet

The FTC seeks comment on how Internet service providers, domain registrars, and other Internet-related businesses can assist in preventing fraud operator from using the Internet to perpetrate fraudulent schemes?

a. Are there ways in which the private sector can provide assistance to the FTC in civil fraud investigations and lawsuits to identify, locate, and track cross-border fraud operators who use the Internet (including email) to perpetrate fraudulent schemes?

b. Can the private sector provide practical or technological solutions for combating fraudulent schemes perpetrated over the Internet (including by email) to the FTC in civil fraud investigations and lawsuits?

c. Are there ways in which electronic communications providers can improve or modify their policies and practices regarding data retention and disclosure of investigative requests for information, subject to existing law, to facilitate information sharing in civil fraud investigations and lawsuits?

d. Are there any legal or other limits to providing such assistance to the FTC in civil fraud investigations and lawsuits? If so, are there any legislative or other changes that would relieve such constraints?

5. Other Third-Party Service Providers

Cross-border fraud operators often use a variety of other commercial services to perpetrate frauds and dissipate assets. Some of these businesses engage in legitimate business activities while others are participants in the fraud. The FTC seeks comment on how legitimate commercial third-party service providers can assist the FTC:

a. What role can service providers, such as telephone and wireless carriers, commercial mailbox facilities, private courier services, telephone call centers, list brokers, and mail-order fulfillment houses, play in helping to combat cross-border fraud?

b. Are there ways in which service providers can share information with the FTC about suspicious transactions or questionable business practices by investigative targets or defendants in civil fraud investigations and lawsuits?

c. Are there ways in which service providers can suspend services to FTC investigative targets or defendants? What are the appropriate circumstances for doing so?

d. Are there ways in which service providers can improve or modify their policies and practices regarding data retention and disclosure of investigative requests for information, subject to existing law, to facilitate information sharing in civil fraud investigations and lawsuits?

6. Public/Private Models for Cooperation

The FTC recognizes that, around the world, there are a variety of government and non-governmental entities that participate in prosecuting consumer fraud. The FTC also recognizes that law enforcement authorities in the U.S. and in other countries have formed successful public/private partnerships to combat other types of crime and civil fraud. The FTC seeks to learn from these experiences:

a. What existing public/private partnership models with federal or state civil or criminal law enforcement authorities in the U.S. and foreign law

² See www.consumer.gov/sentinel.

enforcement authorities can be adapted to assist the FTC in combating cross-border fraud?

7. Consumer and Business Education Partnerships

The FTC frequently works with businesses and industry to provide education on consumer issues. The FTC seeks comment on ways it can engage with the private sector to provide education about cross-border fraud:

How can the FTC, other public entities, and the private sector partner to better educate consumers and businesses about ways to thwart cross-border fraud?

Request To Participate as a Panelist in the Workshop

If you wish to participate as a panelist in the workshop, you must notify the FTC in writing by January 24, 2003. Such requests should be made either by mail to the Secretary of the FTC or by e-mail to *crossborderfraud@ftc.gov*. A request to participate as a panelist should be captioned "Public Workshop: Public/Private Partnerships to Combat Cross-Border Fraud—Request to Participate, P035302." Each person is asked to include in the request the topic area for participation, a statement of expertise in or knowledge of the issues relevant to that topic, and contact information, including a telephone number, and email address. Unless submitting by email, an original and two copies of each document should be submitted. Panelists will be notified of their selection by January 31, 2003.

Using the following criteria, FTC staff will select a limited number of panelists to participate in the workshop:

1. The party has expertise in or knowledge of the issues that are the focus of the workshop.

2. The party's participation would promote a balance of interests being represented at the workshop.

3. The party has been designated by one or more interested parties who timely file requests to participate as a party who shares group interests with the designator(s).

In addition, there will be time during the workshop for those not serving as panelists to ask questions.

Form and Availability of Comments

To facilitate the discussion, the FTC requests that interested persons submit written comments on the general subject of the workshop and in response to any questions posed on issues that could be addressed. Comments should be captioned "Public Workshop: Public/Private Partnerships to Combat Cross-Border Fraud—Comment, P035302."

Persons sending written comments should submit an original and two copies of each document. To enable prompt review and public access, paper submissions should include a version on diskette in PDF, ASCII, WordPerfect, or Microsoft Word format. Diskettes should be labeled with the name of the person, and the name and version of the word processing software used to create the document. Alternatively, comments may be emailed to *crossborderfraud@ftc.gov*.

Written comments will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and FTC regulations, 16 CFR part 4.9, Monday through Friday between the hours of 8:30 a.m. and 5 p.m. at the Public Reference Room 130, Federal Trade Commission, 600

Pennsylvania Avenue, NW., Washington, DC 20580. This notice and, to the extent technologically possible, all comments will also be posted on the FTC Web site, <http://www.ftc.gov>.

By direction the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02-32991 Filed 12-30-02; 8:45 am]

BILLING CODE 6750-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvement Acts of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans No.	Acquiring	Acquired	Entities
Transactions Granted Early Termination—09/30/2002			
20021184	Ripplewood Partners, L.P.	Robert H. Baker	All American Chevrolet, Inc. Bob Baker Automotive, Inc. Bob Baker Automotive, Inc. Bob Baker Imports, Inc. Bob Baker Volkswagen, Inc. El Cajon Luxury Cars, Inc. University Ford, Inc. Comdisco Holding Company Inc. Legrand S.A. Enron Corp. (Debtor-in-Possession) Gate Gourmet Holding AG. Arizona Mail Order, Inc. Bedford Fair Apparel, Inc. Family Farm Gifts, Inc. Figi's Gifts, Inc. Figi's Inc. Figi's Mail Order Gifts, Inc. LM&B Catalog, Inc. PC Flowers & Gifts.com LLC. Ceres Terminals Incorporated.
20021187	Berkshire Hathaway Inc.	Comdisco Holding Company Inc.	
20021189	Lumina Parent S.A.R.L.	Schneider Electric S.A.	
20021193	FdG Capital Partners LLC	Enron Corp. (Debtor-in-Possession) ...	
20021196	TPG Partners III, L.P	SAirGroup AG	
20021198	J.P. Morgan Chase & Co.	Federated Department Stores, Inc.	
20021200	Nippon Yusen Kabushiki Kaisha	Christos N. Kritikos	

Trans No.	Acquiring	Acquired	Entities
20021201	TransCanada Pipelines Limited	Limestone Electron Trust	Equipvest LLC. Manchief Power Company LLC.
Transactions Granted Early Termination—10/01/2002			
20021056	E.I. duPont de Nemours and Company	ChemFirst Inc	ChemFirst Inc.
Transactions Granted Early Termination—10/03/2002			
20021197	SPX Corporation	Vance International, Inc. Employee Stock Ownership Plan.	Vance International, Inc.
Transactions Granted Early Termination—10/04/2002			
20021152	International Business Machines Cor- poration.	ACCESS360	ACCESS360.
20021163	Medtronic, Inc	Spinal Dynamics Corporation	Spinal Dynamics Corporation.
20021183	Warburg, Pincus Equity Partners, L.P.	Centerpulse Ltd	Sulzer Intra Therapeutics Inc.
20021202	General Electric Company	Castle Harlan Partners III. L.P.	Ion Track, Inc.
20021204	Blue Holdings Corp	Vivendi Environment, S.A	U.S. Filter Distribution Group, Inc.
20021206	Provimlux Investments S.A	Intalenergia S.p.A.	Provimi
20021207	Atlantic Equity Partners, III, LP	Carl F. Paul, c/o Golfsmith Inter- national Inc.	Golfsmith International, Inc.
20021209	Linsalata Capital Partners Fund IV, L.P.,	H.I.G. Investment Group L.P.	Potpourri Holdings, Inc.
20021210	J.P. Morgan Chase & Co	Blue Holdings Corporation	Blue Holdings Corporation.
20021211	Thomas H. Lee Equity Fund, V. L.P ...	Blue Holdings Corp.	Blue Holdings Corp.
20021213	Cooperative Centrale Raiffeisen- Boerenleenbank B.A.	CIT Group Inc.	Picker Financial Group, L.L.C.
20021214	Cooperative Centrale Raiffeisen- Boerenleenbank B.A.	Koninklijke Philips Electronics N.V.	Picker Financial Group, L.L.C.
20021222	James D. Reigle Trust dated Decem- ber 15, 1978.	Illinois Tool Works Inc	Premark WB Holdings, Inc. The West Bend Company.
Transactions Granted Early Termination—10/08/2002			
20021216	Avery Dennison Corporation	L&E Packaging, LLC	L&E Packaging, LLC.
Transactions Granted Early Termination—10/10/2002			
20021224	Home Depot, Inc. (The)	Brian J. Whitehead	DuraFloors, Inc. Floor of Florida, LLC. Floors, Inc. Supply Expo, L.P.
20021226	Home Depot, Inc	Arvada Hardwood Floor Company	Arvada Hardwood Floor Company. Furniture to Go, L.P. L.P. Home Solutions by Arvada Hardwood LLC.
20030001	New England Medical Center, Inc	Lifespan of Massachusetts, Inc	New England Medical Center Hos- pitals, Inc.
Transactions Granted Early Termination—10/15/2002			
20021180	US Investigations Services, Inc	VS&A Communications Partners II, L.P.	The Official Information Company.
20021217	Combe Incorporated	Byrwood Partners II L.P.	J.B. Williams Company, Inc.
20030004	Finmeccanica S.p.A	Olivetti S.p.A.	Telespazio S.p.A.
20030007	Harrah's Entertainment, Inc	LAD LLC	Louisiana Downs, Inc.
20030010	Bain Capital Fund VII, L.P	Georgia-Pacific Corporation	UWW Holdings, Inc.
20030011	Amer Group Plc	Illinois Tool Works Inc	Precor Incorporated. Precor Products Limited. Precor Sportgerate GmbH.
20030015	Waddell & Reed Financial, Inc	Paul G. Desmarais	Ivy Acquisition Corp.
Transactions Granted Early Termination—10/16/2002			
20030008	Oak Investment Partners X	New SAC	XIOtech Corporation.
20030009	Professor Kurt Jenny	Kosan Biosciences, Inc	Kosan Biosciences, Inc.
20030018	TWI Holdings, Inc	Dag Landvik c/o Fagerdala Industri AB	Tempur World, Inc.
20030019	TA IX L.P	TWI Holdings, Inc	TWI Holdings, Inc.
20030020	Enzon, Inc	Elan Corporation, plc	Elan Corporation, plc.
20030022	Bookham Technology plc	Nortel Networks Corporation	Nortel Networks Corporation.

Trans No.	Acquiring	Acquired	Entities
20030024	GTCR Fund VII, L.P	Getronics NV	Getronics Government Solutions, L.L.C.
Transactions Granted Early Termination—10/18/2002			
20030021	Gryphon Partners II, L.P	Nobel Learning Communities, Inc	Nobel Learning Communities, Inc.
Transactions Granted Early Termination—10/22/2002			
20030028	AdvancePCS	Accordant Health Services, Inc	Accordant Health Services, Inc.
20030032	General Motors Corporation	Royal Dutch Petroleum Company	Shell Capital Inc.
20030035	Tom T. Gores	Koninklijke Philips Electronics N.V	HC Products, LLC.
Transactions Granted Early Termination—10/23/2002			
20021223	Berkshire Hathaway Inc	Doris and Jay Christopher	The Pampered Chef, Ltd.
Transactions Granted Early Termination—10/24/2002			
20021205	AIG Highstar Capital, L.P	The Williams Companies, Inc	Western Frontier Pipeline Company, LLC.
20030014	Carlyle Partners III, L.P	Invensys plc	Williams Gas Pipelines Central, Inc. Brook Hansen France Sales S.A.R.L. Brook Hansen, S.A. Changzhou Hansen Jiangling Transmissions Co. Ltd. Clarkson Industries Inc. M.C.C. Holding B.V. Prager Incorporated. Rexnord A/S. Rexnord AB. Rexnord Corporation. Rexnord Correntes Ltda. Rexnord do Brasil Industrial Ltda. Rexnord France S.A.R.L. Rexnord GmbH. Rexnord Marbett SpA. Rexnord NV. Stephan GmbH. Eastern Financial Systems, Inc.
20030025	Fidelity National Financial, Inc	Eastern Financial Systems, Inc	Eastern Financial Systems, Inc.
20030031	Blue Point Capital Partners, L.P	Generation Capital Partners, L.P	LVI Holding Corporation.
20030037	Documentum, Inc	eRoom Technology, Inc	eRoom Technology, Inc.
Transactions Granted Early Termination—10/25/2002			
20030041	The Alpine Group, Inc	Superior TeleCom Inc	DNE Systems Inc. Superior Telecommunications Inc. Texas SUT Inc.
Transactions Granted Early Termination—10/29/2002			
20020861	Nucor Corporation	Birmingham Steel Corporation	Birmingham Southeast, LLC. Port Everglades Steel Corporation.
20021126	Carl C. Icahn	XO Communications, Inc.	XO Communications, Inc
20030030	Plum Creek Timber Company, Inc	Stora Enso Oyj	Stora Enso North America Corporation.
20030046	Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A.	Occidental Petroleum Corporation	Occidental Overseas Operations, Inc.
Transactions Granted Early Termination—10/30/2002			
20030003	Eaton Corporation	Dana Corporation	Dana Corporation.
Transactions Granted Early Termination—10/31/2002			
20021225	Bergemann GmbH	ABB Ltd	ABB Inc. ABB Meeting Holdings Ltd.
20030023	Buckeye Partners, L.P	Colonial Pipeline Co	Colonial Pipeline Co.
Transactions Granted Early Termination—11/01/2002			
20030039	Kelso Investments Associates VI, L.P	BCO Holding Company	BCO Holding Company.
20030043	IOI Corporation Berhad	Unilever N.V	Loders Crokiaan Business.
20030044	The Stanley Works	Russell C. Best and Mariea L. Best, as husband and wife.	Best Lock Corporation.

Trans No.	Acquiring	Acquired	Entities
20030045	AGCO Corporation	SPX Corporation	Sunflower Manufacturing Company, Inc.
Transactions Granted Early Termination—11/04/2002			
20030048	Triton PCS Holdings, Inc	AT&T Wireless Services, Inc	AT&T Wireless PCS Inc.
20030049	ENEL S.p.A	Central Vermont Public Service Corporation.	Gauley River Management Corporation.
20030050	Banque Federate des Banques	Arnhold and S. Bleichroeder Holdings, Inc.	Gauley River Power Partners, L.P.
20030051	Arnhold and S. Bleichroeder Holdings, Inc.	Banque Federale Des Banquest Populaires.	Arnhold and S. Bleichroeder, Inc.
20030053	Brown & Brown, Inc	Donald E. Martin	Natexis Banques Populaires.
20030054	Clayton, Dubilier & Ride Fund VI Limited Partnership.	Kinko's Inc	Chartered Financial Services Corporation.
20030056	Microsoft Corporation	Vicinity Corporation	Kinko's Inc.
20030057	Adventist Health System Sunbelt	Adventist Health Mid-America, Inc	Vicinity Corporation.
20030058	GS Capital Partners 2000, L.P	R.H. Donnelley Corporation	Adventist Health Mid-America, Inc.
20030060	GILDEMEISTER Aktiengesellschaft	ThyssenKrupp AG	R.H. Donnelley Corporation.
20030061	Bucher Industries AG	Knight Manufacturing Corporation	ThyssenKrupp Metal Cutting GmbH.
			Knight Manufacturing Corporation.
Transactions Granted Early Termination—11/05/2002			
20030063	GROWMARK, Inc	Agway, Inc	Agway, Inc.
Transactions Granted Early Termination—11/07/2002			
20030033	NetIQ Corporation	PentaSafe Security Technologies, Inc	PentaSafe Security Technologies, Inc.
20030047	Lake Carnegie, LLC	Walcott Partners, L.P	Celtics Basketball, L.P.
20030065	ONEOK, Inc	Southern Union Company	Southern Union Company.
20030070	Lucent Technologies Inc	Solectron Corporation	Solectron Corporation.
Transactions Granted Early Termination—11/12/2002			
20030081	Spectrum Equity Investors IV, L.P	RCN Corporation	RCN Telecom Services, Inc.
Transactions Granted Early Termination—11/13/2002			
20030082	RF Micro Devices, Inc	Resonext Communications, Inc	Resonext Communications, Inc.
Transactions Granted Early Termination—11/15/2002			
20030042	Liberty Media Corporation	ACTV, Inc	ACTVN, Inc.
Transactions Granted Early Termination—11/19/2002			
20030083	Insight Communications Company, Inc	AT&T Corp	InterMedia Partners Southeast.
20030086	Temasek Holdings (Private) Limited	Global Crossing Ltd	Global Crossing Ltd. (New).
20030087	Hutchison Whampoa Limited	Global Crossing Ltd	Global Crossing Ltd. (New).
20030089	Grant Prideco, Inc	Schlumberger Limited	Reed-Hycalog Operating, L.P.
20030090	Schlumberger Limited	Grant Prideco, Inc	Grant Prideco, Inc.
20030096	Health Management Associates, Inc	Monterra Health System, Inc	Aracoma Medical Foundation, Inc.
20030097	General Electric Company	Cablevision System Corporation	The Logan Medical Foundation.
20030098	Nautic Partners, V, L.P	Summit Venture IV, L.P	Bravo Company.
20030101	LifePoint Hospitals, Inc	Monterra Health System, Inc	Bravo Holding Corporation.
			Bravo II Holding Corporation.
			HRI Holdings Corp.
			Aracoma Medical Foundation, Inc.
			The Logan Medical Foundation.
Transactions Granted Early Termination—11/20/2002			
20030068	First Reserve Fund IX, L.P	Quanta Services, Inc	Quanta Services, Inc.
20030094	Mitsubishi Corporation	Newco Corporation	Newco Corporation.
20030107	The Berwind Company LLC	Hunt Corporation	Hunt Corporation.
Transactions Granted Early Termination—11/21/2002			
20020432	Wal-Mart Stores, Inc	Supermercados Amigo, Inc	Supermercados Amigo, Inc.
20030064	KSM Aquisition Company, L.P	Metromedia International Group, Inc	Snapper, Inc.

Trans No.	Acquiring	Acquired	Entities
Transactions Granted Early Termination—11/22/2002			
20030078	King Pharmaceuticals, Inc	Meridian Medical Technologies, Inc	Meridian Medical Technologies, Inc.
20030084	DRS Technologies, Inc	Paravant Inc	Paravant Inc.
20030088	Guidant Corporation	Novartis AG	Novartis AG.
20030115	Meredith Corporation	PRIMEDIA, Inc	PRIMEDIA, Inc.
Transactions Granted Early Termination—11/25/2002			
20030092	Northern Trust Corporation	Deutsche Bank AG	Deutsche Asset Management (Australia) Ltd. Deutsche Asset Management Investment Services Ltd. Deutsche Asset Management Japan Limited. Deutsche Asset Management Life & Pensions Ltd. Deutsche Asset Management Limited. Deutsche Asset Management, Inc. Deutsche Bank Trust Company Americas. Deutsche Investment Management Americas Inc. Deutsche Trust Bank Limited. Deutsche Trust Company. Deutsche Unit Trust Managers Limited.
20030103	Prudential Financial, Inc	TMW Real Estate Group, LLC	TMW Investments, Inc. TMW Real Estate Group, LLC. TMW Real Estate Management, Inc.
20030110	James E. Stephenson	Carlton Company	Carlton Company.
20030116	SSA Investor, LLC	Infinium Software, Inc	Infinium Software, Inc.
20030118	Fisherv, Inc.	Electronic Data Systems Corporation ..	EDS Information Services, LLC. EDS Resource Management Corporation.
20030120	SECOM Co., Ltd	Futurelogic Incorporated	Futurelogic Incorporated.
Transactions Granted Early Termination—11/27/2002			
20020840	Hitachi, Ltd	International Business Machines Corporation.	Holdco.
20030059	BAE Systems plc	Condor Pacific Industries, Inc	Condor Pacific Industries, Inc.
Transactions Granted Early Termination—12/02/2002			
20030075	Borland Software Corporation	TogetherSoft Corporation	TogetherSoft Corporation.
Transactions Granted Early Termination—12/03/2002			
20030108	Community Health Systems, Inc	HCA, Inc	HCA, Inc.
20030109	Community Health Systems, Inc	Methodist Healthcare	Methodist Healthcare.
20030111	DG Foods Income Fund	The Estate of Arthur M. Goldberg	Di Giorgio Corporation.
20030117	Cathay Financial Holding Co., Ltd	United World Chinese Commercial Bank.	United World Chinese Commercial Bank.
20030122	Chemtrade Logistics Income Fund	Clariant AG	Clariant (Canada) Inc. Clariant Corporation.
20030139	KAP Global Publishers S.A	Wolters Kluwer nv	Kluwer Academic Publishers B.V.
20030142	Safeguard Scientifics, Inc	Alliance Consulting Group Associates, Inc.	Alliance Consulting Group Associates, Inc.
20030144	Morgan Stanley Dean Witter Capital Partners IV, L.P.	Baptist Health System	Baptist Health System.
20030158	Superior Propane Income Fund	Sterling Chemicals Holdings, Inc	Sterling (Sask) Holdings Ltd. Sterling Canada, Inc. Sterling Chemicals Acquisitions, Inc. Sterling NRO, Ltd. Sterling Pulp Chemicals Fuzhou, Ltd. Sterling Pulp Chemicals US, Inc. Sterling Pulp Chemicals, Inc. Sterling Pulp Chemicals, Inc.
Transactions Granted Early Termination—12/04/2002			
20030091	National Oilwell, Inc	Hydralift ASA	Hydralift ASA.

Trans No.	Acquiring	Acquired	Entities
20030123	Mr. Reinhard Mohn	Clive J. Davis, c/o J Entertainment LLC.	J Records LLC.

Transactions Granted Early Termination—12/05/2002

20030102	Kenneth A. Hendricks	William Davidson	Wm. Cameron & Co.
20030136	State Street Corporation	Deutsche Bank AG	InterSec Research Corp.
20030146	Vito Modesto Rodriguez Rodriguez	Dean Foods Company	Garrido y Compania, LLC.
		Neva Plastics Manufacturing Corp.	
		Suiza Dairy II.	
		Suiza Fruit Corp.	
20030148	Eurohypo Aktiengesellschaft	Allianz Aktiengesellschaft	Allianz Aktiengesellschaft.
			Dresdner Bank AG.
20030150	Wellspring Capital Partners III, L.P.	John C. Vatterott Family Trust	Vatterott Educational Centers, Inc.
20030152	ProQuest Company	bigchalk.com.inc.	bigchalk.com.inc.

Transactions Granted Early Termination—12/06/2002

20030153	E.ON AG	Bergemann GmbH	Bergemann GmbH.
20030168	CIT Group Inc	Isuzu Motors Limited	IMAC OT.
20030170	Bonita Bay Holdings, Inc	Abbott Laboratories	Abbott Laboratories.

FOR FURTHER INFORMATION CONTACT:

Sandra M. Peay or Renee A. Hallman
Contact Representative, Federal Trade
Commission, Premerger Notification
Office, Bureau of Competition, Room
303, Washington, DC 20580, (202) 326-
3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 02-32992 Filed 12-30-02; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96D-0041]

International Conference on Harmonisation; Draft Guidance on Addendum to E2C Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled "Addendum to E2C Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs." The draft guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). In the **Federal Register** of May 19, 1997 (62 FR 27470), FDA published the guidance entitled "Clinical Safety Data

Management: Periodic Safety Update Reports for Marketed Drugs" (ICH E2C guidance), which recommends a unified standard for the format, content, and reporting frequency for postmarketing periodic safety update reports for drug and biological products. This draft guidance, an addendum to the ICH E2C guidance of May 19, 1997, provides additional information on the content and format of PSURs, including clarification of the objectives, general principles, and model for PSURs. The draft guidance is intended to help harmonize collection and submission of postmarketing clinical safety data. **DATES:** Submit written or electronic comments on the draft guidance by January 24, 2003.

ADDRESSES: You may submit written comments on the draft guidance to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>. Submit written requests for single copies of the draft guidance to the Division of Drug Information (HFD-240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; or the Office of Communication, Training and Manufacturers Assistance (HFM-40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448, 301-827-3844, FAX: 888-CBERFAX. Send two self-addressed adhesive labels to assist the office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Min Chen, Center for Drug Evaluation and Research (HFD-430), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-3159, or Miles Braun, Center for Biologics (HFM-220), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301-827-6090.

Regarding the ICH: Janet Showalter, Office of International Programs (HFG-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-0864.

SUPPLEMENTARY INFORMATION:**I. Background**

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH

sponsors are the: European Commission; European Federation of Pharmaceutical Industries Associations; Japanese Ministry of Health, Labour, and Welfare; Japanese Pharmaceutical Manufacturers Association, Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA; and Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, Health Canada's Health Products and Food Branch, and the European Free Trade Area.

In accordance with FDA's good guidance practices regulation (21 CFR 10.115), this document is being called a guidance, rather than a guideline.

To facilitate the process of making ICH guidances available to the public, the agency has changed its procedure for publishing ICH guidances. As of April 2000, we no longer include the text of ICH guidances in the **Federal Register**. Instead, we publish a notice in the **Federal Register** announcing the availability of an ICH guidance. The ICH guidance will be placed in the docket and can be obtained through regular agency sources (see **ADDRESSES**). Draft guidances are left in the original ICH format. The final guidance is reformatted to conform to the style before publication.

In September 2002, the ICH Steering Committee agreed that a draft guidance entitled "Addendum to E2C Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs" should be made available for public comment. The draft guidance is the product of the Efficacy Expert Working Group of the ICH focusing on pharmacovigilance topics. Comments about this draft will be considered by FDA and the Efficacy Expert Working Group.

The ICH E2C guidance of May 19, 1997, recommends a unified standard for the format, content, and reporting frequency for PSURs for drug and biological products. This draft guidance, an addendum to the ICH E2C guidance, provides additional information on the objectives, general principles, and model for PSURs. The draft guidance includes, for example, recommendations regarding:

- Synchronization of National Birthdates with the International Birthdates,

- Use of the latest version of the reference safety information,
- Submission of executive summaries as part of the PSUR,
- Options to submit summary bridging reports and addendum reports, and
- Handling of solicited reports.

The document should be used in conjunction with the E2C guidance.

This draft guidance, when finalized, will represent the agency's current thinking on this topic. 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 statutes and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (see **ADDRESSES**) written or electronic comments on the draft guidance by January 24, 2003. 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. The draft guidance and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at <http://www.fda.gov/ohrms/dockets/default.htm>, <http://www.fda.gov/cder/guidance/index.htm>, or <http://www.fda.gov/cber/publications.htm>.

Dated: December 23, 2002.

Margaret M. Dotzel,

Assistant Commissioner for Policy.

[FR Doc. 02-32979 Filed 12-30-02; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Research Resources Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other

reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public 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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Research Resources Council.

Date: January 23, 2003.

Open: 8:30 a.m. to 2:45 p.m.

Agenda: Report of Center Director and other issues.

Place: National Institutes of Health, Building 31C, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: 2:45 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31C, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Louise E. Ramm, PhD, Deputy Director, National Center for Research Resources, National Institutes of Health, Building 31, Room 3B11, Bethesda, MD 20892. 301-496-6023.

Information is also available on the Institute's/Center's home page: <http://www.ncrr.nih.gov/newspub/minutes.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: December 18, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02-33022 Filed 12-30-02; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public 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 Advisory Eye Council.

Date: January 23–24, 2003.

Closed: January 23, 2003, 8:30 a.m. to 1:15 p.m.

Agenda: To review and evaluate grant applications.

Place: 6130 Executive Boulevard, Room G, Rockville, MD 20852.

Open: January 23, 2003, 1:15 p.m. to 5 p.m.

Agenda: Following opening remarks by the Director, NEI, there will be presentations by staff of the Institute and discussions concerning Institute programs and policies.

Place: 6130 Executive Boulevard, Room G, Rockville, MD 20852.

Open: January 24, 2003, 8:30 a.m. to 12 p.m.

Agenda: Program Planning.

Place: 6130 Executive Boulevard, Room G, Rockville, MD 20852.

Contact Person: Lore Anne McNicol, Director, division of Extramural Research, National Eye Institute, National Institutes of Health, Bethesda, MD 20892, (301) 496–9110.

Information is also available on the Institute's/Center's home page: <http://www.nei.nih.gov>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: December 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–33027 Filed 12–30–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Genetics of Reverse Cholesterol Transport.

Date: January 10, 2003.

Time: 10 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contract Person: Valerie L. Prenger, PhD, Health Scientist Administrator, Review Branch, Room 7194, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892–7924, (301) 435–0288.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838; Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: December 19, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–33025 Filed 12–30–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Novel HIV Therapies: Integrated Preclinical/Clinical Program (IPCP).

Date: January 16–17, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Anthony Macaluso, PhD, Scientific Review Administrator, Scientific Review Program, National Institute of Allergy and Infectious Diseases, DEA/NIH/DHHS, 6700–B Rockledge Drive, MSC 7616, Room 2153, Bethesda, MD 20892, 301–402–0643, amacaluso@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 18, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–33023 Filed 12–30–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group

Date: March 6, 2003.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814

Contact Person: Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Rm., 5E03, Bethesda, MD 20892, 301-435-6908, ak4o@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: December 18, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02-33024 Filed 12-30-02; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel RFP-NIH-NICHD-2002-05—Pre-Clinical Microbicide Assay Quality Assurance Program (MQAP).

Date: January 21, 2003.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate contract proposals.

Place: 6100 Executive Boulevard, Room 5B01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Hameed Khan, PhD., Scientific Review Administrator, Division of

Scientific Review, National Institute of Child Health, and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E01, Bethesda, MD 20892, (301) 496-1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: December 20, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02-33026 Filed 12-30-02; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public 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 Advisory Child Health and Human Development Council, NACHHD Council Session.

Date: January 27-28, 2003.

Open: January 27, 2003, 9:45 a.m. to 4:30 p.m.

Agenda: The agenda includes: Report of the Director, NICHD; Presentation by the Director, NIH; Presentation by the Pediatric, Adolescent and Maternal AIDS Branch, NICHD, and other business of the council.

Place: National Institutes of Health, Building 31C, 31 Center Drive, Bethesda, MD 20892.

Closed: January 28, 2003, 8:30 a.m. to adjournment.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Building 31C, 31 Center Drive, Conference Room 6, Bethesda, MD 20892.

Contact Person: Yvonne T. Maddox, PhD., Deputy Director, National Institute of Child Health and Human Development, NIH, 9000 Rockville Pike, MSC 7510, Building 31, Room 2A03, Bethesda, MD 20892, (301) 496-1848.

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.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign in at the security desk upon entering the building.

Information is also available on the Institute's/Center's home page: <http://www.nichd.nih.gov/about/nachhd.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: December 23, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02-33029 Filed 12-30-02; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Environmental Health Sciences Special Emphasis Panel, December 10, 2002, 4 p.m. to December 10, 2002, 5 p.m., which was published in the **Federal Register** on November 6, 2002, FR 67: 67635.

The telephone conference call meeting will be held on January 14, 2003 at 2 p.m. instead of December 10, 2002, as previously advertised. The meeting is closed to the public.

Dated: December 20, 2002.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 02-33031 Filed 12-30-02; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the Board of Governors of the Warren Grant Magnuson Clinical Center.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for discussion of personal qualifications and performance, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Governors of the Warren Grant Magnuson Clinical Center.

Date: January 27, 2003.

Open: 9 a.m. to 11 a.m.

Agenda: For discussion of programmatic policies and issues.

Place: National Institutes of Health, Clinical Center, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: 11 a.m. to 12 p.m.

Agenda: To review and evaluate personnel qualifications.

Place: National Institutes of Health, Clinical Center, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Maureen E. Gormley, Executive Secretary, Warren Grant Magnuson Clinical Center, National Institutes of Health, Building 10, Room 2C146, Bethesda, MD 20892, 301/496-2897.

Information is also available on the Institute's/Center's home page: <http://www.cc.nih.gov/>, where an agenda and any additional information for the meeting will be posted when available.

Dated: December 20, 2002.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

FR Doc. 02-33028 Filed 12-30-02; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the Secretary's Advisory committee on Xenotransplantation (SACX).

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Secretary's Advisory Committee on Xenotransplantation.

Date: February 3-4, 2003.

Open: February 3, 2003; 8:30 a.m. to 6:30 p.m., February 4, 2003; 8 a.m. to 3 p.m.

Agenda: The SACX will focus on a variety of issues relating to the science and ethics of xenotransplantation. A significant portion of the meeting will be devoted to discussion of two draft reports by the SACX. These draft reports address the state of the science in xenotransplantation and informed consent issues in xenotransplantation. Additional presentations and discussion will focus on results from animal models of xenotransplantation.

Place: Holiday Inn Select, 8120 Wisconsin Avenue, Bethesda MD 20814.

Pre-Registration: The SACX meeting is open to the public; however, seating is limited and pre-registration is encouraged. To pre-registration, please contact Capital Consulting Corporation (Terry Fisher) at 301-468-6004, extension 434. Individuals who plan to attend the meeting and who need special assistance or other reasonable accommodations should notify Ms. Fisher prior to the meeting.

Public Comment: Individuals who wish to provide comment (oral or written) should contact the SACX Executive Director, Dr. Mary Groesch, by telephone at 301-496-0785 or e-mail at groeschm@od.nih.gov.

Contact Person: Mary Groesch, PhD, Executive Director, Secretary's Advisory Committee on Xenotransplantation, Office of Science Policy, Rockledge I, Room 750, Bethesda MD 20892, 301-496-9838.

Information is also available on the Office's home page: <http://www4.od.nih.gov/oba/Sacx/.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment

Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: December 23, 2002.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 02-33030 Filed 12-30-02; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4572-D-23]

Delegation of Authority to the General Council Regarding Civil Money Penalty Actions for Certain Violations in Specified Multifamily Housing Programs

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: In this notice, the Assistant Secretary for Housing-Federal Housing Commissioner is delegating authority to the General Counsel of HUD to take civil money penalty actions against multifamily mortgagors and Section 202 mortgagors for certain violations, along with the power to redelegate that authority. Elsewhere in today's **Federal Register** is a notice of a redelegation from the General Counsel that will enable the Director of the HUD Departmental Enforcement Center (DEC), and concurrently the Directors of the five DEC Satellite Offices, to take these actions as well.

EFFECTIVE DATE: September 12, 2002.

FOR FURTHER INFORMATION CONTACT: Herbert L. Goldblatt, Deputy Chief Counsel, Program Enforcement Branch, Departmental Enforcement Center, Department of Housing and Urban Development, Portals Building, 1250 Maryland Avenue, Suite 200, Washington, DC 20024, (202) 708-3856. This is not a toll free number. For the hearing-speech-impaired, the number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8399.

SUPPLEMENTARY INFORMATION: HUD regulations at 24 CFR 30.45 authorize the Assistant Secretary for Housing-Federal Housing Commissioner, or the Assistant Secretary's designee, to take a civil money penalty action against any mortgagor of a multifamily property with a mortgage insured, co-insured or held by the Secretary pursuant to Title

II of the National Housing Act, or against any mortgagor of a property with a mortgage held by the Secretary pursuant to Section 202 of the Housing Act of 1959. Section 30.45 refers to the statutory provisions enumerating the violations for which the Assistant Secretary for Housing-Federal Housing Commissioner may impose a penalty upon those mortgagors. (See 12 U.S.C. 1701q-1(b) and (c), and 12 U.S.C. 1735f-15(b) and (c).)

On September 20, 2000, the Assistant Secretary for Housing-Federal Housing Commissioner retained and delegated to the Director of the DEC the authority to take civil money penalty actions with regard to a mortgagor's failure to timely file an annual financial statement, one of the statutorily enumerated violations. The delegation was published at 65 FR 64981 on October 31, 2000. On January 16, 2001, the Assistant Secretary for Housing-Federal Housing Commissioner retained and delegated to the Director of the DEC the authority to take civil money penalty actions with regard to the remaining statutorily enumerated violations. This delegation has not yet been published in the **Federal Register**. Neither the September 20, 2000, delegation, nor the January 16, 2001, delegation permitted the Director of the DEC to further redelegate the authority.

Today's notice announces the decision to expand upon the delegations of authority executed on September 20, 2000, and January 16, 2001. The DEC is responsible for carrying out a wide range of HUD enforcement activities. Because the DEC has been recently placed under the Office of the General Counsel, the Assistant Secretary for Housing-Federal Housing Commissioner is delegating the enforcement authority in 24 CFR 30.45 to the General Counsel of HUD along with the power to redelegate that authority. The General Counsel is, in turn, re delegating that authority to the Director of the DEC, and concurrently to the Directors of the five DEC Satellite Offices. The re delegation from the General Counsel to the Director of the DEC and the Directors of the five DEC Satellite Office Directors also appears in today's **Federal Register**.

In concert with these actions, the delegations of authority issued on September 20, 2000, and January 16, 2001, are revoked.

Finally, the delegation of authority, noticed today, does not affect the authority of the Mortgagee Review Board, described in 24 CFR 30.35, or the Assistant Secretary for Housing-Federal Housing Commissioner to initiate civil money penalty actions.

Accordingly, the Assistant Secretary for Housing-Federal Housing

Commissioner hereby (1) revokes and (2) retains and delegates authority as follows:

Section A. Authority Delegated: The General Counsel is hereby delegated the authority to take all actions permitted under 24 CFR 30.45. The authority delegated does not include authority to waive any regulations issued under the authority of the Assistant Secretary for Housing-Federal Housing Commissioner.

Section B. Authority to Redelegate: The General Counsel is authorized to redelegate the authority described in Section A.

Section C. Revocation of Authority: The delegations of authority to the Director of the DEC, issued on September 20, 2000 (65 FR 64981, October 31, 2000), and on January 16, 2001, are hereby revoked.

The Assistant Secretary for Housing-Federal Housing Commissioner may revoke the authority authorized herein, in whole or part, at any time.

Authority: Section 30.45 of Title 24 of the Code of Federal Regulations.

Dated: September 12, 2002.

John C. Weicher,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 02-33041 Filed 12-30-02; 8:45 am]

BILLING CODE 4210-27-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4572-D-24]

Redelegation of Authority to the HUD Departmental Enforcement Center Regarding Civil Money Penalty Actions for Certain Violations in Specified Multifamily Housing Programs

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice of re delegation of authority.

SUMMARY: Elsewhere in today's **Federal Register** is a notice of a delegation from the Assistant Secretary for Housing-Federal Housing Commissioner to the General Counsel of HUD to take civil money penalty actions against multifamily mortgagors and Section 202 mortgagors for certain violations, along with the power to re delegate that authority. By this action, the General Counsel is re delegating that authority to the Director of the HUD Departmental Enforcement Center (DEC) and, concurrently, to the Directors of the five DEC Satellite Offices.

EFFECTIVE DATE: September 12, 2002.

FOR FURTHER INFORMATION CONTACT: Herbert L. Goldblatt, Deputy Chief Counsel, Program Enforcement Branch, Departmental Enforcement Center, Department of Housing and Urban Development, Portals Building, 1250 Maryland Avenue, Suite 200, Washington, DC 20024, (202) 708-3856. This is not a toll-free number. For the hearing-speech-impaired, the number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8399.

SUPPLEMENTARY INFORMATION: HUD regulations at 24 CFR 30.45 authorize the Assistant Secretary for Housing-Federal Housing Commissioner, or the Assistant Secretary's designee, to take a civil money penalty action against any mortgagor of a multifamily property with a mortgage insured, co-insured or held by the Secretary pursuant to Title II of the National Housing Act, or mortgagors of properties with mortgages held by the Secretary pursuant to Section 202 of the Housing Act of 1959. Section 30.45 refers to the statutory provisions enumerating the violations for which the Assistant Secretary for Housing-Federal Housing Commissioner may impose a penalty upon those mortgagors. See 12 U.S.C. 1701q-1(b) and (c), and 12 U.S.C. 1735f-15(b) and (c). On September 20, 2000, the Assistant Secretary for Housing-Federal Housing Commissioner retained and delegated to the Director of the DEC the authority to take civil money penalty actions with regard to a mortgagor's failure to timely file an annual financial statement, one of the statutorily enumerated violations. The delegation was published at 65 FR 64981 on October 31, 2000. On January 16, 2001, the Assistant Secretary for Housing-Federal Housing Commissioner retained and delegated to the Director of the DEC the authority to take civil money penalty actions with regard to the remaining statutorily enumerated violations. This delegation has not yet been published in the **Federal Register**. Neither the September 20, 2000, delegation, nor the January 16, 2001, delegation permitted the Director of the DEC to further redelegate the authority.

The DEC is responsible for carrying out a wide range of HUD enforcement activities. Because the DEC has been recently placed under the Office of the General Counsel, the Assistant Secretary for Housing-Federal Housing Commissioner retained and delegated the enforcement authority in 24 CFR 30.45 to the General Counsel of HUD on September 12, 2002, notice of which is published in today's **Federal Register**. That delegation allows the General

Counsel to redelegate the authority. The General Counsel is, in turn, re delegating that authority to the Director of the DEC and, concurrently, to the Directors of the five DEC Satellite Offices.

Accordingly, the General Counsel hereby retains and redelegates authority as follows:

Section A. Redlegation of Authority: The Director of the DEC and the Directors of the five DEC Satellite Offices are hereby re delegated the authority to take all actions permitted under 24 CFR 30.45. The authority re delegated does not include authority to waive any regulations issued under the authority of the Assistant Secretary for Housing-Federal Housing Commissioner.

Section B. Authority to Redelegate: The Director of the DEC and the Directors of the five DEC Satellite Offices are not authorized to re delegate the authority described in Section A.

Section C. Revocation of Authority: The General Counsel may revoke the authority authorized herein, in whole or part, at any time.

Authority: Section 30.45 of Title 24 of the Code of Federal Regulations.

Dated: September 12, 2002.

Richard A. Hauser,

General Counsel.

[FR Doc. 02-33042 Filed 12-30-02; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4572-D-22]

Redelegation of Authority to the Director of the HUD Departmental Enforcement Center Regarding Civil Money Penalty Actions for Certain Violations Under the National Housing Act

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: Elsewhere in today's **Federal Register** is a notice of a delegation from the Assistant Secretary for Housing-Federal Housing Commissioner to the General Counsel of HUD to take civil money penalty actions against participants in mortgages or loans insured under the National Housing Act for certain violations, along with the power to redelegate that authority. By this action, the General Counsel is re delegating that same authority to the Director of the HUD Departmental Enforcement Center (DEC).

EFFECTIVE DATE: September 12, 2002.

FOR FURTHER INFORMATION CONTACT: Dane M. Narode, Deputy Chief Counsel, Administrative Proceedings Branch, Departmental Enforcement Center, Department of Housing and Urban Development, Portals Building, 1250 Maryland Avenue, Suite 200, Washington, DC 20024, (202) 708-2350. This is not a toll-free number. For the hearing-speech-impaired, the number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8399.

SUPPLEMENTARY INFORMATION: HUD regulations at 24 CFR 30.36 authorize the Assistant Secretary for Housing-Federal Housing Commissioner, or the Assistant Secretary's designee, to take a civil money penalty action against any principal, officer or employee of a mortgagee or lender, or other participant, in either a mortgage insured under the National Housing Act (Act) or any loan that is covered by a contract of insurance under title I of the Act, or any provider of assistance to a borrower in connection with any such mortgage or loan, including: sellers, borrowers, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, dealers, consultants, contractors, subcontractors and inspectors. Section 30.36 also identifies the violations for which the Assistant Secretary for Housing-Federal Housing Commissioner may impose a penalty. *See also* 12 U.S.C. 1735f-14.

The DEC is responsible for carrying out a wide range of HUD enforcement activities. Because the DEC has been recently placed under the Office of the General Counsel, the Assistant Secretary for Housing-Federal Housing Commissioner retained and delegated the enforcement authority in 24 CFR 30.36 to the General Counsel on September 12, 2002, notice of which is published in today's **Federal Register**. That delegation allows the General Counsel to re delegate the authority. The General Counsel is, in turn, re delegating that authority to the Director of the DEC.

Accordingly, the General Counsel hereby retains and redelegates authority as follows:

Section A. Redlegation of Authority: The Director of the HUD Departmental Enforcement Center is hereby re delegated the authority to take all actions permitted under 24 CFR 30.36. The authority re delegated does not include authority to waive any regulations issued under the authority of the Assistant Secretary for Housing-Federal Housing Commissioner.

Section B. Authority to Redelegate: The Director of the DEC is not

authorized to re delegate the authority described in section A.

Section C: The General Counsel may revoke the authority authorized herein, in whole or in part, at any time.

Authority: Section 30.36 of title 24 of the Code of Federal Regulations.

Dated: September 12, 2002.

Richard A. Hauser,

General Counsel.

[FR Doc. 02-33040 Filed 12-30-02; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4572-D-21]

Delegation of Authority to the General Counsel Regarding Civil Money Penalty Actions for Certain Violations Under the National Housing Act

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: In this notice, the Assistant Secretary for Housing-Federal Housing Commissioner is delegating authority to the General Counsel of HUD to take civil money penalty actions against participants in mortgages or loans insured under the National Housing Act for certain violations, along with the power to re delegate that authority. Elsewhere in today's **Federal Register** is a notice of a re delegation from the General Counsel that will enable the Director of the HUD Departmental Enforcement Center (DEC) to take these actions as well.

EFFECTIVE DATE: September 12, 2002.

FOR FURTHER INFORMATION CONTACT: Dane M. Narode, Deputy Chief Counsel, Administrative Proceeding Branch, Departmental Enforcement Center, Department of Housing and Urban Development, Portals Building, 1250 Maryland Avenue, Suite 200, Washington, DC 20024, (202) 708-2350. This is not a toll-free number. For the hearing/speech-impaired, the number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8399.

SUPPLEMENTARY INFORMATION: HUD regulations at 24 CFR 30.36 authorize the Assistant Secretary for Housing-Federal Housing Commissioner, or the Assistant Secretary's designee, to initiate a civil money penalty action against any principal, officer or employee of a mortgagee or lender, or other participant, in either a mortgage

insured under the National Housing Act (Act) or any loan that is covered by a contract of insurance under title I of the Act, or any provider of assistance to a borrower in connection with any such mortgage or loan, including: sellers, borrowers, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, dealers, consultants, contractors, subcontractors and inspectors. Section 30.36 also identifies the violations for which the Assistant Secretary for Housing-Federal Housing Commissioner may impose a penalty. See also 12 U.S.C. 1735f-14.

Today's notice announces the decision to delegate the enforcement authority in 24 CFR 30.36(a) to the General Counsel, along with the power to redelegate that authority. The DEC is responsible for carrying out a wide range of HUD enforcement activities. Because the DEC has been recently placed under the Office of the General Counsel, the General Counsel is, in turn, redelegating the authority to the Director of the DEC. The redelegation from the General Counsel also appears in today's **Federal Register**.

Finally, this delegation of authority, noticed today, does not affect the authority of the Mortgagee Review Board, described in 24 CFR 30.35, or the Assistant Secretary for Housing to initiate civil money penalty actions.

Accordingly, the Assistant Secretary for Housing—Federal Housing Commissioner hereby retains and delegates authority as follows:

Section A. Authority Delegated: The General Counsel is hereby delegated the authority to take all actions permitted under 24 CFR 30.36. The authority delegated does not include authority to waive any regulations issued under the authority of the Assistant Secretary for Housing—Federal Housing Commissioner.

Section B. Authority to Redelegate: The General Counsel is authorized to redelegate the authority described in section A.

Section C: The Assistant Secretary may revoke the authority authorized herein, in whole or in part, at any time.

Authority: Section 30.36 of title 24 of the Code of Federal Regulations.

Dated: September 12, 2002.

John C. Weicher,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 02-33039 Filed 12-30-02; 8:45 am]

BILLING CODE 4210-27-P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Request OMB emergency approval: Fee remittance form for certain F-1; J-1 and M-1 nonimmigrants; Form I-901.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted an emergency information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with section 1320.13(a)(1)(ii) and (a)(2)(iii) of the Paperwork Reduction Act of 1995. The INS has determined that it cannot reasonably comply with the normal clearance procedures under this part because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information. INS is requesting emergency review from OMB of this information collection to ensure compliance section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), and under 31 U.S.C. 9701 and section 286(m) of the Act. Therefore, OMB approval has been requested by January 10, 2003. If granted, the emergency approval is only valid for 180 days. ALL comments and/or questions pertaining to this pending request for emergency approval MUST be directed to OMB, Office of Information and Regulatory Affairs, Attention: Ms. Karen Lee, Department of Justice Desk Officer, 725—17th Street, NW., Suite 10235, Washington, DC 20503. Comments regarding the emergency submission of this information collection may also be submitted via facsimile to Ms. Lee at 202-395-5806.

During the first 60 days of this same period, a regular review of this information collection is also being undertaken. During the regular review period, the INS requests written comments and suggestions from the public and affected agencies concerning this information collection. Comments are encouraged and will be accepted until March 3, 2003. During the 60-day regular review, ALL comments and suggestions, or questions regarding additional information, to include obtaining a copy of the information collection instrument with instructions, should be directed to Mr. Richard A. Sloan, 202-514-3291, Director, Regulations and Forms Services

Division, Immigration and Naturalization Service, U.S. Department of Justice, Room 4304, 425 I Street, NW., Washington, DC 20536. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Fee Remittance Form for Certain F-1, J-1, and M-1 Nonimmigrants.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-901. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form is used by nonimmigrant students and exchange visitors to submit the fee authorized by Public Law 104-208, Subtitle D, Section 641. Additionally, this information is required to send receipt to the student or exchange visitor upon payment and to positively identify that a particular student or exchange visitor has paid the fee.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 900,000 responses at 19 minutes (.316 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 284,400 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 601 D Street, NW., Patrick Henry Building, Suite 1600, Washington, DC 20530.

Dated: December 24, 2002.

Stephen Tarragon,

Management Analyst, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 02-32930 Filed 12-30-02; 8:45 am]

BILLING CODE 4410-10-M

SUMMARY: This notice revises our (MSHA Approval and Certification Center (A&CC)) user fees. Fees compensate us for the costs that we incur for testing, evaluating, and approving certain products for use in underground mines. The 2003 fees are based on our actual expenses for fiscal year 2002. The fees reflect changes both in our approval processing operations and in the costs to process approval actions.

DATES: This fee schedule is effective from January 1, 2003, through December 31, 2003.

FOR FURTHER INFORMATION CONTACT: Steven J. Luzik, Chief, Approval and Certification Center (A&CC), 304-547-2029 or 304-547-0400.

SUPPLEMENTARY INFORMATION:

Background

On May 8, 1987 (52 FR 17506), MSHA published a final rule, 30 CFR part 5—Fees for Testing, Evaluation, and Approval of Mining Products. The rule established specific procedures for

calculating, administering, and revising user fees. We have revised our fee schedule for 2003 in accordance with the procedures of that rule. This new fee schedule is included below. For approval applications postmarked before January 1, 2003, we will continue to calculate fees under the previous (2002) fee schedule, published on December 28, 2001.

Fee Computation

In general, MSHA computed the 2003 fees based on fiscal year 2002 data. We calculated a weighted-average, direct cost for all the services provided during fiscal year 2002 in the processing of requests for testing, evaluation, and approval of certain products for use in underground mines. From this cost, we calculated a single hourly rate to apply uniformly across all of the product approval categories during 2003.

Dated: December 26, 2002.

John R. Caylor,

Deputy Assistant Secretary of Labor for Mine Safety and Health.

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Fee Adjustments for Testing, Evaluation, and Approval of Mining Products

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

ACTION: Notice of fee adjustments.

FEE SCHEDULE EFFECTIVE JANUARY 1, 2003

[Based on FY 2002 data]

Action title	Hourly rate
Fees for Testing, Evaluation, and Approval of all Mining Products ¹	\$61
Retesting for Approval as a Result of Post-Approval Product Audit	61
30 CFR Part 15—Explosives Testing	
Permissibility Tests for Explosives:	
Weigh-in	\$462
Physical Exam: First size	325
Chemical Analysis	1,977
Air Gap—Minimum Product Firing Temperature	460
Air Gap—Room Temperature	352
Pendulum Friction Test	163
Detonation Rate	352
Gallery Test 7	7,436
Gallery Test 8	5,533
Toxic Gases (Large Chamber)	805
Permissibility Tests for Sheathed Explosives:	
Physical Examination	\$128
Chemical Analysis	1,044
Gallery Test 9	1,944
Gallery Test 10	1,944
Gallery Test 11	1,944
Gallery Test 12	1,944
Drop Test	648
Temperature Effects/Detonation	672
Toxic Gases	580

¹ Full approval fee consists of evaluation cost plus applicable test costs.

Note: When the nature of the product requires that we test and evaluate it at a location other than our premises, you must reimburse us for the traveling, subsistence, and incidental expenses of our representative in accordance with standardized government travel regulations. This reimbursement is in

addition to the fees charged for evaluation and testing.

[FR Doc. 02-33020 Filed 12-30-02; 8:45 am]

BILLING CODE 4510-43-P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting; Notice

DATE: Weeks of December 30, 2002, January 6, 13, 20, 27, February 3, 2003.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of December 30, 2002—Tentative

There are no meetings scheduled for the week of December 30, 2002.

Week of January 6, 2003—Tentative

There are no meetings scheduled for the week of January 6, 2003.

Week of January 13, 2003—Tentative

Tuesday, January 14, 2003.

10 a.m.—Discussion of security issued (closed—ex. 1).

2 p.m.—Briefing on NRC lessons learned: Davis-Besse RVH Degradation (public meeting) (contact: Stacey Rosenberg, 301-415-1733).

This meeting will be webcast live at the Web address—<http://nrc.gov>.

Week of January 20, 2003—Tentative

Thursday, January 23, 2003.

2 p.m.—Briefing on status of NMSS programs, performance, and plans—materials safety (public meeting) (Contact: Claudia Seelig, 301-415-7243).

Week of January 27, 2003—Tentative

There are no meetings scheduled for the week of January 27, 2003.

Week of February 3, 2003—Tentative

Tuesday, February 4.

10 a.m.—Briefing on status of OCIO programs, performance, and plans (public meeting) (contact: Jackie Silber, 301-415-7330).

This meeting will be webcast live at the Web address—<http://nrc.gov>.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415-1292.

Contact person for more information: R. Michelle Schroll (301) 415-1662.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/what-we-do/policy-making/schedule.html>.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969).

In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting

schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: December 26, 2002.

R. Michelle Schroll,

Acting Technical Coordinator, Office of the Secretary.

[FR Doc. 02-33114 Filed 12-27-02; 12:37 pm]

BILLING CODE 7590-01-M

NUCLEAR REGULATORY COMMISSION

Standard Review Plan, Availability of Draft Standard Review Plan

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of issuance of Draft Standard Review Plan.

SUMMARY: The NRC is announcing the availability of draft Standard Review Plan (SRP) Section 14.2.1, "Generic Guidelines for Extended Power Uprate Testing Programs," dated December 2002, for interim use and public comment.

DATES: Submit comments by March 31, 2003. 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 Kevin A. Coyne, Operations Engineer, U.S. Nuclear Regulatory Commission, Mailstop O-6F2, Washington, DC 20555-0001. Comments may be delivered to 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

This document is available for public inspection (1) at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike, Rockville, Maryland, (2) from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>, using the Accession No. ML023530407, and (3) at the NRC's Web site, <http://www.nrc.gov/reading-rm/doc-collections/nuregs/#comments>. Persons who do not have access to ADAMS or who encounter problems accessing the document in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Kevin A. Coyne, Operations Engineer, Office of Nuclear Reactor Regulation, by

telephone at 301-415-1399 or e-mail at kxc@nrc.gov.

SUPPLEMENTARY INFORMATION: Draft SRP Section 14.2.1 provides guidance for the NRC staff to use when evaluating testing programs proposed by licensee's in relation to extended power uprate amendment requests. The purpose of NRC staff's review related to Draft SRP Section 14.2.1 is to ensure that proposed extended power uprate testing programs (1) adequately control initial power ascension to the requested power level, (2) include sufficient testing to demonstrate that extended power uprate related plant modifications have been adequately implemented, and (3) include sufficient testing to demonstrate that structures, systems, and components will perform satisfactorily at the requested power level.

Dated at Rockville, Maryland, this 19th day of December 2002.

For the Nuclear Regulatory Commission.

Kathy Halvey Gibson,

Acting Chief, Equipment and Human Performance Branch, Division of Inspection Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02-33000 Filed 12-30-02; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Standard Review Plan; Availability of Draft Standard Review Plan

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of issuance of draft standard review plan.

SUMMARY: The NRC is announcing the availability of draft standard review plan (SRP) sections 13.2.1, "Reactor Operator Training," 13.2.2, "Training for Nonlicensed Plant Staff," and 13.5.2.1, "Operating and Emergency Operating Procedures," and chapter 18.0, "Human Factors Engineering," for interim use and public comment.

DATES: Submit comments by March 31, 2003. 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 Richard J. Eckenrode, Senior Human Factors Engineer, U.S. Nuclear Regulatory Commission, Mailstop O-6F2, Washington, DC 20555-0001. Comments may be delivered to 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

These documents are available for public inspection (1) at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike, Rockville, Maryland, (2) from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>, using the Accession Nos. ML023460600 (for draft SRP section 13.2.1), ML023460612 (for draft SRP section 13.2.2), ML023470047 (for SRP section 13.5.2.1), and ML023470061 (for draft SRP chapter 18), and (3) at the NRC's Web site, <http://www.nrc.gov/reading-rm/doc-collections/nuregs/#comments>. Persons who do not have access to ADAMS or who encounter problems accessing the document in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT:

Richard J. Eckenrode, Senior Human Factors Engineer, Office of Nuclear Reactor Regulation, by telephone at 301-415-3172 or e-mail at rje1@nrc.gov.

SUPPLEMENTARY INFORMATION:

Draft SRP Sections 13.2.1, 13.2.2, and 13.5.2.1

Draft SRP section 13.2.1 provides review guidance for the NRC staff to use when evaluating a licensee's or applicant's licensed operator training program. The purpose of NRC staff's review related to draft SRP section 13.2.1 is to ensure that the training provided to reactor operators will be adequate to provide assurance that all reactor operator qualification requirements will be met at the time needed, *i.e.*, prior to operator license examinations, prior to fuel loading, or prior to appointment or reappointment to the position.

Draft SRP section 13.2.2 provides review guidance for the NRC staff to use when evaluating a licensee's or applicant's nonlicensed plant staff training programs. The purpose of NRC staff review related to draft SRP 13.2.2 is to ensure that training provided for each position on the plant staff will be adequate to provide assurance that all plant staff personnel training and qualification requirements will be met when needed, *i.e.*, prior to prooperational tests, prior to fuel loading, or prior to appointment or reappointment to the position. The document also includes a detailed section on fire protection personnel training.

Draft SRP section 13.5.2.1 provides review guidance for the NRC to use when evaluating a licensee's or applicant's operating and emergency operating procedures. The purpose of NRC staff review related to draft SRP section 13.5.2.1 is to ensure that routine operating, off-normal, and emergency activities are conducted in a safe manner. The review covers procedure content and development process including schedules for preparation of procedures. The classes of procedures covered by this section are system procedures, general plant procedures, abnormal or off-normal condition procedures, emergency operating procedures, and alarm procedures.

Minor revisions were made to draft SRP sections 13.2.1, 13.2.2, and 13.5.2.1 from the draft versions that were issued in 1996 for public comment, including changes in terminology and organizations names, updating of references and regulations, and the addition of technical rationale discussions.

Draft SRP Chapter 18

Draft SRP chapter 18.0 describes a process for evaluating (1) human-system interface designs, (2) the design process, (3) design reviews, and (4) operator actions submitted by applicants and licensees for the broad range of NRC review responsibilities. This chapter identifies the following 12 areas of review that are needed for successful integration of human characteristics and capabilities into nuclear power plant design:

- Human Factors Engineering Program Management
- Operating Experience Review
- Functional Requirements Analysis and Function Allocation
- Task Analysis
- Staffing and Qualifications
- Human Reliability Analysis
- Procedure Development
- Training Program Development
- Human-System Interface Design
- Human Factors Verification and Validation
- Design Implementation
- Human Performance Monitoring

While the process defines 12 areas of review, not all may be applicable to the review of a particular applicant's or licensee's HFE program. The guidance in this chapter will be applied to new plant designs, control station modifications, and modifications affecting risk-important human actions.

The changes to chapter 18.0 from the 1996 version are both in organization and content. The organizational changes reflect three types of reviews: (1) HFE aspects of new plant designs, (2) HFE

aspects of control room modifications (hybrid analog/digital control rooms), and (3) HFE aspects of changes to risk-important human actions. The first part on new plant designs is based on NUREG-0711, "Human Factors Engineering Program Review Model," developed through the review process of the three certified advanced reactor designs. Its purpose is to provide a design process model that, if followed, should produce a control room acceptable to the NRC. This document has been recently updated to provide guidance to the staff for reviewing the control room design/development/implementation process, as it moves along, so that there should be no surprises at the end. The reason for this type of process and process review is that the three advanced reactor designs were certified without control room designs in order to allow for the significant advances in digital technology expected to be in place at the time a plant might actually submit a construction/operating license application. The second major reference in this chapter is NUREG-0700 "Human-System Interface Design Review Guidelines," which provides for a systematic evaluation of the human engineering aspects of the human-system interface. This document has recently been updated to reflect the latest guidance in digital technology, all of which has gone through a significant validation process.

The second part of draft chapter 18.0 provides review guidance for modifications to current analog control rooms. Most of these modifications involve changes in systems and equipment from analog to digital resulting in hybrid control rooms. The review guidance is based on NUREG-0711, but reduced in scope to apply only to those sections of the NUREG that are directly related to the modification. Again, NUREG-0700 guidance applies to these modifications. Power updates can include analog-to-digital instrumentation change outs and this revised guidance is needed to perform reviews of these changes.

The final part of draft chapter 18.0 provides review guidance for changes to operator actions often resulting from changes to systems and equipment. It is based primarily on draft NUREG-1764, "Guidance for the Review of Changes to Human Actions." The guidance first evaluates the risk associated with the action, based partly on the criteria of Regulatory Guide 1.174, "An Approach for Using Probabilistic Risk Assessment In Risk-Informed Decisions on Plant-Specific Charges to the Licensing Basis." Depending on the resulting level

of risk, the action is assigned to one of three risk regions. If the risk falls in Region I, a detailed review based on NUREG-0711 is conducted in the detail similar to the hybrid control room. If the risk falls in Region II, a much reduced review is conducted, and if in Region III, no human factors review is conducted. This facilitates a much more efficient and effective use of staff resources. The NRC staff review of power uprate applications that credit operator actions will be more efficient when this screening criteria is added. Once again, NUREG-0700 is used for those operator action changes involving changes to the human-system interface.

The three NUREGs discussed above are also available for review and comment.

Dated in Rockville, Maryland, this 19th day of December, 2002.

For the Nuclear Regulatory Commission.

Kathy Halvey Gibson,

Acting Chief, Equipment and Human Performance Branch, Division of Inspection Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02-32998 Filed 12-30-02; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Review Standard for Extended Power Uprates; Availability of Review Standard

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of issuance of draft review standard.

SUMMARY: The NRC is announcing the availability of draft Office of Nuclear Reactor Regulation Review Standard (RS)-001, "Review Standard for Extended Power Uprates," dated December 2002, for interim use and public comment.

DATES: Submit comments by March 31, 2003. 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 Mohammed A. Shuaibi, Senior Project Manager, U.S. Nuclear Regulatory Commission, Mailstop O-8H4a, Washington, DC 20555-0001. Comments may be delivered to 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

This document is available for public inspection at the NRC's Public Document Room (PDR), located at One

White Flint North, Public File Area O1 F21, 11555 Rockville Pike, Rockville, Maryland, and from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Website, <http://www.nrc.gov/reading-rm/adams.html>, using the Accession No. ML023540562, and at the NRC's Website, <http://www.nrc.gov/reactors/operating/licensing/power-uprates.html>. Persons who do not have access to ADAMS or who encounter problems accessing the document in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT:

Mohammed A. Shuaibi, Senior Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation, by telephone at 301-415-2859 or e-mail at mas4@nrc.gov.

SUPPLEMENTARY INFORMATION: The process of increasing the licensed power level at a commercial nuclear power plant is called a "power uprate." Power uprates can be classified into three categories based on the magnitude of the power increase and the methods used to achieve the increase. Measurement uncertainty recapture power uprates result in power level increases that are less than 2 percent and are achieved by implementing enhanced techniques for calculating reactor power. Stretch power uprates typically result in power level increases that are up to 7 percent and do not generally involve major plant modifications. Extended power uprates (EPUs) result in power level increases that are greater than stretch power uprates, have been approved for increases as high as 20 percent, and usually require significant modifications to major plant equipment. Draft RS-001 is applicable to EPUs.

Draft RS-001 establishes standardized review guidance for the staff's reviews of EPU applications to enhance the consistency, quality, and completeness of the reviews. It serves as a tool for the staff's use when processing EPU applications in that it provides detailed references to various NRC documents containing specific information related to the areas of review.

Draft RS-001 also makes available to licensees the guidance used by the staff for reviewing EPU applications. Making this information available should help licensees prepare complete EPU applications that address the topics required for the staff's review. By addressing the areas in the review standard, a licensee could minimize the

staff's need for requests for additional information and thereby improve the efficiency of the staff's review.

Dated in Rockville, Maryland, this 24th day of December, 2002.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Deputy Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02-32999 Filed 12-30-02; 8:45 am]

BILLING CODE 7590-01-P

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This statement amends Parts S and T of the Statement of the Organization, Functions and Delegations of Authority, which cover the Social Security Administration (SSA). This notice establishes a new Office of the Chief Strategic Officer (T). It removes the Office of Strategic Management (SAQ) from the Office of the Commissioner (SA) and places it in this new Office. It also removes the Office of Workforce Analysis (S7H) from the Office of the Deputy Commissioner for Human Resources (S7) and places it in the new Office. In addition, it transfers the competitive sourcing function from the Office of Budget, Office of the Deputy Commissioner for Finance, Assessment and Management. The new material and changes are as follows:

Chapter S

Social Security Administration

Section S.10 *The Social Security Administration—(Organization):* The Social Security Administration, under the supervision and direction of the Commissioner of Social Security (the Commissioner), includes:

Establish:

N. The Office of the Chief Strategic Officer (T)

Chapter SA

Office of the Commissioner

Section SA.10 *The Office of the Commissioner—(Organization):* The Office of the Commissioner, under the leadership of the Commissioner of Social Security, includes:

Delete:

E. The Office of Strategic Management (SAQ)

Section SA.20 *The Office of the Commissioner—(Functions):* Delete E, paragraphs 1-4.

Chapter S7*The Office of the Deputy Commissioner, Human Resources*

- S7.00 Mission
- S7.10 Organization
- S7.20 Functions

Section S7.00 *The Office of the Deputy Commissioner, Human Resources—(Mission):*

Delete: From the first paragraph, last line, "and workforce analysis".

Section S7.10 *The Office of the Deputy Commissioner, Human Resources—(Organization):* The Office of the Deputy Commissioner, Human Resources, under the leadership of the Deputy Commissioner, Human Resources, includes:

Delete:

H. The Office of Workforce Analysis (S7H).

Section S7.20 *The Office of the Deputy Commissioner, Human Resources—(Functions):* Delete paragraph H in its entirety.

Delete in its entirety:

*Subchapter S7H—Office of Workforce Analysis***Chapter S1***The Office of the Deputy Commissioner, Finance, Assessment and Management***Chapter S1P***Office of Budget*

Section S1P.20 *The Office of Budget—(Functions):*

F. The Office of Administrative Budget Coordination and Analysis (S1PC).

Delete Paragraph 5 that reads as follows:

5. "Develops and implements a program to evaluate Agency operations in accordance with the requirements of A-76."

Establish:

Subchapter T*The Office of the Chief Strategic Officer*

- T .00 Mission
- T .10 Organization
- T .20 Functions

Section T .00 *The Office of the Chief Strategic Officer—(Mission):*

The Office of the Chief Strategic Officer directs the administration of SSA's comprehensive management programs including quality management, strategic planning, workforce analysis, and competitive sourcing. The office directs the development of innovative changes to the current Agency quality management program, including the program's initiatives and mechanisms when they

are not clearly delineated by statutory authority. Such changes may impact quality management Agency-wide in terms of its programs, policies, and procedures. The Office of the Chief Strategic Officer provides advice and recommendations related to quality management policy development and related process changes that cut across component functional lines or are not well defined in existing statutory authority. It directs the development of the Agency's tactical and strategic planning process, the Agency Strategic Plan, Annual Performance Plan and Annual Performance Report; and tracks Agency performance in relation to established performance measures. Working with all components, the office identifies those priority initiatives needed to meet Agency goals, objectives and outcomes and how to link these to budget input so that they can be funded and the outcomes achieved. It directs, develops and implements a comprehensive program of management studies, research and analyses. This allows SSA to evaluate and determine the feasibility of implementing major changes affecting the SSA organization, its administrative practices, its methods of operation and work processes and procedures, workflow and workload processing positions. It directs the Agency's policies and procedure as well as the management of the Agency competitive sourcing program.

Section T .10 *The Office of the Chief Strategic Officer—(Organization):*

Under the leadership of the Chief Strategic Officer, the Office of the Chief Strategic Officer includes:

- A. The Chief Strategic Officer
- B. The Immediate Office of the Chief Strategic Officer
- C. The Office of Quality Management
- D. The Office of Strategic Management
- E. The Office of Workforce Analysis
- F. The Office of Competitive Sourcing

Section T .20 *The Office of the Chief Strategic Officer—(Functions):*

A. The Chief Strategic Officer is directly responsible to the Commissioner for carrying out the Office of the Chief Strategic Officer mission and providing general supervision to the major components of the Office of the Chief Strategic Officer. The Deputy Chief Strategic Officer assists the Chief Strategic Officer in carrying out his/her responsibilities.

B. The Immediate Office of the Chief Strategic Officer provides the Chief Strategic Officer with management support on the full range of his/her responsibilities. Other duties include the coordination and preparation of reports on a variety of projects. The

Office is responsible for Agency compliance with legislation, OMB Directives and GAO guidance concerning quality management, strategic planning, workforce analysis and competitive sourcing.

C. The Office of Quality Management is responsible for rendering formal advice and recommendations to Agency executives on a range of issues relating specifically to quality management in each of the Agency's core business areas. The office initiates change to the current quality management program and mechanisms that are not clearly delineated by statutory authority (*i.e.*, QA DDS Reviews for Accuracy, Stewardship Review of Payment Accuracy, etc.). It works with Deputy Commissioner-level components to direct the Agency-wide quality management program, its policies and initiatives involving one or more component of SSA.

D. The Office of Strategic Management directs the development of the Agency's tactical and strategic planning process, the Agency Strategic Plan, Annual Performance Plan, Annual Performance Report and tracks Agency performance in relation to established performance measures. It works with all components to identify those priority initiatives needed to meet Agency goals, objectives and outcomes and how to link these to budget inputs so that they can be funded and the outcomes achieved. It also supports an ongoing market measurement program that collects and assesses feedback to be used and provides staff support to Deputy Commissioner-level components on strategic initiatives.

E. The Office of Workforce Analysis directs, develops and implements a comprehensive program of management studies, research and analysis to evaluate and determine the feasibility of implementing major changes affecting the SSA organization, its administrative practices and its methods of operation. Studies and analyses are Agency-wide, frequently deal with issues of a sensitive nature and may involve other Government agencies. It uses a variety of analytical methodologies to identify alternatives and develop administrative strategies for consideration by the SSA Executive Staff in responding to Agency-wide problems and issues. It develops SSA-wide workforce management policies, procedures and guidelines; determines resource requirements, conducts trend analysis; and makes recommendations regarding management options, transition alternatives, etc., as appropriate. It develops and implements comprehensive workforce utilization

and planning programs to improve productivity and the use of the SSA workforce. It conducts studies and analyses of work processes and procedures, workflow and workload processing positions; applies a variety of disciplines and techniques, including management analysis and model building to assure best workforce utilization; and recommends action to top SSA executives for improving the effectiveness of the SSA workforce. It develops, analyzes and interprets workforce-forecasting data and projects future workforce needs, including the types of skills and positions required. It directs, develops and conducts Agency-wide reviews and studies, using industrial engineering, model building and other scientific approaches and methodologies. The results of its studies on workforce effectiveness will allow Agency executives to evaluate competitive sourcing efforts that may result in new planning strategies.

F. The Office of Competitive Sourcing provides a variety of high level coordinative, analytical, consultative and advisory services in the interpretation and application of the Federal Activities Inventory Reform Act of 1998 (FAIR Act) and the Office of Management and Budget (OMB) Circular A-76. A-76 requires the evaluation of Agency functions with regard to competitive sourcing. The office serves as the principal technical authority on the public/private competition of commercial activities. Based on the analysis and interpretation of Congressional and OMB requirements, the office develops Agency-wide policy, procedures and strategy, in consultation with the Commissioner, the Deputy Commissioner and the Chief Strategic Officer, for the implementation of the FAIR Act and OMB's A-76 requirements. It is responsible for ensuring that the commercial activity inventories satisfy legislative and regulatory requirements for the analysis of commercial activities. It resolves critical legal and technical issues with OMB staff. The office also provides components with expert assistance in conducting commercial activity cost comparison studies to improve processes and work efficiencies.

Dated: December 20, 2002.

Jo Anne B. Barnhart,

Commissioner of Social Security.

[FR Doc. 02-32993 Filed 12-30-02; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF STATE

[Public Notice 4243]

Culturally Significant Objects Imported for Exhibition Determinations: "Sargent and Italy"

AGENCY: Department of State.

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, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition "Sargent and Italy," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, Los Angeles, CA, from on or about February 2, 2003, to on or about May 11, 2003; the Denver Art Museum, Denver, CO, from on or about June 28, 2003, to from or about September 21, 2003, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: (202) 619-6529). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: December 23, 2002.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 02-32997 Filed 12-30-02; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF STATE

Bureau of Oceans and International Environmental and Scientific Affairs (OES)

[Public Notice 4245]

Proposed U.S.-Chile Environmental Cooperation Agreement

AGENCY: Department of State.

ACTION: Notice and request for comments.

SUMMARY: The Department of State, through its Bureau of Oceans and International Environmental and Scientific Affairs, informs the public that negotiations for a U.S.-Chile Environmental Cooperation Agreement (ECA) are expected to commence in Santiago, Chile, on January 15, 2003. This notice seeks comment from the public regarding priority areas for bilateral environmental cooperation.

DATES: Comments related to priority areas for bilateral environmental cooperation with Chile must be received by noon (EST) on January 13, 2003, in order to ensure timely input into the negotiations.

ADDRESSES: Comments may be sent by fax to 202-647-5947 or 202-647-1052.

FOR FURTHER INFORMATION CONTACT: Luke Ney, Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Environmental Policy, telephone 202-647-6867, e-mail neyla@state.gov.

SUPPLEMENTARY INFORMATION: On December 11, 2002 the governments of the United States of America and the Republic of Chile completed negotiations on a comprehensive bilateral Free Trade Agreement (FTA). The Environment Chapter of this FTA outlines a two-part structure for environmental cooperation: (1) Eight ongoing projects that are to commence immediately, and (2) the future establishment of an Environmental Cooperation Agreement (ECA) that is intended to serve as a framework for certain bilateral cooperative environmental activities. The Environment Chapter furthers the objectives of the Trade Act of 2002, including Section 2101(c)(3), which calls upon the President to "seek to establish consultative mechanisms among parties to trade agreements to strengthen the capacity of the United States trading partners to develop and implement standards for the protection of the environment and human health based on sound science."

The proposed ECA will, *inter alia*, establish a framework for environmental cooperation and create mechanisms that provide for periodic work programs, allow for consultation between the parties, and make available opportunities for information exchange and public comment. The ECA may include work in fields of activity such as improving capacity for environmental compliance assurance, promoting sustainable management of

environmental resources, developing and implementing economic instruments for environmental management, and in other fields as may be agreed by the Parties. Implementation activities may include, *inter alia*, exchanges of technical specialists, organization of joint conferences, and support for collaboration projects.

Jeff Lunstead,

*Director, Office of Environmental Policy,
Bureau of Oceans and International
Environmental and Scientific Affairs,
Department of State.*

[FR Doc. 02-33006 Filed 12-30-02; 8:45 am]

BILLING CODE 4710-09-P

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

**Opportunity To Apply for Membership
on the U.S.-Japan Private Sector/
Government Commission**

AGENCY: Office of the United States
Trade Representative (USTR).

ACTION: Notice of membership
opportunity.

SUMMARY: The U.S. Government is seeking letters of interest for private sector membership on the U.S. side of the U.S.-Japan Private Sector/Government Commission (Commission) for 2003. President Bush and Japanese Prime Minister Koizumi launched the Commission in June 2001 as part of the U.S.-Japan Economic Partnership for Growth (Partnership). The Commission held its inaugural annual meeting in Japan in May 2002. It is expected that the next meeting will be held in Washington, DC in the spring of 2003 on the topic of "Successfully Meeting Economic Challenges in the 21st Century."

DATES: In order to receive full consideration, requests must be received by the Government Secretariat no later than February 12, 2003.

ADDRESSES: Please send requests for consideration on company letterhead by facsimile or letter to the Government Secretariat for the U.S.-Japan Private Sector/Government Commission in care of Harrison Cook, Office of Japan, U.S. Department of Commerce, Room 2320, 14th Street and Constitution Avenue, NW., Washington, DC 20230, facsimile (202) 482-0469. Requests sent by e-mail will not be considered. Candidates chosen for membership will be notified in writing.

FOR FURTHER INFORMATION CONTACT: Harrison Cook or Karin Ryerson, Office of Japan, U.S. Department of Commerce,

Room 2320, 14th Street and Constitution Avenue, NW., Washington, DC 20230, facsimile (202) 482-0469; or John Neuffer, Office of North Asian Affairs, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, facsimile (202) 395-3597.

SUPPLEMENTARY INFORMATION:

Introduction

The U.S. Government seeks letters of interest for private sector membership on the U.S. side of the Commission. President Bush and Japanese Prime Minister Koizumi launched the Commission in June 2001 as part of the Partnership. The Commission is made up of U.S. and Japanese government and private sector representatives. It aims to integrate the U.S. and Japanese private sectors more fully into the economic work of the two governments. The Commission will enable U.S. and Japanese private sector representatives to present input—including expertise, observations, and recommendations—on agenda topics agreed to in advance by the two governments. For a description of the goals and structure of the Commission and the Partnership, *see* the Annex to the Joint Statement by President Bush and Prime Minister Koizumi on June 30, 2001, on the Department of Commerce Web site at: <http://www.mac.doc.gov/japan/source/menu/partnership/partnership2.html>.

Topic

The Commission topic is selected annually. The topic in 2003 is "Successfully Meeting Economic Challenges in the 21st Century," and would include discussions on the aging of our societies, technological advances, new business development, expanding globalization, and the rapid integration of key economies into the regional and global economy. The Commission members will likely wish to focus on policies and measures needed to successfully meet these challenges so that our two nations can grow and prosper, including steps to:

- Increase productivity by facilitating corporate revitalization and optimal allocation of human, capital, and other resources;
- Enhance competitiveness of our respective economies;
- Promote growth and improve standards of living in economies with shifting demographics;
- Identify and implement best practices and principles of corporate governance, based on practical experiences in the two countries; and

- Address the changes in the trade and investment environment in the era of globalization.

Duties and Responsibilities of Private Sector Members

Private sector members will serve at the discretion of USTR. Private sector individuals chosen for the Commission will be expected to be fully involved in all necessary preparatory meetings and attend the Commission's annual 2003 meeting, which, as currently envisioned, will be held in Washington, DC in the spring of 2003 in conjunction with a Subcabinet meeting of U.S. and Japanese government officials at the Deputy/Vice-Ministerial level from key economic agencies and ministries and other agencies and ministries appropriate to the Commission's topic. The number of private sector Commission members will be limited and will be determined in coordination with the Government of Japan. Members of the private sector delegation will serve for one term. Members who wish to serve additional terms must apply under the same rules as other future prospective members.

Private sector members are fully responsible for travel, lodging and personal expenses associated with their participation in the Commission. They will receive no compensation. The private sector members will serve in a representative capacity, presenting the views and interests of the particular business sector in which they operate; private sector members are not special government employees. Candidates will be vetted for pending business before USTR and the Department of Commerce. Members from the private sector will be chosen based on criteria set forth in this Notice.

Candidate Eligibility and Selection Procedures

The process for recruiting and selecting Commission members from the U.S. private sector is based on objective, written criteria developed in accordance with the Annex to the Joint Statement by President Bush and Prime Minister Koizumi. A candidate's partisan political activities (including political contributions) are not relevant to and will not be considered part of the selection process.

To be eligible for consideration, each candidate must be a U.S. citizen and not a registered foreign agent under the Foreign Agents Registration Act of 1938.

All requests for consideration will be reviewed by the Government Secretariat for the Commission, which is composed of officials from USTR and the Department of Commerce. Members of

the Government Secretariat will evaluate each submission based on the evaluation criteria and provide a ranking of Excellent, Good, or Poor. Each ranked request for consideration will be sent to the Assistant USTR for North Asian Affairs and the Commerce Department's Assistant Secretary for Market Access and Compliance (Selecting Officials) for final selection. The Selecting Officials will review the rankings and comments of the review team and will determine the candidates who will be selected for the Commission.

Evaluation Criteria

In reviewing prospective members, the Government Secretariat will consider the following evaluation criteria:

- Experience in executive level positions, such as CEO of U.S. companies;¹
- Experience doing business with or in Japan;
- Expertise in the topic to be considered by the Commission in 2003;
- Commitment to undertake any necessary preparatory work and to participate in any preparatory meetings and the Commission meeting itself;
- Commitment to assume the costs of travel, lodging and other personal expenses related to Commission participation;
- Contributions to membership diversity based on company size, type, and location; and
- Other considerations relevant to the Commission as described in the Annex to the U.S.-Japan Joint Statement by President Bush and Prime Minister Koizumi.

Submission Procedures and Requirements

To be considered for membership, please provide a personal resume and materials that would identify the following: (1) Name and title of the individual requesting consideration; (2) name and address of the company where the candidate is employed; (3) company's product or service line; (4)

¹ A U.S. company is defined in the Procedures and Rules for Industry Sector Advisory Committees as a firm incorporated in the United States (or an unincorporated U.S. firm with its principal places of business in the United States) that is controlled by U.S. citizens or by another U.S. entity. An entity is not a U.S. company if 50 percent plus one share of its stock (if a corporation, or a similar ownership interest of an unincorporated entity) is controlled, directly or indirectly, by non-U.S. citizens or non-U.S. entities. If the matter is to represent an entity or corporation with 10 percent or greater non-U.S. ownership, the nominee must demonstrate at the time of nomination that this ownership interest does not constitute control and will not adversely affect his or her ability to serve on the Commission.

company size (market capitalization, annual revenues, number of employees); (5) company's experience in Japan (exports, sales, employees, years in Japan); (6) why candidate wishes to be considered for the Commission; and (7) the particular sector of the business community the candidate would represent. In addition, candidates should specifically address the evaluation criteria as described above.

Third parties, such as trade associations and government officials, may nominate or endorse potential candidates, but candidates must submit their own letters to be considered for Commission membership. Referrals from political organizations and any references to political contributions or other partisan political activities will not be considered in the selection process.

Dated: December 20, 2002.

Wendy S. Cutler,

Assistant United States Trade Representative for North Asian Affairs.

[FR Doc. 02-33004 Filed 12-30-02; 8:45 am]

BILLING CODE 3190-01-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Technical Corrections to the Harmonized Tariff Schedule of the United States

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative (USTR) is making technical corrections to the Harmonized Tariff Schedule of the United States (HTS) as set forth in the annex to this notice, pursuant to authority delegated to the USTR in Presidential Proclamation 6969 of January 27, 1997 (62 FR 4415). These modifications correct several inadvertent errors and omissions in various Presidential Proclamations, as set forth herein, so that the intended tariff treatment is provided.

EFFECTIVE DATE: As set forth in the Annex to this notice.

FOR FURTHER INFORMATION CONTACT: Katharine J. Mueller, Assistant General Counsel, (202) 395-3581.

SUPPLEMENTARY INFORMATION: Pursuant to various statutes implementing trade agreements and to section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), the President issued proclamations in order to reflect in the HTS the substance of those agreements and actions taken pursuant to such

statutes. This notice corrects several inadvertent errors and omissions in the following Presidential Proclamations, so that the intended tariff treatment is provided: (1) Presidential Proclamation 6641 of December 15, 1993, which implemented the tariff treatment provided for in the North American Free Trade Agreement ("NAFTA"); (2) Presidential Proclamation 6763 of December 23, 1994, which implemented with respect to the United States the trade agreements resulting from the Uruguay Round of multilateral trade negotiations; (3) Presidential Proclamation 6857 of December 11, 1995, which affected certain NAFTA tariff classification rules; (4) Presidential Proclamation 7512 of December 7, 2001, implementing the Agreement between the United States of America and the Hashemite Kingdom of Jordan on the Establishment of a Free Trade Area; (5) Presidential Proclamation 7515 of December 18, 2001, modifying various provisions of the HTS in order to conform it to amendments made to the International Convention on the Harmonized Commodity Description and Coding System; (6) Presidential Proclamation 7616 of October 31, 2002, implementing the preferential tariff treatment authorized by the Andean Trade Promotion and Drug Eradication Act (the "ATPDEA"); and (7) in Presidential Proclamation 7626 of November 13, 2002, implementing modifications in the preferential tariff treatment provided under provisions of the Caribbean Basin Economic Recovery Act, pursuant to the United States-Caribbean Basin Trade Partnership Act, and of the African Growth and Opportunity Act.

Proclamation 6969 authorized the USTR to exercise the authority provided to the President under section 604 of the Trade Act of 1974 (19 U.S.C. 2483) to embody rectifications, technical or conforming changes, and similar modifications in the HTS. Under the authority vested in the USTR by Proclamation 6969, the rectifications, technical and conforming changes, and similar modifications set forth in the annex to this notice shall be embodied in the HTS with respect to goods entered, or withdrawn from warehouse for consumption, on or after the dates specified for the respective actions set forth in such annex.

Robert B. Zoellick,

United States Trade Representative.

Annex

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the dates indicated in each annex section below, the Harmonized Tariff

Schedule of the United States (HTS) is hereby modified as follows:

Section A. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1995:

1. The article description of subheading 2922.50.07 is modified by inserting after "acid" the language "(*d*-(*-*)-*p*-Hydroxyphenylglycine)".

2. Subheading 2922.50.11 is modified by deleting the article description and by inserting in lieu thereof the following:

"Salts of *d*-(*-*)-*p*-Hydroxyphenylglycine ((*R*)-*α*-Amino-4-hydroxybenzeneacetic acid)" and by deleting from the Rates of Duty 1-Special subcolumn the symbol "K,".

3. Subheading 9904.04.96 is modified by deleting "1904.90.47" and by inserting in lieu thereof "1901.90.47".

4. Subheading 9904.17.44 is modified by deleting "1902.20.60" and by inserting in lieu thereof "1901.20.60".

Section B. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1996, general note 12(t) is modified by inserting in numerical sequence the following new tariff classification rule for chapter 84:

"213. A change to tariff item 8473.30.30 from any other tariff item."

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2000, additional U.S. note 16 to chapter 4 is modified by deleting "25,810,000" set out opposite "EC 15" in such note and by inserting "25,811,000" in lieu thereof.

Section D. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after October 2, 2000:

1. U.S. note 2(d) to subchapter XX of chapter 98 is modified by deleting the phrase

"in the preceding 1-year period" and by inserting in lieu thereof "entered during the preceding 12-month period".

2. The article description of subheading 9820.11.18 is modified by deleting the phrase "(except for t-shirts, other than underwear, classifiable in subheadings 6109.10.00 and 6109.90.10 and described in subheading 9820.11.12)".

Section E. Effective with respect to goods of Jordan:

1. For subheading 6307.90.98, the Rates of Duty 1-Special subcolumn is modified by inserting, during the period from January 10, 2002, through December 31, 2002, inclusive, the rate of duty of "3.5%" followed by the symbol "(JO)"; such duty rate is deleted at the close of December 31, 2002, and the duty rate of "1.7%" is inserted in lieu thereof, effective with respect to goods entered, or withdrawn from warehouse for consumption, during the period from January 1, 2003, through December 31, 2003; and effective at the close of December 31, 2003, such duty rate is deleted along with the symbol "JO" in parentheses, and the symbol "JO," is inserted in alphabetical sequence in the parenthetical expression set forth after the duty rate of "Free" effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2004.

2. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after December 17, 2001, for each of the HTS subheadings listed below, the expression "¢/kg" is deleted at each occurrence from the Rates of Duty 1-Special subcolumn for the duty rate followed by the symbol "JO" in parentheses and "¢/pr." is inserted in lieu thereof; and such modifications shall likewise be made in the years 2003 through 2010, inclusive, for such special duty rate for goods of Jordan:

6402.19.50
6402.19.70
6402.30.70
6402.30.80
6402.91.70
6402.91.80
6402.99.70
6402.99.80
6404.11.70
6404.11.80
6404.19.70
6404.19.80
6404.10.30
6404.10.35

3. For HTS subheading 9608.10.00, for calendar year 2003, the duty rate "0.2¢ each +" followed by the symbol "JO" in parentheses is deleted from the Rates of Duty 1—Special subcolumn and "0.2¢ each + 1.3%" is inserted in lieu thereof.

Section F. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 10, 2002:

1. Additional U.S. note 3 to chapter 27 is modified by deleting "2710.00.15" and by inserting in lieu thereof "2710.11.15".

2. For subheading 2202.90.30, the Rates of Duty 1—Special subcolumn is modified by deleting "See 9906.22.04—9906.22.05 (MX)" and by inserting "2.12¢/liter (MX)" in lieu thereof.

3. Conforming changes:

(a). Subheadings 9906.22.04 and 9906.22.05 and the superior text immediately preceding such subheadings are deleted.

(b). On January 1 for each of the years indicated in the following dated columns, the rates of duty for subheading 2202.90.30 followed by the symbol "MX" in parentheses in the Rates of Duty 1—Special subcolumn are deleted and the following rates of duty are inserted in lieu thereof:

2003	2004	2005	2006	2007	2008
1.767¢/liter	1.413¢/liter	1.06¢/liter	0.707¢/liter	0.353¢/liter	Free

Section G. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after August 6, 2002:

1. The article description of subheading 9819.11.12 is modified by deleting the word "in" immediately before "one or more such lesser developed countries".

2. The article description of subheading 9820.11.18 is modified by inserting the phrase ", or from components knit-to-shape in the United States from yarns wholly formed in the United States, or both" after the phrase "from yarns wholly formed in the United States".

3. For each of the subheadings listed below, the Rates of Duty 1—Special subcolumn is modified by deleting the symbol ", J" from the parenthetical expression also containing the symbol "E":

4202.11.00	4202.22.45	4202.92.30	4602.10.29	6216.00.17
4202.12.20	4202.22.60	4202.92.45	6116.10.17	6216.00.19
4202.12.40	4202.22.80	4202.92.60	6116.10.44	6216.00.21
4202.12.60	4202.29.90	4202.92.90	6116.10.48	6216.00.24
4202.12.80	4202.31.60	4202.99.90	6116.10.55	6216.00.26
4202.19.00	4202.32.40	4203.10.40	6116.10.65	6216.00.38
4202.21.30	4202.32.80	4203.29.08	6116.92.64	6216.00.54
4202.21.60	4202.32.95	4203.29.18	6116.92.88	
4202.21.90	4202.91.00	4602.10.21	6116.93.64	
4202.22.15	4202.92.15	4602.10.22	6116.93.88	
4202.22.40	4202.92.20	4602.10.25	6116.99.48	

Section H. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after October 31, 2002, the following HTS subheadings are each modified by deleting from the Rates of Duty 1—Special subcolumn the symbol "J+":

4202.12.40	4202.32.40	4202.92.90	6116.93.88
4202.12.60	4202.32.80	6116.10.17	6116.99.48
4202.12.80	4202.32.95	6116.10.48	6216.00.17
4202.22.40	4202.92.15	6116.10.55	6216.00.21

4202.22.45
4202.22.60
4202.22.80

4202.92.20
4202.92.30
4202.92.60

6116.92.64
6116.92.88
6116.93.64

6216.00.24
6216.00.38
6216.00.54

Section I. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2003:

1. Subheading 0709.90.91 is modified by deleting from the Rates of Duty 1—Special subcolumn the symbol “(MX)” and the immediately preceding phrase and by inserting in the parentheses following the “Free” duty rate in such subcolumn the symbol “MX” in alphabetical sequence.

2. For subheading 7111.00.00, the staged general tariff rate of “11%” previously proclaimed for the year 2003 is deleted from the Rates of Duty 1—General subcolumn and the general rate of “10%” is inserted in lieu thereof for 2003.

3. Notwithstanding the provisions of Annex section G(6) to Pres. Proc. 6763, the Rates of Duty 1—Special subcolumn for subheading 0709.60.20 shall contain the special rate “See 9906.07.41–9906.07.43 (MX)” until the provisions of Annex section G(7) are scheduled to become effective.

Section J. Subheading 4013.90.10 is modified as follows:

1. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 1994, the article description for such subheading is modified by deleting “and 4012.20.20” and by inserting in lieu thereof “, 4012.20.15 and 4012.20.45”; and

2. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 10, 2002, the article description for such subheading is modified by deleting “4011.91.10, 4011.99.10, 4012.10.20” and by inserting in lieu thereof “4011.61.00, 4011.92.00, 4012.19.20.”.

Section K. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the fifteenth day after the date of publication of this notice in the **Federal Register**, the HTS is modified as follows:

(1) General note 4(d) is modified by deleting the following subheadings and the country set out opposite such subheadings:

2208.90.05 Trinidad and Tobago
8412.10.00 Russia
8419.50.10 Malta
8419.60.10 Malta

(2) For the subheadings 8419.50.10 and 8419.60.10, the Rates of Duty 1—Special subcolumn is modified by deleting the symbol “A*” and inserting an “A” in lieu thereof.

[FR Doc. 02–33003 Filed 12–30–02; 8:45 am]

BILLING CODE 3190–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Procedures for Further Consideration of Requests (Anniversary) and Objections to Requests for Exclusion of Particular Products From Actions With Regard to Certain Steel Products Under Section 203 of the Trade Act of 1974, as Established in Presidential Proclamation 7529 of March 5, 2002

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: In a notice published on October 26, 2001 (66 FR 54321) (notice), the Trade Policy Staff Committee (TPSC) established procedures for interested persons to request the exclusion of particular products from any action the President might take under section 203 of the Trade Act of 1974, as amended, (19 U.S.C. 2253) (Trade Act) with regard to certain steel products. Presidential Proclamation 7529 of March 5, 2002, established such actions with regard to certain steel products (safeguard measures), but excluded some of the particular products identified in requests for exclusion made in response to the notice. See 67 FR 10553 (March 7, 2002). Proclamation 7529 authorized the United States Trade Representative (USTR) in March of each year in which any of the safeguard measures remain in effect to further exclude particular products from the pertinent safeguard measure established by the proclamation. The USTR is modifying procedures established on November 19, 2002 (67 FR 69802) for further consideration of such exclusion requests.

Availability of Completed Requestor Questionnaires. Public versions of completed exclusion requestor questionnaires for the Anniversary Round of Exclusion Review are available for examination at the Department of Commerce’s Central Records Unit (CRU): U.S. Department of Commerce, CRU HCHB, Room B099, 14th St. & Pennsylvania Ave., NW., Washington, DC 20230.

These questionnaires have not yet been fully reviewed for sufficiency but are being made available to facilitate public response. The filing of requests in CRU does not indicate, in itself, whether the submissions are sufficient with regard either to form or substance.

Deficient Exclusion Requests. In order for an exclusion request to be considered, it must be initiated for objectors’ comments through an announcement in one of the tranches noted above. Exclusion requests will be initiated only if they are determined sufficient for comment.

The Office of the U.S. Trade Representative (USTR) and the U.S. Department of Commerce (Commerce) are reviewing each exclusion request to determine whether it is sufficient to initiate. In the case of a deficient exclusion request, Commerce will transmit by e-mail a notice to the submitting party that briefly summarizes the nature of the deficiency and/or requests supplemental information. USTR and Commerce will otherwise make no comment on the merits of an exclusion request. Commerce will notify requestors of deficient requests no later than the close of business on January 6, 2003. Exclusion requesters will have 10 days from the date of transmission of the deficiency notice to remedy the submission by filing a correction or submitting requested supplemental information. A requestor’s failure to respond to the deficiency notice likely will result in the exclusion request being rejected and not initiated for review.

Opportunity for Objector Comments on Initiated Exclusion Requests. Lists of exclusion requests that are determined to be sufficient for objector comments will be announced and initiated in weekly tranches. The first tranche will be announced on Monday, January 6, 2003, with comments from interested parties due on Wednesday, January 22, 2003. The second tranche will be announced on Monday, January 13, with comments due on Wednesday, January 29, 2003. The third tranche will be announced on Tuesday, January 21, with comments due on Wednesday, February 5, 2003. The fourth tranche will be announced on Monday, January 27, with comments due on Wednesday, February 12, 2003. Commerce and USTR have developed a series of questions designed to substantiate any objections. These questions, presented in the form of an objector questionnaire, are available on the USTR Web site at <http://www.ustr.gov/sectors/industry/steel.shtml>. If an objector questionnaire with regard to a particular exclusion request has not been received by the date established, Commerce and USTR

will assume that the domestic industry does not object to the exclusion of that particular product. Under extenuating circumstances, Commerce and USTR may revise the above schedule and will announce the changes on USTR's Web site.

Meetings with the Department of Commerce and the Office of the U.S. Trade Representative. Commerce and USTR will provide an opportunity for meetings with interested persons beginning in the latter half of January 2003 to review the submissions related to exclusion requests. Interested persons who wish to request such a meeting should contact Commerce by electronic mail at exclusion_support@ita.doc.gov with a copy to USTR at astephens@ustr.gov. If the number of meetings requested exceeds the time available for such meetings, priority will be given to meetings regarding exclusion requests that, in the opinion of USTR and Commerce, require further inquiry.

FOR FURTHER INFORMATION CONTACT:

Please send inquiries regarding the exclusion process by e-mail simultaneously to: exclusion_support@ita.doc.gov and FR001@ustr.gov. You may also contact the Office of Industry and Telecommunications, Office of the United States Trade Representative, 600 17th Street, NW., Room 501, Washington DC, 20508. Telephone (202) 395-5656.

SUPPLEMENTARY INFORMATION: On March 5, 2002, pursuant to section 203 of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2253), the President issued Proclamation 7529 (67 FR 10553), which imposed tariffs and a tariff-rate quota on (a) certain flat steel, consisting of: Slabs, plate, hot-rolled steel, cold-rolled steel, and coated steel; (b) hot-rolled bar; (c) cold-finished bar; (d) rebar; (e) certain tubular products; (f) carbon and alloy fittings; (g) stainless steel bar; (h) stainless steel rod; (i) tin mill products; and (j) stainless steel wire, as provided for in subheadings 9903.72.30 through 9903.74.24 of the Harmonized Tariff Schedule of the United States (HTS) (safeguard measures) for a period of three years plus 1 day.

Proclamation 7529 delegated to the USTR the authority, in March of each year in which any safeguard measure established by the proclamation remains in effect, upon publication in the **Federal Register** of a notice of his finding that a particular product should be excluded, to modify the HTS provisions created by the Annex to the proclamation to exclude such particular

product from the pertinent safeguard measure established by the proclamation. This **Federal Register** notice provides further notice of the procedures for the consideration of these anniversary exclusion requests.

Each exclusion request will be evaluated on a case-by-case basis. Only those exclusions that do not undermine the objectives of the safeguard measures will be granted. Analysis of the requests will include consideration of whether the product is currently being produced in the United States, whether substitution of the product is possible, whether qualification requirements affect the requester's ability to use domestic products, current inventory levels, whether the requested product is under development by a U.S. producer who will imminently be able to produce it in marketable quantities, and any other relevant factors.

Paperwork Reduction Act: This notice contains a collection of information provision subject to the Paperwork Reduction Act (PRA) that the Office of Management and Budget (OMB) has approved. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB number. This notice's collection of information burden is only for those persons who wish voluntarily to request the exclusion of a product from the safeguard measures. It is expected that the collection of information burden will be no more than 20 hours. This collection of information contains no annual reporting or record keeping burden. OMB approved this collection of information under OMB Control Number 0350-0011. Please send comments regarding the collection of information burden or any other aspect of the information collection to USTR at the address above.

Robert B. Zoellick,

United States Trade Representative.

[FR Doc. 02-33002 Filed 12-30-02; 8:45 am]

BILLING CODE 3190-01-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending December 20, 2002

The following agreements were filed with the Department of Transportation

under the provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST-2002-14104

Date Filed: December 18, 2002

Parties: Members of the International Air Transport Association

Subject:

PTC23 EUR-SEA 0157 dated

December 13, 2002

Expedited Europe-South East Asia

Resolutions 002be, 084cc

Intended effective date: February 1, 2003

Docket Number: OST-2002-14123

Date Filed: December 19, 2002

Parties: Members of the International Air Transport Association

Subject:

PTC COMP 0982 dated November 27, 2002—Resolutions

PTC COMP 0988 dated December 20, 2002—Adoption

Mail Vote 255—Resolution 010k

Special Passenger Amending

Resolution—Editorial Amendments

TC1 between USA and Chile, Panama

TC12 North Atlantic between USA—

Austria, Czech Republic, France,

Germany, Italy, Netherlands,

Scandinavia

TC31 South Pacific between New

Zealand and USA

Intended effective date: April 1, 2003

Docket Number: OST-2002-14124

Date Filed: December 19, 2002

Parties: Members of the International Air Transport Association

Subject:

PTC COMP 0983 dated November 27, 2002—Resolutions

PTC COMP 0989 dated December 20, 2002—Adoption

Mail Vote 256—Resolution 010L

Special Passenger Amending

Resolution—Editorial Amendments

TC1

TC2 Within Middle East, Within

Africa, Europe-Middle East, Europe-

Africa, Middle East-Africa

TC12 North Atlantic Canada-Europe,

USA—Europe, Mexico-Europe

TC12 North, Mid and South Atlantic-Africa

TC31 South Pacific

Intended effective date: April 1, 2003.

Docket Number: OST-2002-14125

Date Filed: December 19, 2002

Parties: Members of the International Air Transport Association

Subject:

CTC COMP 0435 dated December 20, 2002

Mail Vote 260—Resolution 010ww

TC3/TC23/TC31 Special Cargo

Amending Resolution from Korea

(Dem. Rep. of)

Intended effective date: January 1, 2003
Docket Number: OST-2002-14139
Date Filed: December 20, 2002
Parties: Members of the International Air Transport Association
Subject: PTC23 EUR-J/K 0091 dated December 20, 2002
 Mail Vote 259—Resolutions 081aa and 081x TC23/123 Europe-Japan/Korea
 TC23 IIT Fares from Germany to Japan, Korea (Rep.of) via EH, TS
 TC23/TC123 IIT Fares from Europe to Japan, Korea (Rep.of) via AP, EH, RU, TS
 Intended effective date: January 15 and April 1, 2003
Docket Number: OST-2002-14141
Date Filed: December 20, 2002
Parties: Members of the International Air Transport Association
Subject: PTC3 0596 dated December 10, 2002
 TC3 Within South Asian Subcontinent Expedited Resolution r1-r7
 PTC3 0598 dated December 10, 2002
 TC3 Within South West Pacific Expedited Resolution 002dk r8
 PTC3 0600 dated December 10, 2002
 TC3 between South Asian Subcontinent and South West Pacific Expedited Resolutions r9-r15
 PTC3 0602 dated December 10, 2002
 TC3 between Japan and Korea Expedited Resolution 002cf r16
 PTC3 0603 dated December 10, 2002
 TC3 between Japan, Korea and South Asian Subcontinent Expedited Resolutions r17-r25
 PTC3 0604 dated December 10, 2002
 TC3 between Japan, Korea and South East Asia Expedited Resolution 002bm r26
 PTC3 0605 dated December 10, 2002
 TC3 between Japan, Korea and South West Pacific Expedited Resolution 002ab r27
 Correction—PTC3 0606 dated December 13, 2002
 Corrects PTC3 0602 dated December 10, 2002
 Intended effective date: February 1, 2003
Docket Number: OST-2002-14142
Date Filed: December 20, 2002
Parties: Members of the International Air Transport Association
Subject: PTC3 0601 dated December 10, 2002
 TC3 between South East Asia and South West Pacific Expedited Resolutions 002aj, 063p r1-r2
 PTC3 0599 dated December 10, 2002
 TC3 between South East Asia and

South Asian Subcontinent Expedited Resolutions r3-r11
 PTC3 0597 dated December 10, 2002
 TC3 Within South East Asia Expedited Resolutions 002y, 070uu r12-r13
 Intended effective date: February 1, 2003
Docket Number: OST-2002-14144
Date Filed: December 20, 2002
Parties: Members of the International Air Transport Association
Subject: PTC COMP 0993 dated December 23, 2002
 Mail Vote 261—Resolution 024d
 Amendment to rounding units for the Costa Rican Colon
 Intended effective date: January 1, 2003

Andrea M. Jenkins,

Federal Register Liaison.

[FR Doc. 02-33014 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending December 20, 2002.

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart B (formerly subpart Q) of the Department of Transportation's procedural regulations (*see* 14 CFR 301.201 *et seq.*). The due date for answers, conforming applications, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-1996-1200.

Date Filed: December 19, 2002.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 9, 2003.

Description: Application of Continental Micronesia, Inc., pursuant to 49 U.S.C. section 41102 and subpart B, requesting renewal of its route 171 segment 15 authority to provide scheduled foreign air transportation of persons, property, and mail between Guam and Saipan, Commonwealth of the Northern Mariana Islands, on the one hand, and Niigata, Japan, on the

other hand. Continental Micronesia also requests, renewal of the right to combine this authority with its authority in other markets to the extent permitted by applicable bilateral agreements.

Docket Number: OST-1996-1201.

Date Filed: December 19, 2002.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 9, 2003.

Description: Application of Continental Micronesia, Inc., pursuant to 49 U.S.C. section 41102 and subpart B, requesting renewal of its route 171 segment 16 authority to provide scheduled foreign air transportation of persons, property and mail between Guam and Saipan, Commonwealth of the Northern Mariana Islands, on the one hand, and Okayama, Japan, on the other hand. Continental Micronesia also requests, renewal of the right to combine this authority with its authority in other markets to the extent permitted by applicable bilateral agreements.

Docket Number: OST-1998-3435.

Date Filed: December 19, 2002.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 9, 2003.

Description: Application of Federal Express Corporation, pursuant to 49 U.S.C. section 41102 and subpart B, requesting renewal of segment 4 of its certificate of public convenience and necessity for route 205-F, authorizing FedEx Express to provide scheduled foreign air transportation of property and mail between points in the United States, on the one hand, and points in Japan, on the other hand, via intermediate points.

Docket Number: OST-1998-3441.

Date Filed: December 20, 2002.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: January 10, 2002.

Description: Application of Northwest Airlines, Inc., pursuant to 49 U.S.C. section 41102 and subpart B, requesting renewal of segment 4 of its route 129 certificate of public convenience and necessity, authorizing Northwest to provide scheduled foreign air transportation of persons, property, and mail between any point or points in the United States, via any intermediate point or points, and any point or points in Japan, and any point or points beyond Japan. Northwest also requests, that the Department integrate the requested certificate authority with Northwest's other certificate and exemption authority to the extent

permissible under applicable law and the governing bilateral agreements.

Andrea M. Jenkins,
Federal Register Liaison.

[FR Doc. 02-33015 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Third Party War Risk Liability Insurance

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of extension of aviation insurance.

SUMMARY: This notice contains the text of a memo from the Secretary of transportation to the President regarding the extension of the provision of aviation insurance coverage for U.S. flag commercial air carrier service in domestic and international operations.

DATES: Date of extension from December 16, 2002 through February 13, 2003.

FOR FURTHER INFORMATION CONTACT: Helen Kish, Program Analyst, APO-3, or Eric Nelson, Program Analyst, APO-3, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, telephone 202-267-9943 or 202-267-3090. Or online at FAA Insurance Web site: <http://insurance.faa.gov>.

SUPPLEMENTARY INFORMATION: On December 11, 2002, the Secretary of Transportation authorized a 60-day extension of aviation insurance provided by the Federal Aviation Administration as follows:

Memorandum to the President

Pursuant to the authority delegated to me in paragraph (3) of Presidential Determination No. 01-29 of September 23, 2001, I have extended that determination to allow for the provision of aviation insurance and reinsurance coverage for U.S. Flag commercial air carrier service in domestic and international operations for an additional 60 days.

Pursuant to section 44306(b) of Chapter 443 of 49 U.S.C., Aviation Insurance, the period for provision of insurance shall be extended from December 15, 2002, through February 13, 2003.

Norman Y. Mineta

Affected Public: Air Carriers who currently have Third Party War-Risk Liability Insurance with the Federal Aviation Administration.

Issued in Washington, DC on December 24, 2002.

Nan Shellabarger,
Deputy Director, Office of Aviation Policy and Plans.

[FR Doc. 02-33013 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2002-70]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before January 21, 2003.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2002-12560 at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1-800-647-5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Mike Brown, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Tel. (202) 267-7653.

This notice is published pursuant to 14 CFR §§ 11.85 and 11.91.

Issued in Washington, DC, on December 24, 2002.

Donald P. Byrne,
Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: FAA-2002-12560

Petitioner: Delta Engineering

Section of 14 CFR Affected: 14 CFR 21.451(a)(1)

Description of Relief Sought: To expand Delta Engineering's Designated Alteration Station limits of applicability to include aircraft certificated under 14 CFR part 23 and part 25, as well as those allowed by the New York Aircraft Certification Office

[FR Doc. 02-33011 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2002-71]

Petitions for Exemption; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains the dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Vanessa Wilkins, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Tel. (202) 267-8029.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on December 24, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA-2000-8176

Petitioner: Varig Engenharia e Manutenção S.A.

Section of 14 CFR Affected: 14 CFR 145.47(b)

Description of Relief Sought/

Disposition: To allow VARIG S.A. to use the calibration standards of the Instituto Nacional de Metrologia, Normalização e Qualidade Industrial instead of the calibration standards of the U.S. National Institute of Standards and Technology to test its inspection and test equipment. *Grant, 11/29/2002, Exemption No. 6552C*

Docket No.: FAA-2000-8178

Petitioner: Compoende Aeronáutica Ltda.

Section of 14 CFR Affected: 14 CFR 145.47(b)

Description of Relief Sought/

Disposition: To allow Compoende to use the calibration standards of the Instituto Nacional de Metrologia, Normalização e Qualidade Industrial in lieu of the calibration standards of the U.S. National Institute of Standards and Technology to test its inspection and test equipment. *Grant, 11/29/2002, Exemption No. 6550D*

Docket No.: FAA-2002-13021

Petitioner: Embraer Empresa Brasileira de Aeronáutica S.A.

Section of 14 CFR Affected: 14 CFR 25.901(c)

Description of Relief Sought/

Disposition: To allow type certification of the Model EMB-135BJ series airplanes with RR AE 3007A1E series engines and subsequent RR AE 3007A series engines without an exact showing of compliance with the requirements of § 25.901(c) as they relate to single failures resulting in uncontrollable high thrust conditions. *Grant, 12/12/2002, Exemption No. 7933*

[FR Doc. 02-33012 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34289]

Chicago, Peoria & Western Railway Company—Acquisition Exemption—Rail Line of Corn Products International, Inc.

Chicago, Peoria & Western Railway Company (CPW), a noncarrier, has filed

a verified notice of exemption under 49 CFR 1150.31 to acquire and operate approximately 17 miles of railroad right-of-way and trackage, referred to as the Argo Facility trackage, at transloading and storage facilities owned by Corn Products International, Inc. (CPI) at Argo Facility, in Bedford Park and Summit, IL. CPI owns the Argo Facility trackage and currently performs switching over the subject tracks with its own train and crew, interchanging traffic at a rail yard connection with the Canadian National/Illinois Central at its west end, with the Indiana Harbor Belt Railroad at its northeast end, and with the Belt Railway Company of Chicago (BRC) at its southeast end. CPW, a subsidiary of CPI, states that the Argo Facility trackage would constitute its entire line of railroad¹ and that CPW would become the entity responsible for providing service to CPI over this trackage pursuant to an operating agreement entered into between CPW and CPI.

CPW certifies that its projected revenues will not exceed those that would qualify it as a Class III rail carrier.

CPW indicates that it expects to consummate the transaction on January 1, 2003.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34289, must be filed with the Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on David C. Dillon, Dillon & Nash, Ltd., 111 West Washington Street, Suite 719, Chicago, IL 60602.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: December 23, 2002.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 02-32934 Filed 12-30-02; 8:45 am]

BILLING CODE 4915-00-P

¹ CPW currently owns some 3,000 feet of trackage which provides the connection used by BRC to gain access to the Argo Facility trackage.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34286]

Fort Worth and Western Railroad Company, Inc.—Acquisition and Operation Exemption—Union Pacific Railroad Company

Fort Worth and Western Railroad Company, Inc. (FWWR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire and operate, through a supplemental lease agreement, approximately 6.92 miles of rail line from Union Pacific Railroad Company (UP). The rail line, known as the Everman Industrial Lead, extends from the clearance point near milepost 244.98 in UP's Ginnie Yard to the end of the line near milepost 251.90, including the Carter Industrial Park spur, in Fort Worth, TX. In addition, FWWR will acquire approximately .60 miles of non-exclusive incidental trackage rights accessing the Everman Industrial Lead over UP main lines, solely for the purpose of interchanging traffic between the parties through UP's Peach Yard in Fort Worth.¹ The incidental trackage rights extend: (1) From the connecting tracks of the northeast and southeast quadrant legs of the wye at Tower 55 off the Choctaw Subdivision in Fort Worth, to connections on both main lines on the Dallas Subdivision; and (2) from the crossover between mileposts 245.41 and 245.35 just west of Ginnie Yard, in order to access track in Ginnie Yard at milepost 245.2 to make a connection with the Everman Industrial Lead at milepost 244.98.

Because FWWR's projected annual revenues will exceed \$5 million, FWWR certified to the Board on December 6, 2002, that, on October 4, 2002, it had posted the required notice of intent to undertake the proposed transaction at the workplace of the employees on the affected line and had served a copy of the notice of intent on the national offices of all labor unions with employees on the rail line. *See* 49 CFR 1150.42(e). FWWR stated in its verified notice that the transaction was scheduled to be consummated on or after December 15, 2002.²

¹ The agreements supplement existing lease and trackage rights agreements between the parties involving UP's Peach Yard. *See Fort Worth and Western Railroad Company, Inc.—Acquisition and Operation Exemption—Union Pacific Railroad Company*, STB Finance Docket No. 34131 (STB served Nov. 15, 2001).

² Due to the timing of FWWR's certification to the Board, consummation under these circumstances would have had to be delayed until February 4, 2003 (60 days after FWWR's certification to the

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34286, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Paul H. Lamboley, 1701 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: December 23, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 02-32935 Filed 12-30-02; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0609]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before January 30, 2003.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW.,

Board that it had complied with the requirements of 49 CFR 1150.42(e)). In a decision in this proceeding served on December 20, 2002, however, the Board granted the request by FWWR for waiver of the remainder of the 60-day notice period to allow consummation to occur as early as December 20, 2002.

Washington, DC 20420, (202) 273-8030, FAX (202) 273-5981 or e-mail: denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0609."

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-7316. Please refer to "OMB Control No. 2900-0609" in any correspondence.

SUPPLEMENTARY INFORMATION:

Titles

a. Veteran Enrollees' Health and Reliance Upon VA, VA Form 10-21034g.

b. New Enrollees Survey, VA Form 10-21034h(NR).

OMB Control Number: 2900-0609.

Type of Review: Revision of a currently approved collection.

Abstract: Pub. L. 104-262, The Veterans Health Care Eligibility Reform Act of 1996, mandated VA to implement eligibility reforms with an annual enrollment. VA must enroll veterans by specified priorities as far down the priorities as the available resources permit. There is no valid, recent information available in administrative databases on all enrollees' health status, income, and their reliance upon the VA system. The magnitude of changes each year in enrollees, their characteristics, and system policies make annual surveys necessary to capture this critical information for input into VHA's Health Care Services Demand Model. Data will be used to analyze the main reasons veterans enroll in the VA Health Care System and how long they waited for initial appointments.

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 **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on October 15, 2002, at page 63735.

Affected Public: Individuals or Households.

Estimated Annual Burden: 11,042 hours.

a. Veteran Enrollees' Health and Reliance Upon VA, VA Form 10-21034g—9,375 hours.

b. New Enrollees Survey, VA Form 10-21034h (NR)—1,667 hours.

Estimated Average Burden Per Respondent: 12 minutes.

a. Veteran Enrollees' Health and Reliance Upon VA, VA Form 10-21034g—15 minutes.

b. New Enrollees Survey, VA Form 10-21034h (NR)—5 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 57,500.

a. Veteran Enrollees' Health and Reliance Upon VA, VA Form 10-21034g—37,500.

b. New Enrollees Survey, VA Form 10-21034h (NR)—20,000.

Dated: December 17, 2002.

By direction of the Secretary.

Ernesto Castro,

Director, Records Management Service.

[FR Doc. 02-32981 Filed 12-30-02; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Disciplinary Appeals Board Panel

AGENCY: Department of Veterans Affairs.

ACTION: Notice with request for comments.

SUMMARY: Section 203 of the Department of Veterans Affairs Health Care Personnel Act of 1991 (Pub. L. 102-40), dated May 7, 1991, revised the disciplinary grievance and appeal procedures for employees appointed under 38 U.S.C. 7401(1). It also required the periodic designation of employees of the Department who are qualified to serve on Disciplinary Appeals boards. These employees constitute the Disciplinary Appeals board panel from which Board members in a case are appointed. This notice announces that the roster of employees on the panel is available for review and comment. Employees, employee organizations, and other interested parties shall be provided, without charge, a list of the names of employees on the panel upon request and may submit comments concerning the suitability for service on the panel of any employee whose name is on the list.

DATES: Names that appear on the panel may be selected to serve on a Board or as grievance examiner after January 30, 2003.

ADDRESSES: Requests for the list of names of employees on the panel and written comments may be directed to: Secretary of Veterans Affairs (051E), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Requests and comments may also be faxed to (202) 273-9776.

FOR FURTHER INFORMATION CONTACT: Catherine Baranek, Employee Relations Specialist (051E), Office of Human Resources Management, Department of Veterans Affairs, 810 Vermont Avenue,

NW., Washington, DC 20420. Ms. Baranek may be reached at (336) 631-5019.

SUPPLEMENTARY INFORMATION: Public Law 102-40 requires that the availability of the roster be posted in the **Federal Register** periodically, and not less than annually.

Dated: December 13, 2002.
Anthony J. Principi,
Secretary of Veterans Affairs.
[FR Doc. 02-33021 Filed 12-30-02; 8:45 am]
BILLING CODE 8320-01-M

Corrections

Federal Register

Vol. 67, No. 251

Tuesday, December 31, 2002

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.

ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2002-0005; FRL-7425-3]

Agency Information Collection Activities; Submission of EPA ICR No. 2055.01 to OMB for Review and Approval; Comment Request

Correction

In notice document 02-32131 beginning on page 77977 in the issue of

Friday, December 20, 2002, make the following correction:

On page 77977, in the second column, under the heading **DATES**, in the second line, "January 21, 2002" should read, "January 21, 2003".

[FR Doc. C2-32131 Filed 12-30-02; 8:45 am]

BILLING CODE 1505-01-D



Federal Register

**Tuesday,
December 31, 2002**

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

**42 CFR Parts 410, 414, and 485
Medicare Program; Revisions to Payment
Policies Under the Physician Fee
Schedule for Calendar Year 2003 and
Inclusion of Registered Nurses in the
Personnel Provision of the Critical Access
Hospital Emergency Services Requirement
for Frontier Areas and Remote Locations;
Final Rule**

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Medicare & Medicaid Services****42 CFR Parts 410, 414, and 485**

[CMS-1204-FC]

RIN 0938-AL21

Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2003 and Inclusion of Registered Nurses in the Personnel Provision of the Critical Access Hospital Emergency Services Requirement for Frontier Areas and Remote Locations

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.
ACTION: Final rule with comment period.

SUMMARY: This final rule with comment period refines the resource-based practice expense relative value units (RVUs) and makes other changes to Medicare Part B payment policy. In addition, as required by statute, we are announcing the physician fee schedule update for CY 2003.

The update to the physician fee schedule occurs as a result of a calculation methodology specified by law. That law required the Department to set annual updates based in part on estimates of several factors. Although subsequent after-the-fact data indicate that actual increases were different to some degree from earlier estimates, the law does not permit those estimates to be revised. A subsequent law required estimates to be revised for FY 2000 and beyond.

Although we have exhaustively examined opportunities for a different interpretation of law that would allow us to correct the flaw in the formula administratively, current law does not permit such an interpretation. Accordingly, without Congressional action to address the current legal framework, the Department is compelled to announce herein a physician fee schedule update for CY 2003 of -4.4 percent.

Because the Department would adopt a change in the formula that determines the physician update if the law permitted it, we have examined how proper adjustments to past data could result in a positive update. The Department believes that revisions of estimates used to establish the sustainable growth rates (SGR) for fiscal years (FY) 1998 and 1999 and Medicare volume performance standards (MVPS) for 1990-1996 would, under present calculations, result in a positive update.

The Department intends to work closely with Congress to develop legislation that could permit a positive update, and hopes that such legislation can be passed before the negative update takes effect. Because the Department wishes to change the update promptly in the event that Congress provides the Department legal authority to do so, we are requesting comments regarding how physician fee schedule rates could and should be recalculated prospectively in the event that Congress provides the Department with legal authority to revise estimates used to establish the sustainable growth rates (SGR) and for 1998 and 1999 and the NVPS for 1990-1996.

The other policy changes concern: the pricing of the technical component for positron emission tomography (PET) scans, Medicare qualifications for clinical nurse specialists, a process to add or delete services to the definition of telehealth, the definition for ZZZ global periods, global period for surface radiation, and an endoscopic base for urology codes. In addition, this rule updates the codes subject to physician self-referral prohibitions. We are expanding the definition of a screening fecal-occult blood test and are modifying our regulations to expand coverage for additional colorectal cancer screening tests through our national coverage determination process. We also make revisions to the sustainable growth rate, the anesthesia conversion factor, and the work values for some gastroenterologic services.

We are making these changes to ensure that our payment systems are updated to reflect changes in medical practice and the relative value of services.

This final rule also clarifies the enrollment of physical and occupational therapists as therapists in private practice and clarifies the policy regarding services and supplies incident to a physician's professional services. In addition, this final rule discusses physical and occupational therapy payment caps and makes technical changes to the definition of outpatient rehabilitation services.

In addition, we are finalizing the calendar year (CY) 2002 interim RVUs and are issuing interim RVUs for new and revised procedure codes for calendar year (CY) 2003.

As required by the statute, we are announcing that the physician fee schedule update for CY 2003 is -4.4 percent, the initial estimate of the sustainable growth rate for CY 2003 is 7.6 percent, and the conversion factor for CY 2003 is \$34,592.0.

This final rule will also allow registered nurses (RNs) to provide emergency care in certain critical access hospitals (CAHs) in frontier areas (an area with fewer than six residents per square mile) or remote locations (locations designated in a State's rural health plan that we have approved.) This policy applies if the State, following consultation with the State Boards of Medicine and Nursing, and in accordance with State law, requests that RNs be included, along with a doctor of medicine or osteopathy, a physician's assistant, or a nurse practitioner with training or experience in emergency care, as personnel authorized to provide emergency services in CAHs in frontier areas or remote locations.

DATES: *Effective date:* This rule is effective on March 1, 2003.

Comment date: We will consider comments on the definition of a screening fecal-occult blood test, the critical access hospital emergency services requirement, the physician self-referral designated health services identified in Table 10, the interim work RVUs for selected procedure codes identified in Addendum C, the practice expense direct cost inputs, and on how physician fee schedule rates could and should be recalculated prospectively in the event that Congress provides the Department with legal authority to revise estimates used to establish SGRs for 1998 and 1999 and the MVPS for 1990-1996, if we receive them at the appropriate address, as provided in the addresses section, no later than 5 p.m. on March 3, 2003.

ADDRESSES: In commenting, please refer to file code CMS-1204-FC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. Mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-1204-FC, P.O. Box 8013, Baltimore, MD 21244-8013.

Please allow sufficient time for us to receive mailed comments on time in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) to one of the following addresses: Room 445-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5-14-03, 7500 Security Boulevard, Baltimore, MD 21244-8013.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are

encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available if you wish to retain proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Marc Hartstein, (410) 786-4539, or Stephanie Monroe (410) 786-6864 (for issues related to resource-based practice expense relative value units).

Jim Menas, (410) 786-4507 (for issues related to anesthesia).

Marc Hartstein, (410) 786-4539 (for issues related to the sustainable growth rate).

Gail Addis, (410) 786-4522 (for issues related to PET scans).

Craig Dobyski, (410) 786-4584 (for issues related to telehealth).

Terri Harris, (410) 786-6830 or Pam West, (410) 786-2302 (for issues related to physical and occupational therapy).

William Larson, (410) 786-4639 (for issues related to fecal-occult blood test).

Regina Walker-Wren, (410) 786-9160 (for issues related to clinical nurse specialists).

Dorothy Shannon, (410) 786-3396 (for issues related to services and supplies incident to a physician's professional services).

Joanne Sinsheimer, (410) 786-4620 (for issues related to updates to the list of certain services subject to the physician self-referral prohibitions).

Mary Collins, (410) 786-3189 (for issues related to the critical access hospital emergency services requirement).

Diane Milstead, (410) 786-1101 (for all other issues).

SUPPLEMENTARY INFORMATION: Inspection of Public Comments: Comments received timely will be available for public inspection as they are recorded and processed, generally beginning approximately 4 weeks after the publication of the document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone (410) 786-7197.

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 toll-free at 1-888-293-6498) or by faxing to (202) 512-2250. The cost for each copy is \$10. 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. The Web site address is: <http://www.access.gpo.gov/nara/index.html>.

Information on the physician fee schedule can be found on our homepage. You can access this data by using the following directions:

1. Go to the CMS homepage (<http://www.cms.hhs.gov>).
2. Click on "Medicare."
3. Select Medicare Payment Systems.
4. Select Physician Fee Schedule.

To assist readers in referencing sections contained in this preamble, we are providing the following table of contents. Some of the issues discussed in this preamble affect the payment policies but do not require changes to the regulations in the Code of Federal Regulations. Information on the regulation's impact appears throughout the preamble and is not exclusively in section XIII.

Table of Contents

- I. Background
 - A. Legislative History
 - B. Published Changes to the Fee Schedule
 - C. Components of the Fee Schedule Payment Amounts
 - D. Development of the Relative Value Units
 - E. Delay in the Effective Date
- II. Specific Provisions for Calendar Year 2003
 - A. Resource-Based Practice Expense Relative Value Units
 - B. Anesthesia Issues
 - C. Pricing of Technical Components (TC) for Positron Emissions Tomography (PET) Scans
 - D. Enrollment of Physical and Occupational Therapists as Therapists in Private Practice
 - E. Clinical Social Worker Services
 - F. Medicare Qualifications for Clinical Nurse Specialists
 - G. Process to Add or Delete Services to the Definition of Telehealth
 - H. Definition for ZZZ Global Periods
 - I. Change in Global Period for CPT Code 77789 (Surface Application of Radiation Source)

- J. Technical Change for § 410.61(d)(1)(iii) Outpatient Rehabilitation Services
- K. New HCPCS G-Codes From June 28, 2002 Proposed Rule
- L. Endoscopic Base for Urology Codes
- M. Physical Therapy and Occupational Therapy Caps
- III. Other Issues
 - A. Definition of a Screening Fecal-Occult Blood Test
 - B. Clarification of Services and Supplies Incident To a Physician's Professional Services: Conditions
 - C. Five-Year Review of Gastroenterology Codes
 - D. Critical Access Hospital Emergency Services Requirements
- IV. Refinement of Relative Value Units for Calendar Year 2003 and Response to Public Comments on Interim Relative Value Units for 2002
- V. Update to the Codes for Physician Self-Referral Prohibition
- VI. Physician Fee Schedule Update for Calendar Year 2003
- VII. Allowed Expenditures for Physicians' Services and the Sustainable Growth Rate
 - A. Medicare Sustainable Growth Rate
 - B. Physicians' Services
 - C. Provisions Related to the Sustainable Growth Rate
 - D. Preliminary Estimate of the Sustainable Growth Rate for 2003
 - E. Sustainable Growth Rate for 2002
 - F. Sustainable Growth Rate for 2001
 - G. Calculation of 2003, 2002, and 2001 Sustainable Growth Rates
- VIII. Anesthesia and Physician Fee Schedule Conversion Factors for CY 2003
- IX. Provisions of the Final Rule
- X. Waiver of Proposed Rulemaking for Definition of a Screening Fecal-Occult Blood Test and Critical Access Hospital Emergency Services Requirement
- XI. Collection of Information Requirements
- XII. Response to Comments
- XIII. Regulatory Impact Analysis
- Addendum A—Explanation and Use of Addendum B
- Addendum B—2003 Relative Value Units and Related Information Used in Determining Medicare Payments for 2003
- Addendum C—Codes with Interim RVUs
- Addendum D—2003 Geographic Practice Cost Indices by Medicare Carrier and Locality
- Addendum E—Updated List of CPT/HCPCS Codes Used to Describe Certain Designated Health Services Under the Physician Self-Referral Provision
- Addendum F—Codes Refined by the PEAC for 2003

In addition, because of the many organizations and terms to which we refer by acronym in this proposed rule, we are listing these acronyms and their corresponding terms in alphabetical order below:

AMA	American Medical Association
BBA	Balanced Budget Act of 1997

BBRA	Balanced Budget Refinement Act of 1999
CAH	Critical Access Hospitals
CF	Conversion factor
CFR	Code of Federal Regulations
CMS	Centers for Medicare & Medicaid Services
CNS	Clinical Nurse Specialist
CPT	[Physicians'] Current Procedural Terminology [4th Edition, 2002, copyrighted by the American Medical Association]
GPEP	Clinical Practice Expert Panel
CRNA	Certified Registered Nurse Anesthetist
E/M	Evaluation and management
GPCI	Geographic practice cost index
HCPCS	Healthcare Common Procedure Coding System
HHHA	Home health agency
HHS	[Department of] Health and Human Services
IDTFs	Independent Diagnostic Testing Facilities
MCM	Medicare Carrier Manual
MedPAC	Medicare Payment Advisory Commission
MEI	Medicare Economic Index
MSA	Metropolitan Statistical Area
NCD	National Coverage Decision
PC	Professional Component
PEAC	Practice Expense Advisory Committee
PET	Positron Emission Tomography
PPS	Prospective payment system
RUC	[AMA's Specialty Society] Relative [Value] Update Committee
RVU	Relative value unit
SGR	Sustainable growth rate
SMS	[AMA's] Socioeconomic Monitoring System
SNF	Skilled Nursing Facility
TC	Technical Component

I. Background

A. Legislative History

Since January 1, 1992, Medicare has paid for physicians' services under section 1848 of the Social Security Act (the Act), "Payment for Physicians' Services." This section provides for three major elements—(1) A fee schedule for the payment of physicians' services; (2) limits on the amounts that nonparticipating physicians can charge beneficiaries; and (3) a sustainable growth rate for the rates of increase in Medicare expenditures for physicians' services. The Act requires that payments under the fee schedule be based on

national uniform relative value units (RVUs) based on the resources used in furnishing a service. Section 1848(c) of the Act requires that national RVUs be established for physician work, practice expense, and malpractice expense. Section 1848(c)(2)(B)(ii)(II) of the Act provides that adjustments in RVUs may not cause total physician fee schedule payments to differ by more than \$20 million from what they would have been had the adjustments not been made. If adjustments to RVUs cause expenditures to change by more than \$20 million, we must make adjustments to preserve budget neutrality.

B. Published Changes to the Fee Schedule

In the July 2000 proposed rule, (65 FR 44177), we listed all of the final rules published through November 1999. In the August 2001 proposed rule (66 FR 40372) we discussed the November 2000 final rule relating to the updates to the RVUs and revisions to payment policies under the physician fee schedule.

In the November 2001 final rule with comment period (66 FR 55246), we revised the policy for—resource-based practice expense RVUs; services and supplies incident to a physician's professional service; anesthesia base unit variations; recognition of CPT tracking codes; and nurse practitioners, physician assistants, and clinical nurse specialists performing screening sigmoidoscopies. We also addressed comments received on the June 8, 2001 proposed notice (66 FR 31028) for the 5-year review of work RVUs and finalized these work RVUs. In addition, we acknowledged comments received in response to a discussion of modifier-62, which is used to report the work of co-surgeons. The November 2001 final rule also updated the list of services that are subject to the physician self-referral prohibitions in order to reflect CPT and Healthcare Common Procedure Coding System (HCPCS) code changes that were effective January 1, 2002. These revisions ensure that our payment systems are updated to reflect changes in medical practice and the relative value of services.

The Medicare, Medicaid, and State Child Health Insurance Program (SCHIP) Benefits Improvement and Protection Act of 2000 (Pub. L. 106-554) (BIPA) modernized the mammography screening benefit and authorized payment under the physician fee schedule effective January 1, 2002. It provided for biennial screening pelvic examinations for certain beneficiaries and expanded coverage for screening colonoscopies to all beneficiaries

effective July 1, 2001. It provided for annual glaucoma screenings for high-risk beneficiaries and established coverage for medical nutrition therapy services for certain beneficiaries effective January 1, 2002. It expanded payment for telehealth services effective October 1, 2001; required certain Indian Health Service providers to be paid for some services under the physician fee schedule effective July 1, 2001; and revised the payment for certain physician pathology services effective January 1, 2001. This final rule conformed our regulations to reflect these statutory provisions.

The final rule also announced the calendar year 2002 physician fee schedule conversion factor (CF) of \$36.1992.

C. Components of the Fee Schedule Payment Amounts

Under the formula set forth in section 1848(b)(1) of the Act, the payment amount for each service paid under the physician fee schedule is the product of three factors—(1) A nationally uniform relative value for the service; (2) a geographic adjustment factor (GAF) for each physician fee schedule area; and (3) a nationally uniform conversion factor (CF) for the service. The CF converts the relative values into payment amounts.

For each physician fee schedule service, there are three relative values—(1) An RVU for physician work; (2) an RVU for practice expense; and (3) an RVU for malpractice expense. For each of these components of the fee schedule, there is a geographic practice cost index (GPCI) for each fee schedule area. The GPICs reflect the relative costs of practice expenses, malpractice insurance, and physician work in an area compared to the national average for each component.

The general formula for calculating the Medicare fee schedule amount for a given service in a given fee schedule area can be expressed as:

$$\text{Payment} = [(\text{RVU work} \times \text{GPCI work}) + (\text{RVU practice expense} \times \text{GPCI practice expense}) + (\text{RVU malpractice} \times \text{GPCI malpractice})] \times \text{CF}$$

The CF for calendar year (CY) 2003 appears in section VIII. The RVUs for CY 2003 are in Addendum B. The GPICs for CY 2003 can be found in Addendum D.

Section 1848(e) of the Act requires us to develop GAFs for all physician fee schedule areas. The total GAF for a fee schedule area is equal to a weighted average of the individual GPICs for each of the three components of the service. In accordance with the statute, however,

the GAF for the physician's work reflects one-quarter of the relative cost of physician's work compared to the national average.

D. Development of the Relative Value System

1. Work Relative Value Units

Approximately 7,500 codes represent services included in the physician fee schedule. The work RVUs established for the implementation of the fee schedule in January 1992 were developed with extensive input from the physician community. A research team at the Harvard School of Public Health developed the original work RVUs for most codes in a cooperative agreement with us. In constructing the vignettes for the original RVUs, Harvard worked with expert panels of physicians and obtained input from physicians from numerous specialties.

The RVUs for radiology services were based on the American College of Radiology (ACR) relative value scale, which we integrated into the overall physician fee schedule. The RVUs for anesthesia services were based on RVUs from a uniform relative value guide. We established a separate CF for anesthesia services, and we continue to recognize time as a factor in determining payment for these services. As a result, there is a separate payment system for anesthesia services.

2. Practice Expense and Malpractice Expense Relative Value Units

Section 1848(c)(2)(C) of the Act required that the practice expense and malpractice expense RVUs equal the product of the base allowed charges and the practice expense and malpractice percentages for the service. Base allowed charges are defined as the national average allowed charges for the service furnished during 1991, as estimated using the most recent data available. For most services, we used 1989 charge data aged to reflect the 1991 payment rules, since those were the most recent data available for the 1992 fee schedule.

Section 121 of the Social Security Act Amendments of 1994 (Pub. L. 103-432), enacted on October 31, 1994, required us to develop a methodology for a resource-based system for determining practice expense RVUs for each physician service. As amended by the BBA, section 1848(c) required the new payment methodology to be phased in over 4 years, effective for services furnished in 1999, with resource-based practice expense RVUs becoming fully effective in 2002. The BBA also required us to implement resource-based

malpractice RVUs for services furnished beginning in 2000.

E. Delay in the Effective Date

On November 5, 2002 we published a notice (67 FR 67319), delaying the publication of this final rule due to concerns about the data used to establish the physician fees and the need to further assess the accuracy of the data. We have concluded our review and are moving forward with our proposals unless otherwise indicated in this preamble. This rule is effective on March 3, 2003.

II. Specific Provisions for Calendar Year 2003

In response to the publication of the June 28, 2002 proposed rule, (67 FR 43846), and the interim final rule, (67 FR 43555), we received approximately 236 comments. We received comments from individual physicians, health care workers, and professional associations and societies. The majority of comments addressed the proposals related to the enrollment of therapists, anesthesia services and the SGR.

The proposed rule discussed policies that affected the number of RVUs on which payment for certain services would be based. Certain changes implemented through this final rule are subject to the \$20 million limitation on annual adjustments contained in section 1848(c)(2)(B)(ii)(II) of the Act.

After reviewing the comments and determining the policies we would implement, we have estimated the costs and savings of these policies and added those costs and savings to the estimated costs associated with any other changes in RVUs for 2003. We discuss in detail the effects of these changes in the Regulatory Impact Analysis in section XIII.

For the convenience of the reader, the headings for the policy issues correspond to the headings used in the June 28, 2002 proposed rule. More detailed background information for each issue can be found in the June 2002 interim final rule with comment period and the June 2002 proposed rule.

A. Resource-Based Practice Expense Relative Value Units

1. Resource-Based Practice Expense Legislation

Section 121 of the Social Security Act Amendments of 1994 (Pub. L. 103-432), enacted on October 31, 1994, required us to develop a methodology for a resource-based system for determining practice expense RVUs for each physician's service beginning in 1998. In developing the methodology, we

were to consider the staff, equipment, and supplies used in providing medical and surgical services in various settings. The legislation specifically required that, in implementing the new system of practice expense RVUs, we apply the same budget-neutrality provisions that we apply to other adjustments under the physician fee schedule.

Section 4505(a) of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105-33), enacted on August 5, 1997, amended section 1848(c)(2)(ii) of the Act and delayed the effective date of the resource-based practice expense RVU system until January 1, 1999. In addition, section 4505(b) of the BBA provided for a 4-year transition period from charge-based practice expense RVUs to resource-based RVUs. Further legislation affecting resource-based practice expense RVUs was included in the Medicare, Medicaid and State Child Health Insurance Program (SCHIP) Balanced Budget Refinement Act of 1999 (BBRA) (Pub. L. 106-113), enacted on November 29, 1999. Section 212 of the BBRA amended section 1848(c)(2)(ii) of the Act by directing us to establish a process under which we accept and use, to the maximum extent practicable and consistent with sound data practices, data collected or developed by entities and organizations. These data would supplement the data we normally collect in determining the practice expense component of the physician fee schedule for payments in CY 2001 and CY 2002. (In the 1999 final rule (64 FR 59380), we extended, for an additional 2 years, the period during which we would accept supplementary data.)

2. Current Methodology for Computing the Practice Expense Relative Value Unit System

Effective with services furnished on or after January 1, 1999, we established a new methodology for computing resource-based practice expense RVUs that used the two significant sources of actual practice expense data we have available—the Clinical Practice Expert Panel (CPEP) data and the American Medical Association's (AMA) Socioeconomic Monitoring System (SMS) data. The methodology was based on an assumption that current aggregate specialty practice costs are a reasonable way to establish initial estimates of relative resource costs for physicians' services across specialties. The methodology allocated these aggregate specialty practice costs to specific procedures and, thus, is commonly called a "top-down" approach.

a. Major Steps

A brief discussion of the major steps involved in the determination of the practice expense RVUs follows. (Please see the November 1, 2001 final rule (66 FR 55249) for a more detailed explanation of the top-down methodology.)

Step 1—Determine the specialty specific practice expense per hour of physician direct patient care. We used the AMA's SMS survey of actual aggregate cost data by specialty to determine the practice expenses per hour for each specialty. We calculated the practice expenses per hour for the specialty by dividing the aggregate practice expenses for the specialty by the total number of hours spent in patient care activities. For the CY 2000 physician fee schedule, we also used data from a survey submitted by the Society of Thoracic Surgeons (STS) in calculating thoracic and cardiac surgeons' practice expenses per hour. (Please see the November 1999 final rule (64 FR 59391) for additional information concerning acceptance of these data.) For 2001, we used these STS data, as well as survey data submitted by the American Society of Vascular Surgery and the Society of Vascular Surgery. (Please see the November 2000 final rule (65 FR 65385) for additional information on the acceptance of these data.)

Step 2—Create a specialty specific practice expense pool of practice expense costs for treating Medicare patients. To calculate the total number of hours spent treating Medicare patients for each specialty, we used the physician time assigned to each procedure code and the Medicare utilization data. We then calculated the specialty specific practice expense pools by multiplying the specialty practice expenses per hour by the total physician hours.

Step 3—Allocate the specialty specific practice expense pool to the specific services performed by each specialty. For each specialty, we divided the practice expense pool into two groups based on whether direct or indirect costs were involved and used a different allocation basis for each group.

(i) *Direct costs*—For direct costs (which include clinical labor, medical supplies, and medical equipment), we used the procedure specific CPEP data on the staff time, supplies, and equipment as the allocation basis.

(ii) *Indirect costs*—To allocate the cost pools for indirect costs, including administrative labor, office expenses, and all other expenses, we used the total direct costs combined with the physician fee schedule work RVUs. We

converted the work RVUs to dollars using the Medicare CF (expressed in 1995 dollars for consistency with the SMS survey years).

Step 4—For procedures performed by more than one specialty, the final procedure code allocation was a weighted average of allocations for the specialties that perform the procedure, with the weights being the frequency with which each specialty performs the procedure on Medicare patients.

b. Other Methodological Issues

(i) *Non-Physician Work Pool*—For services with physician work RVUs equal to zero (including those services with a technical and professional component), we created a separate practice expense pool using the average clinical staff time from the CPEP data and the "all physicians" practice expense per hour.

We then used the adjusted 1998 practice expense RVUs to allocate this pool to each service. Also, for all radiology services that are assigned physician work RVUs, we used the adjusted 1998 practice expense RVUs for radiology services as an interim measure to allocate the direct practice expense cost pool for radiology.

(ii) *Crosswalks for Specialties Without Practice Expense Survey Data*—Since many specialties identified in our claims data did not correspond exactly to the specialties included in the SMS survey data, it was necessary to crosswalk these specialties to the most appropriate SMS specialty.

Because we believe that most physical therapy services furnished in physicians' offices are performed by physical therapists, we cross-walked all utilization for therapy services in the CPT 97000 series to the physical and occupational therapy practice expense pool.

Comment: We received several comments objecting to our policy of cross-walking all utilization for therapy services in the CPT 97000 series to the physical and occupational therapy practice expense pool. One commenter stated that we are currently employing an arbitrary utilization crosswalk methodology to determine the resource-based practice expense RVUs for physical and occupational therapy. Commenters also indicated that this departure from the standard methodology has not been previously published for review and comment. In addition, one commenter challenged our assumption that most therapy services billed by physicians are furnished by therapists and stated that it is neither supported by explanatory text nor accompanying data. The commenter

indicates that if we did not employ this assumption to change the resource-based practice expense methodology only for therapy services, payments for these services would be as much as 18 percent higher. Other commenters stated that use of the "altered methodology" has resulted in inappropriate reductions in payments for physical and occupational therapy services. One commenter expressed concern that the adjustment affects SNFs, home health agencies, outpatient hospital departments and CORFs in addition to therapists in private practice. Other commenters also objected to use of a crosswalk for physical and occupational therapy services stating that the policy is inconsistent with the "top-down" methodology that bases the final RVUs for a service on a weighted average of the practice expenses of the specialties that bill Medicare. Another commenter indicated that there is no evidence to suggest that practice expenses for therapy services provided by physicians are any different from the practice expenses of all other services they provide. This commenter indicated that physician specialties were also disadvantaged because all therapy services that a specialty billed were not included in calculating the practice expense pool for that specialty, thus decreasing the dollars that could be allocated to the services performed by that specialty. The commenters strongly recommended that we discontinue use of the crosswalk and employ the standard top down methodology for computing the 2003 PERVUs for the 97000 CPT code series.

Response: We carefully reviewed comments on this issue. As indicated in our proposed rule, we do not believe that physicians provide most therapy services that are billed by physicians. We believe that the practice expenses for therapy services provided in physicians' offices by therapists are more likely to be comparable to those of therapists than physicians. For this reason, we crosswalked utilization for the therapy codes (CPT codes 97010 through 97750) to the physical and occupational therapy practice cost pools. We used the physician utilization data for the therapy evaluation codes (CPT codes 97001 through 97004) since we believe these services would be much more likely to be performed by the billing physician. In the meantime, we welcome further public comments on this issue. We note that physical therapy was the only specialty for which we used their supplemental survey data (as noted below). Use of

such survey data increases payments for physical therapy by 2 percent.

3. Practice Expense Provisions for Calendar Year 2003

a. Supplemental Practice Expense Surveys Criteria for Acceptance of Supplemental Practice Expense Surveys From the June 28, 2002 Interim Final Rule with Comment Period

On June 28, 2002 we published an interim final rule with comment period (67 FR 43555) in the **Federal Register**, which made revisions to the criteria that we apply to supplemental survey information supplied by physician, non-physician, and supplier groups for use in determining practice expense RVUs under the physician fee schedule. While this rule was effective upon publication, we provided a comment period on the revision to the criteria and are responding to the comments received in this final rule.

The following criteria had been in effect:

- Physician groups must draw their sample from the AMA Physician Masterfile to ensure a nationally representative sample that includes both members and non-members of a physician specialty group. Physician groups must arrange for the AMA to send the sample directly to their survey contractor to ensure confidentiality of the sample; that is, to ensure comparability in the methods and data collected, specialties must not know the names of the specific individuals in the sample.

- Non-physician specialties not included in the AMA's SMS must develop a method to draw a nationally representative sample of members and non-members. At a minimum, these groups must include former members in their survey sample. The sample must be drawn by the non-physician group's survey contractor, or another independent party, in a way that ensures the confidentiality of the sample; that is, to ensure comparability in the methods and data collected, specialties must not know the names of the specific individuals in the sample.

- A group (or its contractors) must conduct the survey based on the SMS survey instruments and protocols, including administration and follow-up efforts and definitions of practice expense and hours of direct patient care. In addition, any cover letters or other information furnished to survey sample participants must be comparable to the information previously supplied by the SMS contractor to its sample participants.

- Physician groups must use a contractor that has experience with the SMS or a survey firm with experience successfully conducting national multi-specialty surveys of physicians using nationally representative random samples.

- Physician groups or their contractors must submit raw survey data to us, including all complete and incomplete survey responses as well as any cover letters and instructions that accompanied the survey, by August 1, 2002 for data analysis and editing to ensure consistency. All personal identifiers in the raw data must be eliminated.

- The physician practice expense data from surveys that we use in our code-level practice expense calculations are the practice expenses per physician hour in the six practice expense categories—clinical labor, medical supplies, medical equipment, administrative labor, office overhead, and other. Supplemental survey data must include data for these categories.

In addition to the above survey criteria, we required a 90-percent confidence interval with a range of plus or minus 10 percent of the mean (that is, 1.645 times the standard error of the mean, divided by the mean should be equal to or less than 10 percent of the mean).

Based on a review of these criteria and concern that the this language had created confusion, in the June 2002 interim final rule we revised this language to indicate that we will accept surveys that achieve a sampling error of 0.15 or less at a confidence level of 90 percent. We noted that this change refines both the measurement of precision and the level of precision we will accept and could result in our acceptance of more surveys than the past criteria. In addition, we stated that we would allow specialties that have submitted surveys previously rejected under the present criteria to resubmit these surveys to be evaluated under the revised criterion.

We also amended § 414.22(b)(6) to reflect the 2-year extension in the deadline for submitting supplemental data. Specifically, we will accept supplemental data that meet the established criteria that we received by August 1, 2002 to determine CY 2003 practice expense RVUs and by August 1, 2003 to determine CY 2004 practice expense RVUs.

Comment: We received comments from several specialty organizations on the change in the precision criteria for supplemental surveys. Specialty organizations representing audiologists, physical therapists and radiologists

expressed support for the revised precision criterion. The American Academy of Audiology indicated that the revised rule makes it easier for specialty groups to submit information for our consideration. The American College of Radiology (ACR) supported the proposed change by suggesting that the previous requirements were not reasonable. The ACR indicated that radiology and radiation oncology did not conduct surveys previously because of concerns about the strictness of the original criteria. The ACR also indicated concerns about averaging the supplemental survey data with existing SMS survey data and the requirement that the survey sample would have to be selected from the AMA Masterfile. According to the ACR, the AMA Masterfile does not adequately represent radiologists and radiation oncologists that own and operate their own centers and equipment. The American Physical Therapy Association (APTA) supported the new criterion and our decision to allow previously completed surveys to be resubmitted and considered using the new precision standard. The American Society Clinical Oncology (ASCO) objected to the use of any precision criteria and outlined a number of reasons why they opposed the use of this test. The ASCO indicated that there may be wide variation in oncology practice patterns (for example, hospital based versus non-hospital based, or differentials in provision of chemotherapy) that could lead to wide variation in practice expenses among surveyed practices. They suggested that "at least in the case of oncologists, a survey that is conducted in accordance with the CMS rules should not be excluded from consideration because of failure to meet the precision criteria."

Response: If the data from physician and practitioner surveys is to be used as the basis for physician payment, it is necessary that we have assurance that the survey is both representative and reliable. Applying numerical criteria for the statistical concepts of confidence and precision give some basis for believing that the data accurately represent practice costs for the specialty nationwide. We set the criteria for precision and confidence after lengthy consultation with our contractor, the Lewin Group, and agency experts on statistical surveys. We believe the levels set are both fair and reasonable. In addition, as indicated in the proposed rule, we are attempting to be as flexible as possible consistent with our goal of obtaining new surveys of practice expense that are scientifically sound and methodologically consistent with

our existing estimates. We indicated that a specialty may include different types of physician practices that exhibit different patterns of practice expenses. We welcome stratified sampling of these different types of practices and, would, as appropriate, apply the precision criteria to subgroups of surveyed practices.

We considered the comment that suggests the AMA Masterfile may not adequately represent radiologists and radiation oncologists that own and operate their own equipment. However, since the AMA Masterfile is the most comprehensive listing of physicians that practice in the United States, we still believe it should be the best source of information for selecting a representative sample of physicians. We do acknowledge that there may be special issues related to diagnostic and radiation oncology services. For instance, radiologists and radiation oncologists that predominantly practice in hospitals may have fundamentally different practice expenses than those providing services in free-standing clinics and private offices where they likely incur far higher costs for staff, supplies, equipment and indirect costs. In addition, office-based radiologists and radiation oncologists may have substantial but irregular expenses associated with medical equipment. That is, they may purchase equipment one year and amortize the costs over several years. It is possible that modification to the survey instrument may be necessary to accurately identify annual equipment costs for some specialties. Further, independent diagnostic testing facilities also bill Medicare for diagnostic services affected by the non-physician work pool calculations. A sample of physicians selected from the AMA Masterfile is unlikely to include independent diagnostic testing facilities. We believe that all of these issues can be addressed in a supplemental survey with stratified sampling, relevant modifications to the survey instrument and augmentation of the AMA Masterfile with a listing of independent diagnostic testing facilities. As we indicated in our supplemental survey interim final rule, we are attempting to be flexible to achieve our goal of incorporating the best possible practice expense survey information into our methodology. We believe all of these issues should be considered carefully. We advise any party interested in conducting a supplemental

survey to consult the Lewin Group and us before proceeding with a survey.

Comment: We also received comments from two organizations representing emergency medicine. The Emergency Department Practice Management Association (EDPMA) is concerned that the requirement that supplemental surveys be based on the SMS survey instrument will preclude us from obtaining data on uncompensated care and emergency physician practice expenses. The EDPMA suggests that we extend the criteria to include data regarding indirect emergency medicine practice expense or uncompensated care cost. The American College of Emergency Physicians (ACEP) stated that we have failed to recognize the legitimate practice costs associated with uncompensated care pursuant to requirements imposed by the Emergency Medical Treatment and Active Labor Act (EMTALA) and that these costs should be recognized by us. Despite our acknowledgement of these costs, the commenter argues that we have not made any movement in making payment for EMTALA's uncompensated care costs.

Response: As we indicated in the November 2, 1998 final rule (63 FR 58821), we made an adjustment in the practice expense per hour for emergency medicine because of our concern that emergency medicine physicians could spend a significantly higher proportion of time than other physicians providing uncompensated care to patients. We are currently using a practice expense per hour of \$33.00 for emergency medicine. If we had not made the adjustment for uncompensated care, the practice expense per hour for emergency medicine would be \$14.90. Our adjustment assumes that 55 percent ($\$14.9 / (1 - 0.55) = \33.00) of emergency physicians' time spent treating patients is uncompensated. This has the effect of raising the practice expense per hour to reflect only the physician's time spent in revenue-generating activities. If emergency physicians believe that they spend more than 55 percent of their time treating patients for which they are not compensated, we would welcome specific data on this subject from a supplemental survey.

Comment: The American College of Cardiology (ACC) and the AMA, who wrote in support of the ACC, indicated they are aware that we would like data on practice expenses that shows the six categories of practice expenses used in the practice expense methodology.

However, the ACC indicated that the AMA no longer collects data in this disaggregated fashion and suggested that this data limitation can be overcome by simply apportioning practice expense reported in the most recent survey to the separate pools based on historical distribution patterns.

Response: We will continue to require disaggregated data from supplemental surveys because apportionment based on historical distribution patterns might not reflect actual or current cost patterns. Further, to accept this data would be inconsistent with our clearly stated rule. In both the original interim final rule published on May 3, 2000 (65 FR 25666) and in the interim final rule published on June 28, 2002 (67 FR 43556), we indicated that “* * * code-level practice expense calculations are the practice expense per physician hour in the six practice expense categories—clinical labor, medical supplies, medical equipment, administrative labor, office overhead and other. Supplemental survey data must include data for these categories.”

Result of Evaluation of Comments

We are retaining the change to the precision and confidence levels for supplemental surveys to reflect a confidence level of 90 percent and a precision level of 0.15, as stated in our interim final rule.

(ii) Submission of Supplemental Surveys—We received surveys from the American Physical Therapy Association (APTA), the American Society of Clinical Oncology (ASCO), the American College of Cardiology (ACC), and the American Academy of Pediatrics (AAP). The National Association of Portable X-Ray Providers (NAPXP) also provided us with cost data for their industry. Our contractor, the Lewin Group, has evaluated the data submitted by each organization and recommends that we use the survey information from APTA. We reviewed and agree with their analysis; therefore, we are using the APTA survey to determine practice expense RVUs for CY 2003 and subsequent years. The data supplied to the Lewin Group reflects a 1999 cost year. As indicated in our June 2002 interim final rule (67 FR 43556), we are deflating the figures by the MEI to reflect a 1995 cost year. The revised practice expense per hour figures that we are using for physical therapy (specialty code 65) and occupational therapy (specialty code 67) are as follows:

TABLE 1

Clinical staff	Admin. staff	Office expense	Supplies	Equipment	Other	Total
10.4	6.5	13.4	2.4	2.2	7.7	42.5

The Lewin Group raised significant concerns about the data received from ASCO. Specifically, the Lewin Group is concerned about extraordinarily high expenses associated with clinical and clerical staff and a more than 300 percent increase in "other" practice expenses compared to the SMS value for oncology. As a result, the Lewin Group carefully examined the underlying data. They report that compensation (including salaries and fringe benefits) would average out to \$71,014 for clinical staff and \$87,253 for clerical staff. They believe it is unlikely that the average annual salary for clerical staff would be higher than for clinical staff. Further, the Lewin Group indicates that the average clerical compensation from the ASCO survey is approximately 400 percent higher than the figure reported by the Bureau of Labor Statistics for "Office Clerks, General." While the Lewin Group indicates that the high payroll expense for clinical staff may be explained, in part, by recent changes in labor markets, we remain concerned that the compensation reported in the survey is far higher than independent information on oncology nursing salaries provided to us by the Oncology Nursing Society. The Lewin Group also indicated that "other professional expenses" increased more than 349 percent from the SMS to the supplemental survey and the contribution of this category to total practice expenses increased from 9.4 percent to 22.3 percent. They believe that such a large increase in practice expense per hour needs further examination. The Lewin Group believes that we should confer with ASCO and request a rationale for the high values found in the survey results or validate the data in some other fashion. Therefore, at this time, we are not using the supplemental survey received from ASCO. However, we would like to further examine the data with the Lewin Group and discuss the survey results with ASCO and will consider using the data in the future if our concerns are addressed.

In the June 2002 proposed rule (67 FR 43850), we discussed an adjustment made to the medical supplies practice expense per hour for oncology. We made this adjustment because of a concern that the inordinately high practice expense per hour includes

expenses associated with separately billable drugs. We expressed an interest in reconsidering the adjustment consistent with a recommendation made by the GAO in their October 2001 report. If we resolve concerns about the oncology survey data, the adjustment for medical supplies will no longer be necessary since the supplemental survey collects information on medical supplies practice expenses net of separately billable drugs.

The Lewin Group indicated that the surveys from the ACC and the AAP do not meet requirements established in regulations for supplemental surveys. As a result, we will not be incorporating data from the ACC or the AAP into the practice expense methodology. We will be making the Lewin Group's full recommendations available on our website. The National Association of Portable X-ray Providers (NAPXP) did not provide us with data as part of the supplemental survey process. However, they requested that we use their data to develop practice expense RVUs for the physician fee schedule services they provide. Since we were provided with survey information, we asked the Lewin Group to evaluate the data using the same standards of review applied to other specialty survey data. The Lewin Group evaluated whether the cost information supplied by NAPXP meets our criteria for acceptance of supplemental surveys. The Lewin Group found that (1) More information is required to determine if the data are broadly representative of the portable x-ray industry and (2) the data as presented are not adequately detailed to support a practice expense per hour based on the current practice expense methodology.

Comment: Health Trac, a supplier of portable x-rays and other imaging services, commented that the practice costs associated with set-up of portable x-ray equipment are not included in the SMS and there are sufficient differences among geographic regions in the performance of this procedure that warrant reclassifying this service as carrier-priced.

Response: At this time, we are not making portable x-ray set-up (Q0092) a carrier-priced service. However, we will continue to work with the suppliers of portable x-ray services to find the best

ways of developing payment rates for these services.

b. CPEP Data

(i) 2001 PEAC/RUC

Recommendations on CPEP inputs

In the November 2001 final rule (66 FR 55256), we responded to the PEAC/RUC recommendations for the refinement to all or part of the CPEP inputs for over 1,100 codes. These included refinements of large numbers of orthopedic, dermatology, pathology, physical medicine, and ophthalmology services. In addition, these recommendations confirmed that there were no inputs for over 150 ZZZ-global procedures that are performed only in a facility and no supply or equipment inputs for almost 700 facility-only services with an XXX or 0-day global period.

We accepted almost all of the recommendations with only minor revisions. We received the following comments on our responses and modifications to the RUC recommendations on the CPEP inputs.

Comment: Specialty societies representing radiology and orthopedic surgery both expressed appreciation about our willingness to work with the RUC and PEAC on practice expense refinement, as well as for our implementation of the refinements already submitted by the PEAC. Both societies agreed with our establishment of revised practice expense values as "interim" until the refinement process is complete.

Response: We are also pleased with the progress of the refinement of the CPEP inputs and thank the PEAC, RUC and all the involved specialty societies for the hard work and dedicated commitment that has led to a successful refinement process.

Comment: A specialty society representing surgeons expressed support for our decisions on CPEP revisions in general and commended our staff for our efforts to develop appropriate and acceptable inputs for a large number of codes. The commenter also agreed with the use of the refined evaluation and management (E/M) inputs to refine post-surgical visits, but recommended that the process should allow for exceptions.

Response: We understand that the PEAC has developed a standard

approach to estimating the clinical staff time involved in post-surgical visits in which the times associated with the assigned E/M visits are applied to the post-surgical clinical staff times. It is also our understanding that, as with all the standards and packages that the PEAC has developed, a specialty would be free to argue that something other than the standard should be applied to a given service.

Comment: One commenter representing family physicians noted that we had accepted most of the practice expense recommendations submitted by the PEAC/RUC and commended us for our willingness to accept these recommendations. The commenter also suggested that the PEAC recommendations for the fine needle aspiration CPT codes 88170 and 88171, which were deleted CPT codes for 2002, should be applied to CPT codes 10021 and 10022 that replace these deleted codes.

Response: We agree with this suggestion. When CPT codes 10021 and 10022 were originally valued by the RUC, the practice expense inputs were crosswalked from the then unrefined inputs for CPT codes 88170 and 88171. Now that these inputs have been refined, it is appropriate for us to crosswalk the inputs for CPT codes 10021 and 10022 from this updated CPEP data.

Comment: A commenter representing dermatologists was pleased with our acceptance of PEAC revisions for the phototherapy codes. However, the commenter expressed concern about the decrease in the practice expense RVUs for the code for the application of an Unna boot, CPT code 29580, and for the cryotherapy code, CPT code 17340 and requested that we explain the decrease. A specialty society representing podiatrists agreed with decision to retain the Unna boot in the list of supplies for CPT code 29580.

Response: Both CPT codes 29580 and 17340 were refined by the PEAC in October 2001 and were included in the PEAC/RUC recommendations for 2002. We accepted these recommendations without change, except that we retained an Unna boot in the supply list for CPT code 29580. The recommendations contained lower direct cost inputs than the original CPEP panel data, which explains the decrease in payment for these services.

Comment: A specialty society representing urologists requested an explanation of why the bougie a boule was deleted from the equipment list for the cystourethroscopy code, CPT code 52281 and requested that it be added as a supply.

Response: Since the inception of resource-based practice expense, the supply list has been used for disposable items and we have only included as equipment those items that are more than \$500. The bougie a boule is not a disposable item, and at a cost of \$105 it does not meet the definition of equipment. These definitions have applied across the spectrum of physician fee schedule services and, therefore, we do not believe that any specialty has been disadvantaged. If we did include a \$100 item in our equipment list with a five-year expected life, it would add only \$0.0004 per minute of use to the input costs of any associated procedure and, thus, would have no effect on the practice expense RVUs for that service.

Comment: Two organizations representing physical and occupational therapists argued strongly that the revisions we made to the PEAC recommendations on the practice expense inputs for the physical medicine and rehabilitation (PM&R) codes were inappropriate. The physical therapy comment commended the specialty societies participating in the PEAC, as well as AMA and our staff, for their time and assistance as the clinical inputs for the therapy codes were developed. However, the commenter also expressed concern that we did not accept the PEAC's recommendations in their entirety despite the fact that we state in the rule that the PEAC refinement process is working. The comment from the occupational therapists shared this concern and both commenters urged us to revisit our decision and accept the PEAC recommendations for the CPT codes in the 97000 series without revisions.

Specifically, both commenters objected to the deletion of the PEAC approved clinical staff time for obtaining vital signs and measurements, patient education and phone calls. One commenter contended that our decision is contrary to the standardized times that we have allowed for physicians' clinical staff and to the survey data presented which demonstrated that clinical staff do perform these services in therapy practices. The other commenter argued that, because we have allowed such clinical staff time for other specialties, our revisions disrupt the resource-based relative value scale on which the physician fee schedule is based. Further, the occupational therapy comment states that the addition of 7 minutes only in the evaluation and reevaluation codes for aide services is insufficient to counteract the deletion of the physical therapy assistant time, and that this has created anomalies in the

practice expense RVUs within the PM&R family of services.

Response: We deleted the times assigned to the physical therapy assistant for taking vital signs, and for phone calls and patient education because we were concerned that there could be an overlap between the work of the physical therapist, which is reflected in the work RVUs, and the work of the assistant, which is considered as practice expense. However, the commenters are correct that we have allowed such tasks to be considered as practice expense for other services, even though there could also be some potential overlap between practitioner and clinical staff work. We still believe that this can be more problematic with therapy services because of the broad range of clinical activities that the physical therapy assistant can share with the therapist, but also believe that this issue might be better addressed as a general issue across all specialties. Therefore, we are revising the clinical staff times for all codes in the CPT 97000 series to reflect the 2001 PEAC recommendations for these services.

Comment: The specialty society representing physical therapy commented that the relatively high practice expense of 0.45 RVUs for CPT code 97530, therapeutic activities, cause a rank order anomaly with other codes in the CPT 97000 series. For example, therapeutic exercise (CPT code 97110) only has a PE value of 0.25. The commenter speculated that this might be due to inclusion of the environmental module in the equipment list for this code.

Response: On analyzing the differences in CPEP inputs between these two codes, it became apparent that the major contributor to the possible anomalous practice expense values lies not with the equipment for CPT code 97530, but with the supplies. For the timed codes that are billed in 15-minute increments, the PEAC recommendations generally assumed that two 15-minute sessions would be performed during one visit. Therefore, for all of these codes, including CPT code 97110, the PEAC recommendations divided the supplies by half because they would not have to be replaced for the second 15-minute session. However, inadvertently, the recommendation for the therapeutic activities code, CPT code 97530, did not make this adjustment, and the full cost of the relatively expensive woodworking kit was assigned to the code. In addition, it seems unlikely that a supply like a \$13 woodworking kit would necessarily be discarded after one visit. Therefore, we are

apportioning the cost of this kit over four sessions, and are assigning one-fourth of a kit to CPT code 97530.

Comment: The comment from the physical therapy specialty society raised the concern that there may be an inadvertent error in the printing of the values of physical therapy and occupational therapy evaluation and reevaluation CPT codes in the final rule. First, the values for the occupational therapy codes are significantly higher than values for the physical therapy codes, which did not change from the 2001 values, despite the refinement of these codes. Second, the practice expense RVUs for the occupational therapy evaluation and re-evaluation codes are the same, which appears inappropriate.

Response: The practice expense RVUs for the occupational therapy evaluation and re-evaluation codes are higher than those for physical therapy because the PEAC recommendations, which were based on the specialty societies' presentation and which we later accepted, assigned higher cost supplies and equipment to the occupational therapy codes than to the physical therapy evaluation and re-evaluation services. In addition, although the occupational therapy evaluation code had higher cost equipment than the re-evaluation code, the opposite was true for supplies. We would certainly consider information that might point to specific problems in any inputs assigned to these codes, but, at this point, have no basis for making any changes in the direct cost inputs.

Comment: A medical electronics manufacturer commented that the practice expense RVUs assigned to short wave diathermy treatment (CPT code 97024) may not take into account all of the resources required to provide the service, because the cost of the equipment alone is not covered by the practice expense reimbursement. The commenter suggested that the cost of the diathermy machine has increased greatly since 1995, when the equipment was last priced, and stated that the current price is between \$18,000 and \$30,000. The commenter urged us to reevaluate and increase the 2002 fee schedule reimbursement to ensure that diathermy continues to be available for beneficiaries.

Response: We accepted the PEAC recommendations for the direct cost inputs for CPT code 97024, except for the deletion of one minute of physical therapy assistant time. The PEAC recommendation was based on a presentation that was made by the physical therapy specialty society. The current CPEP inputs consist of 2

minutes for a physical therapy aide and 3 minutes of physical therapy assistant time and 15 minutes of a low mat table and diathermy machine. There were no supplies assigned because the supplies are included in the procedures that are typically delivered with this modality. We have seen no evidence that would indicate that any of these inputs are incorrect. Therefore, we will make no revisions to the inputs at this time. However, we have two diathermy machines in our CPEP input database. We currently have assigned the machine priced at \$2850 to the diathermy code, but will substitute the higher priced machine, which we have priced at \$3120, until we have more definitive information regarding the typical cost of the equipment. We have a contractor who is currently updating the prices of all the supplies and equipment listed in the CPEP database, and will soon be proposing updated prices for all the CPEP inputs, including the diathermy equipment.

(ii) PEAC/RUC Recommendations on CPEP Inputs for 2003

We have received recommendations from the PEAC on the refinement to the CPEP direct practice expense inputs for over 1200 codes. (A list of these codes can be found in Addendum F.) These include refinements to codes from almost every major specialty. In addition, the PEAC has continued to standardize inputs to streamline the refinement process. Previously, the PEAC created standardized inputs for 90-day global services as well as supply packages for evaluation and management, neurosurgery, gynecology services, ophthalmology and postoperative services. The PEAC has also established standard times for certain clinical staff tasks, such as greeting and gowning the patient, the taking of vital signs and post-service phone calls. These current recommendations include standardized times for office-based clinical staff for services provided during a patient's hospitalization and for discharge day management services, as well as pre-service clinical staff time data for 323 neurosurgery procedures. At an early PEAC meeting a list was drawn up of the codes most in need of refining. Of the 122 codes on this list, only seven have not yet been refined, which is one important measure of the success of the PEAC's efforts.

As stated above, we are very pleased with the progress that the PEAC has made so far and appreciate greatly the contributions that have been made to our refinement effort by the PEAC members, as well as by the staff from the

AMA and the specialty societies. We have reviewed the submitted PEAC recommendations and are also pleased that, because of the expertise gained by the PEAC in evaluating the practice expense inputs, we are able to accept all of the recommendations without any revision. The complete PEAC recommendations and the revised CPEP database can be found on our Web site. (See the **SUPPLEMENTARY INFORMATION** section of this rule for directions on accessing our Web site.)

(iii) Other Comments on the Refinement of the CPEP Inputs

Comment: We received comments from specialty societies representing vascular surgery, radiation oncology, rheumatology, physical therapy and internal medicine agreeing with the update we made to the clinical staff categories and to the revised salary data. Several of these commenters also thanked us for our analysis and use of the additional data that was supplied by the specialty societies.

Response: We appreciate the positive response to our repricing of clinical staff salaries.

Comment: The specialty society representing radiology expressed appreciation for the establishment of new clinical wage rates for CT technologist, MRI technologist, medical physicist, and dosimetrist. However, the comment expressed disagreement with our decision to merge the x-ray technician and radiation technologist staff types under the title of "radiologic technologist," because the education and scope of practice for these staff types are different and merging them will reduce the radiation technologists wage rate. The specialty society also opposed the decision to blend the staff types of RN and sonographers because they are trained to provide different services and are not interchangeable.

Response: The original CPEP data listed both "x-ray technician" and "radiation technologist" and seemingly made no distinction between these two staff types because the same wage rate was assigned to both. We used the Bureau of Labor Statistics' salary data to determine the wage rate for the "radiologic technologist." Therefore, we do not believe that the salary assigned has been reduced in any way. If some of the radiology procedures typically use staff that are paid at a lower rate than the radiologic technologist, this information should be provided by the specialty society when the practice expense inputs for the services are refined. Regarding the second concern, we did not make a decision to blend the staff types, "RN" and "diagnostic

medical sonographer." This blend currently exists in the original CPEP data and has also been contained in several PEAC recommendations. Both staff types are priced separately and we were merely listing what the pricing would be when such a blend was applied to any service.

Comment: Three specialty societies, representing surgeons, thoracic surgeons and ophthalmologists, commented on the issue of our previous exclusion from the CPEP data of all claimed time associated with staff brought to the hospital by the physician. The commenters from the surgical and the thoracic surgery specialty societies claimed that a recent report by the Office of the Inspector General (OIG) confirms that over 70 percent of cardiac surgeons bring staff to the hospital, but that only 19 percent are being reimbursed by the hospital. The commenters further argued that this is an inequitable arrangement that requires corrective action by us. The commenter from the ophthalmology society claimed that ophthalmologists bring their staff to the facility setting 50 percent of the time and some cost for this should be built into their practice expense.

Response: In the November 2, 1999 final rule (64 FR 59399), we adopted a policy to exclude all clinical staff time in the facility setting from the input data used to develop practice expense RVUs. Among other arguments, we indicated that Medicare should not pay twice for the same service. That is, Medicare's payment to the hospital includes payment for clinical staff and we should not also compensate a physician for using their own staff in the hospital. In addition, we argued that we also pay for physician-extender staff used in the facility setting, such as physician assistants and nurse practitioners, through the physician work RVUs, and we pay physician assistants directly when performing as an assistant-at-surgery. In response to this argument, thoracic surgeons contended that hospitals are no longer providing the staff to furnish adequate care. While we did not change our policy, we asked the Office of Inspector General (OIG) to conduct an independent assessment of staffing arrangements between hospitals and thoracic surgeons (see November 1, 2000 final rule 65 FR 65395). In April, 2002 (OEI-09-01-00130, page ii), OIG concluded:

Medicare pays for non-physician staff even though surgeons do not receive additional payment for some of the staff they bring to the hospital. Instead, services of these staff are paid to either physicians through the work relative value units, to the mid-level

practitioners directly, or to the hospital through Part A or the Ambulatory Payment Classification system for outpatient services. Recognizing this, some hospitals and cardiothoracic surgeons have entered into arrangements whereby hospitals provide some compensation to surgeons who bring their own staff.

We believe the OIG report clearly supports our position to exclude the costs of clinical staff brought to the hospital from the practice expense calculations. While it may be common for thoracic surgeons to bring staff to hospitals, the OIG report makes clear that Medicare pays for these costs either directly to physicians or the hospital. Since the OIG report supports our position, we are not making any revisions to our policy to exclude practice expense inputs associated with bringing clinical staff to hospitals.

Comment: One commenter representing an independent diagnostic testing facility commented that a review of the practice expense inputs for the 24-hour cardiac monitoring HCPCS codes G0005, G0006 and G0007 and the corresponding CPT codes 93270, 93271, and 93272 revealed the CPEP input lists contain items that are not needed to perform these services. The commenter suggested the following deletions: G0005 and CPT code 93270 (for the hookup of the equipment)—delete the ECG electrodes, laser paper, king of hearts-20, computer, life receiving center; G0006 and CPT code 93721 (for the monitoring and transmission of data)—delete the razor, gloves, alcohol swab, and tape and exam table; G0007 (interpretation and report)—delete all the supplies (G0007 currently has no equipment and CPT code 93272 currently has no equipment or supplies assigned).

Response: We agree that the changes to the practice expense inputs suggested above divide the inputs more appropriately between the two TC codes and the PC code for this cardiac monitoring service. However, as discussed in section IV, we are deleting the referenced G-codes for CY 2003 and these services will be reported using the CPT codes. On an interim basis, until these codes are refined, we will make the recommended revisions to the CPEP data for the CPT codes for these services. It should be noted, however, that the TC codes are currently in the non-physician work pool and that the CPEP data is not currently used to calculate their practice expense RVUs. In addition, we do not assign direct cost inputs to PC codes. Therefore, these changes will not at this time have any effect on the payment for these codes.

Comment: A specialty society representing radiology commented that the review cycle for pricing "high tech" equipment and supplies may need to be reviewed more frequently than every 5 years and suggested a 3-year cycle.

Response: We plan to propose current pricing for all the supplies and equipment in our CPEP database in next year's proposed rule. We have made no final decision on how often this pricing update should be done and will consult with the medical community on how best to ensure that we have appropriate pricing for all of our direct cost inputs.

(iv) *Proposed Changes from June 28, 2002 Proposed Rule*

(A) *Ophthalmology Services—Rank Order Anomalies*

Based on a request from the American Academy of Ophthalmology we proposed revisions to the CPEP data for five ophthalmology services: For CPT code 67820, *Revise eyelashes*, we proposed to remove ophthene from the supply list. For CPT code 67825, *Revise eyelashes*, we proposed to remove the bipolar handpiece from the supply list. For CPT code 65220, *Removal foreign body from eye*, we proposed using the supply list and clinical staff time assigned to CPT code 65222. The exam lane is the only equipment assigned. For CPT codes 92081 and 92083, *Visual field examination(s)*, we proposed to assign the same supplies and equipment as CPT code 92082 and to assign 35 minutes of clinical staff time to 92081 and 70 minutes to 92083.

Comment and Response: Commenters were supportive of the proposed revision to the CPEP inputs for the ophthalmology codes and we are finalizing the revisions as proposed.

(B) *Practice Expense Inputs for Thermotherapy Procedures*

There are three CPT codes for transurethral destruction of prostate tissue: CPT 53850, *by microwave therapy*, CPT 53852, *by radiofrequency thermotherapy*, and CPT 53853, *by water-induced thermotherapy (WIT)*. Based on concerns expressed by a manufacturer of WIT equipment that practice expense inputs were underestimated for CPT code 53853 relative to the other two codes, we made a comparison and agreed that the WIT procedure had not been assigned many of the basic supply and equipment inputs that were included in the CPEP inputs for the other two procedures. Therefore, we proposed to add, on an interim basis, the following inputs: Power table, ultrasound unit, mayo stand, endoscopy stretcher, light source,

chux, sani-wipe, patient education book, sterile towel, sterile gloves, specimen cup, alcohol swab, gauze, tape, lidocaine, betadine, 10 cc syringe, 30 cc syringe, sterile water, leg bag.

We also proposed to change on an interim basis the staff type for CPT code 53853 from the RN/LPN/MTA blend to RN in order to make the staff type consistent among these three similar procedures. In addition, we corrected, for all three procedures, the minutes assigned to each piece of equipment to reflect the intra- and post-clinical staff times only, rather than the total clinical staff times.

We have also requested that these three procedures be reexamined by the PEAC at the same time in order to ensure that there is a consistent approach to the assignment of direct cost inputs.

Based on questions we received regarding the large disparity in prices used for the three different thermotherapy machines and indications that the prices have decreased dramatically since these were initially priced in 1999, we proposed to set the price for thermotherapy equipment at \$60,000 for CPT code 53850 and \$30,000 for CPT code 53852. We also requested any additional available price documentation that would assist us in ensuring assigned prices accurately reflect actual costs.

Comment: Commenters were generally supportive of the proposed revisions and in agreement that the PEAC should review the CPEP inputs for these procedures. A specialty society representing urology agreed that the best way to handle the CPEP inputs for these services is to have the PEAC review the direct cost inputs for all the heat therapy procedures concurrently and the comment from the RUC stated that it plans to review these codes in time for inclusion in the physician fee schedule for 2004. However, a few commenters also suggested that the review be extended to other codes for treatment for benign prostatic hypertrophy, such as the code for transurethral resection of the prostate, CPT code 52612, and for laser coagulation of the prostate, CPT code 52647.

Response: We agree that it would be advantageous to have the PEAC review the CPEP inputs for all codes pertaining to the treatment of benign prostatic hypertrophy at the same time. This would help ensure that the same standards are applied to developing the direct cost inputs for these codes so that the resulting practice expense RVUs appropriately reflect the relative costs of each service. We will request that the

PEAC include for review all the codes suggested by the commenters.

Comment: One commenter, representing a manufacturer, also indicated that, as part of any review, it is imperative that cost data for all medical devices that fall within the CPT code should be evaluated. The commenter suggested that we work with the specialty groups to obtain pricing information rather than using invoices for pricing. The comment from the specialty society argued that we should maintain all the proposed input changes unless we receive compelling data from urologists or manufacturers that varies from the proposed inputs. Another commenter stated that, while there has been a reduction in the price of the thermotherapy control unit over the past few years, the proposed price of \$60,000 for thermotherapy equipment for CPT code 53850 was not representative. The commenter included an invoice that indicated that the current price is closer to \$80,000, after the application of discounts.

Response: We will finalize the revisions to the CPEP inputs as proposed with the exception of the price for the thermotherapy equipment that we will increase to \$80,000 on an interim basis. As part of the practice expense refinement process we have awarded a contract to update the pricing for both the supplies and equipment represented in the CPEP inputs and we anticipate that the proposed pricing revisions to the inputs will be included in next year's proposed rule. Pricing of the thermotherapy equipment will be included in these proposed changes and we will be seeking input from the specialty society to help us in this endeavor.

(C) Revision to Inputs for Iontophoresis

It had been brought to our attention that the electrodes assigned to the supply list for CPT code 97033, *Iontophoresis*, were not the type required for this procedure. We proposed to substitute two electrodes with a medication vesicle as the appropriate supply for iontophoresis.

(D) Correction to Price for Sterile Water

We proposed to change the price for 1000 ml of sterile water from \$40.00 to \$3.00.

Comments and Responses: No comments were received on our proposals to substitute two electrodes with a medication vesicle as the appropriate supply for iontophoresis or to correct the price of sterile water. Therefore, we are finalizing these as proposed.

b. Non-Physician Work Pool For Practice Expense

Comment: We received a comment objecting to use of the phrase "zero work pool." The comment acknowledges that our preamble refers to "zero physician work pool" but stated that the vernacular used by the agency, Congressional staff and other stakeholders is "zero work pool." While acknowledging that we do not intend to connote a zero value for oncology nurses' contributions, oncology nurses, social workers, radiology technicians and others take offense to the use of "zero work pool" because it suggests that the work done by oncology nurses and other clinical staff is without value. The comment suggested four appropriate alternative titles: Non-physician clinical staff time, Non-physician work components, Non-physician work pool or Non-physician health professional pool.

Response: We did not intend to devalue the contribution of clinical staff involved in providing physician fee schedule services. In fact, we created the special methodology to value services that are provided by clinical staff without a physician because of our concern that these services could be valued inappropriately low under the top down methodology. Nevertheless, it is clear that there are objections to the nomenclature we have used. We appreciate the suggestions for alternative nomenclature and will refer to the special methodology as the "Non-physician work pool."

(i) Discussion of Alternatives to the Non-Physician Work Pool

In our June 2002 proposed rule (67 FR 43850) we summarized alternatives to the non-physician work pool that have been included in reports prepared by our contractor, the Lewin Group. Included in the alternatives were: elimination of the non-physician work pool; development of specialty specific non-physician work pools; making the TC equal to the global less the PC RVUs; and, development of proxy physician work RVUs for physician fee schedule services provided by clinical staff without physicians. While we included a discussion of each alternative and their feasibility, we did not propose eliminating or replacing the non-physician work pool. We indicated that specialties whose services are affected by the non-physician work pool may conduct supplemental practice expense surveys if they believe there are shortcomings in the practice expense per hour information that we use as part of the basic methodology. We referenced

the interim final rule also published June 28, 2002 in the **Federal Register**. The interim final rule modified the criteria for acceptance of supplemental data. (See section II.A.3.(a) of this rule for a summary of the interim final rule, the public comments, and our responses.) We also noted that while the non-physician work pool is of benefit to many of the services that were originally included, we have allowed specialties to request that their services be removed.

As part of our analysis of alternatives to the non-physician work pool, we proposed a change in the computation of practice expense RVUs for some PC and TC services. Since it is far more common to receive a global bill than a TC only bill, we believe that using the global to value the TC service will result in a payment that is more typical of the relative actual practice expense associated with the service. Therefore, we proposed to make the TC value equal the difference between the global and the PC for procedure codes that are not included in the non-physician work pool. That is, we used the practice expense value produced by the methodology for the global and subtracted the PC to derive the TC practice expense RVU. As a result of concerns that we had about the impact of this change on services that are affected by the non-physician work pool calculations, we proposed continuing to make the global value equal to the sum of the professional and the TC values for non-physician work pool services.

Comment: One commenter, representing oncologists, argued that the "normal top-down methodology discriminates against [non-physician work pool] services * * * by assuming, without any basis, that indirect costs are lower than comparable services that do involve physician work." The commenter stated that both the GAO and Lewin reports provide support for the conclusion that the indirect cost allocation is biased against non-physician work services. According to the commenter, our assertion that "the indirect cost allocation must be correct because not all of the services without a physician work component are disadvantaged by its use is not a sound basis for maintaining the current methodology." The commenter argues that estimates of practice expense per hour and physician time may be overstated for some non-physician work services resulting in an advantage outside of the non-physician work pool. Furthermore, the comment argues that an increase in payment resulting from services being "withdrawn from the [non-physician work pool] does not demonstrate that the normal top-down

methodology results in an appropriate payment amount for services that do not have physician work components." The commenter also objected to our rejection of the Lewin Group's idea to develop specialty-specific non-physician work pools on the basis that a single methodology must apply to all services. According to the commenter, our refusal would only be appropriate if the methodology was not biased against non-physician work pool services. Another comment suggested that we allocated indirect costs by deeming direct costs as 33.2 percent of total costs. Indirect costs would then be added to direct costs to determine a total practice expense RVU.

Response: We do not believe the practice expense methodology is biased against non-physician work services. The methodology allocates indirect costs based on physician work and direct costs. While the comment suggests the use of physician work in the indirect cost allocation is biased against services that do not have physician work, it ignores that direct costs are also used. Most services that do not have physician work have significant direct expenses. Thus, any bias against non-physician work services in the indirect cost allocation is offset by the use of direct costs. Similarly, the use of physician work in the indirect cost allocation will offset any bias against services predominantly performed in facilities where the physician will have few, if any, direct costs associated with the services. For example, surgical services furnished in a hospital have few direct expenses, thus the allocation of indirect expenses according to both work and direct expenses helps offset any bias against surgical services.

We also disagree with the comment that suggests "deeming" direct costs to be 33.2 percent of total costs for purposes of developing practice expense RVUs. The proportion of costs attributable to direct and indirect costs will be different for each service. Such a proposal would be inherently unfair to services that have few direct costs (and impossible to use for services that have no direct costs) and would create a significant bias in favor of services that have high direct expenses.

We further examined the assertion in the comment and in the Lewin Group and GAO reports that the indirect cost allocation is a possible explanation for the adverse payment impact that would occur under the top-down methodology for some non-physician work pool services. It is important to distinguish between the different types of services that are affected by the non-physician

work pool calculations. Professional/TC services are the largest category of services included in the non-physician work pool. While many professional/TC services were not adversely affected by the adoption of the top-down methodology, the ones remaining in the pool are the services that would be most adversely affected by its elimination. Some "incident to" services are also included in the non-physician work pool. Elimination of the non-physician work pool may cause payments for these services to go up or down depending on the specialty that provides them.

Based on 2000 utilization data, the specialties with the largest amount of Medicare allowed charges affected by the non-physician work pool calculations are: radiology (\$2.8 billion), cardiology (\$2.1 billion), internal medicine (\$568 million), radiation oncology (\$465 million), multi-specialty clinics (\$313 million), independent diagnostic testing facilities (\$309 million) and oncology (\$226 million). Radiology receives 87 percent of its Medicare revenues from services that are affected by the non-physician work pool calculations. The figures are 47 percent for cardiology, 9 percent for internal medicine, 65 percent for radiation oncology, 17 percent for multi-specialty clinics, 86 percent for independent diagnostic testing facilities and 26 percent for oncology. There are other smaller specialties that also receive a significant proportion of their revenues from services in the non-physician work pool (portable x-ray suppliers, 100 percent, interventional radiology, 63 percent, allergy/immunology 35 percent). The specialties that receive the highest proportion of their revenues from professional/TC services remaining in the non-physician work pool would be most adversely affected by its elimination (independent diagnostic testing facilities, portable x-ray suppliers, radiology, radiation oncology and interventional radiology). Cardiology also receives substantial Medicare revenues from professional/TC services remaining in the non-physician work pool but would be less adversely affected by its elimination. Allergy/immunology receives substantial revenues from "incident to" services in the non-physician work pool and would experience a more modest decline in payment under the top-down methodology. Payments to oncology for "incident to" services would increase if the non-physician work pool were eliminated.

Radiology, radiation oncology and certain other diagnostic services with professional and technical components

are likely to be the services most adversely affected by elimination of the non-physician work pool. We do not believe the allocation of either direct or indirect costs explains the effect of the top-down methodology on these services. We examined this issue further by modifying the indirect cost allocation using an idea suggested by the Lewin Group that would retain work and direct expenses to allocate indirect costs but create proxy physician work values for services that do not have physician work (the Lewin Group, pages 22–23). As indicated earlier, we proposed to modify the practice expense methodology to calculate the TC practice expense RVU as the difference between the global and the PC RVU for services unaffected by the non-physician work pool. To analyze the Lewin idea, we followed this same approach for all services. However, we further modified the methodology to use proxy work RVUs for the TC (or non-physician work portion) of the global service for the allocation of indirect costs. (We did this for TC services as well, but it makes no difference whether a proxy physician work RVU is used for the indirect cost allocation since the RVU produced by the practice expense methodology for the TC is not used). By developing a proxy work RVU for the global, in effect, we imputed physician work RVUs for the technical portion of the global service and added it to the existing work RVUs for the physician interpretation. If such an approach were adopted, the indirect cost allocation would favor the global service at the expense of professional component. That is, the practice expense RVUs would increase for the global and decrease for the PC but the overall impact for the specialty would be about the same. Modifying the indirect cost allocation in this way would not offset large decreases in payment for radiology, radiation oncology and other specialties most adversely affected by elimination of the non-physician work pool. In fact, such a methodological change would not even raise payments to these specialties.

As we indicated in the June 2002 proposed rule, we believe a relatively low practice expense per hour, and not the indirect cost allocation, explains the adverse impact on diagnostic services that would occur from eliminating the non-physician work pool. We encourage radiology, radiology oncology and other diagnostic service providers affected by the non-physician work pool to undertake a survey of the practice expenses. Since practice expense

methodology uses a weighted average of the practice expenses of the specialties that bill Medicare, we believe there are significant advantages to the survey being undertaken with collaboration among the different providers of diagnostic services. As indicated earlier, we advise any party interested in conducting a supplemental survey to consult the Lewin Group and us before proceeding.

Comment: Most comments we received supported making the TC practice expense RVUs equal to the difference between the global and PC practice expense RVUs. We received a number of comments from pathologists and organizations representing independent laboratories, pathologists, dermatologists, and others expressing concern about the effect of the proposal on payment for pathology services. Some of the commenters indicated that we did not provide an explanation of the necessity for the change or indicate why a simple arithmetic change should result in such a large difference in the proposed fee for TC services. Several of these commenters stated that practice expenses for physician pathology services are increasing, not decreasing. According to some of these commenters, it is inequitable to apply the methodology to certain specialties or groups of services that would experience significant reductions while sparing other specialties or services that would experience reductions under the same change. There were also comments indicating that the reduction in payment for pathology services was related to the mix of specialties that bill for global services; specifically, there is concern that independent laboratories bill for a higher proportion of global than TC services. The commenters noted that we do not have a practice expense per hour for independent laboratories and use a crosswalk practice expense per hour from “all physicians.” While this comment acknowledges our need to use a crosswalk when we do not have a practice expense per hour, the comment indicated that there is no reason to conclude that independent laboratories that provide pathology services have practice expenses per hour similar to the all physician average. The comments expressing concern about the impact of the proposal on pathology services requested a one-year moratorium on its implementation to allow for a survey of independent laboratory practice expenses under the supplemental survey process. There were a number of comments indicating that organizations representing

pathologists would undertake a survey of practice expenses for independent laboratories that could be used to develop 2004 physician fee schedule rates.

Response: We agree with the comments that suggest a one-year moratorium on implementation of the proposed change for pathology services paid under the physician fee schedule. Based on a consultation with the College of American Pathologists, we will continue to determine the global practice expense RVUs as the sum of the professional plus TC for all of the global codes in the CPT 80000 series that are paid using the physician fee schedule, as well as the following HCPCS and CPT codes:

TABLE 2

CPT/ HCPCS	Description
G0141 ...	Screening c/v, autosys, interp
P3001	Screening c/v, interp
10021	FNA w/o image
10022	FNA w/image
36430	Blood transfusion service
36440	Blood transfusion service
36450	Blood transfusion service
36455	Exchange transfusion service
36460	Transfusion service, fetal
36520	Plasma and/or cell exchange
38220	Bone marrow aspiration
38221	Bone marrow biopsy
38230	Bone marrow collection
38231	Stem cell collection

CPT codes and descriptions only are copyright 2002 American Medical Association.

As we indicate in the background part of this preamble, the practice expense methodology essentially takes a weighted average of different specialty practice expenses to determine a practice expense RVU. The methodology will independently produce a value for the global, professional and technical components. For instance, CPT code 88305 (Tissue exam by pathologist) is a commonly provided pathology service. The methodology produces a value of 1.60 for the global, 0.34 for the PC and 1.39 for the technical component. The sum of the professional and TC RVUs (0.34 + 1.39 = 1.73) is not equal to the global RVU (1.60). The values are not equal because the mix of specialties that provide the global and the TC are different and each specialty has a different practice expense per hour. The specialties that bill CPT code 88305 to Medicare for the global service most frequently have the following practice expense per hour:

TABLE 3

Specialty	Practice expense per hour	Percent of total volume
Independent Lab	\$69.00	56
Pathology	66.30	29
Dermatology	119.40	13

The specialties that bill Medicare most frequently for the TC are:

TABLE 4

Specialty	Practice expense per hour	Percent of total volume
Independent Lab	\$69.00	47
Dermatology	119.40	33
Pathology	66.30	16

As shown in the tables above, dermatology has a very high practice expense per hour relative to independent laboratories and pathology. However, dermatologists bill Medicare for a smaller portion of the global services. As a result, dermatology contributes less weight to the global value than the TC value. Our practice has been to make the global RVUs equal the sum of the PC and TC values. If the methodology results in PC and TC values that do not sum to the global value, we must change either the global or TC value. To date, we have used the PC (0.34) and the TC value (1.39) to determine the global value (1.74). However, in the proposed rule, we used the global value (1.60) minus the PC (0.34) to obtain the TC (1.26). Using the TC to value the global component for this code (88305) produces a higher RVU for both the technical and the global components than using the global component to value the TC.

As we have previously indicated, it is far more common for Medicare to receive a global than technical-component-only bill. For this reason, we believe it is valid to rely on the global to produce a value for the technical rather than use the technical to value the global. Nevertheless, since independent laboratories predominantly bill the global for pathology services and we are using a crosswalk for the practice expense per hour, we believe it makes sense to allow for a one-year moratorium on implementation of this provision for pathology services to allow for use of a supplemental survey that provides us with specific data on practice expenses for independent laboratories.

Final Decision: We are not adopting the proposed change for pathology

services paid using the physician fee schedule at this time. For all professional/TC services not included in the non-physician work pool, excluding pathology services, we will make the TC value equal the difference between the global and the professional component. We will continue with the current practice for pathology services and non-physician work pool services and sum the professional and TC values to determine the global.

(ii) Other Proposals for Changes to the Non-Physician Work Pool

(A) Change to Staff Time Used To Create the Pool

In the November 2, 1998 final rule (63 FR 58841), we indicated that average clinical staff time was used in the creation of the non-physician work pool. Since the cost pools are created using physician time and, by definition, services provided by clinical staff have no physician time, we need staff time to create the non-physician cost pool. If our database indicates that multiple staff types are typically involved in the service, we have used an average of the different clinical staff times. We proposed to create the non-physician cost pool using the highest staff time in place of average staff time.

Comment: We received many comments that supported using the highest staff time to create the non-physician work pool. Some comments suggested that we should consider using “total” staff time especially if we will use the clinical staff times being provided by the Practice Expense Advisory Committee (PEAC). The comment indicates that the PEAC has been particularly careful to avoid duplications of time. If the PEAC has limited or eliminates concurrent staff time, the comment suggests that “total”

rather “maximum” staff time should be used to determine the non-physician work pool. A number of comments expressed concern about PEAC refinements of clinical staff times associated with codes included in the non-physician work pool. These comments requested that we not incorporate any PEAC revised clinical staff times for non-physician work services until there has been an opportunity for public notice and comment. There were two comments objecting to this proposal. One comment indicated that the maximum staff time is not the “typical” time associated with provision of the service and urged us not to implement the proposal. We received another comment that noted that physician times used to establish practice expense cost pools for physician work services use average or median times from RUC or Harvard surveys. The comment indicates that the proposal to use maximum staff time represents a step away from the stated goal of developing a consistent method for all services. According to this commenter, the proposal will penalize specialties that do not perform a large volume of services in the non-physician work pool.

Response: We disagree with the comment that suggests we are not using a time that is typical of the service and the one that implies our staff time proposal is inconsistent with how we determine physician time. For a physician’s service, we develop time based on surveys. While the comment is correct that we generally use average or median time estimates from surveys to determine the typical time, the time reflects the service of a single physician.

For non-physician work pool services, we are also using estimated average staff times to represent the typical service. However, multiple clinical staff are frequently involved in performing non-physician work pool services. The staff may be working concurrently, consecutively or overlapping time. Given the special circumstances associated with non-physician work pool services that do not apply to physicians' services, it was necessary for us to select among multiple time estimates to develop the pool. We are currently using an average of the estimated staff times but proposed to use the maximum. Once we address issues related to the non-physician work pool, this will no longer be an issue since we will use a single methodology for all physician fee schedule services and staff time will not be used to create cost pools.

In response to the comment that refined clinical staff times not be used at this time for non-physician work pool services, we agree that there are special circumstances that apply to these services. Because the clinical staff times are used to create the pool and can result in RVU changes across all services, even those where no refinements have been made, we are not using the revised clinical staff time to create the non-physician work pool at this time. However, as indicated above, this will no longer be an issue once we address other issues related to the non-physician work pool.

(B). Removal of Non-Invasive Vascular Diagnostic Study Codes From the Non-Physician Work Pool

We proposed to remove the non-invasive vascular diagnostic study codes (CPT codes 93875–93990) from the non-physician work pool based on a request from the American Association for Vascular Surgery (AAVS) and the Society for Vascular Surgery (SVS).

Comment: We received support from vascular surgeons and others for removing the non-invasive vascular diagnostic studies from the non-physician work pool. These comments requested that AAVS/SVS should be able to modify the request if CMS does not finalize its proposal to calculate the TC practice expense RVU as the difference between the global and professional components. We also received a number of comments requesting that we remove other codes from the non-physician work pool. The Society of Vascular Technology and Society of Diagnostic Medical Sonography) requested that we remove 26 ultrasound codes in the CPT code range 76506 through 76977. The

American Society of Neuroimaging also requested that some of these codes be removed. The American Urological Association (AUA) also requested that we remove CPT codes 76857, 76872, 76942 and 96400 from the non-physician work pool. While there were no objections to removing the non-invasive vascular diagnostic study codes, we received many comments that suggested limiting the financial impact that removing codes from the non-physician work pool have on the remaining codes. In particular, many of these commenters expressed concern about the impact of removing chemotherapy administration codes from the non-physician work pool. Some comments provided suggestions for modifications to the non-physician work pool (for example, using a different practice expense per hour) that could be used if adverse impacts result from codes being removed. One commenter suggested that we maintain the existing RVUs and provide a downward adjustment to the CF to ensure no increase in aggregate payment results from removing chemotherapy administration services from the non-physician work pool.

Response: At this time, we have not received any requests to remove chemotherapy administration from the non-physician work pool. Nevertheless, if there are sound suggestions that could be adopted consistent with changes in the composition of the non-physician work pool that will improve the practice expense methodology, we may consider adopting them in the future. Of course, as stated elsewhere, our goal is to eliminate the non-physician work pool and apply a single methodology to all physician fee schedule services so further adjustments will be unnecessary. We expect this to be a top priority in CY 2003 for determining CY 2004 physician fee schedule rates.

We have reviewed the comments to remove specific services from the non-physician work pool. While our general policy has been that “families” of procedure codes should be removed from the non-physician work pool (see the July 22, 1999 proposed rule (64 FR 39620)), we will allow individual codes to be removed if the requesting specialty predominantly performs the requested code and other specialties predominantly perform the other codes in the family. We have reviewed 2001 utilization for the codes requested by the AUA. Since urologists predominantly perform the requested codes and other codes in the family are predominantly performed by other specialties, we are removing the following codes from the non-physician

work pool: CPT codes 76857, 76872, 76942 and 96400. We are not removing other codes requested in the comments because they are predominantly performed by radiology, neurology or obstetrics-gynecology and the specialty societies representing these physicians have not requested that the codes be removed from the non-physician work pool.

Comment: The American College of Rheumatology (ACR) acknowledged that the current average wholesale price (AWP) methodology provides for a “healthy margin overall” in the provision of these services [infusion agents and infusion therapy] through “cross-subsidization.” However, they indicated that payments for infusion therapy services are “woefully insufficient.” The comments from ACR and many rheumatologists expressed concern about reductions in payment for infusion agents in combination with maintaining the current payment amounts for infusion therapy (CPT codes 90780 and 90781). The comments indicated that a reduction in payment for infusion agents without an increase in the payment for infusion therapy services will likely result in Medicare beneficiaries being unable to receive infusion services in physicians' offices. One commenter from a society representing gastroenterologists indicated that we should consider increasing the payment for non-chemotherapy infusion services. Other comments suggested that we should use the rulemaking process to establish HCPCS G codes to increase payment for non-chemotherapy drug administration to a more appropriate level.

Response: We currently determine the practice expense RVUs for CPT codes 90780 and 90781 using the non-physician work pool methodology. One commenter suggested establishing a G code for non-chemotherapy infusion services. While this option would allow infusion therapy to be valued outside of the non-physician work pool, we want to avoid establishment of G codes for services that are already described by existing CPT codes. Another option for addressing these comments would be to remove infusion therapy from the non-physician work pool and allow for resource-based pricing under the top-down methodology. However, oncologists predominantly perform these services and have not requested removing the codes from the non-physician work pool. We are reluctant to remove infusion therapy services from the non-physician work pool without a request from the specialty that predominates the data. As we previously noted, oncologists provided

us with a supplemental practice expense survey. At this time, we are not incorporating the survey into the practice expense methodology because of concerns raised by our contractor, the Lewin Group, about the validity of some of the data. However, we hope to work with the Lewin Group and ASCO to either get an explanation of the survey results or use alternative data to validate the results. As we work to resolve issues related to the ASCO survey, we will consider removing the infusion therapy codes from the non-physician work pool.

In the interim, we note that Medicare pays for drugs based on 95 percent of AWP. This system has been widely criticized for paying physicians for drugs at far higher rates than prices paid to obtain them. Oncologists receive more than 70 percent of their Medicare revenues from drugs. While we would prefer a statutory change to address Medicare's drug pricing methodology, we are contemplating administrative actions that may be taken under current law to address this issue. As we consider options for changing Medicare's drug payment methodology, we will continue examining the ASCO survey to determine whether the data can be used to calculate the practice expense per hour for oncology.

(C) Removal of Immunization CPT Codes 90471 and 90472 From the Non-Physician Work Pool

We proposed to remove immunization administration services from the non-physician work pool. We indicated this change would nearly double payment for CPT code 90471 and slightly reduce payment for CPT code 90472. Procedure CPT code 90471 is used for immunization administration of one vaccine and CPT code 90472 is used for the administration of each additional vaccine. Since CPT code 90472 must be billed in conjunction with CPT code 90471, the total payment for these procedures would increase when billed together.

We also explained that we have not assigned immunization administration physician work RVUs because this service does not typically involve a physician. The nurse that administers the vaccine typically provides the necessary counseling to the patient and this time is accounted for in the practice expense RVU.

In addition, we noted that not all services represented by CPT codes 90471 and 90472 are covered by Medicare. For example, medically necessary administrations of tetanus toxoid (such as following a severe injury) would be covered whereas

preventive administration of this vaccine would not be covered. We also indicated we would consider whether coding changes might be appropriate to reflect the differences in counseling of the patient and/or family for childhood immunizations.

Comment: Commenters supported our proposal to remove CPT codes 90471 and 90472 from the non-physician work pool. However, commenters indicated elderly patients are at higher risk to acquire pathogens and viruses and are in greater need of vaccinations. Medicare must recognize that as part of their practice of medicine, physicians take the time and responsibility to explain to their patients the benefits of vaccination and the potential side effects. Physicians question the patient about previous reactions to the vaccine and provide information material. These comments indicated that we should assign work RVUs of 0.17 for the administration of vaccines as recommended by the RUC.

Response: The RUC has recommended that we both establish a work RVU for CPT code 90471 and include 13 minutes of clinical staff time to value the practice expense RVU. Further, our understanding from the RUC is that these immunization services are also provided in conjunction with a separately billable visit. We believe the clinical staff time for these services is intended to account for patient counseling and some of the activities described in the comment. Other activities attributed to the physicians are likely being provided as part of a separately billable office visit. For these reasons, we continue to believe that these codes should not be assigned physician work RVUs.

Comment: Several commenters expressed concern that we did not propose any change in the payment rate for the administration of influenza (G0008), pneumonia (G0009), and hepatitis B (G0010) vaccines. The commenters are concerned that we continue to link payment for the administration of Medicare covered vaccines to a therapeutic injection CPT code (90782) that pays at half of the proposed rate for CPT code 90471. Other commenters recommended that Medicare use the CPT codes 90471 and 90472 in place of the Medicare-only alphanumeric codes (G0008, G0009, G0010). These comments indicated that if we are to retain the G codes, we should publish RVUs for them that match CPT code 90471.

Response: We considered the comment to eliminate use of the G codes and allow use of the CPT codes for the administration of Medicare covered

vaccines. However, we have decided that we will maintain these G codes at this time. It is important that we be able to closely monitor patient access to these important preventive services. However, since CPT has established similar codes for immunization administration that can be covered by Medicare, we will consider this issue further in 2003.

With respect to payment, we agree with the commenters. Rather than link payment for procedure codes G0008, G0009, and G0010 to a service paid under the physician fee schedule, we will develop practice expense RVUs for these codes. Using the top-down methodology to develop practice expense RVUs will nearly double payment for these codes and make Medicare's payment for vaccine administration using the G codes more consistent with the rates paid for the CPT codes. Since the statute does not include the administration of pneumonia, influenza, and hepatitis B vaccines within the definition of physicians' services in section 1848(j) of the Act, the increased payment for these services will not result in reductions to the practice expense RVUs associated with physician fee schedule services. That is, there is no budget-neutrality adjustment to be made for revisions in payments for the administration of pneumonia, influenza, and hepatitis B vaccines.

Comment: One commenter indicated that Medicare does not pay for the administration of influenza and pneumonia vaccines provided on the same day as another physician's service.

Response: The commenter is incorrect. Medicare will pay separately for the administration of these vaccines and other physicians' services on the same day.

(D) Utilization Data

Medicare utilization is an important data source used in determining the practice expense RVUs. Our current policy has been to use the latest utilization data to develop each successive year's fully implemented practice expense RVUs during each year of the transition. While substituting the latest year's utilization data into the practice expense methodology generally made little difference on total Medicare payments per specialty, there has been a larger impact on services affected by the non-physician work pool. Based on suggestions made by specialty organizations, we proposed to use the CYs 1997 through 2000 utilization data to develop the CY 2003 practice expense RVUs and not to update further the utilization data in this year's final rule

to incorporate the CY 2001 utilization data. Further, we proposed to continue using the CYs 1997 through 2000 utilization data in the practice expense methodology until we undertake the 5-year review of practice expense RVUs.

Comment: We received comments both supporting and opposing use of multi-year utilization data in the practice expense methodology. The comments that "applauded CMS's efforts to ensure the stability" of the practice expense RVUs largely came from organizations affected by the non-physician work pool methodology. We also received support from specialties that are largely unaffected by the proposal because of its potential to provide more year-to-year stability in the practice expense RVUs. Other commenters indicated that use of new utilization data with a different "mix" of services produces unpredictable changes in RVUs even though resource costs have not changed. There were comments that indicated use of multi-year utilization data will restore the unanticipated and extraordinary reductions experienced by diagnostic imaging centers in CY 2002. These commenters urged that we adopt our proposal in the final rule. One comment stated that "utilization data adjustments should not change annually until the [non-physician work pool] is eliminated and/or CMS undertakes the 5-year review of practice expense RVUs."

One commenter stated that it is unclear whether the multi-year utilization will be used to develop practice expense RVUs for all services or only those in the non-physician work pool. Another commenter stated it is difficult to assess the impact of the proposal and urged the agency "not to make such a change, at least until it has conducted extensive impact comparisons" that can be evaluated by physicians and other stakeholders. Other commenters suggested that we should not update the practice expense methodology with new utilization data without giving an opportunity for public notice and comment. A number of commenters argued that application of a 10-percent payment reduction in CY 1998 and the per beneficiary per facility payment cap of \$1500 cap in CY 1999 (in settings other than outpatient hospital departments) make utilization data unreliable for therapy services during the CYs 1997 through 2000 period. Commenters also noted that outpatient physical and occupational therapy services provided in facility settings were paid under cost-based reimbursement before CY 1999. The commenters questioned the accuracy of the utilization data for Part B therapy

services from CYs 1997 through 2000 and suggested that the utilization data during this period would be biased by the implementation of policy changes. One commenter recommended that we use the most current available data as the base for examining therapy utilization and should commit to an annual review of the data until it can be established that a longer time horizon accurately reflects utilization. Other comments requested clarification of how we use data from this period for physical and occupational therapy.

Response: With respect to therapy services, we do not use claims of institutional providers (rehabilitation agencies and comprehensive outpatient rehabilitation facilities) in developing payment rates for therapy services paid using the physician fee schedule. We only use the claims for therapy services from physical and occupational therapists in private practice. The proposal was intended to apply to all physician fee schedule services, not just those in the non-physician work pool. We are finalizing our proposal to use the CYs 1997 through 2000 utilization data to develop the practice expense RVUs for all services. However, we believe the comments raise important issues about policy changes that were occurring from CYs 1997 through 2000 that could lead to changes in utilization patterns during this time. We may analyze this issue further. In the interim, we welcome public comment about using the latest utilization data in the practice expense methodology.

(E) Site of Service

As part of our resource-based practice expense methodology, we make a distinction between the practice expense RVUs for the non-facility and the facility setting. This distinction is needed because of the higher resource costs to the physician in the non-facility setting where the practitioner typically bears the cost of the resources associated with the service. In addition, the distinction ensures that we do not make a duplicate payment for any of the practice expenses incurred in performing a service for a Medicare beneficiary. Currently, we have designated only hospitals, skilled nursing facilities (SNFs), and community mental health centers (CMHCs) as facilities for purposes of calculating practice expense. An ambulatory surgical center (ASC) is designated as a facility if it is the place of service for a procedure on the ASC list. All other places of service are currently considered non-facility.

We proposed site-of-service designations for several new places of

service as well as revisions to the site-of-service designation for several existing places of service. We proposed to assign a facility site-of-service when a facility or other payment will be made, in addition to the physician fee schedule payment to the practitioner, to reflect the practice expenses incurred in providing a service to a Medicare patient. We proposed to designate all other places of service as non-facilities.

The following lists the place of service numerical code, the place of service and the proposed site of service designations:

- 04 Homeless Shelter—Non-facility
- 15 Mobile Unit—Non-facility, however, if a mobile unit provides a service to a facility patient, the appropriate place-of-service code for the facility should be used.)
- 20 Urgent Care Facility—Non-facility
- 26 Military Treatment Facility—Facility
- 41 Ambulance-Land—Facility
- 42 Ambulance Air or Water—Facility
- 52 Psychiatric Facility Partial Hospitalization—Facility
- 56 Psychiatric Residential Treatment Facility—Facility (NOTE: the chart included in the June 28, 2002 proposed rule at 67 FR 43854 incorrectly listed this as "NF"—nonfacility)

We would also clarify two items in the chart published at 67 FR 43854:

- 61 Comprehensive Inpatient Rehabilitation Facility was listed as a non-facility. This is currently considered a facility setting and we did not propose changing this designation. The reference to non-facility was in error.

We also made reference to four place of service codes for Indian Health Service and Tribal 638 facilities and clinics. We were considering these place of service codes to implement section 432 of the BIPA that authorizes physician fee schedule payments to Indian Health Service and Tribal 638 facilities and clinics. At this time, we do not believe these place of service codes will be needed for implementation of these provisions and do not expect them to be in use. We are implementing section 432 of BIPA by using specialty codes, not place of service codes to identify HIS providers.

Comment: One organization expressed appreciation for our efforts to update the list and had no comments. Others commented requesting clarification of site-of-service designations for the provision of Part B therapy services in nursing facilities. One commenter expressed particular concern about the use of place of service

code 32 (Nursing facility) in conjunction with outpatient therapy services in nursing facilities. This commenter suggested we reiterate in the final rule the current policy that fee schedule payments for Part B therapy services delivered in a nursing home are classified as "non-facility." They also suggested we redefine "site-of-service" for physicians services to non-Part A patients in nursing centers as "non-facility," thereby applying the higher PERVUs to those services. We received one comment from a carrier medical director that indicated that physician practice costs for treating patients in skilled nursing facilities (POS 31) and nursing facilities (POS 32) are the same and that both should be designated as either facility or non-facility. This comment also suggested deleting the POS 32 designation (NH), or changing its meaning to a "SNF or NF stay not covered by Medicare." A physician who practices in nursing facilities also argued that our current policy makes no sense because physician practice costs are the same regardless of whether Medicare makes a payment to the SNF for institutional services. This physician would like us to pay at the higher non-facility rate for physicians' services in both entities, but acknowledged that using the lower facility rate would be more consistent with the practice expense methodology.

Response: We regret any ambiguity or concern that we may have created in our proposed rule. In general, for purposes of the physician fee schedule, we will consider a site to be a facility if the site also receives a Medicare payment for institutional services (that is, a payment under the inpatient prospective payment system (PPS), outpatient PPS, and SNF PPS). Thus, since there is a payment for institutional services to a hospital when a beneficiary receives care in an inpatient or outpatient setting, we consider the site to be a facility site and make a payment under the physician fee schedule using the facility rate. For entities other than those that receive a payment for institutional services, we consider the site a non-facility site and pay under the physician fee schedule using the higher non-facility rate. However, there are special provisions with respect to outpatient physical and occupational therapy services. These services are paid under the physician fee schedule even when provided in institutional sites like skilled nursing facilities. For this reason, for these services we calculate only a non-facility rate. Since there is no facility payment under Medicare, we

use a non-facility rate to determine payment.

Place of service code 32—Nursing facility—was designated as non-facility in our June 2002 proposed rule. Place of service code 31—Skilled nursing facility—is designated as facility. We have instructed physicians to use place of service code 31 for patients who are in an inpatient stay in a skilled nursing facility. Since Medicare is making a payment for institutional services that includes compensation for staff, supplies, and equipment, we are paying physicians using the lower facility rate when place of service code 31 is used. If the patient exhausts eligibility for SNF benefits and Medicare is no longer making payment to the SNF for institutional services, we have instructed physicians to use place of service code 32—Nursing facility, to allow Medicare to provide compensation to the physician for the costs of staff, supplies and equipment that would otherwise not be included in our payment. However, since it may be burdensome to the physician to determine when a patient is entitled to SNF Part A benefits, we always allow the physician to use place of service 31 and receive the lower facility payment for physicians' services.

While we acknowledge the arguments of those who have written and contacted us both prior to and as part of the rulemaking process, we are reluctant to make any further changes in our policy at this time. We believe existing policy is equitable in that it does not overly burden physicians to have to determine whether a patient is in a Part A SNF inpatient stay. Physicians can always bill using place of service code 31 and be paid at the facility rate. Further, we allow use of place of service code 32 and our payment will be at the higher non-facility rate that includes compensation for staff, equipment, and supplies that would not otherwise be paid since there is no payment for the institutional services. In response to the request that we change the nomenclature describing place of service code 32, we will consider this further as updates are made to place of service coding. However, we note that Medicaid uses the place of service codes as well and the needs of this program will also need to be considered.

Comment: One commenter suggested the descriptor for place of service code 23, "emergency room-hospital," should be changed to "emergency department."

Response: We will consider this comment when further updates are made to place of service codes.

Comment: One commenter expressed concern about the proposed designation

change of site of service from non-facility to facility for both psychiatric facility partial hospitalization and psychiatric residential treatment facility. The commenter felt this would negatively impact physician reimbursement and could provide disincentive for psychiatrists to treat patients in these settings.

Response: By developing practice expense RVUs that differ by site, we intend to reflect the relativity of resource costs incurred by physicians between sites. Our policies are not intended to provide financial incentives for a physician to select one site over another. Physicians should make these decisions based on the clinical needs of the patient. We believe that both psychiatric residential treatment facilities and psychiatric partial hospitalization programs are institutional sites that provide staff, equipment and supplies used in providing medical services and physicians will not incur these resource costs when providing services in these settings.

(F). Other Practice Expense Issues

(1) Budget Neutrality

We received several comments suggesting that budget neutrality for changes in practice expense RVUs be applied to the physician fee schedule conversion factor. The comments indicated that payment for CPT codes with significant practice expense RVUs are reduced when there are aggregate increases in work RVUs but services that are predominantly composed of work RVUs are not significantly affected by aggregate increases in practice expense RVUs. According to the comments, such a modification would "help assure more year-to-year stability in the practice expense RVUs." Since affected professional groups have not had an opportunity to consider and comment on this important issue, one comment suggests that we include this issue in the proposed notice for the CY 2004 physician fee schedule.

Response: We will consider this idea for the future.

(2) Computerized Tomographic Angiography

Comment: We received a number of comments about Computed Tomographic Angiography (CTA). The comments indicated that, before CY 2001, CTA services were billed as a CT scan of an anatomical region plus an add-on code for 3-D image reconstruction. New codes specifically for CTA that incorporated the image reconstruction were developed for use

in 2001. The comments indicated that the TC RVUs for CTA established in the November 1, 2000 final rule appear as though they were calculated by cross-walking the RVUs from the anatomically analogous existing CT procedure codes without accounting for the 3-D image reconstruction.

Response: Based on this comment, we have adjusted the current CTA codes to incorporate image reconstruction.

(3) TC for Cardiac Catheterization

Comment: We received several comments that noted the TC RVU for cardiac catheterization declined in the notice of proposed rulemaking even though the codes are included in the non-physician work pool. These comments noted that the practice expense RVUs for all other non-physician work pool services increased in the proposed rule. One comment expressed concern over our proposal to derive the TC RVU from the global RVU service. The comment indicated that we currently have no direct cost inputs for these services and it is unlikely that the PEAC will be able to provide them since cardiac catheterization is generally provided in hospital settings. According to the commenter, there are only 80–100 non-hospital facilities that provide cardiac catheterization services. It is unlikely that we will have physician survey information that reflects the costs of these providers since they normally bill for the TC service and not the global service. The comment stated the cardiologist normally bills independently for professional services.

Response: We have addressed the comment regarding the TC for the cardiac catheterization. The TC RVUs for these services are changing by the same percentage as all other non-physician work pool services. We understand that the PEAC may consider providing inputs for cardiac catheterization services. This will address one aspect of the commenter's concern. With respect to valid SMS data for cardiac catheterization services, we will consider this issue along with others as we address issues related to the non-physician work pool in CY 2003.

B. Anesthesia Issues

1. Five-Year Review of Anesthesia Work

Section 1848(b)(2)(B) of the Act indicates that, to the extent practicable, we will use the anesthesia relative value guide with appropriate adjustment of the anesthesia conversion factor (CF) in a manner to assure that the fee schedule amounts for anesthesia services are consistent with the fee schedule

amounts for other services. The statute also requires us to adjust the CF by geographic adjustment factors in the same manner as for other physician fee schedule services. Unlike other physician fee schedule services, anesthesia services are paid using a system of base and time units. The base and time units are summed and multiplied by a CF. The base unit is fixed depending on the type of anesthesia procedure performed, and the time units vary based on the length of the anesthesia time associated with the surgical procedure. Thus, our payment will increase as anesthesia time lengthens. The same anesthesia service provided in two different surgeries will be paid different amounts if the associated anesthesia time is different. This system differs from other physician fee schedule services for which RVUs for physician work, practice expense, and malpractice are summed and multiplied by a CF to determine payment. Payment for these non-anesthesia procedures will not vary based on the length of time it takes to perform the procedure in a specific instance.

In the June 2002 proposed rule (67 FR 43855) we explained that the law requires that we review RVUs no less often than every 5 years. There is a fundamental difference in how the 5-year review applies to anesthesia services versus medical and surgical services. In general, for medical and surgical services, the relevant physician specialty society and the AMA's RUC review the current and proposed work RVUs on a code-by-code basis. The RUC will make recommendations to us on work values for specific codes and, if we accept or modify them, the new physician work RVUs will be used to determine payment. However, each anesthesia service does not have a work RVU. Therefore, adjustments for anesthesia work (and practice expense) are made to the anesthesia CF and payment for all anesthesia services is affected.

The second 5-year review (with the exception of anesthesia services) was completed and revised work RVUs were implemented in 2002. For the second 5-year review, the American Society of Anesthesiologists (ASA) contended that the work of anesthesia services remained undervalued by almost 31 percent. They subsequently argued for a 26 percent increase in work RVUs based on additional discussions with the RUC. More recently, based on their further analysis and discussion with the RUC, the ASA asked for a 13.6 percent increase in work.

The ASA derived a work value for an anesthesia code by dividing the anesthesia service into five uniform components. The five components are preoperative evaluation, equipment and supply preparation, induction period, postinduction period, and postoperative care and visits. These components were assigned work RVUs based on a comparison to non-anesthesia services paid under the physician fee schedule. The work of these components is then summed. Using this method, the ASA proposed new work values for 19 high volume anesthesia codes. These work values can be compared to imputed work values derived from current anesthesia payments for these services.

Under the CPT coding system, anesthesia for various common surgical procedures is reported under a single anesthesia code. For example, CPT code 00790 is used to report anesthesia for over 250 intraperitoneal procedures in the upper abdomen.

The ASA studied one surgical procedure for each of the anesthesia codes. The 19 codes represent a range of surgical procedure types, including general surgery, vascular surgery, neurosurgery, urology, orthopedics, cardiac surgery, and ophthalmology. The 19 procedures reviewed account for about 35 percent of Medicare allowed charges for anesthesia services.

During the second 5-year review of work, several RUC workgroups reviewed the ASA comments and received supplemental information from them through presentations. Most of these workgroups expressed concerns about some of the work intensity values the ASA assigned to the individual anesthesia components, most notably, the induction and post induction time periods. For about 50 percent of the codes, the RUC was confident that the anesthesia work value of the surveyed service was similar to the anesthesia work values for all of the other surgical services assigned to the given anesthesia code. For the remaining codes, the RUC was not confident that the work values of the surveyed code could be applied to other anesthesia services that would be reported under that anesthesia code.

The workgroups also expressed concern about extrapolating the results from the 19 surveyed codes to all anesthesia services. At its April 2002 meeting, the final meeting addressing anesthesia work values for the second 5-year review, the RUC concluded it was unable to make a recommendation regarding modification to the physician work values for anesthesia services. Specifically, the RUC stated:

The RUC, having carefully considered the information presented, and having a

reasonable level of confidence in the data, which was presented and developed by the ASA, is unable to make a recommendation to CMS regarding modification to the physician work valuation of anesthesia services.

While the RUC did not make a recommendation to us regarding extrapolation, it forwarded its analysis to us for review.

In the June 2002 proposed rule (67 FR 43856), we indicated our intent to review the information forwarded by the RUC and all comments we received during the comment period.

Comment: The ASA commented that, based on work values accepted by the RUC anesthesia workgroup, the final RUC data show that anesthesia services are undervalued by a weighted average of 13.57 percent. The ASA urged us to adjust the anesthesia CF accordingly. The American Association of Nurse Anesthetists (AANA) endorsed the ASA's comments and provided similar comments. Several certified registered nurse anesthetists and anesthesiologists also wrote in support of an increase in the anesthesia CF. We also received several comments alleging that the ratio of Medicare payment to private payer payments for anesthesia services is considerably less than the analogous ratio for medical and surgical services.

Response: The ASA and the AANA have requested that we apply the RUC's analysis of the 19 codes to all anesthesia codes. They believe that the weighted average increase in anesthesia work values that results from the RUC's analysis is representative of work values for all other anesthesia codes.

For some codes, the RUC seemed confident that the anesthesia work value of the surveyed code was similar to the anesthesia work values for all of the other surgical services assigned to the given anesthesia code. However, for almost half of the surveyed codes, the RUC did not have confidence that the work values of the surveyed code could be applied to any other anesthesia services that would be reported under that anesthesia code.

Due to the uncertainty of the RUC with regard to extrapolation, even within the family of surgical procedures assigned to a single anesthesia code, we have weighted each of the 19 anesthesia codes only by the anesthesia allowed charges associated with the single surveyed surgical procedure. Using this methodology, anesthesia for the surveyed surgical codes account for approximately 23 percent of all anesthesia allowed charges. This results in an increase in anesthesia work for the 19 codes of 9.13 percent. However, because we will apply a payment

increase only to these codes, we are increasing the physician work portion of the anesthesia conversion factor by 2.10 percent which reflects a 9.13 percent increase in payment applied to the 23 percent of total anesthesia charges represented by the 19 codes. We provide more detail on how this increase is applied to the anesthesia conversion factor in the section VIII of this final rule.

Final Decision

We are increasing the physician work component of the anesthesia conversion factor by 2.10 percent to reflect a 9.13 percent increase in payment applied to 23 percent of anesthesia allowed charges. This as an interim adjustment that is subject to comment.

2. Add-On Anesthesia Codes

Payment for anesthesia services is based on the sum of an anesthesia code-specific base unit value plus anesthesia time units multiplied by an anesthesia CF. Under our current policy at § 414.46(g), if the physician is involved in multiple anesthesia services for the same patient during the same operative session, payment is based on the base unit assigned to the anesthesia service having the highest base unit value and anesthesia time that encompasses the multiple services.

Claims processing manuals instruct the carrier on the method for handling anesthesia associated with multiple or bilateral surgical procedures. Under the Medicare Carrier Manual (MCM) 4830 D, the physician reports the anesthesia procedure with the highest base unit value with the multiple procedures modifier-51 and total time of anesthesia for all surgical procedures. Thus, the carrier is recognizing payment for one anesthesia code.

In CYs 2001 and 2002, the CPT included new add-on anesthesia codes. The objective is that the add-on code would be billed with a primary code, each code having base units. We believe that anesthesia add-on codes should be priced differently from other multiple anesthesia codes. We proposed to revise the regulations at § 414.46(g) to include an exception to the usual multiple anesthesia services policy for add-on codes.

Comment: The ASA, AANA and the AMA expressed support for our adopting a payment policy for add-on anesthesia codes. The ASA asked that we clarify the policy for recognition of base or time units or both for add-on anesthesia codes.

Response: Of the 259 anesthesia codes, there are two codes, called primary codes that may have add on

codes, under certain circumstances. These are:

Primary code: CPT code 01967
Add-on code: CPT code 01968 or 01969
Primary code: CPT code 01952
Add-on code: CPT code 01953

Based on comments received, we understand that the ASA is seeking to bill only the base unit of the add-on code (01953) when it is billed with the primary code 01952. The time of the add-on code is to be included in the time of the primary code. Thus, all anesthesia time is attributable to the primary code.

The ASA is seeking to bill both the base and time of the add-on code, 01968 or 01969, when either is billed with the primary code 01967. Thus, the anesthesia provider would report the base and time units of both the primary and the add-on code.

We recognize that the general policy for add-on codes is that the carrier should allow only the base unit of the add-on code. As with multiple anesthesia services, the anesthesia time of the add-on code would be reported with the time of the primary code. In other words, anesthesia time is reported for all the underlying surgical services.

However, in discussions with the ASA, we have learned that many third party payors have more restrictive time units policies for obstetrical anesthesia codes than for other anesthesia codes. If the time of the add-on code, such as 01968 or 01969, were reported with the primary code, the time units of the add-on code might be undervalued. To prevent this result, we are requiring that (for the two obstetrical anesthesia add-on codes) the anesthesia time be separately reported with each of the primary and the add-on code based on the amount of time appropriately associated with either code.

Further, we think the policy on multiple procedure codes as well as add-on codes is an operational policy and should be addressed only in program operating instructions. As a result, we are revising the regulation text at § 414.46(g) accordingly.

Final Decision

We are allowing the carriers to recognize the base unit of the add-on codes. However, for the obstetrical add-on codes, the carrier may recognize both the base unit and the anesthesia time associated with the add-on code.

C. Pricing of Technical Components (TC) for Positron Emission Tomography (PET) Scans

Currently, all components of HCPCS code G0125, *Lung image PET scan*, are

nationally priced. However, the TC and the global value for all other PET scans are carrier-priced. To keep pricing consistent with other PET scans, we proposed to have carriers price the TC and global values of HCPCS code G0125.

Comment: We received comments from one specialty organization in support of carrier pricing. We received comments from another specialty organization and a few providers stating that they were concerned that, contrary to our stated purpose, this change would lead to inconsistent payment by carriers. The commenters believe that some carriers use the nationally-established TC RVUs for G0125 as a reference for payment for the other PET scans.

Response: While we understand the commenter's concerns, we believe the RVUs assigned before CY 2003 for the TC of G0125 do not accurately reflect the resources used for furnishing this service, which is why we proposed carrier pricing. Thus, using G0125 as a reference code for pricing could lead to inappropriate pricing for all services. We believe that adopting carrier-pricing, instead of a national fee schedule amount, for the TC of G0125 will result in more appropriate pricing for the TC of all PET scans. Carriers have a variety of methods that they use to establish payment for codes. We believe using some of these alternative methods will lead to more accurate pricing for this service.

Final Decision

We will finalize our proposal to allow carriers to price the TC and global values of code G0125.

D. Enrollment of Physical and Occupational Therapists as Therapists in Private Practice

In the November 2, 1998 final rule (63 FR 58814), we defined private practice for physical therapists (PTs) or occupational therapists (OTs) to include a therapist whose practice is in an—

- Unincorporated solo practice;
- Unincorporated partnership; or
- Unincorporated group practice.

The term “private practice” also includes an individual who is furnishing therapy services as an employee of one of the above, a professional corporation, or other incorporated therapy practice. Some carriers and fiscal intermediaries have interpreted the regulation to mean that OTs and PTs employed by physicians cannot be enrolled as therapists in private practice. In these carrier areas, therapy services provided in a

physician's office must instead be billed as incident to a physician's service.

A specialty society representing OTs has requested that carriers be able to enroll OTs in physician-directed groups as OTs in private practice. A group representing PTs believes that provider numbers should be issued only to PTs working as employees in practices owned and operated by therapists.

We proposed to clarify national policy and revise §§ 410.59 and 410.60 to state we would allow enrollment of therapists as PTs or OTs in private practice when employed by physician groups. We believe that this reflects actual practice patterns, will permit more flexible employment opportunities for therapists and will also increase beneficiaries' access to therapy services, particularly in rural areas.

Comments: We received many comments from associations, specialty groups, therapists, and the public that strongly support the proposed clarification that would allow carriers and fiscal intermediaries to enroll therapists as PTs or OTs in private practice when they are employed by physician groups. However, one association urged us to confirm that this policy extends to therapists employed by a non-professional corporation.

Response: We agree and will change the regulation to reflect that carriers and fiscal intermediaries can enroll therapists as PTs or OTs in private practice when the therapist is employed by physician groups or groups that are not professional corporations, if allowed by State law.

Comments: Several commenters suggested that we state clearly that carriers and fiscal intermediaries are required to enroll physician-employed therapists, who are otherwise qualified, and that carriers and fiscal intermediaries may not refuse to enroll therapists simply on the basis of employment. They requested that the regulation state specifically that Medicare contractors must enroll therapists as PTs or OTs in private practice when they are employed or under contractual relationships with physician groups or groups that are not professional corporations.

Response: We agree and will change the Medicare Carriers and Fiscal Intermediaries Manuals' to reflect that carriers and fiscal intermediaries “will” enroll Medicare therapists as PTs or OTs in private practice for purposes of Medicare when the therapists are employed by physician groups or groups that are not professional corporations. However, we do not believe that we need to specify further employee-employer relationships,

which are detailed in the Medicare Carriers Manual, Part 3, Chapter III.

Comment: One commenter believed that we should not enroll PTs who are employees of physicians' offices as PTs or OTs in private practice but, instead, should establish a separate section of the regulations that would govern the issuance of provider numbers to PTs who are employees in physicians' offices, and give these therapists a different designation. The commenter suggested we also include protections that currently exist when a non-physician practitioner provides services in a physician's office and the physician bills for these services under the physician's Medicare provider number.

Response: We disagree with this comment. We have established procedures for issuing provider numbers that we believe are adequate. The proposed changes to the regulations reflect actual practice patterns, will permit more flexible employment opportunities for all therapists, and also increase beneficiary access to therapy services, particularly in rural areas. Therapists still have the flexibility of providing outpatient therapy services incident to a physician's service if they so choose. However, the services must meet the incident to requirements at § 410.26.

Final Decision

We will finalize our proposal to revise §§ 410.59 and 410.60 with the modifications noted above.

E. Clinical Social Worker Services

In the June 28, 2002 proposed rule, (67 FR 43846), we indicated we would be addressing comments received on the October 19, 2000 proposed rule entitled, “Clinical Social Worker Services,” (65 FR 62681), in this final rule. Upon further review, we have determined that we will not include this issue in this final rule, but will address it in future rulemaking.

F. Medicare Qualifications For Clinical Nurse Specialists

Currently, the qualifications for a clinical nurse specialist (CNS) include a requirement that a CNS must be certified by the American Nurses Credentialing Center (ANCC). We proposed to revise this particular requirement under the CNS qualifications because of concerns expressed that the ANCC does not provide certification for CNSs who specialize in fields such as oncology, critical care, and rehabilitation. Additionally, we noted that the proposed revision of the certification requirement for CNSs is consistent with

the certification requirement under the nurse practitioner (NP) qualifications. Accordingly, we proposed specifically to revise section § 410.76(b)(3) to read as follows:

“Be certified as a clinical nurse specialist by a national certifying body that has established standards for clinical nurse specialists and that is approved by the Secretary.”

Comments and Responses

We received comments on the proposed revision to the CNS certification requirement from professional nursing societies, a specialty nursing certification corporation, a college of radiology, a major nurses association, a provider of health care and elder care and, several independent clinical nurse specialists.

Comment: We received comments indicating that the current CNS certification requirement poses a serious threat to ensuring Medicare beneficiary access to quality care because it restricts CNSs who are not certified by the ANCC from qualifying for Medicare payment. The ANCC does not certify CNSs in oncology, rehabilitation, acute care or critical care. Since the current CNS certification requirement inherently precludes CNSs who are certified in oncology from Medicare payment, the number of nurses available to care for Medicare beneficiaries with cancer is limited. The proposed change to the CNS qualifications is more inclusive, and it will enable the 415 oncology CNSs who hold Advanced Oncology Nursing Certification (AOCN) provided by the Oncology Nursing Certification Corporation (ONCC) to meet the certification criteria for CNSs and therefore, qualify for Medicare payment. An independent CNS stated that as a palliative care CNS, her institution required advanced certification that is not offered by the ANCC in many specialty areas of practice. However, the American Board of Nursing Specialties is the credentialing board for the ONCC, which is the only national certification that an advanced practice nurse can obtain specific to his or her field of expertise. All of the commenters support the proposed revision to the CNS certification requirement because they stated that overall, the certification criteria for CNSs will be consistent with the certification criteria for NPs and the requirement will ensure that Medicare beneficiaries receive services from advanced practice nurses who are certified by a national certifying body.

Response: It has not been our intention to be overly restrictive in our program requirements and consequently prevent qualified CNSs who specialize

in areas of medicine other than those certified by the ANCC from participating under the Medicare program's CNS benefit and rendering care to patients in need of specialized services. The intent of the revised CNS certification requirement is to recognize all appropriate national certifying bodies for CNSs as the program does for NPs.

Result of Evaluation of Comments

We are implementing the proposed revision to the CNS certification requirement under the CNS qualifications at § 410.76.

G. Process To Add or Delete Services to the Definition of Telehealth

In the June 2002 proposed rule (67 FR 43862), we proposed to establish a process for adding or deleting services from the list of telehealth services, and to add specific services to the list of telehealth services for CY 2003.

We stated that we would accept proposals from any interested individuals or organizations from either the public or the private sectors, for example, from medical specialty societies, individual physicians or practitioners, hospitals, and State or Federal agencies. We also mentioned that we might internally generate proposals for additions or deletions of services.

We stated that we would post instructions on our website outlining the steps necessary to submit a proposal. Please see the June 2002 proposed rule for the items that were to be addressed, the assignment of categories, and the outcomes.

We proposed to remove a service from the telehealth list of services if, upon review of the available evidence, we determine that a telehealth service is not safe, effective, or medically beneficial when performed as a telehealth service.

We proposed to make additions or deletions to the list of telehealth services effective on a CY basis. We proposed to use the annual physician fee schedule proposed rule published in the summer and the final rule published by November 1 each year as the vehicle for making these changes. Requests must be received no later than December 31 of each CY to be considered for the next proposed rule.

Based upon further review of the comments submitted in response to the proposed rule for CY 2002, we believe that the psychiatric diagnostic interview is similar to the telehealth services listed in the statute. Specifically, we believe this service would meet the criteria set forth in Category 1 of the proposed process for adding services.

Therefore, we proposed to add psychiatric diagnostic interview examination as represented by CPT code 90801 to the list of telehealth services and proposed to revise §§ 410.78 and 414.65 to reflect the proposed addition to the list of telehealth services.

Comment: We received many comments expressing support for our proposed process for adding and deleting telehealth services. The commenters indicated that our proposed criteria for reviewing submitted requests are reasonable and provide a viable mechanism for adding existing services to the list of telehealth services. However, as part of our review, one specialty college suggested that the CPT editorial panel be an integral part of our process. The commenter stressed that reviewing codes and determining how these services can be furnished is the CPT editorial panel's area of expertise. With regard to deletion of services, one association urged us to consult with the appropriate medical society members to obtain clinical evidence based on peer-reviewed information and medical journal articles before deleting services from the list of telehealth services.

Response: Section 1834(m) of the Act requires us to develop a process specifically for adding or deleting telehealth services on an annual basis. The mandate for this statutory provision is separate and distinct from the role of the AMA CPT editorial panels in developing new codes and/or defining services for the CPT compendia. It would not be appropriate to make the CPT editorial panel an integral part of the process to add or delete services from the list of telehealth services. We will review submitted requests for addition and deletion based on the criteria discussed in this final rule and welcome input from medical professionals with expertise in the service being reviewed as part of the rulemaking process.

We are clarifying from the proposed rule that a decision to remove a service from the list of telehealth services would be made using evidence-based, peer-reviewed data which indicate that a specific telehealth service is not safe, effective, or medically beneficial. Such determination would not be made under section 1862(a)(1)(A) of the Act. Therefore, a decision to delete a service under this process would only apply to the list of Medicare telehealth services.

Comment: One commenter suggested that we publish a summary of any requests that are rejected.

Response: As stated in the proposed rule, we will use the annual physician fee schedule as a vehicle to make changes to the list of telehealth services.

As part of the rulemaking process, we will publish a summary in the proposed rule of the requests that we receive with an explanation as to why a service is added, deleted, or a request is rejected.

Comment: One commenter requested that, if possible, we look for ways to shorten the time frame between the submittal of a request and the actual implementation. The commenter stated that actual implementation of an additional telehealth service could take a year or more from the date of the request.

Response: The statute requires us to establish a process that provides for the addition or deletion of telehealth services on an annual basis. We understand that in some cases our review and subsequent implementation of a decision to accept a request may take up to and possibly more than a full year. However, we believe that using the annual physician fee schedule rulemaking schedule would be the most efficient and time sensitive mechanism for publishing changes to the list of telehealth services.

A national coverage determination (NCD) is a possible alternative to the rulemaking process for adding or deleting telehealth services. In formulating the proposed process to add services to the list of telehealth services, we considered using the NCD process. For instance, under this option, all requests for addition, whether the request is considered an existing or new service, would be required to complete the requirements for an NCD. We rejected this option because we believe that many telehealth applications are existing services provided through a different delivery mechanism. We believe that subjecting all requests for addition to the evidence-based requirements of an NCD would be unnecessary, and would be contrary to the public interest.

Comment: A large number of commenters applauded the addition of the psychiatric diagnostic interview examination to the list of telehealth services. Commenters generally agreed that the psychiatric diagnostic interview includes components that are comparable to an initial office visit or consultation, which are currently telehealth services.

Response: We agree with the comment.

Comment: We received two comments regarding general telehealth policy. One commenter urged us to expand the definition of an originating site. For example, the commenter believes that hospitals with inadequate physician ratios relative to the treatment of acute ischemic stroke patients should be

considered as an originating site, regardless of geographic location or whether the hospital is located in a designated health professional shortage area. The other comment pertained to the physician or practitioner who provides the telehealth service at the distant site. In this regard, one association encouraged us to support the addition of speech language pathologists and audiologists to the list of practitioners that may provide and receive payment for telehealth services.

Response: The statute permits hospitals to serve as originating sites for any Medicare telehealth service as long as the hospital is located in a rural HPSA or in a non-MSA county. Thus, the commenter would be able to serve as an originating site for the treatment of acute ischemic stroke patients if the hospital is located in these geographic areas. The statute is explicit regarding the types of practitioners who can provide and receive payment for telehealth services. Speech language pathologists and audiologists are not included within the list of medical professionals that may provide and or receive payment for telehealth services at the distant site. We are reviewing these issues as part of a report to the Congress as required by the BIPA.

Result of Evaluation of Comments

We are adopting the process to add or delete telehealth services and adding the psychiatric diagnostic interview examination to the list of telehealth services as stated in the proposed rule. Additionally, we are referencing the process to add or delete services at new § 410.78(f).

H. Definition for ZZZ Global Periods

Services with ZZZ global periods are add-on services that can be billed only with another service. Before CY 2003, we paid only the incremental intraservice work and practice expense RVUs associated with the add-on service for a code with a global indicator of ZZZ. Any pre-service or post-service work associated with a service with a global indicator of ZZZ is considered accounted for in the base procedure with which these add-on services must be billed. However, based on comments from the RUC and specialty societies that some add-on services contain separately identifiable post-service work and practice expense RVUs, we proposed to revise the current definition of a ZZZ global period as follows:

“ZZZ = Code related to another service and is always included in the global period of the other service (Note: Physician work is associated with intra-

service time and in some instances the post-service time).”

Comments: The commenters supported this change. However, several specialty organizations, as well as the RUC, stated that there are instances when pre-service time should be considered, and they recommended that we amend the definition to include pre- and post-service time.

Response: We agree with the commenters and will revise the definition to consider pre-service time as well post-service time. However, when a code with a ZZZ global indicator is considered by the RUC or PEAC, we will require that all base codes with which the ZZZ codes are billed are also considered by the RUC and PEAC to assure that both physician work and practice expense RVUs are appropriate for the base and add-on codes and to assure that no duplicate payment is made.

Result of Evaluation of Comments

The definition of a ZZZ global period will be revised as follows:

“ZZZ = Code related to another service and is always included in the global period of the other service (Note: Physician work is associated with intraservice time and in some instances the pre- and post-service time).”

I. Change in Global Period for CPT Code 77789 (Surface Application of Radiation Source)

Based on a suggestion from the RUC, we proposed to change the global period for CPT code 77789 (surface application of radiation source) from a 90-day global period to a 000-day global period. We stated that we did not need to adjust the current work values or the practice expense inputs for supplies and equipment, but we would adjust the clinical staff practice expense inputs to reflect that there is no post-procedure visit.

Comment: The commenters supported this change and noted that the PEAC attributed clinical times for this CPT code of 34 minutes for the registered nurse and 6 minutes for the physicist. The commenters did not believe the practice expense RVUs should change significantly, if at all, as a result of this adjustment in the global period.

Response: We had not received the PEAC recommendations at the time the proposed rule was written, and we proposed a change to the original CPEP inputs that included time for a post-procedure visit. We have reviewed and accepted the above PEAC recommended clinical staff times.

Result of Evaluation of Comments

We are changing the global period for CPT code 77789 (surface application of radiation source) from a 90-day global period to a 000-day global period as proposed.

J. Technical Change for § 410.61(d)(1)(iii) Outpatient Rehabilitation Services

Based on comments received that § 410.61(d)(1)(iii) incorrectly references "physical" therapy when it should reference "occupational" therapy, we proposed to revise § 410.61(d)(1)(iii) to correct this error.

Final Decision

No comments were received on this proposed technical correction. We will correct § 410.61(d)(1)(iii) by replacing the word "physical" with "occupational" as proposed.

K. HCPCS G-Codes From June 28, 2002 Proposed Rule

In the June 28, 2002 rule we proposed the following new HCPCS G codes.

1. Codes for Treatment of Peripheral Neuropathy

Effective for services furnished on or after July 1, 2002, Medicare will cover an evaluation (examination and treatment) of the feet every six months for individuals with a documented diagnosis. This policy is a national coverage determination.

G0245: Initial physician evaluation of a diabetic patient with diabetic sensory neuropathy resulting in a loss of protective sensation (LOPS) which must include the procedure used to diagnose LOPS; a patient history; and a physical examination that consists of at least the following elements—

- (a) Visual inspection of the forefoot, hindfoot and toe-web spaces;
- (b) Evaluation of protective sensation;
- (c) Evaluation of foot structure and biomechanics;
- (d) Evaluation of vascular status and skin integrity;
- (e) Evaluation and recommendation of footwear; and
- (f) Patient education.

We proposed to crosswalk work and malpractice RVUs and the practice expense inputs from CPT code 99202, a level two, new patient office visit code. We proposed to revalue the practice expense RVUs using the practice expense methodology once we have utilization data for these codes.

G0246: Follow-up evaluation of a diabetic patient with diabetic sensory neuropathy resulting in a loss of protective sensation (LOPS) to include at least the following, a patient history

and physical examination that includes—

- (a) Visual inspection of the forefoot, hindfoot and toe-web spaces;
- (b) Evaluation of protective sensation;
- (c) Evaluation of foot structure and biomechanics;
- (d) Evaluation of vascular status and skin integrity;
- (e) Evaluation and recommendation of footwear; and
- (f) Patient education.

We proposed to crosswalk the work and malpractice RVUs from CPT code 99212, a level two, established-patient office visit code. We also proposed to crosswalk the practice expense inputs from CPT code 99212 and to revalue the practice expense RVUs using the practice expense methodology once we have utilization data for these codes.

G0247: Routine foot care of a diabetic patient with diabetic sensory neuropathy resulting in a loss of protective sensation (LOPS) to include if present, at least the following—

- (a) Local care of superficial wounds;
- (b) Debridement of corns and calluses; and
- (c) Trimming and debridement of nails.

We proposed to crosswalk the work and malpractice RVUs and the practice expense inputs from CPT code 11040, *Debridement; skin; partial thickness*. We would revalue the practice expense RVUs using the practice expense methodology once we have utilization data for this code.

Comment: The American Podiatric Medical Association (APMA) believes that the RVUs assigned to HCPCS codes G0245 and G0246 are too low. They do not believe that the assigned RVUs account for the physician work and practice expense required to perform those services. They recommended that we crosswalk the RVUs from CPT codes 99203 and 99213 to these codes instead of the crosswalk we actually used, from CPT codes 99202 and 99212. They also commented that the RVUs assigned for G0247 were too low and should be increased as the assigned RVUs did not account for the required physician work. Alternatively, they recommended that we delete G0247 and allow a physician to report CPT codes that described similar services. A large medical clinic commented that they were not sure why CMS had implemented these codes. They believe that if the only reason for creating codes was to permit us to track the services, this reason is insufficient because the codes cause significant administrative burden to physician practices. They believe that providers could use other CPT codes to report these services

instead of the G codes. A carrier medical director familiar with these services commented that G0247 is overvalued because the most common service provided using this code will be toe nail trimming and debridement and that the CPT code for toe nail trimming and debridement is valued much lower than G0247.

Response: These G codes were created to implement a national coverage determination (NCD). The coverage determination was very specific with regard to the required components of each service. Furthermore, the NCD specifically allowed these services to be performed no more than every six months and allowed the initial visit to be performed only once per physician for the lifetime of a beneficiary. Creation of these G codes allows us to implement the coverage decision, especially with regard to the required frequency limitation and to track the utilization of these services while minimizing provider burden. Reporting these services with CPT evaluation and management (E/M) codes and procedure codes would have resulted in numerous post-pay audits while creation of a modifier to be used in conjunction with such CPT codes would have been quite burdensome and resulted in just as many post pay audits. Therefore, we plan to continue requiring these G codes for reporting of these services.

With regard to the valuation of these services we will finalize the proposed RVUs. This service is provided to those diabetic beneficiaries who are "at risk" for foot-care problems but who do not have an injury or illness of the foot. Any service provided to a diabetic beneficiary with an illness or injury to the foot (for example, foot pain, foot ulcer, foot infection) should be reported using the appropriate CPT codes (for example, E/M service, debridement service). Furthermore, the requirements for provision of care to LOPS patients are clearly set forth in the NCD. Nothing beyond those requirements need be performed in order to report a LOPS HCPCS code. Careful scrutiny of the requirements for provision of initial LOPS services shows that they are most similar to the requirements of a level 2 E/M service. The lack of illness, injury, or deformity in these patients and the requirements that the practitioners need only to take a history and to examine the foot are quite similar to the requirements of CPT code 99202: an expanded problem focused history, an expanded problem focused examination, and straightforward medical decision making. For follow-up patients who do not have an illness, injury, or deformity, the requirements of

the NCD are quite similar to the requirements of CPT code 99212: a problem focused history, a problem focused examination, and straightforward medical decision making. With regard to G0247, we agree with the carrier medical director who stated that the most commonly performed procedure would be toenail trimming and/or debridement. However, review of the work RVUs for CPT codes 11719 (0.17), 11720 (0.32), 11721 (0.54), 11055 (0.43), 11056 (0.61), 11057 (0.79), and 11040 (0.50) shows that we have properly valued this service. We believe that a work value of 0.50 RVUs appropriately accounts for what is likely to be the typical combination of services provided to eligible beneficiaries.

Result of Evaluation of Comments

We will continue requiring these G codes for reporting of these services and are finalizing the RVUs as proposed.

2. Current Perception Sensory Nerve Conduction Threshold Test (SNCT)

G0255: Current Perception Threshold/Sensory Nerve Conduction Test, (SNCT) per limb, any nerve

We proposed a G-code that represents SNCT as a diagnostic test used to diagnose sensory neuropathies. This test is noninvasive and uses a transcutaneous electrical stimulus to evoke a sensation. However, we determined that there is insufficient scientific or clinical evidence to consider the use of this device as reasonable and necessary within the meaning of section 1862(a)(1)(A) of the Act and indicated Medicare will not pay for this type of test.

Comment: One commenter requested that the descriptor for this code be revised, as the current descriptor "Current Perception Threshold/Sensory Nerve Conduction Test" is very similar to other codes for example, the short descriptor for CPT code 95904 is "Sense Nerve Conduction Test". The commenter recommended changing the descriptor for this G code to "Current Perception Threshold Test".

Response: We appreciate the commenters bringing this to our attention and have revised the short descriptor for this G code to address the concern they raised. The short descriptor for this G code will be "Current perception threshold test".

Result of Evaluation of Comments: We will finalize our proposal for G0255 but will revise the short descriptor as discussed above.

3. Positron Emission Tomography (PET) Codes for Breast Imaging

Medicare has expanded the coverage indications for PET scanning to include

imaging for breast cancer, and we have created codes that describe staging and restaging after or prior to the course of treatment of breast cancer. We also created a PET scan code to evaluate the response to treatment of breast cancer.

PET imaging for initial diagnosis of breast cancer and/or surgical planning for breast cancer are described by a CPT code, but Medicare will not cover the procedure for this diagnosis.

G0252: PET imaging for initial diagnosis of breast cancer and /or surgical planning for breast cancer (for example, initial staging of axillary lymph nodes), not covered by Medicare.

We stated that this code is not covered by Medicare because there is a national non-coverage determination for the use of PET imagery for the initial diagnosis of breast cancer and initial staging of axillary lymph nodes.

G0253: PET imaging for breast cancer, full and partial-ring PET scanners only, staging/restaging after or prior to course of treatment.

G0254: PET imaging for breast cancer, full and partial-ring PET scanners only, evaluation of response to treatment, performed during course of treatment.

We proposed that the TC and global for both of these codes be carrier-priced. For the PC for codes G0253 and G0254, we proposed to make the PC work RVU equal to 1.87 and use practice expense RVUs of 0.58 and malpractice RVUs of 0.07 since there are no direct inputs for PC services.

Comments: Commenters expressed appreciation for creation of these G codes; however, one commenter was concerned that the TC and global component of these codes will be carrier-priced which, the commenter contended, could lead to widely varying and unjustifiably low payment rates, particularly if there is no national benchmark.

Response: Carriers use a variety of methods and resources when developing payment rates for services that they are responsible for pricing. We do not believe that having the carriers price these codes will lead to unjustifiably low payment rates.

Result of Evaluation of Comments: We are adopting the proposals for these G codes; however, we have made editorial revisions to the descriptors for G0252 and G0253 to more accurately describe the service provided. The revised descriptors are as follows:

G0252: PET imaging, full and partial-ring PET scanners only, for initial diagnosis of breast cancer and /or surgical planning for breast cancer (for example, initial staging of axillary lymph nodes).

G0253: PET imaging for breast cancer, full and partial-ring PET scanners only, staging/restaging of local regional recurrence or distant metastases (that is, staging/restaging after or prior to course of treatment).

4. Home Prothrombin Time International Normalized Ratio (INR) Monitoring for Anticoagulation Management

For services furnished on or after July 1, 2002, Medicare will cover the use of home prothrombin time or INR monitoring in a patient's home for anticoagulation management for patients with mechanical heart valves. A physician must prescribe the testing. The patient must have been anticoagulated for at least three months prior to use of the home INR device, and the patient must undergo an education program. The testing with the device is limited to a frequency of once per week.

G0248: Demonstration, at initial use, of home INR monitoring for a patient with mechanical heart valve(s) who meets Medicare coverage criteria, under the direction of a physician; includes: demonstration use and care of the INR monitor, obtaining at least one blood sample provision of instructions for reporting home INR test results and documentation of a patient's ability to perform testing.

We proposed that this code be assigned no work RVUs and .01 malpractice RVUs. For the practice expense inputs, we proposed 75 minutes of RN/LPN/MTA staff time; a supply list including four test strips, lancets and alcohol pads, a patient education booklet, and batteries for the monitor; and equipment consisting of a home INR monitor. These proposed inputs result in an estimated practice expense RVU of 2.92.

G0249: Provision of test materials and equipment for home INR monitoring to patient with mechanical heart valve(s) who meets Medicare coverage criteria. Includes provision of materials for use in the home and reporting of test results to physician; per 4 tests.

We proposed this code be assigned no work RVUs and .01 malpractice RVUs. For the practice expense inputs, we proposed 13 minutes of RN/LPN/MTA staff time; a supply list including four test strips, lancets and alcohol pads, and equipment consisting of a home INR monitor. These resulted in an estimated practice expense RVU of 2.08.

G0250: Physician review/interpretation and patient management of home INR test for a patient with mechanical heart valve(s) who meets other coverage criteria; per 4 tests (does not require face-to face service)

We proposed this code be assigned 0.18 work RVUs and .01 malpractice RVUs. We stated that there would be no direct practice expense inputs for this code, and the use of the practice expense methodology to develop the indirect practice expense of the physician performing this service resulted in an estimated practice expense RVU of 0.07. Note: Subsequent to the publication of the proposed rule, we updated the payment rates for home PT/INR monitoring via Program Memorandum AB-02-112 (July 31, 2002). Based on a correction in the practice expense methodology used to calculate the practice expense RVUs issued in the Program Memorandum AB-02-064 on May 2, 2002 and included in the June 28, 2002 proposed rule there was an increase in practice expense RVUS for G0248 to 3.06 and to 3.28 for G0249 effective for services performed after October 1, 2002.

Comment: A manufacturer of equipment used to perform INR monitoring at home was concerned that the proposed RVUs for the HCPCS codes used to report Home INR monitoring services were inconsistent with the RVUs published in Program Memorandum AB-02-112 issued on July 31, 2002. (This program memorandum was issued to correct an error that had resulted in the original RVUs for these codes being too low.) The commenter also requested that we clarify the descriptor for the HCPCS code used to report provision of Home INR materials to assure that Medicare only paid for properly controlled INR tests that were consistent with FDA labeling.

Response: The aforementioned program memorandum was issued after the Proposed Rule (NPRM) was published. We agree with the commenter that the physician fee schedule for 2003 should reflect the RVUs as published in the July 31, 2002 program memorandum and will make this change.

With regard to changing the descriptors for the HCPCS code used to report provision of home INR test materials, we will review this issue and, if appropriate, clarify the descriptor as requested for CY 2004.

Comment: Several commenters asked CMS to expand the covered indications for home INR monitoring.

Response: We direct these commenters to the published process for requesting a national coverage determination. In order for the covered indications to be expanded on a national level this process must be followed.

Comment: A manufacturer of equipment used for home INR monitoring pointed out that there were several companies who manufacture test strips. Producing a test result may require one or three test strips depending on the manufacturer. Additionally, the cost of test strips from each manufacturer is different and Medicare based its payment on the cost of a test strip from only one manufacturer.

Response: We agree that there are several types of test strips available. However, we also understand that not all manufacturers are currently providing new home INR monitoring equipment and that the market share for each product is in flux. We will review the appropriate payment for this service, including the appropriate amount to include for test strips, after we have sufficient experience paying for this service. The earliest time that we could consider proposing a change in payment rate would be for the 2005 physician fee schedule; at that time, we would have 18 months worth of payment data upon which we could base a proposal.

Result of Evaluation of Comments

As indicated above, payment for CY 2003 for these services will reflect the corrections made in the Program Memorandum AB-02-112 issued on July 31, 2002.

5. Bone Marrow Aspiration and Biopsy on the Same Date of Service

We proposed a new G code (GXXXX) that reflects a bone marrow biopsy and aspiration procedure that is performed on the same date, at the same encounter, through the same incision, based on our understanding that the typical case involves an aspiration and biopsy through the same incision.

We proposed physician work RVUs of 1.56 and malpractice RVUs of 0.04. We also proposed to crosswalk the practice expense inputs from CPT code 38220, Bone marrow aspiration, with the assignment of an additional five minutes of clinical staff time. These proposed inputs in the practice expense methodology resulted in an estimated practice expense RVU of 3.32 in the nonfacility setting and 0.60 in the facility setting.

We also noted that if the two procedures, aspiration and biopsy, are performed at different sites (for example, contralateral iliac crests, sternum/iliac crest, two separate incisions on the same iliac crest or two patient encounters on the same date of service), the CPT codes for aspiration and biopsy would each be used along with the -59 modifier.

Comment: Two commenters, one representing a provider and the other a specialty organization, agreed with the proposal to create a G code for bone marrow aspiration and biopsy on the same date of service. However, another specialty organization and the AMA did not agree with the creation of this new G code and felt its creation was unnecessary. These commenters indicated that CPT currently has sufficient and accurate coding for these services that is, CPT codes 38220 and 38221 which when performed through the same incision could both be reported with the modifier 51 (used in reporting of multiple procedures performed in the same incision) appended. In addition, the commenters stated that the descriptor for this code does not adequately describe the procedure for which it is intended as it does not specifically state "through the same incision." This could lead to a denial of services of all bone marrow aspiration and biopsies performed on the same date of service.

Response: After review of the comments, we agree that this code should go through the CPT process. Therefore, we are withdrawing our proposal to create this code. We will submit a code for "Bone Marrow Biopsy and Aspiration performed in the same bone" to CPT in time for the 2004 CPT cycle.

Result of Evaluation of Comments

We will not proceed with a separate G code for bone marrow biopsy and aspiration procedure that is performed on the same date, at the same encounter.

Creation of G Codes

Comment: Several commenters expressed concern about the increasing frequency of G codes being issued by us. Commenters believed that, in the interest of coding standardization, accuracy, and clarity, G codes should only be developed as a last resort and should be temporary. Commenters believed that an annual meeting with us to discuss codes that may be necessary to accommodate new payment and coverage policies would help reduce the number of G codes. Some commenters also asked for greater physician involvement in the HCPCS editorial process (for example, direct representation of the physician community on the panel).

Response: We agree that, where appropriate, G codes should be temporary. Unfortunately, it is sometimes necessary to develop G codes to accommodate changes in legislation, regulation, coverage, and payment policy. The timetable for such changes

is not necessarily consistent with the timetable for CPT publication and frequently these changes must be made on a quarterly basis.

In 2002 CMS and CPT staff, working together, reviewed all existing G codes and agreed to transition over 20 of them to CPT codes. Therefore, for 2003 many G codes are being deleted in favor of newly created CPT codes. (See section IV for a discussion of deleted G codes). We believe that an annual review of G codes by CMS and CPT staff is the best way to determine which G codes should be transitioned to CPT codes and the process to use for such a transition. Therefore, we plan to continue working with CPT staff on an annual basis to continue transitioning existing G codes to CPT codes. We believe such an annual comprehensive review will address the commenters' concerns. However, we do wish to emphasize that we, when appropriate, does consult with interested providers prior to the creation of G codes in order to facilitate coding clarity and minimize physician burden.

L. Endoscopic Base For Urology Codes

Cystoscopy and treatment CPT codes 52234, 52235, and 52240 were inadvertently identified in the Medicare Physician Fee Schedule Database as services subject to the reductions for multiple procedures as opposed to the procedural reduction rules specific to endoscopic services. This has resulted in our overpaying for these services. We proposed applying the endoscopic reduction rules to these services and identified CPT code 52000 as the endoscopic base code for these services.

Comment: The American Urological Association was in agreement with our proposal to apply the endoscopic reduction rules to CPT codes 52234, 52235, and 52240.

Final Decision: The endoscopic reduction rules will be applied to these three codes as proposed.

M. Physical Therapy and Occupational Therapy Caps

Section 4541(c) of the Balanced Budget Act of 1997 required application of a payment limitation to all rehabilitation services provided on or after January 1, 1999. The limitation was an annual per beneficiary limit of \$1500 on all outpatient physical therapy (PT) services (including speech-language pathology services). A separate \$1500 limit was applied to all occupational therapy (OT) services. (The limitation amounts were to be increased to reflect medical inflation.) The annual limitation did not apply to services furnished directly or under arrangement

by a hospital to an outpatient or to an inpatient who is not in a covered Part A stay.

Section 221 of the Balanced Budget Refinement Act of 1999 (BBRA) (Pub. L. 106–113, enacted on November 29, 1999) placed a moratorium on the application of the payment limitation for two years from January 1, 2000 through December 31, 2001. Section 421 of the Medicare, Medicaid, and SCHIP Beneficiary Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554, enacted on December 21, 2000), extended the moratorium on application of the limitation to claims for outpatient rehabilitation services with dates of service January 1, 2002 through December 31, 2002. As we explained in the June 28, 2002 proposed rule, outpatient rehabilitation claims for services rendered on or after January 1, 2003 will be subject to the payment limitation unless the Congress acts to extend the moratorium.

Comments: We received comments from associations and societies urging us to support the permanent repeal of the \$1500 financial limitation on PT, including speech language pathology, and a separate \$1500 financial limitation on OT. All commenters stated that this financial limitation would adversely affect nursing home beneficiaries who receive Part B therapy services.

Response: As stated before, we will implement the outpatient rehabilitation therapy financial limitation via a Program Memorandum to Carriers and Fiscal Intermediaries, unless the Congress acts to extend the moratorium or repeals the legislation.

III. Other Issues

A. Definition of a Screening Fecal-Occult Blood Test

One commenter suggested that the current definition of a screening fecal-occult blood test at § 410.37(a)(2) that limits coverage to guaiac-based tests should be expanded to permit coverage of another test. The commenter suggested that this change be made in the final rule because the June 2002 proposed rule added a variety of new HCPCS G codes similar to the G code for which the commenter has requested for its new fecal-occult blood test.

Based on our analysis of the preliminary information we have on the new test, we believe that it may have the potential for effective screening for colorectal cancer, and thus, we have agreed with the commenter to broaden the definition in § 410.37(a)(2) to permit coverage of non-guaiac based tests. However, in order to establish national

coverage of the new test under the Medicare colorectal cancer screening benefit we must first compare the clinical utility of the test to the existing guaiac-based test. If, for instance, the test is not as effective as the currently covered test, it would not make sense to authorize coverage as permitted by section 1861(pp)(1)(D) of the Act.

To facilitate our consideration of future coverage of other new types of fecal-occult blood tests, we have decided to amend § 410.37(a)(2) to provide that in addition to the guaiac-based screening test, other types of fecal-occult blood tests may be covered under the screening benefit, if we determine that this is appropriate through a national coverage determination (NCD). This change will allow us to conduct a more timely assessment of other new types of fecal-occult blood tests that may have been approved or cleared for marketing by the Food and Drug Administration (FDA) than is possible under the standard rulemaking process. We intend to use the NCD process, which includes an opportunity for public comments, for evaluating the medical and scientific issues relating to the coverage of additional tests that may be brought to our attention in the future. Use of an NCD to establish a change in the scope of benefits is authorized by section 1871(a)(2) of the Act.

In accordance with section 1861(pp)(1)(D) of the Act, we have discretion to determine that additional tests or procedures are appropriate and can be used for the early detection of colorectal cancer. This authority is currently reflected in § 410.37(a)(1)(v). We are amending that section to announce that approval of any new tests or procedures for use in early detection of colorectal cancer will be made through an NCD. The use of an NCD, authorized by section 1871(a)(2) of the Act, will permit public participation. The NCD process, however will allow Medicare to expand coverage for additional tests or procedures when warranted more rapidly than the notice and comment procedures of the Administrative Procedure Act would normally permit.

B. Clarification of Services and Supplies Incident to a Physician's Professional Services: Conditions

In the November 2001 final rule (66 FR 55238) we revised regulations on services and supplies furnished incident to a physician's professional services. In the revised regulations at § 410.26(a)(7) we defined such services and supplies as “ * * * any services and supplies * * * that are included in section

1861(s)(2)(A) of the Act and are not specifically listed in the Act as a separate benefit included in the Medicare program.”

We are clarifying that services having their own statutory benefit category are covered under that category rather than as incident to services. This means that they are subject to manual and other program operating instructions pertaining to their specific statutory benefit category. In addition, they are not required to meet incident to implementing instructions such as those in section 2050 of Part III of the Medicare Carriers Manual (MCM). For example, diagnostic tests are covered under section 1861(s)(3) of the Act and are subject to the requirements for diagnostic tests in MCM section 2070. Depending on the particular test, the supervision requirement in section 2070 may be more or less stringent than that in section 2050 for incident to services. When diagnostic tests are furnished, the requirements for diagnostic tests apply, and not those for incident to services. Likewise, pneumococcal, influenza, and hepatitis B vaccines are covered under section 1861(s)(10) of the Act and do not need to meet incident to requirements.

While we believe our regulations are clear on this point, one of the comments and responses published in our November 2001 final rule has caused some confusion on this issue. The comment and response were as follows:

Comment: “Many commenters wanted us to re-emphasize that incident to services set forth in section 1861(s)(2)(A) of the Act do not include Medicare benefits separately and independently listed in the Act, such as diagnostic services set forth in section 1861(s)(3). Some requested that we not permit these separately and independently listed services to be furnished as incident to services.”

Response: “We realize, as did the Congress with the enactment of section 4541(b) of the BBA, that many services—even those that are separately and independently listed—can be furnished as incident to services. However, this fact of medical practice is not inconsistent with our policy. We maintain that a separately and independently listed service can be furnished as an incident to service but is not required to be furnished as an incident to service. Furthermore, even if a separately and independently listed service is provided as an incident to service, the specific requirements of that separately and independently listed service must be met. For instance, a diagnostic test under section 1861(s)(3) of the Act may be furnished as an incident to service. Nevertheless, it

must also meet the requirements of the diagnostic test benefit set forth in § 410.32. Specifically, the test must be ordered by the treating practitioner, and it must be supervised by a physician. Thus, if a test requires a higher level of physician supervision than direct supervision, then that higher level of supervision must exist even if the test is furnished as an incident to service. Accordingly, we decline to prohibit a separately and independently listed service from being furnished as an incident to service. Instead, we reiterate that a separately and independently listed service need not meet the requirements of an incident to service.”

The intent of the above response was to state that for a service having its own separately and independently listed statutory benefit category, Medicare carriers should apply the requirements of that separately listed benefit category and not also apply the incident to requirements. We interpret § 410.26(a)(7) literally. That is, incident to services and supplies covered under 1861(s)(2)(A) of the Act means services and supplies not having their own independent and separately listed statutory benefit category.

Perhaps it could be argued that any service provided under the direct supervision of a physician could be considered an incident to service. However, the Congress specifically provided for the many separate benefit categories of medical and health services in the Act. We believe that the Congress intended for incident to services to be a catch-all category to allow payment for certain services and supplies commonly furnished in a physician's office and not having their own separate benefit category. The billing of services with their own separate and independent coverage benefit categories as incident to may circumvent the coverage and payment rules applicable to those other categories. Therefore, only services that do not have their own benefit category are appropriately billed as incident to a physician service. Examples of benefit categories are diagnostic X-ray tests (section 1861(s)(3) of the Act) and influenza vaccine and its administration (section 1861(s)(10)(A) of the Act).

However, since section 4541(b) of the BBA allows certain services with their own benefit category (that is, outpatient physical therapy services (including speech-language pathology services) and outpatient occupational therapy) to also be provided as incident to services, we cannot prohibit physicians and practitioners from billing these services as incident to. However, when these services are billed incident to,

requirements in Medicare Carriers Manual section 2050 must also be met. Note that the personal (in-the-room) supervision requirements for physical and occupational therapy assistants apply only to the private practice setting. The services of nurse practitioners, clinical nurse specialists and physician's assistants may be billed as incident to a physician's service if the incident to requirements are met, or those practitioners may bill their services separately under their own benefit.

C. Five-Year Review of Gastroenterology Codes

In the November 2001 final rule, (66 FR 55246), we finalized work RVUs for several gastrointestinal endoscopy codes that were reviewed by the RUC during the five-year review of physician work. However, we asked the RUC to review several families of gastrointestinal endoscopy codes to ensure that no rank order anomalies existed within those families. The procedures for gastrointestinal stent placement were among those families. Although we have not received further RUC recommendations for any gastrointestinal endoscopy codes, several specialty societies have submitted further information regarding the physician work required to perform gastrointestinal stent placement services. We have reviewed this information and are making several adjustments to the RVUs for these services. These adjustments are interim and we will respond to comments concerning these adjustments in next year's final rule.

CPT code 43219 Esophagoscopy, rigid or flexible; with insertion of plastic tube or stent

Based on the information we have reviewed (including physician intraservice time data), there is no compelling evidence that the physician work of this procedure is inappropriate. The work increment (1.21 work RVUs) beyond the base procedure CPT code 43200, *Esophagoscopy, rigid or flexible; with or without collection of specimen(s) by brushing or washing (separate procedure)* is appropriate. Therefore we are maintaining 2.8 work RVUs for CPT code 43219.

CPT code 43256 Upper gastrointestinal endoscopy including esophagus, stomach, and either the duodenum and/or jejunum as appropriate; with transendoscopic stent placement (includes predilation)

This code currently has 4.60 work RVUs. We reviewed physician time data for this service and believe that it is overvalued compared to the value of

other stent placement procedures. Therefore, to place it in the proper rank order to other stent placement codes, we are assigning it 4.35 work RVUs. This makes the incremental work (1.96 work RVUs) above the base procedure CPT code 43235, *Upper gastrointestinal endoscopy including esophagus, stomach and either the duodenum and/or jejunum as appropriate; diagnostic, with or without collection of specimen(s) by brushing or washing (separate procedure)*, in line with other stent placement codes.

CPT code 44383 Ileoscopy, through stoma; with transendoscopic stent placement (includes predilation)

This code currently has 3.26 work RVUs. We reviewed physician time data for this code and compared it to other stent placement codes. The incremental work value (2.21 work RVUs) above the base procedure CPT code 44380, *Ileoscopy, through stoma; diagnostic, with or without collection of specimen(s) by brushing or washing (separate procedure)*, is high. Therefore, we are reducing the work RVUs to 2.94. This gives it an incremental work value of 1.89 work RVUs which is similar to the incremental work value of CPT code 44397, *Colonoscopy through stoma; with transendoscopic stent placement (includes predilation)*, and places it in the proper rank order with other stent placement codes.

D. Critical Access Hospital Emergency Services Requirements

Section 1820 of the Act provides for a nationwide Medicare Rural Hospital Flexibility Program (MRHF). The Act also provides that certain rural providers may be designated as critical access hospitals (CAHs) under the MRHF program if they meet qualifying criteria and the conditions for designation specified in the statute. Implementing regulations for section 1820 of the Act are located at 42 CFR part 485, subpart F.

Section 1820(c)(2)(B) of the Act implements specific conditions of participation (CoPs) that a facility must meet to be designated a CAH. The statutory criteria for State designation as a CAH require, in part, that the facility makes available 24-hour emergency care services that a State determines are necessary for ensuring access to emergency care services in each area served by a CAH. To help protect the health and safety of Medicare patients who seek emergency medical care at a CAH, our regulations at § 485.618 require CAHs to provide emergency care necessary to meet the needs of its patients.

In 2002, we received letters requesting a special waiver from the current emergency services personnel requirement (specified in § 485.618(d)) for CAHs in frontier areas and remote locations. The requests included the following comments; (1) A number of remote CAHs have been struggling to comply with the current CAH requirement; (2) the personnel requirement places a hardship on isolated frontier communities that have only one medical practitioner; and (3) often these remote facilities have a very low volume of patients which makes it difficult to recover all of their costs and to recruit other practitioners.

As of September 2002, the Cecil G. Sheps Center for Health Services Research at Chapel Hill, North Carolina has identified approximately 173 CAHs that are located in frontier areas (identified as having six individuals per square mile). The average population for a frontier CAH community is 7,024. We have no empirical data to indicate which of these 173 CAHs are currently experiencing workforce issues that create a hardship for the facility or any sole provider. However, the University of Washington conducted a survey of CAHs in May 2001 and learned that, of the 388 CAHs that responded to the survey, 146 facilities are in an isolated small rural census tract. Of these facilities, 10 have no physicians, 24 have only 1 physician, 39 have 2 physicians, and 26 have 3 physicians. Of the CAHs with no doctors, 6 have only 1 mid-level provider (4 of these are in Montana), and 3 have 2 mid-level providers (1 apparently had no physician or mid-level provider at the time of the survey). Of the 39 CAHs that had 2 physicians, 3 had no mid-level providers, and 12 had only 1 mid-level provider.

The Rural Health Research Center at the University of Washington, through its CAH National Tracking Project, reported that CAHs frequently cite problems with recruitment and retention of emergency medical personnel. Based on 2002 data, more than half of the designated CAHs are serving counties dually designated as both a Medically Underserved Area (MUA) and a Health Professional Shortage Area (HPSA). Less than 1 in 10 CAHs are located in counties without a HPSA or an MUA designation.

The delicate balance of providing access to care in very rural and remote areas without jeopardizing quality of care continues to be challenging. We believe that if a small CAH is forced to close because of the lack of qualified personnel, adding RNs to the list of approved personnel would greatly help

CAHs with no greater than 10 beds, in frontier areas or remote locations to serve the emergency health care needs of residents of these areas. Often CAHs in frontier or remote areas are located 50 miles or farther from the nearest health care facility. We believe that allowing RNs, as needed on a temporary basis, to work in CAHs with no greater than 10 beds, with training or experience in emergency care to be included in the list of personnel to be on call and immediately available within 60 minutes is the best means of ensuring that patients in frontier or remote areas will continue to have access to high-quality emergency health care services. However, we are requesting comments on other viable alternatives on how CAHs that are currently experiencing workforce issues can provide emergency care in frontier and remote areas.

Our regulations at § 485.618(d) require a doctor of medicine or osteopathy, a physician's assistant, or a nurse practitioner with training or experience in emergency care to be on call and immediately available by telephone or radio and to be available on site within 30 minutes, or 60 minutes if the CAH is located in a designated frontier area or a remote location designated by the State in its rural health plan. In addition, § 485.618(e) requires that the CAH must coordinate with the emergency response system in the area and ensure the 24-hour telephone or radio availability of a doctor of medicine or osteopathy to receive emergency calls, provide information on treatment of patients, and refer patients to the CAH or other appropriate locations for treatment.

We understand that it may be difficult for small CAHs in frontier areas or remote locations to meet the personnel requirements set forth in § 485.618(d). However, section 1820(c)(2)(B)(ii) of the Act requires a qualifying CAH to make available the 24-hour emergency care services that a State determines are necessary for ensuring access to emergency care services in each area served by a CAH. Although the statute does not provide authority to waive the requirement for continuous emergency care services, we believe that the statute provides the flexibility for States to assess their emergency care service needs and permit small CAHs that experience the absence of emergency personnel required by § 485.618(d) to nonetheless provide emergency services. Accordingly, this final rule with comment provides a mechanism for States with CAHs with no greater than 10 beds, in frontier areas and remote locations to include registered nurses (RNs), with training or

experience in emergency care, as authorized emergency services personnel under our current general emergency service personnel requirements at § 485.618(d). Therefore, in this final rule with comment we are revising § 485.618(d) to add the possibility for States to include RNs among authorized personnel, at § 485.618(d)(3). This will permit State Governors, following consultation on the issue of using RNs on a temporary basis as part of their State rural healthcare plan with the State Boards of Medicine and Nursing, and in accordance with State laws, to request in writing the inclusion of RNs to our current personnel requirements, so that RNs may fulfill the emergency personnel requirements of § 485.618 for frontier area or remote location CAHs with no greater than 10 beds. The letter from the Governor must attest that he or she has consulted with State Boards of Medicine and Nursing about issues related to access to and the quality of emergency services in the State. The letter from the Governor must also describe the circumstances and duration of the temporary request to include the RN on a list of emergency personnel specified in § 485.618(d)(1). The request for such inclusion, and any withdrawal of a request for this inclusion, may be submitted at any time, and will be effective on the date we receive the request. In addition, once a State submits a letter to us signed by the Governor requesting that an RN be included in the list of specified personnel for CAHs with no greater than 10 beds, a CAH must submit documentation to the State survey agency demonstrating that it has not been able, despite reasonable attempts, to hire a sufficient number of physicians, physician assistants, or nurse practitioners to provide 24-hour emergency services on-call coverage. In a frontier or remote area when a CAH has only one physician or mid-level provider, we would expect the facility to provide relief to the sole provider by using an RN with training or experience in emergency services to provide emergency on-call services.

IV. Refinement of Relative Value Units for Calendar Year 2003 and Response to Public Comments on Interim Relative Value Units for 2002

A. Summary of Issues Discussed Related to the Adjustment of Relative Value Units

Section IV.B of this final rule describes the methodology used to review the comments received on the RVUs for physician work and the

process used to establish RVUs for new and revised CPT codes. Changes to codes on the physician fee schedule reflected in Addendum B are effective for services furnished beginning January 1, 2003.

B. Process for Establishing Work Relative Value Units for the 2003 Physician Fee Schedule

Our November 1, 2001 final rule (66 FR 55294) announced the final work RVUs for Medicare payment for existing procedure codes under the physician fee schedule and interim RVUs for new and revised codes. The RVUs contained in the final rule applied to physician services furnished beginning January 1, 2002. We announced that we considered the RVUs for the interim codes to be subject to public comment under the annual refinement process. In this section, we summarize the refinements to the interim work RVUs published in the November 2001 final rule and our establishment of the work RVUs for new and revised codes for the 2003 physician fee schedule.

Work Relative Value Unit Refinements of Interim and Related Relative Value Units

1. Methodology (Includes Table titled "Work Relative Value Unit Refinements of the 2002 Interim and Related Relative Value Units")

Although the RVUs in the November 2001 final rule were used to calculate 2002 payment amounts, we considered the RVUs for the new or revised codes to be interim. We accepted comments for a period of 60 days. We received substantive comments from many individual physicians and several specialty societies on approximately 19 CPT codes with interim work RVUs. Only comments on codes listed in Addendum C of the November 2001 final rule were considered.

To evaluate these comments we used a process similar to the process used in 1997. (See the October 31, 1997 final rule (62 FR 59084) for the discussion of refinement of CPT codes with interim work RVUs.) We convened a multispecialty panel of physicians to assist us in the review of the comments. The comments that we did not submit to panel review are discussed at the end of this section, as well as those that were reviewed by the panel. We invited representatives from the organization from which we received substantive comments to attend a panel for discussion of the code on which they had commented. The panel was moderated by our medical staff, and consisted of the following voting members:

- One or two clinicians representing the commenting organization.
- Two primary care clinicians nominated by the American Academy of Family Physicians and the American College of Physicians/American Society of Internal Medicine.
- Four carrier medical directors.
- Four clinicians with practices in related specialties, who were expected to have knowledge of the service under review.

The panel discussed the work involved in the procedure under review in comparison to the work associated with other services under the physician fee schedule. We assembled a set of reference services and asked the panel members to compare the clinical aspects of the work of the service a commenter believed was incorrectly valued to one or more of the reference services. In compiling the set, we attempted to include—(1) Services that are commonly performed whose work RVUs are not controversial; (2) services that span the entire spectrum from the easiest to the most difficult; and (3) at least three services performed by each of the major specialties so that each specialty would be represented. The set listed approximately 300 services. Group members were encouraged to make comparisons to reference services. The intent of the panel process was to capture each participant's independent judgement based on the discussion and his or her clinical experience. Following the discussion, each participant rated the work for the procedure. Ratings were individual and confidential, and there was no attempt to achieve consensus among the panel members.

We then analyzed the ratings based on a presumption that the interim RVUs were correct. To overcome this presumption, the inaccuracy of the interim RVUs had to be apparent to the broad range of physicians participating in each panel.

Ratings of work were analyzed for consistency among the groups represented on each panel. In general, we used statistical tests to determine whether there was enough agreement among the groups of the panel and whether the agreed-upon RVUs were significantly different from the interim RVUs published in Addendum C of the November 2001 final rule. We did not modify the RVUs unless there was a clear indication for a change. If there was agreement across groups for change, but the groups did not agree on what the new RVUs should be, we eliminated the outlier group and looked for agreement among the remaining groups as the basis for new RVUs. We used the same methodology in analyzing the ratings

that we first used in the refinement process for the 1993 physician fee schedule. The statistical tests were described in detail in the November 25, 1992 final rule (57 FR 55938).

Our decision to convene multispecialty panels of physicians and to apply the statistical tests described above was based on our need to balance the interests of those who commented on the work RVUs against the redistributive effects that would occur in other specialties.

We also received comments on RVUs that were interim for 2002, but which we did not submit to the panel for review for a variety of reasons. These comments and our decisions on those comments are discussed in further detail below.

The table below lists the interim code reviewed during the refinement process described in this section. This table includes the following information:

- CPT Code. This is the CPT code for a service.

- Description. This is an abbreviated version of the narrative description of the code.

- 2002 Work RVU. The work RVUs that appeared in the November 2001 rule are shown for each reviewed code.

- Requested Work RVU. This column identifies the work RVUs requested by commenters.

- 2003 Work RVU. This column contains the final RVUs for physician work.

TABLE 5.—WORK RVU REFINEMENT OF 2002 INTERIM CODES AND RELATED RVUS

CPT code ¹	Description	2002 Work RVU	Requested work RVU	2003 Work RVU
53853	Transurethral destruction of prostate tissue; by water-induced thermotherapy	4.14	8.75	5.24

¹ All CPT codes and descriptions copyright 2003 American Medical Association.

2. Interim 2002 Codes

CPT Code 00797 Anesthesia for Intraperitoneal Procedures in Upper Abdomen Including Laparoscopy; Gastric Restrictive Procedure for Morbid Obesity CPT Code 01968 Cesarean Delivery Following Neuraxial Labor Analgesia/Anesthesia (List Separately in Addition to Code for Primary Procedure

The RUC recommended that 9 base units be assigned to CPT code 00797 and 3 base units be assigned to the add-on code CPT code 01968. We did not accept the RUC recommended values for these two anesthesia services and assigned 8 base units to CPT code 00797 and 2 base units to the add-on code CPT code 01968.

The AMA and the RUC disagreed with the reductions we made to the base units and the reasoning as stated in the November 1, 2001 final rule behind these reductions. No other comments were received on these codes.

Final Decision: Given that the only comments received were from the AMA and RUC and these provided no additional information, we are maintaining the base units of 8 for CPT code 00797 and 2 base units for the CPT code 01968.

CPT code 47382 Ablation, one or more liver tumor(s), percutaneous, radiofrequency

We had not received recommendations from the RUC for this procedure and assigned work RVUs of 12.00 to this service.

Specialty organizations indicated that the value assigned was inappropriately low and that this would be revisited by the RUC in February 2002. They recommended that we take the RUC values into consideration for the 2003 Medicare fee schedule.

Final Decision: We did receive a RUC recommendation of 15.19 for CPT code 47382 and are in agreement with the recommended work RVU.

CPT code 52001 Cystourethroscopy with irrigation and evacuation of clots.

The RUC recommended 5.45 work RVUs based on a comparison to certain reference procedures. We had concerns about the descriptor associated with this code and based on the descriptor of this CPT code for 2002 assigned 2.37 RVUs to this procedure. We felt the time and intensity of the physician work for this procedure as described was comparable to CPT Code 52005. Commenters acknowledged that the descriptor was being revised and felt that this would enable us to accept the original RUC recommendation of 5.45.

Final decision: The descriptor for CPT code 52001 has been revised for 2003 and the RUC provided a new recommended work RVU of 5.45. We agree with the RUC recommended work RVU of 5.45 for CPT code 52001.

CPT code 53853 Transurethral destruction of prostatic tissue; by water induced thermotherapy).

The RUC recommended 6.41 work RVUs for this procedure. We did not agree with the RUC recommendation and based on an analysis of intraservice activities, we believed it more appropriate to compare CPT code 53853 to 90-day global procedures with less than 30 minutes of intraservice time. Based on this we assigned a work RVU of 4.14 to this code.

Commenters disagreed with the RVUs assigned. One commenter provided detailed information in support of an increase in work RVUs. Based on these comments we referred this code to the

multispecialty validation panel for review.

Final decision: As a result of the statistical analysis of the 2002 multispecialty validation panel ratings, we have assigned 5.24 work RVUs to CPT code 53853.

CPT code 76490 Ultrasound guidance for, and monitoring of, tissue ablation

We did not receive a recommendation from the RUC for this procedure. We compared the time and intensity of this procedure to other radiologic guidance codes and to radiologic supervision and interpretation codes and assigned work RVUs of 2.00 to this code. Two specialty groups expressed concern that the assigned RVUs were not appropriate and indicated the RUC would be revisiting work RVUs for this service in February 2002. They recommended that we take the RUC values into consideration for the 2003 Medicare fee schedule.

Final Decision: We did receive a RUC work RVU recommendation of 4.00 for this service and are in agreement with this recommendation.

CPT code 90471 Immunization administration (includes percutaneous, intradermal, subcutaneous, intramuscular and jet injections); one vaccine (single or combination vaccine/toxoid) and CPT code 90472 Immunization administration (includes percutaneous, intradermal, subcutaneous, intramuscular and jet injections); each additional vaccine/toxoid (List separately in addition to code for primary procedure) one vaccine

We disagreed with the RUC recommended work RVU of .17 for CPT code 90471 and .15 work RVUs for CPT code 90472. To the extent the physician

performs any counseling related to this service, it is considered part of the work of the preventive medicine visit during which the immunization was administered. If the vaccine is administered during a visit other than a preventive medicine service, any physician counseling should be billed separately as an E/M service. Commenters disagreed that there is no physician work associated with this service particularly in light of the required counseling that must be provided by the physician concerning possible reactions to vaccines. Commenters also continue to be concerned that Medicaid and private payors will base their payment amounts on the "incomplete" RVUs established under the physician fee schedule, which do not include physician work for these services.

Final Decision: We have addressed the issue of immunization administration in a separate section of this rule. We continue to believe that there is no physician work associated with this service. Please see Section A.(3)(c) (Practice Expense provisions for CY 2003) for discussion of this issue.

CPT code 90473 Immunization administration by intranasal or oral route; one vaccine (single or combination vaccine/toxoid); and, CPT code 90474 Immunization administration by intranasal or oral route each additional vaccine/toxoid (List separately in addition to code for primary procedure)

The RUC recommended a work RVU of .17 for CPT code 90473 and .15 work RVUs for CPT code 90474. Medicare does not cover self-administered vaccines. We did not assign work RVUs to these services as these are noncovered services. Commenters disagreed with our assessment that there is no physician work associated with these codes.

Final Decision: As we had previously indicated, Medicare does not cover self-administered vaccines. Since these services are not covered under Medicare, RVUs are not listed under the physician fee schedule.

CPT code 93609 Intraventricular and/or intra-atrial mapping of tachycardia site(s) with catheter manipulation to record from multiple sites to identify origin of tachycardia

We did not receive a recommendation from the RUC for this service. The descriptor for this service did not change, but the AMA CPT editorial panel changed the global period for this service from a zero day global to a ZZZ global. This means that this is now an "add-on" code and the physician work RVUs no longer include any pre- or

postservice work. (It previously had a work RVU of 10.07.) To appropriately value this add-on service, we compared it to several other electrophysiology services and assigned a work RVU of 4.81 to CPT code 93609. Commenters disagreed with the assigned work RVUs and stated that this code would be presented at the February 2002 RUC meeting. Commenters encouraged us to reconsider the work RVUs for this code based on the forthcoming RUC recommendation.

Final Decision: We have received a RUC recommendation of 5.00 for CPT code 93609 for 2003 and are in agreement with this recommendation.

CPT code 93613 Intracardiac electrophysiologic 3-dimensional mapping

This was a new add-on code for 2002 for which we did not receive a recommendation from the RUC. This is a service that does not include any pre- or postservice work. Based on a comparison to similar services, we believed the intraservice time and intensity of 93613 was slightly less than that of CPT code 93619 and therefore assigned 7.00 work RVUs to CPT code 93613. Commenters disagreed with our rationale and stated that this code would be presented at the February 2002 RUC meeting. Commenters encouraged us to reconsider the work RVUs for this code.

Final Decision: We have received a RUC recommendation of 7.00 for CPT code 93613 for 2003 and are in agreement with this recommendation.

CPT code 93701 Bioimpedence, thoracic, electrical

We did not accept the RUC recommendation of 0.00 work RVUs but assigned this service 0.17 work RVUs based on the value assigned to HCPCS code M0302 which is the code used to pay for this service in 2001. We did indicate that we would consider the RUC recommendation but that, if we considered revising the work RVUs, we would discuss any proposed change in a future proposed rule. Commenters expressed concern that we would revisit this issue as we had addressed valuing of this service through rulemaking in 2000. While we retained the work RVUs that had been assigned based on rulemaking in 2000 for this service, we did want to indicate that, in consideration of the RUC recommendation, should we determine that any revisions to the RVUs are necessary, we would address revisions in future rulemaking.

Final Decision: We are retaining the work RVU of 0.17.

CPT code 95250 Glucose monitoring for up to 72 hours by continuous

recording and storage of glucose values from interstitial tissue fluid via a subcutaneous sensor (includes hook-up, calibration, patient initiation and training, recording, disconnection, downloading with printout of data)

We agreed with the RUC recommendation that the physician work value for this service was 0.00. Though the physician can bill an E/M code for the physician review and interpretation associated with this service, commenters believe that use of the E/M code to reflect the physician work is not adequate and that the present reimbursement for this code will discourage its use.

Final Decision: The CPT descriptor for this code indicates that it is for the "TC" only and that, to report the physician review, interpretation and written report associated with this code, the practitioner should use the E/M service codes. Based on this, we believe that the assignment of 0.00 work RVUs is appropriate.

CPT code 97602 Removal of devitalized tissue from wound(s); non-selective debridement, without anesthesia (e.g., wet-to-moist dressings, enzymatic, abrasion), including topical applications(s), wound assessment and instruction(s) for ongoing care, per session

The HCPAC recommended a work RVU of 0.32 for this service. We disagreed with this recommendation and stated that the services of this code are bundled into CPT code 97601 and did not establish work RVUs for this service. Commenters disagreed with our determination that this service should be bundled. Commenters felt that, despite the fact that there may be some elements of the service that are common to both codes, these codes describe distinct services that are not used simultaneously. We have re-examined our determination but have not changed our decision. As we explained in last year's final rule, CPT code 97602 describes services that typically involve placement of a wound covering, for example, wet-to-dry gauze or enzyme-treated dressing. It also includes nonspecific removal of devitalized tissue that is an inherent part of changing a dressing. This service is already included in the work and practice expenses of CPT code 97601. In the typical service described by CPT code 97601, the patient has a dressing placed over the wound. We would add that the services described by CPT code 97602 are also included in the work and practice expenses of the whirlpool code, CPT code 97022. For this reason, we consider this a bundled service that is not paid separately.

Final Decision: As discussed above we will continue to consider this a bundled service that is not paid separately.

CPT code 99091 Collection and interpretation of physiologic data (e.g., ECG, blood pressure, glucose monitoring) digitally stored and/or transmitted by the patient and/or caregiver to the physician or other qualified health care professional, requiring a minimum of 30 minutes of time

The RUC recommended work RVUs of 1.10 for this code. We disagreed since this work is considered part of the pre- and post-service work of an E/M service and payment for this code is bundled into payment for the E/M service. Commenters objected to our bundling of this code and believed that the work associated with this service is not captured in other services, as this is not a face-to-face service. Some commenters felt that the work involved in this code was similar to care plan oversight codes, for which we provide separate payment.

Final Decision: Some portion of both the pre- and post-service work of an evaluation and management visit will not be face-to-face. We still conclude, as discussed above, that this a bundled service that is not paid separately.

CPT codes 99289 Physician constant attention of the critically ill or injured patient during an interfacility transport; first 30–74 minutes, and 99290, each additional 30 minutes (List separately in addition to code for primary service)

We did not agree with the RUC recommended values of 4.8 work RVUs for CPT code 99289 and 2.4 work RVUs for CPT code 99290. We also had concerns as to whether the code descriptors for these two new codes, as written, met the requirements for critical care. Based on the concerns outlined in the November 1, 2001 rule, we decided not to recognize these codes for Medicare purposes and created two HCPCS Level II codes for use in CY 2002 to describe critical care services provided to patients during inter-facility transport. These codes (G0240—Critical Care Service delivered by a physician; face-to-face, during inter-facility transport of a critically ill or critically injured patient; first 30–74 minutes of active transport and G0241—each additional 30 minutes (list separately in addition to G0240) were valued at 4.00 work RVUs and 2.00 work RVUs, respectively. Commenters indicated that the descriptors for the CPT codes were being revised and requested that we reconsider the work relative values for these codes in light of the changes that CPT will be making to these codes.

Final Decision: Based on the changes the CPT Editorial Panel has made to the descriptors for CPT codes 99289 and 99290, we are in agreement with the RUC recommended work RVUs of 4.80 for 99289 and 2.40 for 99290 and will use these CPT codes for Medicare purposes. We are also eliminating HCPCS codes G0240 and G0241 that had previously been used to report these services.

RUC Recommendations on Practice Expense Inputs for 2002 New and Revised Codes

In the November 2001 final rule (66 FR 55310), we responded to the RUC recommendations on the practice expense inputs for the new and revised CPT codes for CY 2002. We have received two comments on this issue.

Comment: The AMA commented that it was pleased that we accepted nearly all of the RUC's recommendations for direct practice expense inputs for new and revised codes for CPT 2002.

Response: We are also pleased that we are receiving recommendations on the practice expense inputs that need no modification and thank the RUC for the time and effort expended on developing appropriate recommendations.

Comment: Two organizations representing radiation oncologists were opposed to the reduction of the recommended clinical staff time for a radiation therapist from 123 to 60 minutes for CPT code 77418, intensity modulated treatment delivery. One of the comments argued that there is no overlap of clinical staff time with other services and that the typical time is over 60 minutes for this procedure. Both comments contend that for quality of care purposes two therapists are required.

Response: In the November 2001 final rule (66 FR 55310), we accepted, as interim, the RUC's recommendations for practice expense inputs for CPT code 77418, except that we reduced the staff time from 120 minutes (60 minutes for each of two radiation technologists) to 60 minutes (for one radiation technologist). We still believe that this reduction in staff time is appropriate. IMRT is currently delivered in multiple fractions on a daily basis and is usually administered to patients with prostate cancer or tumors of the head and neck. Most of the treatments take considerably less than 60 minutes and only one technologist is required to actually deliver the treatment, as the parameters are preprogrammed into a computer. Further, any time spent adjusting the radiation fields using ultrasound or computed tomography is separately payable. We believe that 60 minutes of

staff time adequately accounts for the pre-, intra-, and post-service staff resources used to provide this service.

We received the following comments on HCPCS codes established in the November 1, 2001 final rule.

- Respiratory Therapy Codes
 - G0237 Therapeutic Procedures To Increase Strength or Endurance of Respiratory Muscles, Face-to-Face, One-on-One, Each 15 Minutes (Includes Monitoring); G0238 Therapeutic Procedures To Improve Respiratory Function, Other Than Described by G0237, One-on-One, Face-to-Face, per 15 Minutes (Includes Monitoring); and G0239 Therapeutic Procedures To Improve Respiratory Function, Two or More Patients Treated During the Same Period, Face-to-Face (Includes Monitoring).*

Note that we have revised the descriptor for G0239 for clarity, and discussed this in section IV(C).

While several organizations expressed appreciation for the establishment of these codes, they requested clarification on the following points:

Comment: Commenters asked whether nurses could also use these codes.

Response: Physicians can use these codes if nurses are providing services "incident to" a physician's service, with the physician in the suite in his or her office, and the codes may be used in a comprehensive outpatient rehabilitation facility (CORF) or a hospital outpatient department. Since there is no respiratory therapy or pulmonary rehabilitation benefit, respiratory therapists can provide these services only in a CORF or under the "incident to" provision in a physician's office or in the hospital outpatient setting.

Comment: Commenters requested clarification of the term "monitoring" used in all three of these code descriptions.

Response: Monitoring provides physiologic or other data about the patient during the period before, during, and after the activities. It can represent, for example, pulse oximetry readings, electrocardiography data, pulmonary testing measurements, or measurements of strength or endurance performed to assess the status of the patient before, during, and after the activities. An example would be pursed-lip breathing which involves nasal inspiration followed by slow exhalations through partially closed pursed lips to create positive pressure in upper respiratory tract, and improve respiratory muscles action. If, after this training, the practitioner were to check the patient's oxygen saturation level (via pulse oximetry), peak respiratory flow, or

other respiratory parameters, then this would be considered "monitoring." Payment for this monitoring is bundled into G0237 and not paid separately as a diagnostic test.

Comment: Another asked about the differences between the G codes.

Response: G0237 involves therapeutic procedures specifically targeted at improving the strength and endurance of respiratory muscles. Examples include pursed-lip breathing, diaphragmatic breathing, and paced breathing (strengthening the diaphragm by breathing through tubes of progressively increasing resistance to flow). G0238 involves a variety of activities including teaching patients strategies for performing tasks with less respiratory effort and the performance of graded activity programs to increase endurance and strength of upper and lower extremities. G0238 does not include demonstration of the use of nebulizer or inhaler or chest percussions because these services are described by other CPT codes (94664 and 94667, respectively). G0239 represents situations in which two or more patients are receiving services simultaneously (such as those described above in G0237 or G0238) during the same time period. The practitioners must be in constant attendance but need not be providing one-on-one contact. For example, a therapist provides medically necessary therapeutic procedures to two patients (A and B) in the same gym, for a 30-minute period. Both are performing different graded activities (described by G0238) to increase endurance of their upper and lower extremities while the therapist divides his/her time—in intermittent, brief episodes—between patients A and B. In this scenario the therapist would bill each patient for group therapy (G0239) because the treatment was provided simultaneously to two patients, and not one-on-one, as required by G0238.

Comment: Commenters requested clarification concerning use of G0237, G0238, and G0239 codes and whether these codes can be billed more than once a day.

Response: G0237 and G0238 are timed codes, reported for each 15 minutes of one-on-one face-to-face treatment. They can be reported with more than one unit per patient per day, depending upon the duration of treatment. G0239 is not a timed code and thus should be reported only once a day for each patient in the group.

Comment: Clarification was also requested about whether the physician must certify the services every 30 days.

Response: The 30-day certification and recertification of the plan of care requirement applies to the services of physical therapists, occupational therapists, and speech language pathologists as described in section 1861(p) of the Act. Since we expected G0237, G0238, and G0239 typically to be provided by respiratory therapists, the 30-day certification and recertification of the plan of care requirement does not generally apply. If the services are performed by either a physical or occupational therapist (or by a therapy assistant under his or her direction), the requirement for the 30-day certification and recertification applies. Additionally, all services provided in the CORF setting including G0237, G0238, and G0239 require 60-day certification and recertification of the plan of care.

Comment: One commenter asked whether the "NA" in the facility total column indicated that these codes are not for use in the hospital outpatient setting.

Response: As stated above, these codes are appropriate for use in the hospital outpatient setting. The "NA" refers to the fact that in the hospital outpatient setting, these codes are paid under the hospital outpatient prospective payment system and are assigned to an APC, rather than being paid on the physician fee schedule.

Comment: Commenters also asked for the specific clinical situations in which the use of these codes is appropriate.

Response: All services must meet the test of being "reasonable and necessary" pursuant to section 1862(a)(1)(A) of the Act. Determinations of medical necessity have been made by carriers and intermediaries on a claim-by-claim basis in their local medical review policies. We believe that this is the appropriate manner to address these questions, and many of our contractors have already developed these policies. We note however, there is no explicit pulmonary rehabilitation benefit.

Comment: Commenters asked whether respiratory therapists would be precluded from using additional CPT codes to bill for their pulmonary-rehabilitation related services.

Response: We reiterate that codes G0237, G0238, and G0239 were developed to provide more specificity about the services being delivered. Thus, CPT codes 97000 to 97799 are not to be billed by professionals involved in treating respiratory conditions, unless these services are delivered by physical or occupational therapists and meet the other requirements for physical and occupational therapy services. Also CPT code 99211, (office or other outpatient

visit for evaluation and management), should not be used by practitioners providing outpatient respiratory or pulmonary therapy services.

Revisions to Malpractice RVUs for New and Revised CPT Codes for 2002

Malpractice RVUs are calculated using the methodology described in detail at Addendum G of our November 1, 2000 final rule (65 FR 65589). Because of the timing of the release of new and revised CPT codes each year, the malpractice RVUs for the first year of these codes are extrapolated from existing similar codes based on the advice of our medical consultants and are considered interim subject to public comment and our revision. The following year, these codes are given values based on our malpractice RVU methodology and a review of any comments received.

The malpractice RVUs for new and revised codes for CY 2002 published in Addendum B of the November 2001 final rule, were extrapolated from existing similar codes. The malpractice RVUs for these codes in this year's Addendum B were calculated by our consultant, KPMG, using the same methodology used for all other codes. Likewise, the malpractice RVUs for new and revised codes for CY 2003 are being extrapolated from existing similar codes and will be calculated using the malpractice RVU methodology next year.

Comment: The American College of Radiology continues to be concerned about the increasing liability costs for radiology and radiation oncology. They would like us to explore and ultimately implement a change in the malpractice methodology. They stated that radiologists and radiation oncologists bear the majority of costs for liability insurance; therefore, the larger proportion of malpractice value should be included in the PC and the smaller portion in the TC.

Response: While we can understand the concern about rising liability costs, we do not believe that radiology and radiation oncology are the only specialties facing such increases. We also do not agree that the larger proportion of malpractice values should be associated with the PC component of the service. As we have explained in previous physician fee schedule rules, the total TC RVUs (practice expense and malpractice) for the TC of radiology diagnostic tests represent the expenses required to perform the test—equipment, supplies, and technicians plus malpractice insurance. The total PC RVUs (work, practice expense and malpractice insurance) represent only

the interpretation of the test by the physician. Generally, the TC RVUs for radiology services are significantly higher than the PC RVUs because of the very expensive equipment and supplies. The malpractice RVUs are generally split in similar proportion between PC and TC as are the practice expense RVUs. In cases when the physician or group provides both the TC and PC and bills for both components, the split is not a significant issue since the physician or group would receive the total payment. In many cases, the TC is provided by an entity—hospital or free standing imaging center—other than the physician providing the interpretation. The entity providing the TC, which includes a supervising physician who is most likely a radiologist, assumes the risk, such as excessive irradiation of the patient, of providing the TC. We can think of no reason to transfer any portion of malpractice RVUs from the entity (which would include a supervising physician) providing the majority of the service, the TC, to a physician who is providing only the interpretation. The malpractice liability associated with interpreting the test is reflected in the PC malpractice RVUs.

Comment: The American Occupational Therapy Association indicated that for computing malpractice RVUs, occupational therapy was incorrectly crosswalked to occupational medicine (Insurance Service Office (ISO) code 80233). They suggested the appropriate crosswalk is to physical medicine and rehabilitation (ISO 80235).

Response: We agree with the commenter that a more appropriate crosswalk for occupational therapy is to physical medicine and rehabilitation as opposed to occupational medicine. The original data that were used to calculate malpractice RVUs were based upon 1993 to 1995 malpractice premium data. These data were replaced with more recent premium data (1996 to 1998). The resulting risk factors are published in the November 2000 final rule (65 FR 65594). These more recent premium data place occupation medicine, occupational therapy, and physical medicine and rehabilitation into the same risk classification. Due to this update to the risk classifications, revising the crosswalk for occupational therapy will have no effect; nonetheless, for purposes of accuracy, we will change the occupational therapy

crosswalk at the next scheduled update to malpractice premium data in CY 2005.

Establishment of Interim Work Relative Value Units for New and Revised Physician's Current Procedural Terminology (CPT) Codes and New Healthcare Common Procedure Coding System Codes (HCPCS) for 2003 (Includes Table titled American Medical Association Specialty Relative Value Update Committee and Health Care Professionals Advisory Committee Recommendations and CMS's Decisions for New and Revised 2003 CPT Codes)

One aspect of establishing RVUs for 2003 was related to the assignment of interim work RVUs for all new and revised CPT codes. As described in our November 25, 1992 notice on the 1993 physician fee schedule (57 FR 55983) and in section III.B. of the November 22, 1996 final rule (61 FR 59505 through 59506), we established a process, based on recommendations received from the AMA's RUC, for establishing interim work RVUs for new and revised codes.

This year we received work RVU recommendations for approximately 249 new and revised CPT codes from the RUC. Our staff and medical officers reviewed the RUC recommendations by comparing them to our reference set or to other comparable services for which work RVUs had previously been established, or to both of these criteria. We also considered the relationships among the new and revised codes for which we received RUC recommendations. We agreed with the majority of the relative relationships reflected in the RUC values. In some instances, when we agreed with the relationships, we nonetheless revised the work RVUs to achieve work neutrality within families of codes, that is, the work RVUs have been adjusted so that the sum of the new or revised work RVUs (weighted by projected frequency of use) for a family will be the same as the sum of the current work RVUs (weighted by projected frequency of use). For approximately 96 percent of the RUC recommendations, proposed work RVUs were reviewed and accepted, and, for approximately 4 percent, we disagreed with the RUC recommended values. In the majority of these instances, we agreed with the relativity established by the RUC, but needed to adjust work RVUs to retain budget neutrality.

There were also 22 CPT codes for which we did not receive a RUC recommendation. After a review of these CPT codes by our staff and medical officers, we established interim work RVUs for the majority of these services. For those services for which we could not arrive at interim work RVUs, we have assigned a carrier-priced status until such time as the RUC provides work RVU recommendations.

We received 22 recommendations from the Health Care Professionals Advisory Committee (HCPAC). We agreed with approximately 86 percent of the HCPAC recommendations and disagreed with approximately 14 percent of the HCPAC recommendations.

We have also included, in Table 6, 34 codes for which the RUC has submitted revisions to their original 2002 recommendations. These CPT codes are identified with an "L" in Table 6.

Table 6, titled "AMA RUC and HCPAC Recommendations and CMS Decisions for New and Revised 2003 CPT Codes", lists the new or revised CPT codes, and their associated work RVUs, that will be interim in 2003. This table includes the following information:

- A "#" identifies a new code for 2003.
- CPT code. This is the CPT code for a service.
- Modifier. A "26" in this column indicates that the work RVUs are for the professional component of the code.
- Description. This is an abbreviated version of the narrative description of the code.
- RUC recommendations. This column identifies the work RVUs recommended by the RUC.
- HCPAC recommendations. This column identifies the work RVUs recommended by the HCPAC.
- CMS decision. This column indicates whether we agreed with the RUC recommendation ("agree") or we disagreed with the RUC recommendation ("disagree"). Codes for which we did not accept the RUC recommendation are discussed in greater detail following this table. An "(a)" indicates that no RUC recommendation was provided.
- 2003 Work RVUs. This column establishes the 2003 work RVUs for physician work.

TABLE 6

*CPT code	Mod	Description	RUC rec- ommendation	HCPAC rec- ommendation	CMS decision	2003 Work RVU
11400	Exc tr-ext b9+marg 0.5 < cm	0.85	.....	Agree	0.85
11401	Exc tr-ext b9+marg 0.6-1 cm	1.23	.....	Agree	1.23
11402	Exc tr-ext b9+marg 1.1-2 cm	1.51	.....	Agree	1.51
11403	Exc tr-ext b9+marg 2.1-3 cm	1.79	.....	Agree	1.79
11404	Exc tr-ext b9+marg 3.1-4cm	2.06	.....	Agree	2.06
11406	Exc tr-ext b9+marg > 4.0 cm	2.76	.....	Agree	2.76
11420	Exc h-f-nk-sp b9+marg 0.5 <	0.98	.....	Agree	0.98
11421	Exc h-f-nk-sp b9+marg 0.6-1	1.42	.....	Agree	1.42
11422	Exc h-f-nk-sp b9+marg 1.1-2	1.63	.....	Agree	1.63
11423	Exc h-f-nk-sp b9+marg 2.1-3	2.01	.....	Agree	2.01
11424	Exc h-f-nk-sp b9+marg 3.1-4	2.43	.....	Agree	2.43
11426	Exc h-f-nk-sp b9+marg > 4 cm	3.78	.....	Agree	3.78
11440	Exc face-mm b9+marg 0.5 < cm	1.06	.....	Agree	1.06
11441	Exc face-mm b9+marg 0.6-1 cm	1.48	.....	Agree	1.48
11442	Exc face-mm b9+marg 1.1-2 cm	1.72	.....	Agree	1.72
11443	Exc face-mm b9+marg 2.1-3 cm	2.29	.....	Agree	2.29
11444	Exc face-mm b9+marg 3.1-4 cm	3.14	.....	Agree	3.14
11446	Exc face-mm b9+marg > 4 cm	4.49	.....	Agree	4.49
11600	Exc tr-ext mlg+marg 0.5 < cm	1.31	.....	Agree	1.31
11601	Exc tr-ext mlg+marg 0.6-1 cm	1.80	.....	Agree	1.80
11602	Exc tr-ext mlg+marg 1.1-2 cm	1.95	.....	Agree	1.95
11603	Exc tr-ext mlg+marg 2.1-3 cm	2.19	.....	Agree	2.19
11604	Exc tr-ext mlg+marg 3.1-4 cm	2.40	.....	Agree	2.40
11606	Exc tr-ext mlg+marg > 4 cm	3.43	.....	Agree	3.43
11620	Exc h-f-nk-sp mlg+marg 0.5 <	1.19	.....	Agree	1.19
11621	Exc h-f-nk-sp mlg+marg 0.6-1	1.76	.....	Agree	1.76
11622	Exc h-f-nk-sp mlg+marg 1.1-2	2.09	.....	Agree	2.09
11623	Exc h-f-nk-sp mlg+marg 2.1-3	2.61	.....	Agree	2.61
11624	Exc h-f-nk-sp mlg+marg 3.1-4	3.06	.....	Agree	3.06
11626	Exc h-f-nk-sp mlg+mar > 4 cm	4.30	.....	Agree	4.30
11640	Exc face-mm malig+marg 0.5 <	1.35	.....	Agree	1.35
11641	Exc face-mm malig+marg 0.6-1	2.16	.....	Agree	2.16
11642	Exc face-mm malig+marg 1.1-2	2.59	.....	Agree	2.59
11643	Exc face-mm malig+marg 2.1-3	3.10	.....	Agree	3.10
11644	Exc face-mm malig+marg 3.1-4	4.03	.....	Agree	4.03
11646	Exc face-mm mlg+marg > 4 cm	5.95	.....	Agree	5.95
L 11981	Insert drug implant device	1.48	.....	Agree	1.48
L 11982	Remove drug implant device	1.78	.....	Agree	1.78
L 11983	Remove/insert drug implant	3.30	.....	Agree	3.30
17304	1 stage mohs, up to 5 spec	7.60	.....	Agree	7.60
17305	2 stage mohs, up to 5 spec	2.85	.....	Agree	2.85
17306	3 stage mohs, up to 5 spec	2.85	.....	Agree	2.85
17307	Mohs addl stage up to 5 spec	2.85	.....	Agree	2.85
17310	Mohs any stage > 5 spec each	0.95	.....	Disagree	0.62
L 20526	Ther injection, carp tunnel	0.94	.....	Agree	0.94
L 20550	Inj tendon sheath/ligament	0.75	.....	Agree	0.75
L 20551	Inject tendon origin/insert	0.75	.....	Agree	0.75
L 20552	Inject trigger point, 1 or 2	0.66	.....	Agree	0.66
L 20553	Inject trigger points, => 3	0.75	.....	Agree	0.75
L 20600	Drain/inject, joint/bursa	0.66	.....	Agree	0.66
L 20605	Drain/inject, joint/bursa	0.68	.....	Agree	0.68
# 20612	Aspirate/inj ganglion cyst	0.70	.....	Agree	0.70
21030	Excise max/zygoma b9 tumor	(a)	.....	(a)	3.89
21034	Excise max/zygoma mlg tumor	16.17	.....	Agree	16.17
21040	Removal of jaw bone lesion	(a)	.....	(a)	3.89
# 21046	Remove mandible cyst complex	13.00	.....	Agree	13.00
# 21047	Excise lwr jaw cyst w/repair	18.75	.....	Agree	18.75
# 21048	Remove maxilla cyst complex	13.50	.....	Agree	13.50
# 21049	Excise uppr jaw cyst w/repair	18.00	.....	Agree	18.00
21740	Reconstruction of sternum	16.50	.....	Agree	16.50
# 21742	Repair sternum/nuss w/o scope	(a)	.....	(a)	carrier
# 21743	Repair sternum/nuss w/scope	(a)	.....	(a)	carrier
23410	Repair rotator cuff, acute	12.45	.....	Agree	12.45
23412	Repair rotator cuff, chronic	13.31	.....	Agree	13.31
L 24344	Reconstruct elbow lat ligmnt	14.00	.....	Agree	14.00
L 24346	Reconstruct elbow med ligmnt	14.00	.....	Agree	14.00
25320	Repair/revise wrist joint	10.77	.....	Agree	10.77
27425	Lat retinacular release open	5.22	.....	Agree	5.22
27730	Repair of tibia epiphysis	7.41	.....	Agree	7.41
27732	Repair of fibula epiphysis	5.32	.....	Agree	5.32
27734	Repair of lower leg epiphysis	8.48	.....	Agree	8.48

TABLE 6—Continued

*CPT code	Mod	Description	RUC recommendation	HCPAC recommendation	CMS decision	2003 Work RVU
27870	Fusion of ankle joint, open	13.91	.....	Agree	13.91
29806	Shoulder arthroscopy/surgery	14.37	.....	Agree	14.37
# 29827	Arthroscop rotator cuff repr	15.36	.....	Agree	15.36
# 29873	Knee arthroscopy/surgery	6.00	.....	Agree	6.00
# 29899	Ankle arthroscopy/surgery	13.91	.....	Agree	13.91
# 33215	Reposition pacing-defib lead	4.44	.....	Disagree	4.76
33216	Insert lead pace-defib, one	5.39	.....	Disagree	5.78
33217	Insert lead pace-defib, dual	5.75	.....	Agree	5.75
# 33224	Insert pacing lead & connect	9.05	.....	Agree	9.05
# 33225	L ventric pacing lead add-on	8.34	.....	Agree	8.34
# 33226	Reposition L ventric lead	8.69	.....	Agree	8.69
# 33508	Endoscopic vein harvest	0.31	.....	Agree	0.31
L 33979	Insert intracorporeal device	46.00	.....	Agree	46.00
L 33980	Remove intracorporeal device	56.25	.....	Agree	56.25
34812	Xpose for endoprosth, femorl	6.75	.....	Agree	6.75
34825	Endovasc extend prosth, init	12.00	.....	Agree	12.00
34826	Endovasc extend prosth, addl	4.13	.....	Agree	4.13
# 34833	Xpose for endoprosth, iliac	12.00	.....	Agree	12.00
# 34834	Xpose, endoprosth, brachial	5.35	.....	Agree	5.35
# 34900	Endovasc iliac repr w/graft	16.38	.....	Agree	16.38
# 35572	Harvest femoropopliteal vein	6.82	.....	Agree	6.82
36415	Routine venipuncture	0.00	.....	Agree	0.00
# 36416	Capillary blood draw	0.00	.....	Agree	0.00
# 36511	Apheresis wbc	(a)	.....	(a)	1.74
# 36512	Apheresis rbc	(a)	.....	(a)	1.74
# 36513	Apheresis platelets	(a)	.....	(a)	1.74
# 36514	Apheresis plasma	(a)	.....	(a)	1.74
# 36515	Apheresis, adsorp/reinfuse	(a)	.....	(a)	1.74
# 36516	Apheresis, selective	(a)	.....	(a)	1.74
# 36536	Remove cva device obstruct	3.60	.....	Agree	3.60
# 36537	Remove cva lumen obstruct	0.75	.....	Agree	0.75
36540	Collect blood venous device	0.00	.....	Agree	0.00
# 37182	Insert hepatic shunt (tips)	17.00	.....	Agree	17.00
# 37183	Remove hepatic shunt (tips)	8.00	.....	Agree	8.00
# 37500	Endoscopy ligate perf veins	11.00	.....	Agree	11.00
37760	Ligation, leg veins, open	10.47	.....	Agree	10.47
# 38204	Bl donor search management	2.00	.....	Disagree	0.00
# 38205	Harvest allogenic stem cells	1.50	.....	Agree	1.50
# 38206	Harvest auto stem cells	1.50	.....	Agree	1.50
# 38207	Cryopreserve stem cells	(a)	.....	(a)	0.00
# 38208	Thaw preserved stem cells	(a)	.....	(a)	0.00
# 38209	Wash harvest stem cells	(a)	.....	(a)	0.00
# 38210	T-cell depletion of harvest	(a)	.....	(a)	0.00
# 38211	Tumor cell deplete of harvest	(a)	.....	(a)	0.00
# 38212	Rbc depletion of harvest	(a)	.....	(a)	0.00
# 38213	Platelet deplete of harvest	(a)	.....	(a)	0.00
# 38214	Volume deplete of harvest	(a)	.....	(a)	0.00
# 38215	Harvest stem cell concentrtr	(a)	.....	(a)	0.00
# 38242	Lymphocyte infuse transplant	1.71	.....	Agree	1.71
# 43201	Esoph scope w/submucous inj	2.09	.....	Agree	2.09
# 43236	Uppr gi scope w/submuc inj	2.92	.....	Agree	2.92
43245	Uppr gi scope dilate strictr	3.18	.....	Agree	3.18
# 44206	Lap part colectomy w/stoma	27.00	.....	Agree	27.00
# 44207	L colectomy/coloproctostomy	30.00	.....	Agree	30.00
# 44208	L colectomy/coloproctostomy	32.00	.....	Agree	32.00
# 44210	Laparo total proctocolectomy	28.00	.....	Agree	28.00
# 44211	Laparo total proctocolectomy	35.00	.....	Agree	35.00
# 44212	Laparo total proctocolectomy	32.50	.....	Agree	32.50
# 44701	Intraop colon lavage add-on	3.10	.....	Agree	3.10
# 45335	Sigmoidoscope w/submuc inj	1.46	.....	Disagree	1.36
# 45340	Sig w/balloon dilation	1.96	.....	Disagree	1.66
# 45381	Colonoscope, submucous inj	4.30	.....	Disagree	4.20
# 45386	Colonoscope dilate stricture	4.58	.....	Agree	4.58
# 46706	Repr of anal fistula w/glue	2.95	.....	Disagree	2.39
L 47370	Laparo ablate liver tumor rf	19.69	.....	Agree	19.69
L 47371	Laparo ablate liver cryosurg	19.69	.....	Agree	19.69
L 47380	Open ablate liver tumor rf	23.00	.....	Agree	23.00
L 47381	Open ablate liver tumor cryo	23.27	.....	Agree	23.27
L 47382	Percut ablate liver rf	15.19	.....	Agree	15.19
# 49419	Insrt abdom cath for chemotx	6.65	.....	Agree	6.65
# 49904	Omental flap, extra-abdom	20.00	.....	Agree	20.00

TABLE 6—Continued

*CPT code	Mod	Description	RUC recommendation	HCPAC recommendation	CMS decision	2003 Work RVU
49905	Omental flap, intra-abdom	6.55	.....	Agree	6.55
# 50542	Laparo ablate renal mass	20.00	.....	Agree	20.00
# 50543	Laparo partial nephrectomy	25.50	.....	Agree	25.50
# 50562	Renal scope w/tumor resect	10.90	.....	Agree	10.90
# 55866	Laparo radical prostatectomy	30.74	.....	Agree	30.74
# 51701	Insert bladder catheter	0.50	.....	Agree	0.50
# 51702	Insert temp bladder cath	0.50	.....	Agree	0.50
# 51703	Insert bladder cath, complex	1.47	.....	Agree	1.47
# 51798	Us urine capacity measure	0.38	.....	Disagree	0.11
53440	Male sling procedure	13.62	.....	Agree	13.62
53442	Remove/revise male sling	11.57	.....	Agree	11.57
# 56820	Exam of vulva w/scope	1.50	.....	Agree	1.50
# 56821	Exam/biopsy of vulva w/scope	2.05	.....	Agree	2.05
# 57420	Exam of vagina w/scope	1.60	.....	Agree	1.60
# 57421	Exam/biopsy of vag w/scope	2.20	.....	Agree	2.20
# 57452	Exam of cervix w/scope	1.50	.....	Agree	1.50
# 57454	Bx/curett of cervix w/scope	2.33	.....	Agree	2.33
# 57455	Biopsy of cervix w/scope	1.99	.....	Agree	1.99
# 57456	Endocerv curettage w/scope	1.85	.....	Agree	1.85
# 57460	Bx of cervix w/scope, leep	2.83	.....	Agree	2.83
# 57461	Conz of cervix w/scope, leep	3.44	.....	Agree	3.44
58140	Myomectomy abdom method	14.60	.....	Agree	14.60
58145	Myomectomy vag method	8.04	.....	Agree	8.04
# 58146	Myomectomy abdom complex	19.00	.....	Agree	19.00
58260	Vaginal hysterectomy	12.98	.....	Agree	12.98
58262	Vag hyst including t/o	14.77	.....	Agree	14.77
58263	Vag hyst w/t/o & vag repair	16.06	.....	Agree	16.06
58267	Vag hyst w/urinary repair	17.04	.....	Agree	17.04
58270	Vag hyst w/enterocele repair	14.26	.....	Agree	14.26
# 58290	Vag hyst complex	19.00	.....	Agree	19.00
# 58291	Vag hyst incl t/o, complex	20.79	.....	Agree	20.79
# 58292	Vag hyst t/o & repair, compl	22.08	.....	Agree	22.08
# 58293	Vag hyst w/uro repair, compl	23.06	.....	Agree	23.06
# 58294	Vag hyst w/enterocele, compl	20.28	.....	Agree	20.28
# 58545	Laparoscopic myomectomy	14.60	.....	Agree	14.60
# 58546	Laparo-myomectomy, complex	19.00	.....	Agree	19.00
58550	Laparo-asst vag hysterectomy	14.19	.....	Agree	14.19
# 58552	Laparo-vag hyst incl t/o	14.19	.....	Agree	14.19
# 58553	Laparo-vag hyst, complex	19.00	.....	Agree	19.00
# 58554	Laparo-vag hyst w/t/o, compl	19.00	.....	Agree	19.00
# 61316	Implt cran bone flap to abdo	1.39	.....	Agree	1.39
# 61322	Decompressive craniotomy	29.50	.....	Agree	29.50
# 61323	Decompressive lobectomy	31.00	.....	Agree	31.00
61340	Subtemporal decompression	18.66	.....	Agree	18.66
# 61517	Implt brain chemotx add-on	1.38	.....	Agree	1.38
# 61623	Endovasc tempory vessel occl	9.96	.....	Agree	9.96
61624	Transcath occlusion, cns	20.15	.....	Agree	20.15
# 62148	Retr bone flap to fix skull	2.00	.....	Agree	2.00
# 62160	Neuroendoscopy add-on	3.00	.....	Agree	3.00
# 62161	Dissect brain w/scope	20.00	.....	Agree	20.00
# 62162	Remove colloid cyst w/scope	25.25	.....	Agree	25.25
# 62163	Neuroendoscopy w/fb removal	15.50	.....	Agree	15.50
# 62164	Remove brain tumor w/scope	27.50	.....	Agree	27.50
# 62165	Remove pituit tumor w/scope	22.00	.....	Agree	22.00
62201	Brain cavity shunt w/scope	14.86	.....	Agree	14.86
62263	Epidural lysis mult sessions	6.14	.....	Agree	6.14
# 62264	Epidural lysis on single day	4.43	.....	Agree	4.43
64415	N block inj, brachial plexus	1.48	.....	Agree	1.48
# 64416	N block cont infuse, b plex	3.50	.....	Agree	3.50
64445	N block inj, sciatic, sng	1.48	.....	Agree	1.48
# 64446	N blk inj, sciatic, cont inf	3.25	.....	Agree	3.25
# 64447	N block inj fem, single	1.50	.....	Agree	1.50
# 64448	N block inj fem, cont inf	3.00	.....	Agree	3.00
64450	N block, other peripheral	1.27	.....	Agree	1.27
# 66990	Ophthalmic endoscope add-on	1.51	.....	Agree	1.51
# 75901	26	Remove cva device obstruct	0.49	.....	Agree	0.49
# 75902	26	Remove cva lumen obstruct	0.39	.....	Agree	0.39
75953	26	Abdom aneurysm endovas rpr	1.36	.....	Agree	1.36
# 75954	26	Iliac aneurysm endovas rpr	2.93	.....	Disagree	1.36
76070	26	Ct bone density, axial	0.25	.....	Agree	0.25
# 76071	26	Ct bone density, peripheral	0.22	.....	Agree	0.22

TABLE 6—Continued

*CPT code	Mod	Description	RUC recommendation	HCPAC recommendation	CMS decision	2003 Work RVU
L 76085	26 ...	Computer mammogram add-on	0.06	.....	Agree	0.06
L 76362E	26 ...	CAT scan for tissue ablation	4.00	.....	Agree	4.00
L 76394	26 ...	MRI for tissue ablation	4.25	.....	Agree	4.25
L 76490	26 ...	US for tissue ablation	4.00	.....	Agree	4.00
# 76801	Ob us < 14 wks, single fetus	0.99	.....	Agree	0.99
# 76802	Ob us < 14 wks, addl fetus	0.83	.....	Agree	0.83
76805	Ob us ≥ 14 wks, snl fetus	0.99	.....	Agree	0.99
76810	Ob us ≥ 14 wks, addl fetus	0.98	.....	Agree	0.98
# 76811	Ob us, detailed, snl fetus	1.90	.....	Agree	1.90
# 76812	Ob us, detailed, addl fetus	1.78	.....	Agree	1.78
76815	Ob us, limited, fetus(s)	0.65	.....	Agree	0.65
76816	Ob us, follow-up, per fetus	0.85	.....	Agree	0.85
# 76817	Transvaginal us, obstetric	0.75	.....	Agree	0.75
# 92601	Cochlear implt f/up exam < 7 .....	.....	0.00	Agree	0.00
# 92602	Reprogram cochlear implt < 7 .....	.....	0.00	Agree	0.00
# 92603	Cochlear implt f/up exam 7 > .....	.....	0.00	Agree	0.00
# 92604	Reprogram cochlear implt 7 > .....	.....	0.00	Agree	0.00
# 92605	Eval for nonspeech device rx .....	.....	0.00	Agree	0.00
# 92606	Non-speech device service .....	.....	0.00	Agree	0.00
# 92607	Ex for speech device rx, 1hr .....	.....	0.00	Agree	0.00
# 92608	Ex for speech device rx addl .....	.....	0.00	Agree	0.00
# 92609	Use of speech device service .....	.....	0.00	Agree	0.00
# 92610	Evaluate swallowing function .....	.....	0.00	Agree	0.00
# 92611	Motion fluoroscopy/swallow .....	.....	0.00	Agree	0.00
# 92612	Endoscopy swallow tst (fees) .....	.....	1.27	Agree	1.27
# 92613	Endoscopy swallow tst (fees) .....	.....	0.99	Disagree	0.00
# 92614	Laryngoscopic sensory test .....	.....	1.27	Agree	1.27
# 92615	Eval laryngoscopy sense tst .....	.....	0.88	Disagree	0.00
# 92616	Fees w/laryngeal sense test .....	.....	1.88	Agree	1.88
# 92617	Interprt fees/laryngeal test .....	.....	1.10	Disagree	0.00
# 93580	Transcath closure of asd	18.00	.....	Agree	18.00
# 93581	Transcath closure of vsd	24.43	.....	Agree	24.43
L 93609	26 ...	Map tachycardia, add-on	5.00	.....	Agree	5.00
L 93613	Electrophys map 3d, add-on	7.00	.....	Agree	7.00
L 93619	26 ...	Electrophysiology evaluation	7.32	.....	Agree	7.32
L 93620	26 ...	Electrophysiology evaluation	11.59	.....	Agree	11.59
L 93621	26 ...	Electrophysiology evaluation	2.10	.....	Agree	2.10
L 93622	26 ...	Electrophysiology evaluation	3.10	.....	Agree	3.10
# 95990	Spin/brain pump refill & main	(a)	.....	(a)	0.00
L 96000	Motion analysis, video/3d .....	.....	1.80	Agree	1.80
L 96001	Motion test w/ft press meas .....	.....	2.15	Agree	2.15
L 96002	Dynamic surface emg .....	.....	0.41	Agree	0.41
L 96003	Dynamic fine wire emg .....	.....	0.37	Agree	0.37
L 96004	Phys review of motion tests .....	.....	2.14	Agree	2.14
96530	Syst pump refill & main	0.00	.....	Agree	0.00
# 96920	Laser tx, skin < 250 sq cm	1.15	.....	Agree	1.15
# 96921	Laser tx, skin 250–500 sq cm	1.17	.....	Agree	1.17
# 96922	Laser tx, skin > 500 sq cm	2.10	.....	Agree	2.10
# 99026	In-hospital on call service	(a)	.....	(a)	0.00
# 99027	Out-of-hosp on call service	(a)	.....	(a)	0.00
99289	Ped crit care transport	4.80	.....	Agree	4.80
99290	Ped crit care transport addl	2.40	.....	Agree	2.40
# 99293	Ped critical care, initial	16.00	.....	Agree	16.00
# 99294	Ped critical care, subseq	8.00	.....	Agree	8.00
99295	Neonate crit care, initial	18.49	.....	Agree	18.49
99296	Neonate critical care subseq	8.00	.....	Agree	8.00
99298	Neonatal critical care	2.75	.....	Agree	2.75
# 99299	lc, lbw infant 1500–2500 gm	2.50	.....	Agree	2.50

(a) No Final RUC recommendation provided.

New CPT codes.

*All CPT codes copyright 2002 American Medical Association.

L Revised 2002 RUC recommendations.

Table 7, which is titled “AMA RUC ANESTHESIA RECOMMENDATIONS AND CMS DECISIONS FOR NEW AND REVISED 2003 CPT CODES”, lists the new or revised CPT codes for anesthesia

and their base units that will be interim in 2003. This table includes the following information:

- CPT code. This is the CPT code for a service.

- Description. This is an abbreviated version of the narrative description of the code.

- RUC recommendations. This column identifies the base units recommended by the RUC.
- CMS decision. This column indicates whether we agreed with the

RUC recommendation (“agree”) or we disagreed with the RUC recommendation (“disagree”). Codes for which we did not accept the RUC

recommendation are discussed in greater detail following this table.

- 2003 Base Units. This column establishes the 2003 base units for these services.

TABLE 7

*CPT code	Description	RUC recommendation	CMS decision	2003 base units
#00326	Anesth, larynx/trach, < 1 yr	7	Agree	7
#00539	Anesth, trach-bronch reconst	18	Agree	18
#00540	Anesth, chest surgery	12	Agree	12
#00541	Anesth, one lung ventilation	15	Agree	15
#00640	Anesth, spine manipulation	3	Agree	3
#00834	Anesth, hernia repair < 1 yr	5	Agree	5
#00836	Anesth hernia repair, preemie	6	Agree	6
#00921	Anesth, vasectomy	3	Agree	3
#01829	Anesth, dx wrist arthroscopy	3	Agree	3
#01991	Anesth, nerve block/inj	3	Agree	3
#01992	Anesth, nerve block/inj, prone	5	Agree	5

*All CPT codes copyright 2003 American Medical Association.# New CPT codes.

Discussion of Codes for Which There Were No RUC Recommendations or for Which the RUC Recommendations Were Not Accepted

The following is a summary of our rationale for not accepting particular RUC work RVU or base unit recommendations. It is arranged by type of service in CPT order. Additionally, we also discuss those CPT codes for which we received no RUC recommendations for physician work RVUs. This summary refers only to work RVUs or base units.

New and Revised Codes for 2003

CPT code 17310 Chemotherapy (Mohs micrographic technique) including

removal of all gross tumor, surgical excision of tissue specimens, mapping, color coding of specimens, microscopic examination of specimens by the surgeon, and complete histopathological preparation including the first routine stain (e.g., hematoxylin and eosin, toluidine blue); each additional specimen after the first 5 specimens, fixed or fresh tissue, any stage (List separately in addition to code for primary procedure).

This add-on code is used to report specimens generated during Mohs surgery. Prior to the changes made for 2003, the code was reported once for all specimens over five, generated during a particular stage of Mohs surgery. In 2003, the code will be used to report

each specimen over five during a particular stage of Mohs surgery. The RUC recommended maintaining 0.95 work RVUs for this code as an interim value. We disagree. We share the concerns of the RUC that the specialty society recommendation was based on a survey that did not take into account the ZZZ global period of this code. Additionally, in order to determine whether the current work RVU for 17310 was appropriate, we analyzed the current work RVU for 17310 in the context of the work RVUs for other Mohs surgery CPT codes. Mohs surgery work RVUs are based on Harvard data which is depicted in Table 8 below (all codes have 000 global periods for 2002):

TABLE 8

CPT code	2002 Work RVUs	Total time (minutes)	Intra-service time (minutes)	Work intensity (work RVU/total time)	RN Time (minutes) (CPEP data)	Histotechnician Time (minutes) (CPEP data)
17304	7.6	89	50	.085	202	50
17305	2.85	62		.046	101	25
17306	2.85	62		.046	101	25
17307	2.85	62		.046	101	25
17310	0.95	31		.031	32	8

These data clearly show that the Harvard data appropriately rank these services in terms of intensity. We note that, because intra-service times are not given for all codes, it is impossible to calculate intra-service work intensity. The RUC recommendation of 0.95 work RVUs which is based on a median time of 20 minutes yields a work intensity of 0.047 which is higher than the work intensities for CPT codes 17305–17307.

This would create a rank order anomaly in this family of codes.

We also note that the 2002 descriptor for CPT code 17310 says that this code should be reported only once for all specimens more than five for a given stage of Mohs. Therefore, we believe that the current work RVU represents the total work required for the typical number of specimens obtained (beyond five) per stage of Mohs.

We compared CPT code 17310 with CPT codes 88331 *Pathology consultation during surgery; first tissue block, with frozen section(s), single specimen*, and 88332 *Pathology consultation during surgery; each additional tissue block with frozen section(s)*. CPT code 88332 has a work RVU of 0.59 and total physician time of 15 minutes. We note that if the RUC survey time (20 minutes) for CPT code 17310 is multiplied by the Harvard

intensity (.031) that a work value of 0.62 is obtained.

Therefore, we are assigning a work value of 0.62 work RVUs to CPT code 17310 pending further recommendations from the RUC. We believe this value is appropriate for the new descriptor, which allows reporting of CPT code 17310 for each specimen rather than once for all specimens. We also believe this work value places this code in correct rank order with CPT codes 17304–17307 and with CPT codes 88331 and 88332.

We also note that a work value of 0.62 RVUs will not require any work neutrality adjustment because it already takes our claims data for CPT code 17310 into account.

CPT Codes 21030, Excision of benign tumor or cyst of maxilla or zygoma, by enucleation and curettage, and 21040, Excision of benign tumor or cyst of mandible, by enucleation or curettage.

CPT changed the descriptors for these codes to make the procedure more specific, and we have not yet received RUC recommendations for these codes. We compared these services to CPT Codes 21555, *Excision tumor, soft tissue of neck or thorax; subcutaneous* (work RVU of 4.35), 28043, *Excision, tumor, foot; subcutaneous tissue* (work RVU 3.54), 28108, *Excision or curettage of bone cyst or benign tumor, phalanges of foot* (work RVU 4.16), 21501, *Incision and drainage, deep abscess or hematoma, soft tissues of neck or thorax* (work RVU 3.81), 26115 *Excision, tumor or vascular malformation, soft tissue of hand or finger; subcutaneous* (work RVU 3.86), and 24075 *Excision, tumor, soft tissue of upper arm or elbow area; subcutaneous* (work RVU 3.92). We believe that 21030 and 21040 are most similar to 24075 and 26115 in terms of physician work and are assigning interim RVUs of 3.89 for both of these procedures. We are crosswalking the malpractice RVUs from current CPT Code 21030 (0.60 RVUs) to these procedures.

CPT Codes 21740 Reconstructive repair of pectus excavatum or carinatum; open and 21742 Reconstructive repair of pectus excavatum or carinatum; minimally invasive approach (Nuss procedure) with thoracoscopy

We have not received the final recommendation from the RUC on these services and carriers will price these services in 2003.

CPT codes 33215 Repositioning of previously implanted transvenous pacemaker or pacing cardioverter-defibrillator (right atrial or right ventricular) electrode and 33216 Insertion of transvenous electrode;

single chamber (one electrode) permanent pacemaker or single chamber pacing cardioverter-defibrillator

We received a RUC recommendation of 4.44 work RVUs for CPT code 33215 and a RUC recommendation of 5.39 work RVUs for CPT code 33216. Previously, both the insertion and repositioning of the electrodes were billed under CPT code 33216. Effective January 1, 2003, CPT code 33215 will be used to report the repositioning of a previously implanted transvenous pacemaker or pacing cardioverter-defibrillator electrode, while CPT 33216 will be used to report the insertion of a transvenous electrode. Although we agree with the relativity established by the RUC, in order to retain work neutrality between these two services, we have scaled the total relative values that will be paid in 2003 to what would have been paid in 2003 if CPT code 33215 had not been established. This results in work RVUs of 4.76 for CPT code 33215 and 5.78 work RVUs for CPT code 33216.

CPT Codes 36511 Therapeutic apheresis; for white blood cells, 36512 Therapeutic apheresis; for red blood cells, 36513 Therapeutic apheresis; for platelets, 36514 Therapeutic apheresis; for plasma pheresis, 36515 Therapeutic apheresis; with extracorporeal immunoabsorption and plasma reinfusion, and 36516 Therapeutic apheresis; with extracorporeal adsorption or selective filtration and plasma reinfusion

We have not yet received the RUC recommendations for these CPT codes. We are assigning 1.74 work RVUs to all these procedures. This is the work RVU for both CPT codes 36520 and 36521 (deleted for CPT 2003) which are currently being used to report these procedures. We are also crosswalking the malpractice RVUs for CPT code 36520 to these procedures (0.06 RVU).

CPT Codes 38204 Management of recipient hematopoietic progenitor cell donor search and cell acquisition, 38205 Blood-derived hematopoietic progenitor cell harvesting for transplantation, per collection; allogenic, 38206 Blood-derived hematopoietic cell harvesting for transplantation, per collection; autologous, 38207 Transplant preparation of hematopoietic progenitor cells; cryopreservation and storage, 38208 Transplant preparation of hematopoietic progenitor cells; thawing of previously frozen harvest, 38209 Transplant preparation of hematopoietic progenitor cells; washing of harvest, 38210 Transplant preparation of hematopoietic progenitor cells; specific cell depletion within

harvest, T-cell depletion, 38211 Transplant preparation of hematopoietic progenitor cells; tumor cell depletion, 38212 Transplant preparation of hematopoietic progenitor cells; red blood cell removal, 38213 Transplant preparation of hematopoietic progenitor cells; platelet depletion, 38214 Transplant preparation of hematopoietic progenitor cells; plasma (volume) depletion, 38215 Transplant preparation of hematopoietic progenitor cells; cell concentration in plasma, mononuclear, or buffy coat layer, 38242 Bone marrow or blood-derived peripheral stem cell transplantation; allogeneic donor lymphocyte infusions

We agree with the RUC work recommendations for CPT codes 38205, 38206, and 38242. We disagree with the RUC recommendations for the CPT code 38204. CPT codes 38207 through 38215 were reviewed at the April RUC meeting but final work RVUs were not established. We did not receive final recommendations on work RVUs for these services in time for publication in this final rule, but will review any RUC recommendations for next year.

CPT code 38204 is reported by the physician managing a search for potential hematopoietic progenitor cell donors. We are giving this code a status indicator “B,” meaning that we will not make separate payment for this service. We believe we are already making payment for any physician work associated with this service as part of our payment for other bone marrow transplant codes (that is, CPT codes 38205, 38206, 38240, 38241, and 38242). Furthermore, we have significant concerns about how this code would be used in actual practice. Would beneficiaries be billed for failed donor searches, and, if so, how many? How would beneficiaries be able to determine whether one or more searches had actually been conducted? This problem is compounded by the fact that the beneficiary would probably never meet the physician conducting the search. Additionally, it is unclear from the specialty society vignette what is actually physician work and what is the work of clinical and administrative staff. It would seem most appropriate that any payment would be made to the physician who is performing the cell harvesting or bone marrow transplant services (that is, CPT codes 38205, 38206, 38240, 38241, and 38242). We welcome RUC’s further review of these codes to determine whether any physician work associated with a cell donor search is already included. If the RUC determines that such work is not included, we would review

recommendation for changing the RUC values of these codes to include such work.

CPT codes 38207, 38208, 38209. These codes represent an unbundling of CPT codes 88240 *Cryopreservation, freezing and storage of cells, each cell line*, and 88241 *Thawing and expansion of frozen cells, each aliquot*. Both codes 88240 and 88241 are paid under the laboratory fee schedule. We also note that CPT 2003 has added a parenthetical note under 88240 and 88241, which implies that, starting in January 2003, they should be used only for diagnostic services, and codes 38207, 38208, and 38209 should be used for therapeutic services.

- It is unclear from the specialty vignettes whether any physician work is typically required to perform these services. The descriptions of typical physician involvement in these procedures indicate that the only physician services are laboratory oversight or quality management services for which we do not make separate payment to physicians.

- We also believe these services will be reported on a “per aliquot” basis. However, even though blood-derived stem cells are usually stored in aliquots, the processes of freezing, thawing, and washing are done in batches. This means that the physician oversight of these processes does not occur on a “per aliquot” basis and therefore, it does not seem appropriate to pay for physician services on a “per aliquot” basis.

- We believe that the analysis the RUC was using to arrive at its interim recommendation for assigning physician work to CPT codes 38207, 38208, and 38209 was flawed. The RUC discussed assigning physician work to these services based on its review of 38210 which it compared to CPT code 86077 *Blood bank physician services; difficult cross match and/or evaluation of irregular antibody(s), interpretation and written report* (work RVU 0.94). The RUC then used the specialty societies’ relative ranking of services 38207–38215 as the basis for recommending work values for CPT codes 38207–38209 and 38211–38215. With regard to this analysis, we note: (1) the descriptor for CPT code 86077 requires a physician service and an “interpretation and written report,” while CPT code 38210 is not described as a physician service, nor does it require an “interpretation and written report.” Therefore, we believe it is inappropriate to compare 38210 with 86077, (2) 38210 is currently reported as CPT code 86915, *Bone Marrow or peripheral stem cell harvest, modification or treatment to eliminate cell types (e.g., T cells, metastatic*

carcinoma) which is paid under the laboratory fee schedule, and (3) 38207, 38208, and 38209 describe entirely different services from 38210, 86077, and 86915, thus making it difficult to understand how a work value for 38210 could be extrapolated to 38207–38209.

At this time we are assigning status indicator “I” to 38207–38209 making them not valid for Medicare purposes. We are creating two G codes, G0265 *Cryopreservation, freezing and storage of cells for therapeutic use, each cell line*, and G0266 *Thawing and expansion of frozen cells for therapeutic use, each aliquot*. These codes will be paid under the laboratory fee schedule at the same rate as CPT codes 88240 and 88241 respectively. The descriptors will allow us to continue to recognize CPT codes 88140 and 88141 as described in CPT 2003 for diagnostic use, thus making it unnecessary for us to change the status indicators for these services. The G codes will also enable us to track the utilization of these services. We believe that continuing the status quo with regard to these procedures will not affect beneficiary access to transplantation services and will give us more time to analyze the services and recommendations.

CPT codes 38210–38215. Currently CPT codes 38210–38213 are described by CPT code 86915, *Bone Marrow or peripheral stem cell harvest, modification or treatment to eliminate cell types* (for example, T cells, metastatic carcinoma). Currently, CPT code 86915 is paid under the laboratory fee schedule. With regard to CPT codes 38210–38215, we have many of the same concerns as we have for CPT codes 38207–38209.

- It is unclear from the specialty vignettes whether any physician work is typically required to perform these services. The descriptions of typical physician involvement in these procedures indicate that a significant portion of the physician work is procedure oversight or quality management services for which we do not make separate payment to physicians. In fact, the only references in the specialty society vignettes for these procedures to services paid under the physician fee schedule are references to performance of flow cytometry. Therefore, if there is any physician work associated with these services it is currently payable under the CPT code 88180 *Flow cytometry; each cell surface, cytoplasmic or nuclear marker*.

- We do not believe that unbundling of these services is warranted because CPT codes 38210, 38212, 38213, 38214, and 38215 may be performed together

on a single harvest of stem cells during an allogeneic transplant. Further, when these services are performed together, if there is any physician work associated with these activities, it must be allocated to each service and it is not clear that this can be accomplished.

- As discussed above, we have concerns about the RUC’s preliminary discussions for work RVUs for these codes. CPT code 86077 to which 38210 was compared requires physician services, an interpretation and report, and has forty minutes of intra-service time associated with it. In contrast 38210 has no requirement for physician work, and it is stated that the physician will only perform this service in an emergency. Further, there is no requirement for interpretation of data or a written report, and the intra-service time is 23 minutes. We do not believe the stress involved with these procedures is any greater than the stress involved with 86077 or other pathology services that require correct interpretation of clinical laboratory data or surgical specimens to make a correct diagnosis essential in determining appropriate treatment. Furthermore, we know the RUC is continuing to review these codes and we also require further time to review them.

Therefore, we are assigning status indicator “I” to CPT codes 38210–38215, making them invalid for Medicare purposes. We are creating G0267, *Bone marrow or peripheral stem cell harvest, modification or treatment to eliminate cell type(s) (for example, T-cells, metastatic carcinoma)*. This G code will replace deleted code CPT code 86915, and it will be paid under the laboratory fee schedule.

We welcome any comments from the RUC or other interested parties concerning these codes and ask that such comments specifically address the concerns discussed above. We will continue to review these codes internally, obtain payment and utilization data for CPT code 86915, and track utilization of all three G codes.

CPT code 45335 Sigmoidoscopy, flexible; with directed submucosal injection(s) any substance and 45381 Colonoscopy, flexible, proximal to splenic flexure; with directed submucosal injection(s) any substance

The RUC recommended work RVUs of 1.46 for CPT code 45335 and 4.30 for CPT code 45381. For CPT code 45335, the RUC used CPT code 45330 as the base code (0.96 work RVUs) and added an increment of 0.50 work RVUs based upon the increased pre-, intra-, and post-service work associated with CPT code 45335 as compared to CPT code 45330. For CPT code 45381, the RUC

used CPT code 45378 (3.70 work RVUs) as the base code and added an increment of 0.60 work RVUs based upon the increased pre-, intra-, and post-service work associated with CPT code 45381 as compared to CPT code 45378.

In order to review the RUC recommended values for CPT code 45335 and 45381, we compared these services to the analysis and recommendations provided by the RUC for CPT codes 43201 and 43236. We agree with the RUC recommendations for CPT codes 43201 and 43236, which are also new submucosal injection codes. We further note that the intra-service intensities of CPT codes 43201 and 43236 should be higher than the intra-service intensities of CPT codes 45335 and 45381 because of the increased risk of complications, and the fact that several sites are being injected instead of one.

In reviewing the pre-, intra-, and post-service times for CPT codes 43201, 43236, 45335, and 45381, we are unsure why these times vary so much. The pre-service time for CPT code 45381 is 25 minutes longer than the pre-service time for CPT code 45378 and there is nothing in the RUC vignette to indicate the reason for the increased pre-service time. Moreover, it is unclear why the post-service time for CPT code 45381 is 9 minutes less than the post-service time for CPT code 45378. Interestingly, less than 10 minutes of extra pre- and post-service time (beyond the base codes) was allotted for the incremental work of CPT codes 43201 and 43236 that we believe are more intensive procedures than CPT codes 45335 and 45381. Therefore, we believe that the pre- and post-service time increment for CPT codes 45335 and 45381 should be less than for CPT codes 43201 and 43236. In short, we had a great deal of difficulty interpreting the RUC time data.

In assigning work values to CPT codes 45335 and 45381, we compared them to the incremental work values and times for CPT codes 43201 and 43236 because we agreed with the RUC recommendations and times for those codes. The intra-service intensities for CPT codes 43201 and 43236 are 0.05 RVU per minute and 0.035 RVU per minute, respectively. We believe the intra-service intensity of CPT code 45335 is less than the intensity of CPT code 43201. After accounting for a few minutes of extra post-service time and an intra-service intensity of 0.04 RVU per minute, we are left with an incremental work value of 0.4 work RVUs for CPT code 43201, which is what we will apply to CPT code 45335.

We also believe the intensity of CPT code 45381 is less than the intensity of CPT code 43201. Therefore, accounting for approximately 10 minutes of extra pre- and post-service time, and assigning an intra-service intensity of 0.04 RVU per minute leaves an incremental work value of 0.5 work RVUs, which is what we will apply to CPT code 45381. Therefore, we are assigning work RVUs of 1.36 and 4.20 to CPT codes 45335 and 45381, respectively.

CPT code 45340 Sigmoidoscopy, flexible; with dilation by balloon, each stricture

The RUC recommended a work RVU of 1.96 for this CPT code. This includes 1.00 for the incremental work based on the need for conscious sedation to perform this procedure (other flexible sigmoidoscopies do not require conscious sedation). This means the incremental work for CPT code 45340 is greater than the incremental work for other endoscopic dilation codes (CPT codes 43245 and 45386) because those codes have base procedures that include use of conscious sedation. The RUC has been considering the issue of conscious sedation in general for some time and has not been able to conclude that there is any incremental physician work associated with conscious sedation. In the absence of a specific RUC recommendation affirmatively stating that specific physician work is associated with conscious sedation, we do not believe it is appropriate to assign a work RVU for CPT code 45340 that is based on the presumption that a portion of the work value is for using conscious sedation. Therefore, we compared the RUC recommendations for work and physician time for CPT code 45386 to the incremental times for CPT code 45340. We believe that the intra-service intensity of CPT code 45340 should be no greater than the intra-service intensity for CPT code 45386. Therefore, we calculated the increment in pre- and post-service work (.341 work RVUs) and the intra-service intensity (0.036 RVU per minute) of CPT code 45386. We multiplied this intensity by 10 minutes to arrive at an intra-service work of .36 RVU for CPT code 45340 and added .341 RVUs for pre- and post-service work to arrive at an RVU of 0.7 for the total incremental work of CPT code 45340. Therefore, we are assigning an interim work RVU of 1.66 to CPT code 45340.

CPT code 46706 Repair of Anal Fistula with fibrin glue. The RUC recommended 2.95 work RVUs for this service based on a comparison to CPT codes 46020, *Placement of Seton* (work RVU 2.90) and 46940, *Curettage or*

Cautery of Anal Fissure, including dilation of anal sphincter (separate procedure); initial (work RVU 2.32). The intra-service time for CPT code 46706 is less than the intra-service time for CPT code 46940 and requires similar physician work to CPT code 46612, *Anoscopy with removal of multiple tumors, polyps, or other lesions by hot biopsy forceps, bipolar cautery or snare technique* (work RVU 2.34). The post-service work for CPT code 46706 is comparable to that of CPT code 46940. Therefore, we are assigning a work RVU of 2.39 to CPT code 46706. Malpractice RVUs are crosswalked from CPT code 46940 at 0.17 RVUs.

CPT code 51798 Measurement of post-voiding residual urine and/or bladder capacity by ultrasound, nonimaging. The RUC recommended 0.38 work RVUs based on a comparison of this procedure to CPT code 76857, *Ultrasound, pelvic (nonobstetric), B-scan and/or real time with image documentation; complete.* The RUC recommended 0.38 work RVUs based on a urology survey that reported that this procedure is performed 75 percent of the time by the physician and based on a comparison of this procedure to CPT code 76857, *Ultrasound, pelvic (nonobstetric, B-scan and/or real time with image documentation; complete.* We disagree. This code has been a HCPCS level two code that was assigned 0.00 work RVUs because we believe that it is typically performed by a nurse or other clinical staff. We continue to believe that this is a non-physician service and are assigning 0.00 work RVUs to this service. We will accept the practice expense inputs recommended by the RUC and will crosswalk the malpractice RVUs from G0050. It is not appropriate to bill CPT code 51798 in a SNF, hospital, or other setting in which nursing care is provided by the facility, since it is a routine nursing service, not really a diagnostic test.

CPT code 75954 Endovascular graft placement for repair of iliac artery (for example, aneurysm, pseudoaneurysm, arteriovenous malformation, trauma) radiological supervision and interpretation.

The RUC agreed with the specialty societies and recommended a value of 2.93 work RVUs based on comparing this code to CPT code 75952, *Endovascular repair of infrarenal abdominal aortic aneurysm or dissection, radiological supervision and interpretation* (work RVU of 4.5) and CPT code 75953, *Placement of proximal or distal extension prosthesis for endovascular repair of infra renal abdominal aortic aneurysm, radiological supervision and*

interpretation (work RVU or 1.36). The recommended RVUs are midway between the RVUs of the reference procedures. The specialty societies presented the following to the RUC: "Unlike many of the other radiological supervision and interpretation (S&I) codes, 75954 includes all routine supervision and interpretation of the endovascular iliac graft placement procedure with the only exception being that 75953 is added if an extension prosthesis is required. This more inclusive approach makes 75954 very similar in concept to the inclusive S&I for endovascular aortic aneurysm repair CPT 75952." The specialties go on to say that survey respondents believed that the code should be valued less than CPT code 75952 but more than CPT code 75953. We disagree. First, we note that CPT code 75953, which was reviewed by the RUC in February of 2001, is not an "add-on" code. It is a stand-alone code that is billed with a stand-alone surgical procedure. Furthermore, total procedure time for CPT code 75954 (85 minutes) is less than the total procedure time for CPT code 75953 (95 minutes), and the intra-service times of CPT codes 75954 and 75953 are identical (45 minutes). This is consistent with the specialty societies' description of the work of CPT code 75954, which is virtually identical to the description of the work for CPT code 75953. Therefore, in order to maintain correct rank order in this family of codes we are assigning a work RVU of 1.36 to CPT code 75954.

CPT codes 92605 Evaluation for prescription of non-speech generating augmentative and alternative communication device and 92606 Therapeutic service(s) for the use of non-speech generating device, including programming and modification

We will consider CPT codes 92605 and 92606 bundled for Medicare payment purposes. The RUC's evaluation of these services implied that they are similar to the new CPT codes for speech generating devices. We believe that CPT codes 92605 and 92606 typically do not involve the same type of highly specialized equipment as the codes for speech generating devices. We believe that the work associated with these services is already contained in CPT codes 92506 *Evaluation of speech, language, voice communication, auditory processing, and/or aural rehabilitation status* and 92507 *Treatment of speech, language, voice communication, auditory processing disorder (includes aural rehabilitation); individual*, and will consider CPT codes 92605 and 92606 bundled.

We note that CPT also created new codes to describe programming and analysis of cochlear implants. These CPT codes are 92601 *Diagnostic analysis of cochlear implant, patient under 7 years of age; with programming*; 92602 *Diagnostic analysis of cochlear implant, patient under 7 years of age; subsequent reprogramming*; 92603 *Diagnostic analysis of cochlear implant, age 7 years or older, with programming*; and 92604 *Diagnostic analysis of cochlear implant, age 7 years or older, subsequent reprogramming*. Codes 92601 and 92603 describe post-operative analysis and fitting of previously placed external devices, connection to the cochlear implant, and programming of the stimulator. CPT Codes 92602 and 92604 describe subsequent sessions for measurements and adjustment of the external transmitter and re-programming of the internal stimulator.

An existing CPT code, 92510 *Aural rehabilitation following cochlear implant (includes evaluation of aural rehabilitation status and hearing, therapeutic services) with or without speech processor programming*, will no longer be used for Medicare services since it represents services which have considerable overlap with the services described by the new CPT codes, 92601, 92602, 93603, and 92604. For the remaining services that do not involve reprogramming of the cochlear implant, CPT code 92507 *Treatment of speech, language, voice, communication, and/or auditory processing disorder (includes aural rehabilitation); individual* describes the services, so a code specific to cochlear implant patients is no longer needed. The use of CPT code 92507 for this service is consistent with the note in the CPT manual under CPT code 92602.

CPT codes 92613 Flexible fiberoptic endoscopic evaluation of swallowing by cine or video recording; physician interpretation and report only, 92615 Flexible fiberoptic endoscopic evaluation, laryngeal sensory testing by cine or video recording; physician interpretation and report only, and 92617 Flexible fiberoptic endoscopic evaluation of swallowing and laryngeal sensory testing by cine or video recording; physician interpretation and report only.

Effective January 1, 2003, CPT created several codes to describe fiberoptic endoscopic evaluation services that are currently described by temporary G-codes. For specific information related to both the former G-codes and the new CPT codes that will replace the deleted G-codes, refer to the end of this section. We agreed with the RUC recommended

values for all of the fiberoptic endoscopic evaluation services (CPT codes 92612, 92614, and 92616) with the exception of CPT codes 92613, 92615, and 92617. For these three services that refer only to a separately identified physician review and interpretation of the fiberoptic endoscopic evaluation, we consider the physician interpretation and report bundled into an evaluation and management service. We believe the physician who does not perform the testing should only bill the patient when performing an evaluation and management service, not as the supervisor of another professional performing and reviewing the initial fiberoptic endoscopic evaluation. The interpretation of this test is an integral part of the testing itself. If a nonphysician professional has the credentials and experience to perform this testing, then that professional should also provide the interpretation of the findings.

CPT codes 93784 Ambulatory blood pressure monitoring, utilizing a system such as magnetic tape and/or computer disk, for 24 hours or longer; including recording, scanning analysis, interpretation and report, 93786 Ambulatory blood pressure monitoring, utilizing a system such as magnetic tape and/or computer disk, for 24 hours or longer; recording only, 93788 Ambulatory blood pressure monitoring, utilizing a system such as magnetic tape and/or computer disk, for 24 hours or longer; scanning analysis with report, and 93790 Ambulatory blood pressure monitoring, utilizing a system such as magnetic tape and/or computer disk, for 24 hours or longer; physician review with interpretation and report.

We have not yet received RUC recommendations for these codes. We established RVUs for these services during this past year in response to a national coverage determination. We will maintain these RVUs until we receive a RUC recommendation.

CPT code 95990 Refilling and maintenance of implantable pump or reservoir for drug delivery; spinal (intrathecal, epidural) or brain (intraventricular).

We understand that performance of CPT code 95990 requires the use of an expensive kit, the cost of which may not be reflected in the RVUs for CPT code 96530, the code under which it was previously reported. CPT code 96530 has practice expense RVUs of 1.01 and malpractice RVUs of 0.05. We are assigning 1.50 practice expense RVUs because we estimate that the practice expense for CPT code 95990 is 50 percent higher than it is for CPT code

96530. We are crosswalking the malpractice RVUs from CPT code 96530 to CPT code 95990.

We are not assigning work RVUs to CPT code 95990 for 2003 since we believe that this procedure is typically (greater than 50 percent of the time) performed by a nurse. We understand that there has been discussion with the CPT Editorial Committee about revising this code so that it would be billed only when performed in the presence of a physician. If the code were to be so revised, we would consider any RUC recommendations regarding work RVUs for this service.

These values are interim for 2003 and we will address comments about the RVUs for this code in next year's final rule.

CPT codes 99026 Mandated On-call service; in hospital and 99027 Serviced physician on call services

No RUC recommendation was received for these codes. Note that stand-by and on-call services are not covered by Medicare and we would not pay for these services billed using these codes.

Establishment of Interim Practice Expense RVUs for New and Revised Physician's Current Procedural Terminology (CPT) Codes and New Healthcare Common Procedure Coding System (HCPCS) Codes for 2003

We have developed a process for establishing interim practice expense RVUs for new and revised codes that is similar to that used for work RVUs. Under this process, the RUC recommends the practice expense direct inputs, that is, the staff time, supplies and equipment, associated with each new code. We then review the recommendations in a manner similar to our evaluation of the recommended work RVUs.

The RUC recommendations on the practice expense inputs for the new and revised 2003 codes were submitted to us as interim recommendations. We, therefore, consider that these recommendations are still subject to further refinement by the PEAC, or by us, if it is determined that such future review is needed. We may also revisit these inputs in light of future decisions of the PEAC regarding supply and equipment packages and standardized approaches to pre- and post-service clinical staff times.

We have accepted, in the interim, all of the practice expense recommendations submitted by the RUC for the codes listed in the following table titled "AMA RUC and HCPAC RVU Recommendations and CMS

Decisions for New and Revised 2003 CPT Codes."

C. Other Changes to the 2003 Physician Fee Schedule

We are establishing the following HCPCS codes for CY 2003.

GO262 Small intestinal imaging; intraluminal, from ligament of Treitz to the ileo cecal valve, includes physician interpretation and report

We are creating this code to describe a new diagnostic test for which we will make separate payment under the physician fee schedule and the Hospital Outpatient Prospective Payment System (OPPS). The procedure involves ingesting a small camera through the mouth. As the camera traverses the gastrointestinal tract, it produces two images per second and transmits those images to a receiver worn by the patient. After eight hours (the battery life of the camera) the belt containing the receiver is removed from the patient. The images are then developed and reviewed by a physician who interprets them and makes a written report. The capsule is excreted in the patient's stool and discarded. Images taken in the esophagus, stomach and large intestine (colon) are hard to interpret; therefore, current use of this imaging modality is limited to evaluation of the small intestine. The G-code descriptor is designed to ensure accurate reporting of this diagnostic test. Although this test has been referred to as "capsule endoscopy", the term "endoscopy" is a misnomer because "endoscopy" refers to physician-controlled viewing the gastrointestinal tract through an endoscope.

Physician Work

We understand from recently published clinical studies that the average small intestine transit time was 257 minutes and the transit time from ingestion to the cecum was 302 minutes. Review of the images includes a first pass overview to mark areas of special interest, a review of the entire video recording, and a focused review of abnormalities, if any are found. The average time to review the capsule images in two recently published studies was 50 and 56 minutes. Therefore, we believe that, typically, 53 minutes of physician time will be spent reviewing the video. To assign a work value, we compared the work of this code to the work of other diagnostic tests and procedures that require review of significant amounts of data. Specifically, we reviewed the work RVUs and intra-service times for electroencephalography (EEG) reading and interpretation, magnetic resonance

angiography (MRA), computed tomographic angiography (CTA), Holter monitor reading and interpretation, prolonged esophageal acid reflux testing, echocardiography, duplex scanning of the carotid arteries, and anorectal manometry. Based on these comparisons, we are assigning a work value of 2.12 RVUs. This results in an intensity of .04 RVU per minute and places it in correct rank order with the procedures to which it was compared. We note that this assumes that a complete study from the ligament of Treitz to the ileocecal valve was performed and that the camera functioned normally throughout the procedure and produced two images per second. If an incomplete evaluation of the small intestine is accomplished, this code should be billed with a CPT code 52-modifier indicating reduced services, and the payment amount would also be reduced. The amount of reduction is determined by the carrier. Until such time as we make a NCD for this service, coverage is at the discretion of carriers and intermediaries.

Malpractice

We are crosswalking the value from CPT code 74230 with the same PC/TC split because they have similar physician times and intensities.

Practice Expense

For the physician fee schedule we are assigning the following inputs for practice expense:

- Staff Time—RN/LPN/MA mix—90 minutes—includes pre-service education, attachment of the receiver, administration of the camera, removal of the receiver, and processing of the images

- Supplies—Single use camera; Razor
- Equipment—Workstation

GO268 Removal of impacted cerumen (one or both ears) by physician on same date of service as audiologic function testing

This code was created in order to allow payment to a physician who removes impacted cerumen on the same date as his or her employed audiologist performs audiologic function testing. We will assign the same physician work RVUs, practice expense inputs, and malpractice RVUs to this code as are assigned to CPT code 69210, *Removal impacted cerumen (separate procedure), one or both ears*.

First, we emphasize that routine removal of cerumen is not paid separately. It is considered to be part of the procedure with which it is billed (for example, audiologic function testing). To assure the appropriate reporting of this code, we note that it

should only be used in those unusual circumstances when an employed audiologist who bills under a physician UPIN number performs audiologic function testing on the same day as removal of impacted cerumen requiring physician expertise for removal. This code should not be used when the audiologist removes cerumen, because removal of cerumen is considered to be part of the diagnostic testing and is not paid separately.

GO269 *Placement of occlusive device into either a venous or arterial access site, post surgical or interventional procedure (for example, angiaseal plug, vascular plug)*

We are creating this G code to assure proper reporting of this service. It has come to our attention that this service is being inappropriately reported with codes for such procedures as "blood vessel repair" and "repair of arterial pseudoaneurysm." We are assigning a status indicator of "B" (payment bundled into payment for other services) to this service, as the work, practice expense, and malpractice risk of closing an arteriotomy or venotomy site at the conclusion of an invasive percutaneous procedure, whether by manual compression, suture, or use of a closure device, is included in the main invasive procedure. Therefore, there is no separate payment for this procedure.

GO270 *Medical nutrition therapy; reassessment and subsequent intervention(s) following second referral in same year for change in diagnosis, medical condition, or treatment regimen (including additional hours needed for renal disease), individual, face-to-face with the patient, each 15 minutes and*

GO271 *Medical nutrition therapy, reassessment and subsequent intervention(s) following second referral in same year for change in diagnosis, medical condition, or treatment regimen (including additional hours needed for renal disease) group (2 or more individuals), each 30 minutes*

In our NCD dated May 1, 2002, we established basic coverage for medical nutrition therapy billed under CPT codes 97802 through 97804 as 3 hours per year for beneficiaries with either diabetes or renal disease. However, we also pay for additional hours if a physician makes a second referral in the same year based on a change in the beneficiary's medical condition, diagnosis, or treatment regimen. These new codes allow us to edit for basic coverage and reimburse for additional coverage when appropriate.

We are crosswalking the RVUs from CPT code 97803 to G0270 and CPT code 97804 to G0271 because these are the

corresponding CPT medical nutrition codes.

GO272 *Naso/oro gastric tube placement, requiring physician's skill and fluoroscopic guidance (includes fluoroscopy, image documentation and report)*

We are creating this code for one year until an identical CPT code becomes effective.

Physician Work

We compared this code to other gastroenterology and radiologic procedures including CPT codes 91105 *Gastric intubation, and aspiration or lavage for treatment (e.g., for ingested poisons)* (work RVU of 0.37); 44500 *Introduction of long gastrointestinal tube (e.g., Miller-Abbott) (separate procedure)* (work RVU of 0.49); 74340 *Introduction of long gastrointestinal tube (e.g., Miller-Abbott), including multiple fluoroscopies and films, radiological supervision and interpretation* (work RVU of 0.54), and 76000 *Fluoroscopy (separate procedure), up to one hour physician time, other than 71023 or 71034 (e.g., cardiac fluoroscopy)* (work RVU of 0.17).

This procedure is most similar to CPT code 91105 (16 minutes of physician time), but requires less work because it is done in a controlled setting with fluoroscopy to aid in placement. It is not similar to CPT codes 44500 and 74340 because placement of Miller-Abbott tubes is a more lengthy and involved procedure than placement of naso/oro gastric tubes. In fact, the physician time for placement of Miller-Abbott tubes is over 30 minutes, while placement of a naso/oro gastric tube takes about 15 minutes. We are assigning this G code a work RVU of 0.32, which is the sum of the work RVU for CPT code 76000 and the work intensity of CPT code 44500 times 15 minutes.

Malpractice

We are assigning 0.02 malpractice RVUs to this procedure.

Practice Expense

We believe this procedure will only be performed in facilities, so we are not assigning any practice expense inputs to this code.

GO273 *Radiopharmaceutical biodistribution, single or multiple scans on one or more days, pre-treatment planning for radiopharmaceutical therapy of non-Hodgkin's lymphoma, includes administration of radiopharmaceutical (e.g., radiolabeled antibodies).*

We are creating this code to describe radionuclide scanning to determine the

biodistribution of Zevalin. The procedure encompasses administration of Indium labeled Zevalin followed by whole body radionuclide scanning 2–24 hours and 48–72 hours after the administration of Zevalin. Rarely, a third scan is necessary. The purpose of the scanning is to ensure that the biodistribution of Zevalin is normal, thus decreasing the risk of toxic effects from the administration of a therapeutic dose. The published criteria for determining appropriate biodistribution involve making a qualitative comparison of isotope uptake in several organ systems between the two scans. Therefore, these scans cannot be read in isolation, and this code should only be reported once, no matter how many scans are performed.

Physician Work

We are assigning 0.86 work RVUs to this code which is equivalent to the work for CPT code 78802, *Radiopharmaceutical localization of tumor; whole body*. We believe the total physician time of 41 minutes for CPT code 78802, and the intensity are similar to the time and intensity required for this service.

Malpractice

We are assigning 0.28 RVU to the global procedure, 0.25 RVU to the technical component, and 0.03 RVU to the professional component. These are identical values to CPT code 78802.

Practice Expense

The TC of this code is being priced in the nonphysician work pool, where we crosswalked it to the charge-based practice expense RVUs for CPT code 78802, taking into account that the radiopharmaceutical is administered once, but that there are two scans obtained.

We wish to emphasize that this code is only reported once and includes the administration of the radiopharmaceutical and performance and interpretation of all scans. We also note that the infusion of rituxumab prior to the administration of Zevalin is separately payable.

GO274 *Radiopharmaceutical therapy, non-Hodgkin's lymphoma, includes administration of radiopharmaceutical (e.g., radiolabeled antibodies)*

We are establishing this code to allow appropriate reporting of this new service. Radiopharmaceutical therapy using radiolabeled monoclonal antibodies is a new form of treatment for non-Hodgkins lymphoma and is not currently described by any existing HCPCS code.

After review of information regarding this service, we are assigning the following RVUs:

Physician Work

We believe that physicians typically take 60 minutes to perform this service on the day of the procedure. Of this time, 45 minutes is spent counseling the patient and family, while 15 minutes are spent setting up and infusing the radiopharmaceutical. Additionally, there is post-procedure time spent reviewing platelet counts, which requires calling the patient or another physician 25 percent of the time. We compared this procedure to the physician work RVUs, physician times, and intensity (RVU per minute) of other nuclear medicine and radiation oncology procedures CPT codes 79400, 77790, 79030, 79035, and 79100; infusion procedures CPT codes 36520, 36521, 37201, and 37202; hemodialysis CPT codes 90935, and 90937; evaluation and management CPT codes 99214 and 99215.

Based on this comparison we are assigning a work RVU of 2.07 to this code. This represents the work of CPT code 99214 (counseling a complex patient), 15 minutes for infusion at an intensity of 0.05 RVU per minute (similar to the intensity of CPT code 77790), and 10 minutes of post service work (at an intensity of 0.022 RVU per minute). This also places the code in the correct rank order with all of the above procedures.

Malpractice

We are assigning malpractice RVUs of 0.20 to this procedure, with 0.12 assigned to the technical component and 0.08 assigned to the professional component. These are identical to the RVUs for CPT code 79400.

Practice Expense

The TC of this code is being priced in the nonphysician workpool where we crosswalked it to the charge-based practice expense RVUs for CPT code 79400.

GO275 *Renal angiography (unilateral or bilateral) performed at the time of cardiac catheterization, includes catheter placement in the renal artery, injection of dye, flush aortogram and radiologic supervision and interpretation and production of images (List separately in addition to primary procedure) and*

GO278 *Iliac artery angiography performed at the same time of cardiac catheterization, includes catheter placement in the iliac artery, injection of dye, radiologic supervision and interpretation and production of images*

(List separately in addition to primary procedure)

We are creating these add-on codes to assure proper reporting of and payment for renal and iliac angiography performed at the time of cardiac angiography. These procedures are performed frequently on Medicare patients and are currently reported using codes that describe placement of a catheter in the renal and/or iliac artery(s) (CPT codes 36245 and 36246) and radiological supervision and interpretation of renal and/or iliac angiography (CPT codes 75710, 75716, 75722, and 75724).

Physician Work

Based on the information we reviewed, the typical performance of these procedures involves the use of a pigtail catheter positioned in the aorta (not the renal or iliac artery(s)), injection of a minimal dye load (because of the heavy dye load already used for cardiac angiography), and viewing the dye run off into the proximal main renal or iliac arteries under fluoroscopy. We determined work values for these procedures by using the work values for CPT codes 75625, *Aortography, abdominal, by serialography, radiological supervision and interpretation* (1.14 work RVUs with 22 minutes of physician time) and 93544, *Injection procedure during cardiac catheterization; for aortography* (0.25 work RVUs and 5 minutes of physician time) and adjusting for a procedure time of approximately two and one half minutes. This process yields a value of 0.25 work RVUs, which is what we are assigning to these two add-on procedures.

Malpractice

We are crosswalking the 0.01 malpractice RVUs for CPT code 93544 to these procedures.

Practice Expense

We are not assigning any practice expense inputs to these procedures because the incremental increase in staff and room time to perform these procedures is negligible.

GO279 *Extracorporeal shock wave therapy; involving elbow epicondylitis.*

GO280 *Extracorporeal shock wave therapy; involving other than elbow epicondylitis or plantar fasciitis.*

CPT code 0020T *Extracorporeal Shock Wave Therapy; involving plantar fascia*

We are creating and establishing a national payment amount for two G-codes describing extracorporeal shock wave therapy for the musculoskeletal system and establishing a national

payment amount for CPT code 0020T. We are doing this in response to multiple requests from our contractors to establish a national payment amount, though creation of these codes does not imply that services will be covered by Medicare. We also note that this form of therapy was recently approved by the Food and Drug Administration for treatment of lateral epicondylitis. Our staff has reviewed the method of treatment and we are establishing work, practice expense, and malpractice RVUs for these codes.

We believe these services are similar to other physical therapy modalities and are designating it to be paid on the therapy fee schedule. Based on the information we reviewed, these services are typically performed by a technician similar to a physical therapy aide and take about 20 minutes to perform.

Physician Work

We compared these services to other physical therapy services and believe they are most similar to unattended physical therapy modalities such as diathermy. We are assigning a work RVU of 0.06 for these procedures in order to place them in proper rank order with other unattended physical therapy services.

Malpractice

We are crosswalking the malpractice RVUs (0.01) from CPT code 97024, *Application of a modality to one or more areas; diathermy*, to these procedures.

Practice Expense

We are assigning the following practice expense inputs:

- Staff/Time: Physical therapy aide; 30 minutes.
- Supplies: Ultrasound Gel.
- Equipment: Shock wave machine.

We note that, for lateral epicondylitis, the typical treatment regimen is up to 3 total treatments at weekly intervals.

Electrical Stimulation for Wound Care

GO281 *Electrical stimulation, (unattended), to one or more areas, for chronic stage III and stage IV pressure ulcers, arterial ulcers, diabetic ulcers, and venous stasis ulcers not demonstrating measurable signs of healing after 30 days of conventional care, as part of a therapy plan of care; and*

GO282 *Electrical stimulation, (unattended), to one or more areas, for wound care other than described in GO281 and*

GO283 *Electrical stimulation, (unattended), to one or more areas, for indication(s) other than wound care, as part of a therapy plan of care.*

These three new G codes have been created to implement the coverage determination on use of electrical stimulation for wound care.

The work, practice expense, and malpractice values for CPT code 97014 *Application of a modality to one or more areas; electrical stimulation (unattended)* will be crosswalked to these new G codes, but G0282 will not be covered by Medicare. In addition, CPT code 97032, *Application of a modality to one or more areas: electrical stimulation (manual), each 15 minutes*, should not be utilized for any wound care.

The coverage determination that allowed coverage for the use of electrical stimulation for certain types of wound care also stated that another similar modality, electromagnetic stimulation, would not be covered. A G code, "G0295: *Electromagnetic stimulation, to one or more areas*" will be created to describe this service, since this service would otherwise have been coded using CPT code 97039 and would have required manual claims review. The new code, G0295, will be listed as non-covered by Medicare.

G0288 *Reconstruction, computed tomographic angiography of aorta for surgical planning for vascular surgery.*

We are creating this code to assure accurate reporting of this service by independent diagnostic testing facilities (IDTFs) that perform this service. Facilities that perform this service (either at the facility or under arrangement) report this service through the use of a "C" code specific to hospital reporting.

This code is a technical component code only since the service provided by the IDTF includes receipt of a Computed Tomographic Angiogram (CTA), post CTA processing using specialized software, and burning the 3D model onto a CD and returning it to the operating surgeon. This 3D model is used to assist vascular surgeons in planning for, or monitoring the results of, endovascular aneurysm repair. The service is a technical service provided under the general supervision of a physician according to the supervision requirements for IDTFs. We compared this procedure to CPT codes 74175, *Computed tomographic angiography, abdomen, without contrast material(s), followed by contrast material(s) and further sections, including image post-processing* and 76375, *Coronal, sagittal, multiplanar, oblique, 3-dimensional and/or holographic reconstruction of computerized axial tomography, magnetic resonance imaging, or other tomographic modality*. Based on this review, we developed practice expense

RVUs using the nonphysician workpool methodology. The malpractice RVUs will be crosswalked from CPT code 76375 directly and will be set at 0.15 RVUs.

G0289 *Arthroscopy, knee, surgical, for removal of loose body, foreign body, debridement/shaving of articular cartilage (chondroplasty) at the time of other surgical knee arthroscopy in a different compartment of the same knee.*

We are creating this code to permit appropriate reporting of arthroscopic procedures performed in different compartments of the same knee during the same operative session. This is an add-on code and should be added to the knee arthroscopy code for the major procedure being performed. This code is only to be reported once per extra compartment, even if both chondroplasty, loose body removal, and foreign body removal are performed. The code may be reported twice (or with a unit of two) if the physician performs these procedures in two compartments in addition to the compartment where the main procedure was performed.

This code should only be reported if the physician spends at least 15 minutes in the additional compartment performing the procedure. It should not be reported if the reason for performing the procedure is due to a problem caused by the arthroscopic procedure itself. This code is to be used when a procedure is performed in the lateral, medial, or patellar compartments in addition to the main procedure. However, CPT codes 29874, *Arthroscopy, knee, surgical; for removal of loose body or foreign body (e.g., osteochondritis dissecans fragmentation, chondral fragmentation)* and 29877 *Arthroscopy, knee, surgical; debridement/shaving of articular cartilage (chondroplasty)* may not be billed with other arthroscopic procedures on the same knee.

Physician Work

We examined the work RVUs, the intra-operative work intensity, and the intra-operative times for CPT codes 29874 and 29877. We also compared these intensities and times to those for CPT code 29870, the base procedure for this family. We determined a work value using the intra-operative intensity for CPT code 29874 (which is higher than for CPT code 29877) and the mean intra-operative times (for CPT codes 29874 and 29877) beyond the time required for CPT code 29870 (14 minutes for CPT code 29874 and 27 minutes for CPT code 29877). This code represents approximately 20 minutes of extra work at a high level of intensity. Therefore, the work value we are assigning to this code is 1.48 RVUs.

Malpractice

We are assigning 0.27 malpractice RVUs to this procedure. This is the sum of the malpractice RVUs for CPT codes 29874 and 29877 beyond the malpractice RVUs for CPT code 29870, divided by two.

Practice Expense

We are not assigning any practice expense inputs to this code because it is an add-on code that will only be performed in the facility setting.

Revisions to G Codes

We are also revising the descriptors for the following existing G codes as follows:

G0179 *Physician recertification services for Medicare-covered services provided by a participating home health agency (patient not present) including review of subsequent reports of patient status, review of patient's responses to the OASIS assessment instrument, contact with the home health agency to ascertain the follow-up implementation plan of care, and documentation in the patient's office record, per certification period* and

G0180 *Physician certification services for Medicare-covered services provided by a participating home health agency (patient not present), including review of initial or subsequent reports of patient status, review of patient's responses to the OASIS assessment instrument, contact with the home health agency to ascertain the initial implementation plan of care, and documentation in the patient's office record, per certification period*

Comment: Individuals have requested clarification as to whether a review of OASIS data is required when a physician bills for the certification and re-certification of home health plans of care.

Response: The review of OASIS data, although not required for the performance of either a certification or re-certification of a home health plan of care, is considered a valuable tool to be utilized in the performance of both a certification or re-certification of a home health plan of care. We agree that the current HCPCS code(s) descriptors are unclear and will revise the descriptors to identify the review of OASIS as an option as opposed to a requirement. The descriptors are being revised as follows:

G0179 *Physician re-certification for Medicare-covered home health services under a home health plan of care (patient not present), including contacts with home health agency and review of reports of patient status required by physicians to affirm the initial*

implementation of the plan of care that meets patient's needs, per recertification period.

G0180: *Physician certification for Medicare-covered home health services under a home health plan of care (patient not present), including contacts with home health agency and review of reports of patient status required by physicians to affirm the initial implementation of the plan of care that meets patient's needs, per certification period.*

G0236 *Digitization of film radiographic images with computer analysis for lesion detection and further physician review for interpretation, diagnostic mammography (list separately in addition to code for primary procedure)*

Comment: Individuals have requested that we establish additional G-codes that would specify the use of computer-aided detection with direct digital image mammograms. Currently, the descriptors associated with HCPCS code G0236 (diagnostic) and CPT code 76085 (screening) refer not only to the application of computer-aided detection but also to the conversion of film images to digital images.

Response: When the computer-aided detection codes were originally assigned, we intended that they would be used for the application of computer-aided detection to both direct digital images and to standard film images that were converted to digital images. The current descriptors of both HCPCS code G0236 and CPT code 76085 do not explicitly state that the code can be billed in conjunction with either direct digital images or standard film images converted to digital images. We have revised the descriptor associated with the application of computer-aided detection to diagnostic images (HCPCS code G0236) to incorporate both direct digital images and standard film images converted to digital images. Additionally, we will request that the CPT editorial panel review the current definition associated with the screening computer-aided detection code (CPT code 76085) for future revision. Until such time as a revision is made to CPT code 76085, physicians should use CPT code 76085 for both direct digital screening images as well as for standard film screening images that are converted to digital images.

G0236 is revised to read as follows: *Digitization of film radiographic images with computer analysis for lesion detection, or computer analysis of digital mammogram for lesion detection, and further physician review for interpretation, diagnostic*

mammography (List separately in addition to code for primary procedure).

G0239 *Therapeutic procedures to improve respiratory function, other than services described by G0237, two or more (includes monitoring).*

For clarity, and to address concerns expressed by individuals about how to code group treatment of patients with procedures described in G0237, we are revising the descriptor for G0239 to read as follows:

G0239 *Therapeutic procedures to improve respiratory function or increase strength or endurance of respiratory muscles, two or more (includes monitoring).*

Deletion of G Codes

We will be deleting the following G codes for CY 2003: G0002 *Office procedure, insertion of temporary indwelling catheter, foley type (separate procedure)*

Services formerly billed under G0002 will be billed under CPT codes 51702 *Insertion of temporary indwelling bladder catheter; simple (e.g., Foley)* or 51703 *Insertion of temporary indwelling bladder catheter; complicated (e.g., altered anatomy, fractured catheter/balloon).*

G0004 *Patient demand single or multiple event recording with pre-symptom memory loop and 24 hour attended monitoring, per 30 day period; includes transmission, physician review and interpretation;* G0005 *Patient demand single or multiple event recording with pre-symptom memory loop and 24 hour attended monitoring, per 30 day period; recording (includes hook-up, recording and disconnection);* G0006 *Patient demand single or multiple event recording with pre-symptom memory loop and 24 hour attended monitoring, per 30 day period; 24 hour attended monitoring, receipt of transmissions, and analysis;* and G0007 *Patient demand single or multiple event recording with pre-symptom memory loop and 24 hour attended monitoring, per 30 day period; physician review and interpretation only.*

Services formerly billed under G0004 will be billed using CPT code 93268, *Patient demand single or multiple event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; includes transmission, physician review and interpretation;* services billed using G0005 will be billed using CPT code 93270, *Patient demand single or multiple event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; recording (includes hook-up, recording and disconnection);* services

billed using G0006 will be billed using CPT code 93271, *Patient demand single or multiple event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; monitoring, receipt of transmissions and analysis;* services billed using G0007 will be billed using CPT code 93272 *Patient demand single or multiple event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; physician review and interpretation only,* and services billed using G0015 will be billed using CPT code 93012 *Telephonic transmission of post-symptom electrocardiogram rhythm strip(s), per 30 day period of time, tracing only.* Unattended monitoring of patient demand single or multiple event recording with presymptom memory loop, per 30 day period of time and unattended telephonic transmission of post symptom electrocardiogram rhythm strip(s), per 30 day period of time should be billed using CPT code 93799, *Unlisted cardiovascular service or procedure.*

G0050 *Measurement of post-voiding residual urine and/or bladder capacity by ultrasound*

Services formerly billed under G0050 will be billed using CPT code 51798.

G0131 *Computerized tomography bone mineral density study, one or more sites; axial skeleton (e.g., hips, pelvis, spine)* and G0132 *Computerized tomography bone mineral density study, one or more sites; appendicular skeleton (peripheral) (e.g., radius, wrist, heel).*

Services formerly billed under G0131 will be billed using CPT code 76070, and those billed under G0132 will be billed using CPT code 76071.

G0185 *Destruction of localized lesion of choroids for example, choroidal neovascularization; transpupillary thermotherapy (one or more sessions)* and G0186 *Destruction of localized lesion of choroids for example, choroidal neovascularization; photocoagulation, feeder vessel technique (one or more sessions).*

Services formerly billed under G0185 will be billed using CPT code 0016T, *Destruction of localized lesion of choroids (e.g., choroidal revascularization), transpupillary thermotherapy,* and G0186 will be billed using CPT code 0017T, *Destruction of macular drusen, photocoagulation.*

G0193 *Endoscopic study of swallowing function (also fiberoptic endoscopic evaluation of swallowing (FEEST)),* G0194 *Sensory testing during endoscopic study of (add-on code) referred to as fiberoptic endoscopic evaluation of swallowing*

with sensory (FEEST), G0195 *Clinical evaluation of swallowing function (not involving interpretation of dynamic radiological studies or endoscopic study of swallowing)*, and G0196 *Evaluation of swallowing involving swallowing of radio-opaque materials*.

Services formerly billed under G0193 will be billed using new CPT code 92612; services billed using G0194 will be billed using new CPT code 92614; services billed using G0195 will be billed using new CPT code 92610; and G0196 should be billed using new CPT code 92611.

G0197 *Evaluation of patient for prescription of speech generating devices*, G0198 *Patient adaptation and training for use of speech generating devices*, G0199 *Re-evaluation of patient using speech generating devices*, G0200 *Evaluation of patient for prescription of voice prosthetic*, and G0201 *Modification or training in use of voice prosthetic*.

Services formerly billed under G0197 will be billed using CPT code 92607 *Evaluation for prescription for speech-generating augmentative and alternative communication device, face-to-face with the patient; first hour*, and, if appropriate, CPT code 92608, *Evaluation for prescription for speech-generating augmentative and alternative communication device, face-to-face with the patient; each additional 30 minutes*; services billed using G0198 will be billed using CPT code 92609 *Therapeutic services for the use of speech-generating device, including programming and modification*; services billed using G0199 will be billed using CPT code 92607, using the -52 modifier if the service is less than 1 hour; services billed using G0200 will be billed using revised CPT code 92597 *Evaluation for use and/or fitting of voice prosthetic device to supplement oral speech*; and services billed using G0201 will be billed using CPT code 92507.

G0240 *Critical Care Service delivered by a physician; face-to-face, during inter-facility transport of a critically ill or critically injured patient; first 30–74 minutes of active transport*, and G0241—*each additional 30 minutes (list separately in addition to G0240)*

Services formerly billed under G0240 and G0241 will be billed using CPT codes 99289 and 99290.

V. Update to the Codes for Physician Self-Referral Prohibition

A. Background

On January 4, 2001 we published in the **Federal Register** a final rule with comment period, “Medicare and Medicaid Programs; Physicians’

Referrals to Health Care Entities With Which They Have Financial Relationships” (66 FR 856). That final rule incorporated into regulations the provisions in paragraphs (a), (b) and (h) of section 1877 of the Act. Section 1877 of the Act prohibits a physician from referring a Medicare beneficiary for certain “designated health services” to a health care entity with which the physician (or a member of the physician’s immediate family) has a financial relationship, unless an exception applies. In the final rule, we published an attachment listing all of the CPT and HCPCS codes that defined the entire scope of the following designated health services for purposes of section 1877 of the Act: clinical laboratory services; physical therapy services (including speech-language pathology services); occupational therapy services; radiology and certain other imaging services; and radiation therapy services and supplies.

In the January 2001 final rule, we stated that we would update the list of codes used to define these designated health services in an addendum to the annual physician fee schedule final rule. The purpose of the update is to conform the code list to the most recent publications of CPT and HCPCS codes. An updated all-inclusive list of codes was included in the November 1, 2001 physician fee schedule final rule in Addendum E and was subsequently corrected in a notice that was published in the **Federal Register** (66 FR 20681) on April 26, 2002.

The updated all-inclusive list of codes effective for January 1, 2003 is presented in Addendum E in this final rule. It is our intent to always use Addendum E of the annual physician fee schedule final rule for the physician self-referral update. The updated all-inclusive list of codes will also be available on our Web site at <http://cms.hhs.gov/medlearn/refphys.asp>.

B. Response to Comments

We received three comments regarding the code list. The comments and our responses are stated below.

Comment: One commenter agreed with the additions and deletions to the list of designated health services as published in the November 1, 2001 physician fee schedule final rule (66 FR 55312). The commenter expressed the understanding that we would address the comments regarding the original list of designated health services (published in the January 4, 2001 final rule) in a second final rule on the physician self-referral prohibition. A second commenter raised concerns about our decision (announced in the January 4,

2001 final rule) to exclude nuclear medicine from the definition of “radiology and certain other imaging services.”

Response: The first commenter is correct in understanding that we intend to address substantive comments on the designated health services that are defined by reference to HCPCS and CPT codes in a second final rule concerning the physician self-referral prohibition. We will also address the second commenter’s concerns regarding nuclear medicine in that final rule. As noted above, this update to the code list merely reflects changes to the most recent publications of HCPCS and CPT codes.

Comment: One commenter noted that we post on our Web site (<http://www.hcfa.gov/stats/cpt/rvudown.htm>) an Excel spreadsheet file containing all of the CPT/HCPCS codes with accompanying RVUs. The commenter suggested that we add a column indicating whether a code is considered a designated health service for purposes of the physician self-referral law, as well as in which category of designated health services it would be included. The commenter stated that, as changes are made, they would be scattered throughout several physician fee schedules.

Response: We believe that the commenter was concerned that updates to the list of designated health services under the physician self-referral law would be published in various fee schedules throughout the course of a year. This is not the case. We publish the annual update and the entire list of CPT/HCPCS codes in the physician fee schedule final rule. (Addendum E contains the updated all-inclusive list of codes.) We have no plans to publish an updated list of codes for physician self-referral purposes in any other fee schedule. We chose the physician fee schedule, as opposed to one of the other fee schedules, because we believe that physicians would be more likely to see it. We maintain a current list of codes used to define certain designated health services for purposes of the physician self-referral law on our Web site at <http://cms.hhs.gov/medlearn/refphys.asp>. We have decided not to make any changes to the RVU website at this time because we believe the updated all-inclusive list of codes used for purposes of physician self-referral is readily available to all physicians.

C. Revisions Effective for 2003

Table 9, below, identifies the additions and deletions to the comprehensive list of physician self-referral codes published in Addendum

E of the November 2001 physician fee schedule final rule and subsequently corrected in the April 26, 2002 correction notice (66 FR 20681). Table 9 also identifies the additions, deletions and revisions to the lists of codes used to identify the items and services that

may qualify for the exceptions in § 411.355(g) (regarding EPO and other dialysis-related outpatient prescription drugs furnished in or by an end-stage renal dialysis (ESRD) facility) and in § 411.355(h) (regarding preventive

screening tests, immunizations and vaccines).

We will consider comments with respect to the codes listed in Table 9 below, if we receive them by the date specified in the **DATES** section of this final rule.

TABLE 9.—ADDITIONS AND DELETIONS TO THE PHYSICIAN SELF-REFERRAL CODES

HCPCS	CPT 1/Descriptor
Additions:	
51798	Us urine capacity measure
76070	Ct bone density, axial
76071	Ct bone density, peripheral
76801	Ob us < 14 wks, single fetus
76802	Ob us < 14 wks, addl fetus
76811	Ob us, detailed, sngl fetus
76812	Ob us, detailed, addl fetus
92601	Cochlear implt f/up exam < 7
92602	Reprogram cochlear implt < 7
92603	Cochlear implt f/up exam 7 >
92604	Reprogram cochlear implt 7 >
92607	Ex for speech device rx, 1hr
92608	Ex for speech device rx addl
92609	Use of speech device service
92610	Evaluate swallowing function
92611	Motion fluoroscopy/swallow
92612	Endoscopy swallow tst (fees)
92614	Laryngoscopic sensory test
92616	Fees w/laryngeal sense test
0010T	TB test, gamma interferon
0019T	Extracorp shock wave tx, ms
0020T	Extracorp shock wave tx, ft
0023T	Phenotype drug test, HIV 1
0026T	Measure remnant lipoproteins
0028T	Dexa body composition study
0029T	Magnetic tx for incontinence
0030T	Anitprothrombotin antibody
0041T	Detect UR infect agnt w/cpas
0042T	Ct perfusion w/contrast, cbf
0043T	Co expired gas analysis
G0256	Prostate brachy w palladium
G0261	Prostate brachytherapy w/rad
G0262	Sm intestinal image capsule
G0274	Radiopharm tx, non-Hodgkins
G0279	Excorp shock tx, elbow epi
G0280	Excorp shock tx other than
G0281	Elec stim unattend for press
G0283	Elec stim other than wound
G0288	Recon, CTA for surg plan
J0636	Inj calcitriol per 0.1 mcg
J1756	Iron sucrose injection
J2501	Paricalcitol
J2916	Na ferric gluconate complex
Q3021	Ped hepatitis b vaccine inj
Q3022	Hepatitis b vaccine adult ds
Q3023	Injection hepatitis Bvaccine
Deletions:	
76830	Us, exam transvaginal
76872	Echo exam, transrectal
76873	Echograp trans r, pros study
86915	Bone marrow/stem cell prep
90744	Hepb vacc ped/adol 3 dose im
90746	Hep b vaccine, adult, im
90747	Hepb vacc, ill pat 4 dose im
92510	Rehab for ear implant
97014	Electric stimulation therapy
G0026	Fecal leukocyte examination
G0027	Semen analysis
G0050	Residual urine by ultrasound
G0131	CT scan, bone density study
G0132	CT scan, bone density study
G0193	Endoscopicstudyswallowfunctn

TABLE 9.—ADDITIONS AND DELETIONS TO THE PHYSICIAN SELF-REFERRAL CODES—Continued

HCPCS	CPT ¹ /Descriptor
G0194	Sensorytestingendoscopicstud
G0195	Clinicalevalswallowingfunt
G0196	Evalofswallowingwithradioopa
G0197	Evalofptforprescipspeechdevi
G0198	Patientadapation&trainforspe
G0199	Reevaluationofpatientusespec
G0200	Evalofpatientprescipofvoicep
G0201	Modifortraininginusevoicepro
J0635	Calcitriol injection
J1755	Iron sucrose injection
J2915	NA Ferric Gluconate Complex
Revisions:	
76085	Computer mammogram add-on [when used in conjunction with 76092]

¹ CPT codes and descriptions only are copyrighted in the 2002 American Medical Association. All rights are reserved and applicable FARS/DFARS clauses apply.

The “Additions” section of Table 9 generally reflects new CPT and HCPCS codes that become effective January 1, 2003. The one exception is the addition of the following emerging technology codes, referred to as Category III codes, which the AMA first included in the CPT effective January 1, 2002: 0010T, 0019T, 0020T, 0023T, and 0026T. CPT codes 0010T, 0023T, and 0026T represent clinical laboratory services while CPT codes 0019T and 0020T are therapy codes. These codes were addressed in the November 2001 physician fee schedule final rule with the clarification that coverage and payment of these services is generally at the discretion of the carrier. However, the portion of the November 2001 final rule that concerned the list of codes for physician self-referral purposes failed to address these new codes. Thus, we are adding the Category III codes that should have been included in last year’s update. We also are adding the following new Category III codes issued for 2003 to which the physician self-referral prohibition applies: 0028T, 0029T, 0030T, 0041T, 0042T, and 0043T. CPT codes 0028T and 0042T are radiology services; CPT code 0029T is a physical therapy service; and, CPT codes 0030T, 0041T and 0043T are clinical laboratory services.

Table 9 also reflects the addition of 4 new codes (J0636, J1756, J2501 and J2916) to the list of dialysis-related outpatient prescription drugs that may qualify for the exception described in § 411.355(g) regarding those items. The physician self-referral prohibition will not apply to these drugs if they meet the conditions set forth in § 411.355(g). Table 9 also reflects the addition of 3 vaccine codes (Q3021, Q3022 and Q3023) to the list that identifies preventive screening tests, immunizations and vaccines that may qualify for the exception described in

§ 411.355(h) for such items and services. The physician self-referral prohibition will not apply to these vaccines if they meet the conditions set forth in § 411.355(h) concerning the exception for preventive screening tests, immunizations, and vaccines.

With the exception of CPT codes 76830, 76872 and 76873 for ultrasounds, the “Deletions” section of Table 9 reflects changes necessary to conform the code list to the most recent publications of CPT and HCPCS codes. We are deleting CPT code 76830 for transvaginal ultrasound and CPT codes 76872 and 76873 for transrectal ultrasounds because these codes should never have appeared on the list of designated health services. Our definition of “radiology and certain other imaging services” published in the January 2001 final rule (66 FR 956) specifically excludes any ultrasonic procedure that requires “the insertion of a needle, catheter, tube, or probe”. Thus, although the deletion of these codes is not a change to conform to an annual change in CPT or HCPCS codes, we are making the change at this time so that the list of codes will accurately reflect the regulatory definition for “radiology and certain other imaging services.”

Table 9 includes one revised CPT code. That is CPT code 76085, “Computer mammogram add-on.” In the CPT publication effective January 1, 2003, the CPT long descriptor was changed to delete the word “screening” so that the digitization no longer refers only to screening mammography. Because our exception under § 411.355(h) applies to preventive screening tests, we have revised the list of codes that may qualify for that exception to indicate that CPT code 76085 may qualify for the exception only when it is used in conjunction

with CPT code 76092, “Mammogram screening.”

VI. Physician Fee Schedule Update for Calendar Year 2003

A. Physician Fee Schedule Update

The physician fee schedule update is determined under a calculation methodology that is specified by statute. Under section 1848(d)(4) of the Act, the update is equal to the product of 1 plus the percentage increase in the Medicare Economic Index (MEI) (divided by 100) and 1 plus the update adjustment factor. For CY 2002, the MEI is equal to 3.0 percent (1.030). The update adjustment factor is equal to -7.0 percent (0.930). Section 1848(d)(4)(F) of the Act requires an additional -0.2 percent (0.998) reduction to the update for 2003. Thus, the product of the MEI (1.030), the update adjustment factor (0.930), and the statutory adjustment factor (0.998) equals the CY 2003 update of -4.4 percent (0.956).

The Department believes that the negative update is inappropriate because the current update system does not reflect actual, after the fact, data from earlier years. Instead, the Act requires the Department to rely upon estimates made in past years, even though the Department now has actual data for these particular years. Even though after-the-fact data show that for certain years actual increases differed to some degree from earlier estimates, the Department is unable to revise estimates without congressional action. We have exhaustively searched for a different interpretation of law that would allow us to revise estimates for earlier years administratively, but unfortunately, we had to conclude that current law does not permit such an interpretation.

Without congressional action to address the current legal framework, the Department is compelled to announce a

physician fee schedule update for CY 2003 of -4.4 percent. The Department's calculations are explained below.

We have, however, also identified reasonable adjustments that could result in a positive update in physician fee schedule rates if the Department were permitted by law to make those adjustments. Revisions of estimates used to establish the sustainable growth rates (SGR) for fiscal years (FY) 1998 and 1999 and Medicare volume performance standards (MVPS) for 1990 through 1996 could, under present estimations, result in an increase in the update.

The Department intends to work closely with the Congress to develop legislation that could permit a positive update, and hopes that such legislation can be passed before the negative update takes effect. Because the Department wishes to take action immediately in the event that Congress provides the Department legal authority to make the corrections, we are requesting comments regarding how physician fee schedule rates could and should be recalculated prospectively in the event that Congress provides the Department with legal authority to revise estimates used to establish the sustainable growth rates (SGR) for FYs 1998 and 1999 and the MVPS for 1990-1996.

B. The Percentage Change in the Medicare Economic Index

1. Medicare Economic Index (MEI) Productivity Adjustment

In the June 28, 2002 proposed rule, we reviewed the history of the MEI productivity adjustment, described the current MEI productivity adjustment, identified and evaluated possible alternative MEI productivity adjustments based on the individual contributions we solicited from experts on this topic, and proposed changing the MEI productivity adjustment to reflect an economy-wide multifactor productivity adjustment. In this final rule, we repeat this research information, respond to public comments on the MEI, and determine the CY 2003 MEI using the proposed methodological change.

a. History of MEI Productivity Adjustment

The MEI is required by section 1842(b)(3)(L) of the Act which states that prevailing charge levels beginning after June 30, 1973 may not exceed the level from the previous year except to the extent that the Secretary finds, on the basis of appropriate economic index data, that such higher level is justified

by year-to-year economic changes. S. Rep. No. 92-1230, at 191 (1972) provides slightly more detail on that index, stating that:

Initially, the Secretary would be expected to base the proposed economic indexes on presently available information on changes in expenses of practice and general earnings levels combined in a manner consistent with available data on the ratio of the expenses of practice to income from practice occurring among self-employed physicians as a group.

Consistent with section 1842(b)(3)(L) and legislative intent, in 1975, we determined that the MEI would be based on a broad wage measure reflecting overall earnings growth, rather than direct inclusion of physicians' net income. We used average weekly earnings of nonagricultural production (non-supervisory) workers, net of worker's productivity, as the wage proxy in the initial MEI. We included the productivity adjustment because it avoided double counting of gains in earnings resulting from growth in productivity and produced an MEI that approximated an economy-wide output price index similar to the Consumer Price Index (CPI). The productivity adjustment we used was the annual change in economy-wide private non-farm business labor productivity, applied only to the physicians' earnings portion of the MEI (then 60 percent).

As noted, the productivity adjustment in the MEI serves to avoid the double counting of productivity gains. Absent the adjustment, productivity gains from producing additional outputs (procedures) with a given amount of inputs would be included in both the earnings component of the MEI (reflecting growth in overall economy-wide wages) and in the additional procedures that are billed (reflecting physicians' own productivity gains). Therefore, general economic labor productivity growth is removed from the labor portion of the MEI.

Although the basic structure of the MEI remained relatively unchanged from its effective date (July 1, 1975) until 1992, its weights were updated periodically and a component was added for professional liability insurance. Section 9331 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99-509) (OBRA 86) mandated that we conduct a study of the structure of the MEI and prepare a notice and offer the public an opportunity to comment before we revise the methodology for calculating the MEI. Based on this requirement, we held a workshop with experts on the MEI in March 1987 to discuss topics ranging from the specific

type of index to use (Laspeyres versus Paasche) to revising the method of reflecting productivity changes. Participants included the Federal government, the Physician Payment Review Commission (PPRC), the Congressional Budget Office, the AMA, and several private consulting firms. The meeting participants concluded that a productivity adjustment in the MEI was appropriate and that an acceptable measure of physician-specific productivity did not currently exist. Many alternative approaches were discussed, including the use of a policy-based "target" measure and several existing economic productivity measures.

Using recommendations from the meeting participants, we revised the MEI and the productivity adjustment with the implementation of the physician fee schedule as discussed in the November 1992 final rule (57 FR 55896). While we retained an adjustment for economy-wide labor productivity, this adjustment was applied to all of the direct labor categories of the MEI (70.448 percent), not just physicians' earnings, and was based on the 10-year moving average percent change (instead of annual percent changes). This form of the index has been used since that time, and was most recently discussed in the November 1998 final rule (63 FR 58845) when the MEI weights were rebased to a 1996 base year.

The BBA replaced the Medicare Volume Performance Standard (MVPS) with a Sustainable Growth Rate (SGR). The SGR is an annual growth rate that applies to physicians' services paid for by Medicare. The use of the SGR is intended to control growth in aggregate Medicare expenditures for physicians' services. Payments for services are not withheld if the percentage increase in actual expenditures exceeds the SGR. Rather, the physician fee schedule update, as specified in section 1848(d)(4) of the Act, is adjusted based on a comparison of allowed expenditures (determined using the SGR) and actual expenditures. If actual expenditures exceed allowed expenditures, the update is reduced. If actual expenditures are less than allowed expenditures, the update is increased. Specifically, the SGR is calculated on the basis of the weighted average percentage increase in fees for physicians' services, growth in fee-for-service Medicare enrollment, growth in real per capita Gross Domestic Product (GDP), and the change in expenditures on physicians' services resulting from changes in law or regulations.

When the SGR was enacted, the Congress specified continued use of the MEI. By 1997, the MEI, including its productivity adjustment, had been used in updating Medicare payments to physicians for over twenty years. We did not propose any changes to the productivity adjustment used in the MEI when the SGR system was enacted because its continued use was consistent with the newly mandated formula. If we did not make a productivity adjustment in the MEI, general economic productivity gains would be reflected in two of the SGR factors, the MEI and real per-capita GDP (which reflects real GDP per hour worked, or labor productivity, and hours worked per person). We believe it is reasonable to remove the effect of general economic productivity from one of these factors (the MEI) to avoid double counting.

As noted previously, since its original development, the MEI productivity adjustment has been based on economy-wide productivity changes. This practice arose from the fact that the physicians' compensation portion of the MEI is proxied to grow at the same rate as general earnings in the overall economy, which reflect growth in overall economy-wide productivity. Removing labor productivity growth reflected in general earnings from the labor portion of the MEI produces an index that is consistent with other economy-wide output price indexes, like the CPI.

b. Research on Alternative MEI Productivity Adjustments

In the June 2002 proposed rule we presented the research we completed on evaluating the most appropriate productivity adjustment for the MEI. This research included evaluating the currently available productivity estimates produced by the BLS to develop a better understanding of the strengths and weaknesses of these measures and reviewing the theoretical foundation of the MEI to understand how labor and multifactor productivity relate to the current physician payment system. We also studied the limited publicly available data to begin to develop preliminary estimates of trends in physician-specific productivity to better understand the current market conditions facing physicians. Finally, we solicited the individual contributions of academic and other professional economic experts on prices and productivity. These experts included individuals from the MedPAC, the AMA, the Office of Management and Budget (OMB), Dr. Uwe Reinhardt from Princeton University, Dr. Joe Newhouse

from Harvard University, Dr. Ernst Berndt from MIT, and Dr. Joel Popkin from Joel Popkin and Company. Below we repeat the findings on each of the six options we investigated and detailed in the proposed rule:

- Option 1—Using a physician-specific productivity adjustment.

This option would entail using an estimate of physician-specific productivity to adjust the MEI. This option may have some theoretical attractiveness, but there are major problems in obtaining accurate measures of physician-specific productivity. First, no published measure of physician-specific productivity is available. The Federal agency that produces the official government statistics on productivity, BLS, does not calculate or publish productivity measures for any health sector. Nor are there alternative measures of physician-specific productivity that would conform to the BLS methodology for measuring productivity. Second, it is not clear that using physician-specific productivity within the current structure of the MEI would be appropriate. Because we believe the MEI appropriately uses an economy-wide wage measure as the proxy for physician wages, using physician specific productivity could overstate or understate the appropriate wage increases in the MEI.

We do believe, however, that it is important to understand the rate of change in physician-specific productivity. Toward this end, we have performed our own preliminary analysis of physician-specific productivity, using the limited available data on physician outputs and inputs. Our analysis attempted to simulate the methodology the BLS would use to measure productivity. To help achieve this we have been in contact with experts at the BLS to obtain their feedback on our methodology. While this information cannot be interpreted as an official measure of physician productivity, we do believe it provides a rough indication of the current market conditions facing physicians. We used this information to aid in forming our determination of the most appropriate productivity adjustment to incorporate in the MEI, fully recognizing its preliminary nature and other limitations of our analysis. The results of our preliminary analysis suggest that long-run physician-specific productivity growth is currently near the level of economy-wide multifactor productivity growth. Prior to the recent period, however, our preliminary estimates suggested that physician productivity gains were generally significantly greater than general

economy-wide multifactor productivity gains and more in line with economy-wide labor productivity.

As we have emphasized, our rough estimates are inadequate for establishing a formal basis for the productivity adjustment to the MEI. In addition, the underlying economic theory is not sufficiently compelling, at this time, to adopt a physician-specific productivity measure, even if a suitable one were available. We conclude, however, that economy-wide multifactor productivity growth appears to be roughly comparable to our estimates of current physician-specific productivity growth.

Comment: A few commenters urged us to develop a measure of productivity that more accurately reflects the conditions facing physicians. The commenters suggested that we consider issues like increased regulatory burden on physicians and the service-oriented nature of physician services.

Response: As we stated in the June 2002 proposed rule and repeated above, no publicly available measure of physician productivity exists. In addition, no publicly available measure of service-sector productivity exists. Because of this it is not possible at this time to incorporate a productivity adjustment in the MEI that explicitly reflects physician marketplace characteristics.

However, we do believe that it is important that the productivity adjustment included in the MEI be consistent with the market conditions facing physicians. As we have discussed in this final rule, we attempted to understand the trends in physician productivity by researching and making the most optimal use of the sparse data available. We will continue to refine this research, including soliciting contributions both from experts at BLS and outside experts on measuring productivity. In addition, we encourage the commenters to work with BLS to pursue the development of official measures of physician and health sector productivity.

- Option 2—Using economy-wide labor productivity applied to the labor portion of the MEI.

We have applied economy-wide labor productivity growth to a portion of the MEI in some form since the inception of the index in 1975. For the 2002 update, we applied the 10-year moving average percent change in economy-wide labor productivity to the labor portion of the MEI. This adjustment was developed based on the contributions of a 1987 expert panel. That panel concluded that applying labor productivity data to the labor portion of the index was a technically sound way to account for

productivity in the physician update. This method made optimal use of the available data because labor productivity data were, and are, available on a more-timely basis than economy-wide multifactor productivity. By applying this measure to the labor portion of the index, the mix of physician-specific labor and non-labor inputs is reflected. Also, the use of a 10-year moving average percentage change reduces the volatility of annual labor productivity changes.

Our research, however, has indicated that using multifactor productivity applied to the entire index is a superior method to using an economy-wide labor productivity measure applied only to the labor portion of the index. The experts with whom we consulted believed it was more appropriate to reflect the explicit contribution to output from all inputs. The current measure explicitly reflects the changes in economy-wide labor inputs but does not reflect the actual change in non-labor inputs. Instead, it implicitly assumes that non-labor inputs would grow at a rate necessary to produce an economy-wide multifactor measure that is equivalent to the current MEI productivity adjustment. That implicit assumption is less precise than a direct, explicit calculation.

In addition, while the implicit approach produced an MEI productivity adjustment in most years that was reasonably consistent with overall multifactor productivity growth, it now appears less consistent with the actual change in non-labor inputs in the economy. In recent years, economy-wide labor productivity has grown very rapidly. This acceleration is partly the result of major investments in non-labor inputs that have helped to create a more productive work force. Also, the Bureau of Economic Analysis (BEA) adopted methodological changes in accounting for computer software purchases in measuring GDP. These changes have significantly increased the measured historical growth rates in real GDP and labor productivity. As a result of these developments, the current MEI productivity adjustment, applying labor productivity only to the labor portion of the MEI, has increased very rapidly. Because the multifactor definition is an explicit calculation of the change in economic output relative to the change in both labor and non-labor inputs, it better reflects the overall productivity trend changes.

Finally, as noted previously, our preliminary estimates of physician-specific productivity suggest a current growth pattern that is similar to growth in multifactor productivity in the

economy overall. In consideration of the economic theory underlying productivity measurement, especially in view of the recent developments in labor versus non-labor economic input growth trends, we concluded that using a multifactor productivity adjustment is superior to the current methodology for adjusting for productivity in the MEI.

- Option 3—Change to using economy-wide multifactor productivity.

The option we proposed in the June 2002 proposed rule was to adjust for productivity gains in the MEI using economy-wide multifactor productivity applied to the entire index, instead of labor productivity applied to the labor portion of the MEI. This option would better satisfy the theoretical requirements of an output price, in this case the MEI, by explicitly reflecting the productivity gains from all inputs. In addition, the use of economy-wide multifactor productivity would still be consistent with the MEI's use of economy-wide wages as a proxy for physician earnings. While annual multifactor productivity can fluctuate considerably, though usually less than labor productivity, using a moving-average would produce a relatively stable and predictable adjustment.

Each expert with whom we consulted believed that using a multifactor productivity measure was theoretically superior to the previous methods used to adjust the MEI because it reflects the actual changes in non-labor inputs instead of reflecting an implicit assumption about those changes. These experts also believed that the lack of timely data on multifactor productivity was not as important as would have appeared initially. Instead, they believed it was more appropriate that the adjustment be based on a long-run average that was stable and predictable rather than on annual changes in productivity. Thus, if a long-run average were used, the increased lag time associated with the availability of published data on multifactor productivity becomes less significant. Finally, one expert believed that changing to economy-wide multifactor productivity applied to the entire MEI would make it easier to understand the magnitude of the productivity adjustment.

However, use of multifactor productivity to adjust the MEI poses two concerns. First, multifactor productivity is much harder to measure than labor productivity. Economic inputs other than labor hours can be very difficult to identify and calculate properly. The experts at BLS, however, have adequately overcome these difficulties, and we are satisfied that their official

published measurements are sound for the purpose at hand. Moreover, use of a 10-year moving average increase helps to mitigate any remaining measurement variation from year to year.

The second concern relates to the timeliness of the data. BLS publishes multifactor productivity levels and changes annually (as opposed to the quarterly release of labor productivity data) and with an extended time lag (about 1½ years). These timeframes arise unavoidably from the difficulties of measuring non-labor input as mentioned above, but would result in a misalignment of the data periods for the data used to adjust the MEI and of the historical data on wages and prices underlying the MEI. For the CY 2003 physician payment update, for example, we would use data on wages and prices through the second quarter of CY 2002, but would have to use multifactor productivity data through CY 2000. Although the misalignment of data periods is a concern, we believe it is a reasonable trade-off in view of the improvement offered by an explicit measurement of non-labor inputs. Also, because use of a 10-year moving average is intended to reduce fluctuations and provide a more stable level of the productivity adjustment, availability of the most recent data is of less importance.

The 10-year moving average percent change in economy-wide multifactor productivity that would be used for the CY 2003 update (historical data through CY 2000) is estimated at 0.8 percent. Our preliminary internal analysis of physician-specific productivity gains suggests that these economy-wide multifactor measures are consistent with those trends. Thus, using economy-wide multifactor productivity for MEI productivity adjustment theoretically would be superior to using labor productivity growth applied to the labor portion of the MEI.

- Option 4—Change to using economy-wide multifactor productivity with physician-specific input weights

Another option we explored was using economy-wide labor and capital productivity measures (which, when weighted together, produce multifactor productivity), but with physician-specific input weights. This method would better reflect the proportion of labor and capital inputs used by physicians, and reflect the explicit contribution to productivity of labor and non-labor inputs. The experts with whom we discussed this option thought it was theoretically consistent with a measure of multifactor productivity, even though different productivity

measures would be applied to different components of the MEI.

A weakness of this method is that the BLS capital productivity series is not widely used or cited; therefore, we are unsure of the accuracy and reliability of this measure. This method also adds another layer of complexity to the formula, making it more difficult to understand the adjustment. We would prefer that any method we choose be straightforward so that it can be readily understood. Moreover, the labor and capital shares for the overall economy do not appear to vary enough from the physician-specific shares in the MEI to result in a significantly different measure. Overall, we believe that this method does not provide enough of a technical improvement to justify the added complexity that would be required to implement it.

- Option 5—Adjusting productivity using a “Policy Standard”.

In its March 2002 Report to the Congress, MedPAC suggested establishing a policy target for the productivity adjustment. Under this methodology, the level of the policy target would be based on the productivity gains that physicians could reasonably be expected to attain. This level would be set through policy and would likely be based on a long-run average of either economy-wide labor or multifactor productivity (but could reflect other, possibly judgmental, factors). Generally, the level of the policy standard would remain constant for several years, and periodically would be reviewed and adjusted as needed.

Some of the experts we consulted believed that a policy target would lessen the volatility of the adjustment because the target would not be changed often. Conversely, others noted the large, abrupt changes that could result if actual economic performance deviated from the policy standard requiring subsequent adjustments to the standard. Some believed that this method adjusts for the problem of precisely measuring productivity. If we used a policy standard we could avoid having to develop an exact measure. Using a policy target, however, may appear arbitrary without a theoretical basis to support its use.

The policy target recommended by the MedPAC was 0.5 percentage points per year. The MedPAC’s justification for this number was that the long-run average of economy-wide multifactor productivity was close to 0.5 percent (the most recent 10-year average is now 0.8 percent). We do not believe this is a preferred option for adjusting the MEI for productivity improvements. Our

preference is to use a data based approach that automatically reflects changes in actual economic performance over time, and not through abrupt periodic, possibly large adjustments. Thus, we conclude that a policy target does not provide an improvement over any of the data based methodologies.

Comment: One commenter recommended the productivity adjustment be removed from the MEI to make the index more consistent with our other market baskets.

Response: Since its inception in 1975 the MEI has included a productivity adjustment. By including the productivity adjustment in the MEI and using a general earnings proxy for physician wages, the index approximated an economy-wide output price index like the CPI. This original intent was different from that for the other market baskets, which are defined to reflect pure price changes in inputs associated with providing care. Thus, the MEI appropriately includes an adjustment for productivity changes.

As we described earlier, practically it makes no difference whether productivity is adjusted for within or outside the MEI, as long as an adjustment is present. However, given the historical precedent regarding the definition of the MEI, the apparent legislative intent behind recent legislation that did not prescribe a change to the MEI definition, and the specific update formula that must be used under the SGR, we do not believe it would be appropriate for the productivity adjustment to be made outside the MEI.

- Option 6—Eliminate Productivity Adjustment from the MEI.

Questions are raised occasionally as to the possibility of eliminating the productivity adjustment from the MEI. We did not consider this to be a viable option. Our research concluded that adjusting for productivity in the MEI is necessary in order to have a technically correct measure of an output price increase, free from double-counting of the impact of productivity. Every expert with whom we consulted agreed that a productivity adjustment is appropriate. They believed that the important question is which measure is the most appropriate for the adjustment.

c. Use of a Forecasted MEI and Productivity Adjustment

In a March 2002 Report to the Congress, the MedPAC recommended the use of a forecasted MEI value, rather than the current historical increase. However, implementation of this option raises several legal as well as practical

issues. The 1972 Senate Finance Committee report language reflects the intent of the Congress that the MEI should “follow rather than lead” overall inflation. As a result, updates to the physician fee schedule have always been based on historical, rather than forecasted, MEI data. In this way, increases in the MEI do not lead the current measures of inflation but follow them based on historical trends. Furthermore, at the time of implementation of the SGR system, the Congress specified that the SGR system should use the MEI that existed at the time, which was based on historical data measures. The law did not recommend or specify a change in the MEI methodology. Thus, the assumption is that the Congress was satisfied that the MEI was functioning as designed. If we were to use a forecasted MEI and productivity adjustment, there are several practical issues that would need to be addressed. One issue is that a change from a historical-based MEI to a projected MEI would cause transitional problems because there would be a period of data that would not be accounted for in the year of implementation. For example, the CY 2002 MEI update was based on historical data through the second quarter of 2001. If we were to use a forecasted MEI in the update for CY 2003, any changes between the second quarter of 2001 and the first quarter of 2003 would not be accounted for in the update. Additionally, changing to a forecasted MEI and productivity adjustment raises additional questions about correcting for forecast errors. Based on these problems, we will continue to use historical data to make updates under the physician fee schedule.

Comment: One commenter urged us to use a forecast of the MEI change for the update in the upcoming year. The commenter believed that we had the legal authority to make such a change and that the transition issues cited in the proposed rule were not relevant.

Response: We do not believe that it would be appropriate to use a forecast of the MEI for the 2003 update. Since the inception of the MEI, and more recently the implementation of the physician fee schedule, the MEI increase for the upcoming year’s update has been based on as much historical data as is available when the update is determined. For the 2003 update this means using data that is available through June 2002.

Our interpretation of the legislative intent is for the MEI update to be based on historical data, and does not contemplate a MEI based on projections.

As we stated above, the MEI update has always been based on historical data and we believe that the legislative intent when the SGR system was implemented was to continue using this methodology. In addition, we believe that the transition and forecast error issues described above are legitimate concerns that, at this time, would outweigh the benefits of making such a change. Therefore, we will continue to use historical data in developing the MEI used for the 2003 fee schedule update.

d. Productivity Adjustment to the MEI

Based on the research we conducted on this issue, we are changing the methodology for adjusting for productivity in the MEI. The MEI used for the CY 2003 physician payment

update will reflect changes in the 10-year moving average of private non-farm business (economy-wide) multifactor productivity applied to the entire index. Several commenters agreed with this methodological change.

We made this change because—(1) It is theoretically more appropriate to explicitly reflect the productivity gains associated with all inputs (both labor and nonlabor); (2) the recent growth rate in economy-wide multifactor productivity appears more consistent with the current market conditions facing physicians, and (3) the MEI still uses economy-wide wage changes as a proxy for physician wage changes. We believe that using a 10-year moving average change in economy-wide

multifactor productivity produces a stable and predictable adjustment and is consistent with the moving-average methodology used in the existing MEI. Thus, the productivity adjustment will be based on the latest available actual historical economy-wide multifactor productivity data, as measured by the BLS.

We currently estimate the MEI to increase 3.0 percent for CY 2003. This is the result of a 3.8 percent increase in the price portion of the MEI, adjusted downward by a 0.8 percent increase in the 10-year moving average change in economy-wide multifactor productivity. Table 10 shows the detailed cost categories of the MEI update for CY 2003.

TABLE 10.—INCREASE IN THE MEDICARE ECONOMIC INDEX UPDATE FOR CALENDAR YEAR 2003¹

Cost categories and price measures	1996 Weights ²	CY 2003 per cent changes
Medicare Economic Index Total, productivity adjusted	n/a	3.0
Productivity: 10-year moving average of multifactor productivity, private nonfarm business sector	n/a	0.8
Medicare Economic Index Total, without productivity adjustment	100.0	3.8
1. Physician's own time ³	54.5	3.9
a. Wages and Salaries: Average hourly earnings private nonfarm	44.2	3.7
b. Fringe Benefits: Employment Cost Index, benefits, private nonfarm	10.3	5.0
2. Physician's practice expense ³	45.5	3.6
a. Nonphysician employee compensation	16.8	4.2
1. Wages and Salaries: Employment Cost—Index, wages and salaries, weighted by occupation ..	12.4	3.7
2. Fringe Benefits: Employment Cost—Index, fringe benefits, white collar	4.4	5.5
b. Office Expense: Consumer Price Index for urban consumers (CPI-U), housing	11.6	2.8
c. Medical Materials and Supplies: Producer Price Index (PPI), ethical drugs/PPI, surgical appliances and supplies/CPI-U, medical equipment and supplies (equally weighted)	4.5	2.0
d. Professional Liability Insurance: CMS professional liability insurance survey ⁴	3.2	11.3
e. Medical Equipment: PPI, medical instruments and equipment	1.9	1.5
f. Other professional expense	7.6	1.8
1. Professional Car: CPI-U, private transportation	1.3	2.3
2. Other: CPI-U, all items less food and energy	6.3	2.6

¹ The rates of historical change are estimated for the 12-month period ending June 30, 2002, which is the period used for computing the calendar year 2003 update. The price proxy values are based upon the latest available Bureau of Labor Statistics data as of September 19, 2002.

² The weights shown for the MEI components are the 1996 base-year weights, which may not sum to subtotals or totals because of rounding. The MEI is a fixed-weight, Laspeyres-type input price index whose category weights indicate the distribution of expenditures among the inputs to physicians' services for calendar year 1996. To determine the MEI level for a given year, the price proxy level for each component is multiplied by its 1996 weight. The sum of these products (weights multiplied by the price index levels) over all cost categories yields the composite MEI level for a given year. The annual percent change in the MEI levels is an estimate of price change over time for a fixed market basket of inputs to physicians' services.

³ The measures of productivity, average hourly earnings, Employment Cost Indexes, as well as the various Producer and Consumer Price Indexes can be found on the Bureau of Labor Statistics Web site <http://stats.bls.gov>.

⁴ Derived from a CMS survey of several major insurers (the latest available historical percent change data are for the period ending second quarter of 2002).

n/a Productivity is factored into the MEI compensation categories as an adjustment to the price variables; therefore, no explicit weight exists for productivity in the MEI.

Comment: Several commenters requested that we ensure that the costs of medical liability insurance are adequately reflected in the MEI by making available all information that is the basis for measuring medical liability costs in the MEI.

Response: We agree with the commenters that it is vital that the MEI accurately reflect the price changes associated with professional liability costs. Accordingly, we continue to incorporate into the MEI a price proxy

that accomplishes this goal by making the maximum use of available data on professional liability premiums. Below we describe in more detail the annual CMS data collection from commercial insurance carriers, which are designed to maximize the use of publicly available data.

Each year, we solicit professional liability premium data for physicians from a small sample of commercial carriers. This information is not collected through a survey form, but

instead is requested from a few national commercial carriers via letter. The carriers provide information on a voluntary basis, and generally between 5 and 8 carriers volunteer this information.

As we require for our other price proxies, the professional liability price proxy must reflect the pure price change associated with this particular cost category. Thus, it should not capture changes in the mix or level of liability coverage. To accomplish this result, we

obtain premium information from commercial carriers for a fixed level of coverage, currently \$1 million per occurrence and a \$3 million annual limit. This information is collected for every state by physician specialty and risk class. Finally, the state-level, physician-specialty data is aggregated by effective premium date to compute a national total using counts of physicians by state and specialty as provided in the AMA publication "Physician Characteristics and Distribution in the U.S."

The resulting data provides a quarterly time series, indexed to a base year consistent with the MEI, which reflects the national trend in the average professional liability premium for a given level of coverage. From this series, quarterly and annual percent changes in professional liability insurance are estimated for inclusion in the MEI. This data produced an 11.3 percent increase for professional liability insurance in the MEI for the 2003 update. We believe that, given the limited timely data available on professional liability premiums, this methodology adequately reflects the price trends facing physicians.

Comment: One commenter urged CMS to use the most current professional liability insurance data available when developing the MEI update.

Response: The professional liability data used to develop the 2003 MEI update was based on premium rates effective as of June 2002. We believe our methodology ensures that the MEI update includes the most recent data available. In the spring of 2002 we collected professional liability insurance premiums from commercial insurers as described in the previous comment. These data included both the premium amount and effective date, which we use to create a quarterly time series. Thus, the professional liability insurance component of the 2003 MEI update includes effective premium rates through the 2nd quarter of 2002, which is consistent with the timeliness of other data used in determining this update.

The most comprehensive data on professional liability costs exist with the state insurance commissioners. However, these data are available only with a substantial lag. For instance, when we developed this final rule the most recent professional liability data available from the state insurance commissioners were for 2000. Hence, the data currently incorporated into the MEI are much more timely.

Comment: Several commenters requested that we make an ad hoc adjustment to the MEI to account for

recent increases in medical liability insurance.

Response: We disagree with the commenters that an ad hoc adjustment should be made to the MEI to account for recent increases in professional liability insurance. As detailed above, the current methodology reflects recent data collected directly from commercial insurance carriers and specifically reflects the conditions facing physicians. Thus, the MEI adequately accounts for the recent increases in professional liability insurance prices, much the same way it reflects the price changes associated with other inputs, such as office expenses, wages or benefits. Thus, we believe the MEI appropriately reflects the price changes as measured by reliable and relevant data sources, and should not be adjusted through an ad hoc mechanism.

Comment: Several commenters suggested that physicians' earnings more closely follow the wage changes faced by professional and technical occupations. The commenters suggested that we use the employment cost index (ECI) for professional and technical workers as the physicians' wage proxy in the MEI.

Response: As we stated in the November 2, 1998 final rule (63 FR 58848), we believe that the current price proxy for physicians' earnings, average hourly earnings (AHE) in the non-farm business economy, is the most appropriate proxy to use in the MEI. The AHE for the non-farm business economy reflects the impacts of supply, demand and economy-wide productivity for the average worker in the economy. Using the AHE as the proxy for physician earnings captures the parity in the rate of change in wages for the average worker and for physicians. In addition, use of this proxy is consistent with the original legislative intent that the change in the physicians' earnings portion of the MEI parallel the change in general earnings for the economy.

The suggestion to use the ECI for professional and technical workers has a major shortcoming in that, in many instances, occupations, such as engineers, computer scientists, nurses, etc., have unique characteristics that are not reflective of the overall economy or the physician market. Specifically, wage changes for these types of occupations can be influenced by excess supply or demand for these types of workers. We do not believe it would be appropriate to proxy the physician earnings portion of the MEI with a wage proxy that reflects these unique characteristics.

C. The Update Adjustment Factor

Section 1848(d) of the Act provides that the physician fee schedule update is equal to the product of the MEI and an "update adjustment factor." The update adjustment factor is applied to make actual and target expenditures (referred to in the law as "allowed expenditures") equal. Allowed expenditures are equal to actual expenditures in a base period updated each year by the SGR. The SGR sets the annual rate of growth in allowed expenditures and is determined by a formula specified in section 1848(f) of the Act.

Since the inception of the physician fee schedule in 1992, physician payment rates have been updated using two different systems. From 1992 to 1998, physician fee schedule rates were updated using the Medicare Volume Performance Standard (MVPS). From 1999 to the present, physician fee schedule rates have been updated using the sustainable growth rate (SGR). While there are significant and important differences between the MVPS and SGR, both use the same general concept that expenditures for physicians' services should grow by a limited percentage amount of allowed expenditures each year. If expenditures exceed the amount in a year, the physician fee schedule update is reduced. If expenditures are less than the amount of allowed expenditures in a year, the physician fee schedule update is increased.

We determined the annual percentage increase in expenditures using the formulas specified in the statute. One important feature of both the MVPS and the SGRs for fiscal years (FYs) 1998 and 1999 was that the percentage increase was based on estimates of the four factors specified in the law, made before the beginning of the year. Under the MVPS and the SGRs for FYs 1998 and 1999, the statute did not permit us to revise the estimates used to set the annual percentage increase. Beginning with the FY 2000 SGR, the statute specifically requires us to use actual, after the fact, data to revise the estimates used to set the SGR.

For some of the component factors of both the MVPS and the SGR, there have been differences between the estimates used to set the annual MVPS and SGR and the actual increase based on actual, after the fact, data. For instance, under both the MVPS and the SGR, we are required to account for increases in Medicare beneficiary fee-for-service enrollment. There have been differences between our estimates of the increase in fee-for-service enrollment and the actual, after the fact increase because it

is difficult to predict, before the beginning of the year, beneficiary enrollment in Medicare + Choice plans (or Medicare managed care plans as they were known under the MVPS). Under the MVPS, we generally estimated higher growth in beneficiary fee-for-service enrollment than actually occurred. For the FY 1998 and FY 1999 SGRs, we estimated lower growth in beneficiary fee-for-service enrollment than actually occurred. (For subsequent years, the statute has required us to revise our estimates.)

Under the SGR, the statute also requires us to account for the increase in real per capita gross domestic product (GDP) to determine the annual percentage increase in expenditures for physicians' services. In both FY 1998 and FY 1999, we estimated lower real per capita GDP growth than actually occurred. Because the statute did not permit us to revise estimates for these years, the SGRs for FYs 1998 and 1999 are lower than if we were authorized to revise estimates as required under current law for the FY 2000 SGR and all subsequent SGRs.

Because the physician fee schedule CF has been affected by a comparison of the actual increase in expenditures to the level of allowed expenditures calculated using the MVPS and the SGRs for FYs 1998–1999, revision of our estimates would have resulted in different CFs than those we actually determined. Revision of the estimates used to set the MVPS would have made the physician fee schedule CFs established under the MVPS lower than those we have actually determined. As a result, higher expenditures in 1997 were higher than if we had revised estimates with actual after the fact data. The actual amount of expenditures in 1997 forms the basis for the calculation of allowed expenditures under the SGR.

In contrast, revision of the estimates used to set the SGRs for FYs 1998 and 1999 would have resulted in higher physician fee schedule CFs for CY 2000 and all subsequent years than those we

have actually determined. If the statute authorized revisions of the estimates used to establish both the MVPS and the SGRs for FYs 1998 and 1999, the physician fee schedule CF would be higher than it is currently.

We have analyzed the effect that revision of the estimates used to set the MVPS from FY 1990 through 1996 and the SGRs for FYs 1998 and 1999 would have on the physician fee schedule update for CY 2003 and subsequent years. The Department believes that a positive update could result if the statute authorized revisions of the estimates used to establish both the SGR for FYs 1998 and 1999 and MVPS for 1990 to 1996.

As noted above, however, current law does not permit the Department to adopt the positive update for 2003. In the event that Congress enacts legislation permitting the Department to make such an adjustment, the Department wishes to make the adjustment as promptly as possible. We therefore are soliciting public comments regarding the proper adjustments in the event that Congress authorizes the Department to make such an adjustment.

1. Calculation Under Current Law

Under section 1848(d)(4)(A) of the Act, the physician fee schedule update for a year is equal to the product of— (1) 1 plus the Secretary's estimate of the percentage increase in the MEI for the year, divided by 100 and (2) 1 plus the Secretary's estimate of the update adjustment factor for the year. Under section 1848(d)(4)(B) of the Act, the update adjustment factor for a year beginning with 2001 is equal to the sum of the following—

- Prior Year Adjustment Component. An amount determined by—
- Computing the difference (which may be positive or negative) between the amount of the allowed expenditures for physicians' services for the prior year (the year prior to the year for which the update is being determined) and the amount of the

actual expenditures for such services for that year;

- Dividing that difference by the amount of the actual expenditures for such services for that year; and
- Multiplying that quotient by 0.75.

- Cumulative Adjustment Component. An amount determined by—

- Computing the difference (which may be positive or negative) between the amount of the allowed expenditures for physicians' services from April 1, 1996, through the end of the prior year and the amount of the actual expenditures for such services during that period;
- Dividing that difference by actual expenditures for such services for the prior year as increased by the sustainable growth rate for the year for which the update adjustment factor is to be determined; and
- Multiplying that quotient by 0.33.

Section 1848(d)(4)(E) of the Act requires the Secretary to recalculate allowed expenditures consistent with section 1848(f)(3) of the Act. Section 1848(f)(3) specifies that the SGR (and, in turn, allowed expenditures) for the upcoming calendar year (2003 in this case), the current calendar year (2002) and the preceding calendar year (2001) are to be determined on the basis of the best data available as of September 1 of the current year. Allowed expenditures are initially estimated and subsequently revised twice. The second revision occurs after the calendar year has ended (that is, we are making the final revision to 2001 allowed expenditures in this final rule). Once the SGR and allowed expenditures for a year have been revised twice, they are final.

Table 11 shows annual and cumulative allowed expenditures for physicians' services from April 1, 1996 through the end of the current calendar year, including the transition period to a calendar year system that occurred in 1999.

TABLE 11

Period	Annual allowed expenditures (Dollars)	Cumulative allowed expenditures (Dollars)	FY or CY SGR
4/1/96–3/31/97	48.9 billion	48.9 billion	N/A
4/1/97–3/31/98	49.6 billion	98.5 billion	FY 1998=1.5%
4/1/98–3/31/99	49.4 billion	147.9 billion	FY 1999= -0.3%
1/1/99–3/31/99	12.5 billion	Included in 147.9 above	FY 1999= -0.3%
4/1/99–12/31/99	39.6 billion	Included in 187.6 below	FY 2000=6.9%
1/1/99–12/31/99	52.1 billion	187.6 billion	FY 1999/FY 2000 (see note)
1/1/00–12/31/00	55.9 billion	243.5 billion	CY 2000=7.3%
1/1/01–12/31/01	58.4 billion	301.9 billion	CY 2001=4.5%
1/1/02–12/31/02	63.5 billion	365.4 billion	CY 2002=8.8%
1/1/03–12/31/03	68.3 billion	433.8 billion	CY 2003=7.6%

***Note:** Allowed expenditures for the first quarter of 1999 are based on the FY 1999 SGR and allowed expenditures for the last three quarters of 1999 are based on the FY 2000 SGR. Allowed expenditures in the first year (April 1, 1996–March 31, 1997) are equal to actual expenditures. All subsequent figures are equal to quarterly allowed expenditure figures increased by the applicable SGR. Cumulative allowed expenditures are equal to the sum of annual allowed expenditures. We provide more detailed quarterly allowed and actual expenditure data on our Web site under the Medicare Actuary’s publications at the following address: <http://www.cms.hhs.gov/statistics/actuary/>. We expect to update the

web site with the most current information later this month.

Consistent with section 1848(d)(4)(E) of the Act, table 12 includes our final revision of allowed expenditures for 2001, a recalculation of allowed expenditures for 2002, and our initial estimate of allowed expenditures for 2003. To determine the update adjustment factor for 2003, the statute requires that we use cumulative allowed expenditures from April 1, 1996 through December 31, 2002, actual expenditures through December 31, 2002, and the SGR for 2003, as well as annual allowed

and actual expenditures for 2002. We are using estimates of allowed expenditures for 2002 and 2003 that will subsequently be revised consistent with section 1848(d)(4)(E) of the Act. Because we have incomplete expenditure data for 2002, we are using an estimate for this period. Any difference between current estimates and final figures will be taken into account in determining the update adjustment factor for future years.

We are using figures from table 12 in the statutory formula illustrated below:

$$UAF = \frac{\text{Target}_{02} - \text{Actual}_{02}}{\text{Actual}_{02}} \times .75 + \frac{\text{Target}_{4/96-12/02} - \text{Actual}_{4/96-12/02}}{\text{Actual}_{02} \times \text{SGR}_{03}} \times .33$$

UAF = Update Adjustment Factor.
 Target₀₂ = Allowed Expenditures for 2002 or \$63.5 billion.
 Actual₀₂ = Estimated Actual Expenditures for 2002 = \$69.1 billion.

Target_{4/96-12/02} = Allowed Expenditures from 4/1/1996–12/31/2002 = \$365.4 billion.
 Actual_{4/96-12/02} = Estimated Actual Expenditures from 4/1/1996–12/31/2002 = \$381.9 billion.

SGR₀₃ = 7.6 percent (1.076).

$$\frac{\$63.5 - \$69.1}{\$69.1} \times .75 + \frac{\$365.4 - \$381.9}{\$69.1 \times 1.076} \times .33 = -.134$$

Section 1848(d)(4)(D) of the Act indicates that the update adjustment factor determined under section 1848(d)(4)(B) of the Act for a year may not be less than -0.07 or greater than 0.03. Because the calculated update adjustment factor of -0.134 is less than the statutory limit of -0.07, the update adjustment factor for 2003 will be -0.07.

Section 1848(d)(4)(A)(ii) of the Act indicates that 1 should be added to the update adjustment factor determined under section 1848(d)(4)(B) of the Act. Thus, adding 1 to -0.070 makes the update adjustment factor equal to 0.930.

VII. Allowed Expenditures for Physicians’ Services and the Sustainable Growth Rate

A. Medicare Sustainable Growth Rate

The SGR is an annual growth rate that applies to physicians’ services paid for by Medicare. The use of the SGR is intended to control growth in aggregate Medicare expenditures for physicians’ services. Payments for services are not withheld if the percentage increase in actual expenditures exceeds the SGR. Rather, the physician fee schedule update, as specified in section 1848(d)(4) of the Act, is adjusted based on a comparison of allowed expenditures (determined using the

SGR) and actual expenditures. If actual expenditures exceed allowed expenditures, the update is reduced. If actual expenditures are less than allowed expenditures, the update is increased.

Section 1848(f)(2) of the Act specifies that the SGR for a year (beginning with 2001) is equal to the product of the following four factors:

- (1) The estimated change in fees for physicians’ services.
- (2) The estimated change in the average number of Medicare fee-for-service beneficiaries.
- (3) The estimated projected growth in real GDP per capita.
- (4) The estimated change in expenditures due to changes in law or regulations.

In general, section 1848(f)(3) of the Act requires us to publish SGRs for 3 different time periods, no later than November 1 of each year, using the best data available as of September 1 of each year. Under section 1848(f)(3)(C)(i) of the Act, the SGR is estimated and subsequently revised twice (beginning with the FY and CY 2000 SGRs) based on later data. Under section 1848(f)(3)(C)(ii) of the Act, there are no further revisions to the SGR once it has been estimated and subsequently revised in each of the 2 years following the preliminary estimate. In this final

rule, we are making our preliminary estimate of the 2003 SGR, a revision to the 2002 SGR, and our final revision to the 2001 SGR.

B. Physicians’ Services

Section 1848(f)(4)(A) of the Act defines the scope of physicians’ services covered by the SGR. The statute indicates that the term “physicians’ services” includes other items and services (such as clinical diagnostic laboratory tests and radiology services), specified by the Secretary, that are commonly performed or furnished by a physician or in a physician’s office, but does not include services furnished to a Medicare+Choice plan enrollee. We published a definition of physicians’ services for use in the SGR in the **Federal Register** (66 FR 55316) on November 1, 2001. We defined “physicians’ services” to include many of the medical and other health services listed in section 1861(s) of the Act. For purposes of determining allowed expenditures, actual expenditures, and SGRs through December 31, 2002, we have specified that “physicians’ services” include the following medical and other health services if bills for the items and services are processed and paid by Medicare carriers:

- Physicians’ services.

- Services and supplies furnished incident to physicians' services.
- Outpatient physical therapy services and outpatient occupational therapy services.
 - Antigens prepared by or under the direct supervision of a physician.
 - Services of physician assistants, certified registered nurse anesthetists, certified nurse midwives, clinical psychologists, clinical social workers, nurse practitioners, and clinical nurse specialists.
 - Screening tests for prostate cancer, colorectal cancer, and glaucoma.
 - Screening mammography, screening pap smears, and screening pelvic exams.
 - Diabetes outpatient self-management training services.
 - Medical nutrition therapy services.
 - Diagnostic x-ray tests, diagnostic laboratory tests, and other diagnostic tests.
 - X-ray, radium, and radioactive isotope therapy.
 - Surgical dressings, splints, casts, and other devices used for the reduction of fractures and dislocations.
 - Bone mass measurements.

In the June 2002 proposed rule (67 FR 43861), we announced a change to our methodology for determining the "weighted average percentage increase in fees for all physicians' services" for the 2001 and subsequent year SGRs. We use a weighted average of the price indices that are used to increase payment for services included in the SGR to determine the percentage increase in fees for physicians' services. Physicians' services are updated using the MEI. Clinical diagnostic laboratory services are updated using the CPI. Drugs furnished "incident to" a physician's service under section 1861(s)(2)(A) of the Act, are also included in the calculation of the SGR. Under section 1842(o) of the Act, payments for drugs are based on 95 percent of average wholesale prices. We are currently using the MEI as a proxy for growth in drug prices. In the proposed rule, we indicated that, rather than using the MEI as proxy for growth in drug prices, we would use growth in actual drug prices to determine the

weighted average percentage increase in fees for all physicians' services. In response, we received many comments suggesting that "incident to" drugs should not be included in the definition of physicians' services.

Comment: Comments indicated that the administration of a drug is a physician's service that, by statute, must be included in the definition of physicians' services. The drug itself, however, argued the comments, is not a physician service and should not be included in the SGR. A number of comments indicated that rising Medicare expenditures for drugs are due in large part to the introduction of costly new cancer drugs and not to the failure of physicians to control their use. Many of these comments stated that the increase in drug spending is due to government policies that encourage the rapid development of new drugs, as well as government efforts to urge Americans to be tested and seek early treatment for cancer and other diseases. Some comments indicated that physicians should not be forced to pay for the rising cost of drugs covered by Medicare through reduced fees. Other comments stated that including drugs in the SGR has not led to controls on drug spending and, as a result, removing them would not lead to increased spending. Other comments indicated that the SGR has not been increased to reflect the growing cost of drugs. These comments indicated that the SGR should either account for the growing cost of drugs or exclude them completely. One comment indicated that the SGR should account for the cost of new drugs approved by the FDA and covered by Medicare during the prior year and the cost of covered drugs that have the same biologic effect as non-covered drugs. Several comments indicated that the Secretary does not have the legal authority to include "incident to" drugs in the SGR because the section 1848(f) of the Act refers to physicians' services and not "medical and other health services." Others provided copies of a detailed legal opinion arguing that drugs may be included in the SGR under section 1848(f) of the Act but cannot be

included in the definition of physicians' services for purposes of determining the update adjustment factor under section 1848(d) of the Act.

Response: The statute provides the Secretary with clear authority to specify the services that are included in the SGR. Section 1848(f)(4)(A) of the Act indicates "the term 'physicians' services' includes other items and services (such as clinical diagnostic laboratory tests and radiology services) specified by the Secretary, that are commonly performed or furnished by a physician or in a physician's office". We disagree with the comments suggesting that the Secretary does not have the authority to include drugs in the definition of physicians' services for purposes of determining allowed expenditures, actual expenditures and the SGR. In reviewing section 1861(s) of the Act, we decided to include items and services in the SGR that are commonly furnished by physicians or in physicians' offices. Since "incident to" drugs covered under section 1861(s) of the Act are commonly furnished in physicians' offices, we are including these items in the SGR.

C. Provisions Related to the Sustainable Growth Rate

Section 211(b)(1) of the BBRA amended section 1848(f)(1) of the Act to require that three SGR estimates be published in the **Federal Register** not later than November 1 of every year. In this final rule, we are publishing our preliminary estimate of the SGR for 2003, a revised estimate of the SGR for 2002, and our final determination of the SGR for 2001. Consistent with section 1848(f)(3)(C) of the Act, we are using the best data available to us as of September 1, 2002 for all of the figures.

D. Preliminary Estimate of the Sustainable Growth Rate for 2003

Our preliminary estimate of the 2003 SGR is 7.6 percent. We first estimated the 2003 SGR in March and made the estimate available to the Medicare Payment Advisory Commission and on our website. Table 12 shows our March estimates and our current estimates of the factors included in the SGR:

TABLE 12

Statutory factors	March estimate	Current estimate
Fees	1.7% (1.017)	2.9% (1.029)
Enrollment	1.3% (1.013)	1.2% (1.012)
Real per capita GDP	2.9% (1.029)	3.3% (1.033)
Law and regulation	0.0% (1.000)	0.0% (1.000)
Total	6.0% (1.060)	7.6% (1.076)

Note: Consistent with section 1848(f)(2) of the Act, the statutory factors are multiplied, not added, to produce the total (that is, $1.029 \times 1.012 \times 1.033 \times 1.000 = 1.076$.) A more detailed explanation of each figure is provided below in section H.1.

E. Revised Sustainable Growth Rate for 2002
Our current estimate of the 2002 SGR is 8.8 percent. Table 13 shows our

preliminary estimate of the 2002 SGR that was published in the **Federal Register** on November 1, 2001 (66 FR 55317) and our current estimate:

TABLE 13

Statutory factors	11/1/01 estimate	Current estimate
Fees	2.3 (1.023)	2.5% (1.025)
Enrollment	0.7 (1.007)	2.8% (1.028)
Real per capita GDP	1.7 (1.017)	2.3% (1.023)
Law and regulation	0.8 (1.008)	0.9% (1.009)
Total	5.6 (1.056)	8.8% (1.088)

A more detailed explanation of each figure is provided below in section H.2.

F. Final Sustainable Growth Rate for 2001
The SGR for 2001 is 4.5 percent. Table 14 shows our preliminary estimate of the SGR published in the **Federal**

Register on November 1, 2000 (65 FR 65433), our revised estimate published in the **Federal Register** on November 1, 2001 (66 FR 55317) and the final figures determined using the latest available data:

TABLE 14

Statutory factors	11/1/00 estimate	11/1/01 estimate	Current estimate
Fees	1.9 (1.019)	1.9 (1.019)	2.1% (1.021)
Enrollment	0.9 (1.009)	3.0 (1.030)	3.0% (1.030)
Real per capita GDP	2.7 (1.027)	0.7 (1.007)	-0.7% (0.993)
Law and regulation	0.0 (1.000)	0.4 (1.004)	0.1% (1.001)
Total	5.6 (1.056)	6.1 (1.061)	4.5% (1.045)

A more detailed explanation of each figure is provided below in section H.2.

G. Calculation of 2003, 2002, and 2001 Sustainable Growth Rates

1. Detail on the 2003 SGR

A more detailed discussion of our preliminary estimates of the four elements of the 2003 SGR follows. We note that all of the figures used to determine the 2003 SGR are estimates that will be revised based on subsequent data. Any differences between these estimates and the actual measurement of these figures will be included in future revisions of the SGR and incorporated

into subsequent physician fee schedule updates.

Factor 1—Changes in Fees for Physicians' Services (Before Applying Legislative Adjustments) for CY 2003

This factor was calculated as a weighted average of the 2002 fee increases for the different types of services included in the definition of physicians' services for the SGR. Medical and other health services paid using the physician fee schedule account for approximately 83.5 percent of total allowed charges included in the SGR and are updated using the MEI. The MEI for 2003 is 3.0 percent. Diagnostic laboratory tests represent

approximately 8.0 percent of Medicare allowed charges included in the SGR and the costs of these tests are typically updated by the CPI-U. The CPI-U for 2003 that will be used to update clinical diagnostic laboratory tests is 1.1 percent. Drugs represent 8.5 percent of Medicare allowed charges included in the SGR. Medicare pays for drugs based on 95 percent of AWP under section 1842(o) of the Act. We calculated the weighted average fee increase for drugs to be included in the SGR, we estimate a weighted average fee increase for drugs of 3.3 percent in 2002. Table 15 shows the weighted average of the MEI, laboratory and drug price increases for 2003:

TABLE 15

	Weight	Update
Physician	0.835	3.0
Laboratory	0.080	1.1
Drugs	0.085	3.3
Weighted Average	1.000	2.9

After taking into account the elements described in table 16, we estimate that the weighted-average increase in fees for physicians' services in 2002 under the

SGR (before applying any legislative adjustments) will be 2.9 percent.

Factor 2—The Percentage Change in the Average Number of Part B Enrollees From 2002 to 2003

This factor is our estimate of the percent change in the average number of

fee-for-service enrollees from 2002 to 2003. Services provided to Medicare+Choice (M+C) plan enrollees are outside the scope of the SGR and are

excluded from this estimate. Our actuaries estimate that the average number of Medicare Part B fee-for-service enrollees will increase by 1.2

percent from 2002 to 2003. Table 16 illustrates how this figure was determined:

TABLE 16

	2002	2003
Overall	37.986 million	38.321 million
Medicare+Choice	5.070 million	5.012 million
Net	32.916 million	33.309 million
Percent Increase .....	.....	1.2 percent

An important factor affecting fee-for-service enrollment is beneficiary enrollment in Medicare+Choice plans. Because it is difficult to estimate the size of the Medicare+Choice enrollee population before the start of a calendar year, at this time, we do not know how actual enrollment in Medicare+Choice plans will compare to current estimates. For this reason, there may be substantial changes to this estimate as actual Medicare fee-for-service enrollment for 2003 becomes known.

Factor 3—Estimated Real Gross Domestic Product Per Capita Growth in 2003

We estimate that the growth in real per capita GDP from 2002 to 2003 will be 3.3 percent. Our past experience indicates that there have also been large changes in estimates of real per capita GDP growth made before the year begins and the actual change in GDP computed after the year is complete. Thus, it is likely that this figure will change as actual information on economic performance becomes available to us in 2003.

Factor 4—Percentage Change in Expenditures for Physicians’ Services Resulting From Changes in Law or Regulations in CY 2003 Compared With CY 2002

As indicated below, section 101–104 of the BIPA added Medicare coverage for a variety of new services. We estimate no additional costs for these services in 2003 relative to 2002. We will continue to monitor utilization of all of the new benefits provided in BIPA and modify our estimates (up or down) and the SGRs accordingly.

Comment: We received many comments indicating that we should adjust the SGR to account for the addition of the psychiatric diagnostic interview to the list of covered telehealth services.

Response: We agree that the addition of the psychiatric diagnostic interview is a change in regulation that should be accounted for in the SGR. However,

since there is such low utilization of the telehealth benefit, we believe the addition of the psychiatric diagnostic interview to the list of covered telehealth services will have no impact on the SGR.

Comment: Several comments noted that section 112 of BIPA changed Medicare’s drug payment policy. Prior to the enactment of the BIPA, section 1861(s)(2) of the Act allowed Medicare to pay for “drugs and biologicals, which cannot, as determined in accordance with regulations, be self-administered.” The BIPA amended the Act to allow Medicare to pay for drugs which “are not usually administered by the patient.” The commenters believe that this new drug payment policy will result in an increase in expenditures that should be accounted for in the SGR.

Response: The amendments to Medicare’s drug payment policy contained in section 112 of the BIPA constitute a change in law or regulation that is taken into account in determining the SGR. We estimate a 2002 cost for this policy change that will be accounted for in the 2002 SGR described below. At this time, we are not estimating additional Medicare costs in 2003 relative to 2002 for drugs not usually self-administered by patients.

Comment: We received many public comments that argued for adjusting the SGR for changes in expenditures resulting from NCDs. According to these comments, any changes in national Medicare coverage policy that are adopted by us pursuant to a formal or informal rulemaking, such as a Program Memorandum or a national Medicare coverage determination, constitute a regulatory change for purposes of computing factor 4 of the SGR. The comments indicate that our authority to make any regulatory change is derived from law—whether it is a law specifically authorizing Medicare coverage of a new service or a law that provides general rulemaking authority. According to these comments, any new coverage initiative is a direct implementation, by regulation, of a law

that should be taken into account in determining the SGR. One commenter indicated that we effectively compare actual expenditure data that include additional utilization resulting from NCDs with a spending target that does not include this additional utilization, making it more likely that the target will be exceeded.

Response: We carefully considered this comment. If the Congress adds a new statutory benefit (for example, medical nutrition therapy), we are required by law to increase the target. Medicare does not have authority to pay for a service lacking a defined statutory benefit listed in section 1861(s) of the Act (for example, prior to January 1, 2002, there was no authority for Medicare to pay for medical nutrition therapy). However, we do have the authority to establish national coverage policies for items and services that are included in a benefit category listed in section 1861(s) of the Act. Further, we contract with Medicare carriers who may establish local coverage policies for items and services that have a statutory benefit category.

The statute requires that real GDP per capita be used in setting the SGR target. We believe that use of real GDP per capita was intended as a proxy for a number of factors that may increase the volume and intensity of physicians’ services (other than beneficiary enrollment and statutory changes that increase expenditures, which are separately accounted for by the statute), such as those associated with coverage of new items or services and other miscellaneous factors that cannot be specifically identified, such as any spending associated with NCDs.

The large majority of Medicare spending is for services that are covered at local carrier discretion. While we may establish national coverage (or non-coverage) for a new item or service with a defined statutory benefit category, this NCD does not necessarily increase Medicare spending to the extent that the service has or would have been covered at local carrier discretion in the absence

of a NCD. For instance, there was widespread publicity in 2000 about ocular photodynamic therapy (OPT), a new treatment for macular degeneration, a common cause of blindness in the elderly. Prior to our NCD, Medicare carriers had the authority to cover OPT at local carrier discretion as a physician's service under section 1861(s)(1) of the Act. Given the widespread publicity about the effectiveness of this new treatment, it is likely that, in the absence of a NCD, OPT would have been covered at local carrier discretion. That is, application of existing Medicare law and regulations would have allowed Medicare coverage for OPT at local carrier discretion. Because it seems likely that Medicare would covered this procedure in any event, it is unclear whether there are any additional costs associated with the NCD. Indeed the NCD limited the coverage of OPT to a defined subpopulation of Medicare beneficiaries. The local contractor determinations may not have done so, and therefore, the NCD may actually have resulted in a net savings to Medicare. Moreover, we did not change the law or regulations by making a national coverage decision for OPT. Rather, we applied existing law and regulations to a new service to make a

national statement about coverage where one did not previously exist. We may also issue a NCD to clarify Medicare coverage for existing items or services. Such a decision may establish national policy that replaces differing local practices. In such a case, there may not have been consistency among Medicare carriers as to whether an item or service qualified for coverage based on existing law or regulation. Thus, our NCD would not change law or regulation, but replaces differing local practices with a national determination that, based on existing law and regulations, clarifies Medicare coverage for an item or service. Spending may increase or decrease depending upon the degree to which the particular item or service is currently being covered by Medicare carriers and whether the decision is to establish coverage or non-coverage of the item or service. For the reasons previously discussed, it would be very difficult to estimate any costs or savings associated with specific coverage decisions. Further, we believe any adjustment to the target would likely be of such a small magnitude that it would have little effect on future projected updates.

1. Detail on the 2002 SGR

A more detailed discussion of our revised estimates of the four elements of the 2002 SGR follows.

Factor 1—Changes in Fees for Physicians' Services (Before Applying Legislative Adjustments) for 2002

This factor was calculated as a weighted average of the 2002 fee increases that apply for the different types of services included in the definition of physicians' services for the SGR. Services paid using the physician fee schedule account for approximately 84.5 percent of total allowed charges included in the SGR, and are updated using the MEI. The MEI for 2002 is 2.6 percent. Diagnostic laboratory tests represent approximately 7.5, and the costs of these tests are typically updated by the CPI-U. However, the BBA required a 0.0 percent update in 2002 for laboratory services. Drugs represent 8.0 percent of Medicare allowed charges included in the SGR. Pursuant to section 1842(o) of the Act, Medicare pays for drugs based on 95 percent of AWP. Using wholesale pricing information and Medicare utilization for drugs included in the SGR, we estimate a weighted average fee increase for drugs of 3.3 percent in 2002. Table 17 shows the weighted average of the MEI, laboratory and drug price increases for 2002:

TABLE 17

	Weight	Update
Physician	0.845	2.6
Laboratory	0.075	0.0
Drugs	0.080	3.3
Weighted Average	1.000	2.5

After taking into account the elements described in table 18, we estimate that the weighted-average increase in fees for physicians' services in 2002 under the SGR (before applying any legislative adjustments) will be 2.5 percent.

Factor 2—The Percentage Change in the Average Number of Part B Enrollees from 2001 to 2002

Our actuaries estimate that the average number of Medicare Part B fee-

for-service enrollees (excluding beneficiaries enrolled in M+C plans) increased by 2.8 percent in 2002. Table 18 illustrates how we determined this figure:

TABLE 18

	2001	2002
Overall	37.633 million	37.986 million
Medicare+Choice	5.608 million	5.070 million
Net	32.025 million	32.916 million
Percent Increase		2.8 percent

Our actuaries' estimate of the 2.8 percent change in the average number of fee-for-service enrollees, net of Medicare+Choice enrollment for 2002, compared to 2001 is different from our

preliminary estimate (0.7 percent for 2002 from the November 1, 2001 final rule (66 FR 55318)) because the historical base from which our actuarial estimate is made has changed. We now

have complete information on Medicare fee-for-service enrollment for 2001 that is different than the figure we used one year ago. Further, we now have information on actual fee-for-service

enrollment for the first 8 months of 2002. We would caution that our estimate of fee-for-service enrollment for 2002 may change again once we have complete information for the entire year.

Factor 3—Estimated Real Gross Domestic Product Per Capita Growth in 2002

We estimate that the growth in real per capita GDP will be 2.3 percent in 2002. Our past experience indicates that there have also been large differences between our preliminary estimates of real per capita GDP growth and the actual change in this factor. Thus, it is likely that this figure will change further as actual information on economic performance becomes available to us in 2003.

Factor 4—Percentage Change in Expenditures for Physicians' Services Resulting From Changes in Law or Regulations in 2002 Compared With 2001

As indicated earlier, sections 101 through 104 of the BIPA added Medicare coverage for a variety of new services that will affect the 2002 SGR. We included an adjustment in the 2002

SGR based on previous estimates of the costs of these new benefits, but are reducing our estimate of the costs of the new telehealth and medical nutrition therapy benefits based on lower utilization of these services than we had originally anticipated. This change will have little effect on this factor and we are not changing our estimate of the costs of any of the other provisions described earlier. In addition, as explained above, section 112 of BIPA made changes that will result in additional Medicare coverage for certain drugs. Prior to the enactment of the BIPA, Medicare only paid for drugs that cannot be self-administered by the patient. BIPA allows Medicare to pay for drugs that can be but are not usually self-administered. Accordingly, we are accounting for the increased Medicare drug expenditures that will result from implementation of section 112 of the BIPA. After taking these provisions into account, the percentage change in expenditures for physicians' services resulting from changes in law or regulations is estimated to be 0.9 percent for 2002.

3. Detail on the 2001 SGR

A more detailed discussion of our current estimates of the four elements of the 2001 SGR follows. Pursuant to section 1848(f)(3)(C) of the Act, we will be making no further revisions to these figures.

Factor 1—Changes in Fees for Physicians' Services (Before Applying Legislative Adjustments) for 2001

We are using a weighted average of the fee increases that apply to the different services included in the SGR for 2001. Services that are updated by the MEI represent 85.7 percent of allowed charges included in the SGR. The 2001 MEI was 2.1 percent. Pursuant to the BBA, laboratory services were updated by 0.0 percent in 2001 and represent 7.0 percent of allowed charges included in the SGR. The weighted average percentage increase in average wholesale prices for drugs included in the SGR in 2001 was 3.4 percent. Drugs represent 7.3 percent of allowed charges included in the SGR. Using these figures, the weighted average percentage increase in fees for physicians' services is illustrated in table 19:

TABLE 19

	Weight	Update
Physician	0.857	2.1
Laboratory	0.070	0.0
Drugs	0.073	3.4
Weighted Average	1.000	2.1

Factor 2—The Percentage Change in the Average Number of Fee-for-Service Part B Enrollees From 2000 to 2001

We estimate the increase in the average number of fee-for-service

enrollees (excluding Medicare+Choice enrollees) from 2000 to 2001 was 3.0 percent. Table 20 illustrates the calculation of this factor:

TABLE 20

	2000	2001
Overall	37.330 million	37.633 million
Medicare+Choice	6.233 million	5.608 million
Net	31.098 million	32.205 million
Percent Increase		3.0 percent

Our calculation of this factor is based on complete data from 2001.

Factor 3—Estimated Real Gross Domestic Product Per Capita Growth in 2001

We estimate that the growth in real per capita GDP was -0.7 percent in 2001. This is a final figure based on complete data for 2001.

Factor 4—Percentage Change in Expenditures for Physicians' Services Resulting From Changes in Law or Regulations in CY 2001 Compared With CY 2000

As described above, the BIPA makes changes to the Act that affect Medicare expenditures for services included in the SGR. Some of these provisions had no effect on Medicare expenditures in 2001 because they did not go into effect

until 2002. Other provisions became effective at some time during 2001. These provisions relate to coverage of new technology mammography, coverage changes for screening pap smears, screening pelvic exams, screening colonoscopy, expanded access to telehealth services, and Medicare payment for services provided in Indian Health Service hospitals and clinics. After taking these provisions into

account, the percentage change in expenditures for physicians' services resulting from changes in law or regulations is estimated to be 0.1 percent for 2001.

VIII. Anesthesia and Physician Fee Schedule Conversion Factors

The 2003 physician fee schedule CF will be \$34.5920. The 2003 national average anesthesia conversion factor is \$16.0353.

The specific calculations to determine the physician fee schedule and anesthesia CFs for 2003 are explained below.

Detail on Calculation of the 2003 Physician Fee Schedule Conversion Factor

• **Physician Fee Schedule Conversion Factor**

Under section 1848(d)(1)(A) of the Act, the physician fee schedule CF is equal to the CF for the previous year multiplied by the update determined under section 1848(d)(4) of the Act. In addition, section 1848(c)(2)(B)(ii)(II) of the Act requires that changes to RVUs cannot cause the amount of expenditures to increase or decrease by more than \$20 million from the amount of expenditures that would have been made if such adjustments had not been made. We implement this requirement through a uniform budget neutrality adjustment to the CF. There is one change that will require us to make an adjustment to the conversion factor to comply with the budget neutrality requirement in section 1848(c)(2)(B)(ii)(II) of the Act. We are making a 0.04 percent reduction (0.9996) in the CF to account for the increase in anesthesia work resulting from the 5-year review.

We are illustrating the calculation for the 2003 physician fee schedule CF in table 21:

TABLE 21

2002 Conversion Factor	\$36.1992
2003 Update	0.9560
Budget-Neutrality Adjustment: Increase in Anesthesia Work	0.9996
2003 Conversion Factor	34.5920

• **Anesthesia Fee Schedule Conversion Factor**

Because anesthesia services do not have RVUs like other physician fee schedule services, we are accounting for the increase in anesthesia work through an adjustment to the anesthesia fee schedule conversion factor. As

indicated earlier, we are increasing the physician work component of the anesthesia conversion factor by 2.10 percent to reflect a 9.13 percent increase in payment applied to 23 percent of anesthesia allowed charges. The 2002 anesthesia CF is \$16.60. The physician work portion of the anesthesia conversion factor is 78 percent. We applied a 1.6 percent (1.016) increase to this part of the anesthesia conversion factor. Similarly, we also simulated the effect of practice expense refinements on the practice expense portion of the anesthesia conversion factor. The refinements reduced this portion of the anesthesia conversion factor by 4.04 percent (0.9596). In addition, we are also applying the physician fee schedule update and the budget neutrality adjustment for the increase in anesthesia work that also apply to the physician fee schedule CF. To determine the anesthesia fee schedule CF for 2003, we used the following figures:

TABLE 22

2002 Anesthesia Conversion Factor	\$16.6055
Adjustments for work and practice expense	1.0106
2003 Update	0.9560
Budget-Neutrality Adjustment: Increase in Anesthesia Work	0.9996
2003 Conversion Factor	16.0353

IX. Provisions of the Final Rule

This final rule adopts the provisions of the June 2002 proposed rule, except as noted elsewhere in the preamble. The following is a highlight of the changes made from the proposed rule.

For immunization administration, we are developing practice expense RVUs for influenza, pneumonia, and hepatitis B vaccine G codes. This will increase the payment for these codes and make Medicare's payment for vaccine administration more consistent with the rates paid for the CPT codes.

For anesthesia, we are revising the regulations text at § 414.46(g) to incorporate that the policy on multiple procedure codes as well as add-on codes.

For enrollment of PTs and OTs as therapists in private practice, we are revising our regulations text at § 410.59 and § 410.60 to reflect that carriers and fiscal intermediaries can enroll therapists as PTs or OTs in private practice when the therapist is employed by physician groups or groups that are not professional corporations.

We are adopting the process to add or delete telehealth services and adding the psychiatric diagnostic interview examination to the list of telehealth services. In addition, we are referencing the process to add or delete services at new § 410.78(f).

For the definition of a ZZZ global period, we are revising the definition to show that physician work is associated with intraservice time and, in some instances, the pre- and postservice time.

For the definition of a screening fecal-occult blood test, we are revising the definition at § 410.37(a)(2) to permit coverage of non-guaiac based tests.

For the critical access hospital emergency services requirement we are modifying § 485.618(d) to include RNs.

X. Waiver of Proposed Rulemaking for Definition of a Screening Fecal-Occult Blood Test and Critical Access Hospital Emergency Services Requirement

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on proposed rules. The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed and the terms and substances of the proposed rule or a description of the subjects and issues involved. This procedure can be waived, however, if an agency finds good cause that notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued.

In our proposed rule, we did not propose to modify § 410.37. Still, we received a comment seeking to modify coverage for one particular type of colorectal cancer test, a fecal-occult blood test. As explained earlier in this preamble, we have agreed to modify this regulation in a manner that would permit broader Medicare coverage if that is determined to be appropriate. Consistent with this change, we are modifying § 410.37(a)(1)(v) to announce that we will consider approving new tests or procedures for use in the early detection of colorectal cancer through our process for making national coverage determinations.

The Congress has authorized the Secretary to cover additional tests or procedures that can be used for the early detection of colorectal cancer under the Colorectal Cancer Screening Test benefit in under part B in section 1861(pp)(1)(D) of the Act. The Secretary may determine that coverage of other tests or procedures are appropriate, in consultation with appropriate organizations. We are aware that new colorectal cancer screening tests are

being developed. To determine whether it is appropriate to expand coverage to provide Medicare payment for additional tests or procedures, it will be necessary to compare the new tests to tests that are already covered. We are modifying § 410.37(a)(1)(v) to permit determinations on whether to cover (or not cover) additional tests or procedures to be made through NCDs.

Expanding Medicare coverage of additional, effective, and appropriate screening tests would be in the public interest because the tests may discover patients with cancer at an earlier stage, increasing the chances that the patient will obtain proper medical treatment. An NCD, authorized by section 1869(a)(2) of the Act, can be used to develop a national policy regarding the scope of benefits. Moreover, the process for making an NCD will permit public participation, as well as the participation of appropriate groups, as the agency determines whether or not expanded coverage for additional tests or procedures is appropriate. This process offers advantages to the public because it could permit an expansion in the scope of the colorectal cancer screening benefit more rapidly than the notice and comment procedures of the Administrative Procedure Act would normally permit.

In addition, we did not propose to modify § 485.618(d). A delay in implementation of this provision would hinder the ability of small CAHs (with no greater than 10 beds) in some frontier areas or remote locations to provide the necessary critical access hospital emergency services. It was brought to our attention that, in recent months, a number of small CAHs in very remote frontier areas have been struggling to comply with the CAH standard in § 485.618(d) that requires CAHs to have either a doctor of medicine or osteopathy, a physician's assistant, or a nurse practitioner, with training or experience in emergency care to ensure emergency coverage 24-hours-a-day, seven-days-a-week. These CAHs have 10 or less beds. In order to provide additional flexibility for other CAHs of virtually the same size, we believe 10 beds is an appropriate size limit for facilities that may be in the same situation and require potential relief from the existing staffing requirements. These facilities, located in isolated frontier communities, have only one medical practitioner and see a low volume of patients. For these providers the requirement referenced above results in a significant personal hardship to the sole practitioner who must be on call 24-hours-a-day, 52-weeks-a-year. In addition, it is a

financial hardship for the facility to find a replacement for the currently required emergency services personnel because frequently the replacement costs far exceed what is recovered through the services provided. We believe that by allowing States to include RNs in the current critical access hospital emergency services personnel requirement, so that RNs may be on call for small CAHs in frontier areas or remote locations, we will help ensure that frontier communities will have continued access to CAH services. In addition, if small CAHs in frontier areas or remote locations close their doors there would be no access to care in these communities.

Accordingly, we find good cause for waiving the prior notice-and-comment procedures as unnecessary and contrary to the public interest. In addition, we note that rules of agency procedure are exempt from the notice and comment requirements of 5 U.S.C. 553.

XI. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-days 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 the following sections of this document that contain information collection requirements:

Section 485.618 permits a CAH located in an area designated as a frontier area or remote location described in paragraph (d)(1)(i) to include in the personnel requirement in paragraph (d) a RN, if the State in which the small CAH is located submits a letter to us, signed by the Governor, following consultation with the State Boards of Medicine and Nursing, and in accordance with State law, requesting that a RN be included temporarily in the

list of personnel that must be on call and available on site within 60 minutes.

Since we anticipate that we will receive approximately five requests for an inclusion of RNs on an annual basis, this collection requirement is not subject to the PRA as stipulated under 5 CFR 1320.3(c).

If you comment on these information collection and recordkeeping requirements, please mail copies directly to the following:

Centers for Medicare & Medicaid Services, Office of Strategic Operations & Regulatory Affairs, RDIG, Attn.: John Burke, Room N2-14-26, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Brenda Aguilar, CMS Desk Officer.

XII. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, if we proceed with a subsequent document, we will respond to the major comments in the preamble to that document.

XIII. Regulatory Impact Analysis

We have examined the impact of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 16, 1980 Pub. L. 96-354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), and Executive order 13132.

Executive Order 12866 (as amended by Executive Order 13258, which reassigns responsibility of duties) directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for final rules with economically significant effects (that is, a final rule that would have an annual effect on the economy of \$100 million or more in any 1 year, or would adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or

communities). We have simulated the effect of increases in payment for anesthesia work and the changes to practice expense RVUs described earlier. The net effect of the changes will not materially increase or decrease Medicare expenditures for physicians' services because the statute requires that these changes cannot increase or decrease expenditures more than \$20 million. Since increases in payments resulting from the 5-year review anesthesia work and practice expense RVU changes cannot increase or decrease expenditures by more than \$20 million, any increases or decreases in payment will result in a redistribution of payments among physician specialties. The proposed changes to the MEI would result in increases in Medicare expenditures for physicians' services of \$150 million in fiscal year (FY) 2003, \$340 million in FY 2004, and \$550 million in FY 2005. Therefore, this rule is considered to be a major rule because it is economically significant, and, thus, we have prepared a regulatory impact analysis.

The RFA requires that we analyze regulatory options for small businesses and other entities. We prepare a Regulatory Flexibility Analysis unless we certify that a rule would not have a significant economic impact on a substantial number of small entities. The analysis must include a justification concerning the reason action is being taken, the kinds and number of small entities the rule affects, and an explanation of any meaningful options that achieve the objectives with less significant adverse economic impact on the small entities.

Section 1102(b) of the Act requires us to prepare a regulatory impact analysis for any proposed rule that may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside a Metropolitan Statistical Area and has fewer than 100 beds.

For purposes of the RFA, physicians, non-physician practitioners, and suppliers, are considered small businesses if they generate revenues of \$8.5 million or less. Approximately 96 percent of physicians are considered to be small entities. There are about 700,000 physicians, other practitioners and medical suppliers that receive Medicare payment under the physician fee schedule. In addition, CAHs are considered small entities, either by nonprofit status or by having revenues of \$6 to \$29 million in any one year.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of \$110 million. We have determined that this proposed rule will have no consequential effect on State, local, or tribal governments.

We have examined this final rule in accordance with Executive Order 13132 and have determined that this regulation would not have any negative impact on the rights, roles, or responsibilities of State, local, or tribal governments.

We have prepared the following analysis, which together with the rest of this preamble, meets all assessment requirements. It explains the rationale for, and purposes of, the rule, details the costs and benefits of the rule, analyzes alternatives, and presents the measures we are using to minimize the burden on small entities. As indicated elsewhere, we are making changes to the Medicare Economic Index, refining resource-based practice based practice expense RVUs, and making a variety of other changes to our regulations, payments, or payment policies to ensure that our payment systems are updated to reflect changes in medical practice and the relative value of services. We provide information for each of the policy changes in the relevant sections in this rule. In large part, the provisions of this rule are changing only Medicare payment rates for physician fee schedule services. While this rule allows physical and occupational therapists that are employed by physicians to separately enroll in the Medicare program, it does not impose reporting, recordkeeping, and other compliance requirements. We are unaware of any relevant Federal rules that duplicate, overlap, or conflict with this rule. The relevant sections of this contain a description of significant alternatives.

A. Resource-Based Practice Expense Relative Value Units

Under section 1848(c)(2) of the Act, adjustments to RVUs may not cause the amount of expenditures to differ by more than \$20 million from the amount of expenditures that would have resulted without such adjustments. We are proposing several changes that would result in a change of expenditures that would exceed \$20 million if we made no offsetting adjustments to either the CF or RVUs.

With respect to practice expense, our policy has been to meet the budget-

neutrality requirements in the statute by incorporating a rescaling adjustment in the practice expense methodology. That is, we estimate the aggregate number of practice expense RVUs that would be paid under current policies and under the policies we will be using in 2003. We apply a uniform adjustment factor to make the aggregate number of proposed practice expense relative values equal the number estimated that would have been paid under current policy.

Consistent with section 1848(c)(2)(B)(ii)(II) of the Act, we ensure that changes to practice expense RVUs do not increase or decrease payments more than \$20 million. We are also applying a 0.49 percent (0.9951) reduction to the practice expense RVUs to account for an anticipated increase in the volume and intensity of services in response to payment reductions from refinement of practice expense RVUs.

Table 23 shows the specialty level impact of RVU changes on payment in 2003. As indicated in the June 2002 proposed rule (67 FR 43869), we are showing more specialty categories in our impact tables in this final rule than we have in the past. This change was well-received by the public, and we will continue to show impacts for the more detailed list of physician specialties, non-physician practitioners and medical suppliers. As indicated in the proposed rule, it is important to note that the payment impacts reflect averages for each specialty based on Medicare utilization. The payment impact for an individual physician would be different from the average, based on the mix of services the physician provides. The average change in total revenues would be less than the impact displayed here since physicians furnish services to both Medicare and non-Medicare patients and certain specialties may receive substantial Medicare revenues for services that are not paid under the physician fee schedule. For instance, independent laboratories receive more than 80 percent of their Medicare revenues from clinical laboratory services that are not paid under the physician fee schedule. Table 23 shows only the payment impact on physician fee schedule services.

We modeled the impact of several changes that will affect payment for physician fee schedule services in CY 2003. The column labeled "NPRM" shows the impacts of our proposed rule policies and reflects the figures shown in the June 28, 2002 proposed rule (67 FR 43867). The remaining columns show additional impacts that will result from changes made in this final rule in response to comments. The column labeled practice expense refinements

shows the impact on payment resulting from changes to practice expense inputs that are described in section II.A. As indicated earlier, we are making refinements to over 1,100 procedure codes. These changes result in little or no impact for most specialties. Dermatology, nephrology, and audiology will experience an approximate reduction in payment of 3 percent as a result of these changes. Payment will decline by an estimated 2 percent for others (clinical social workers, independent diagnostic testing facilities) while reductions in payments will be more modest for a few other specialties (cardiac surgery, neurosurgery, clinical psychology, orthopedic surgery and physician assistants). Payment will increase by an estimated 4 percent for independent laboratories as a result of these changes and by 2 percent for plastic surgery. Other specialties will experience smaller increases in payments from the practice expense refinements (endocrinology, family practice, general practice, obstetrics, gynecology, pediatrics, physical medicine, rheumatology, urology, chiropractor, and optometry).

The column labeled "5-Year Review" shows the impact revisions to payments for anesthesia services resulting from the 5-year review of physician work. As expected, the increase in anesthesia work results in a 1-percent increase in payment to anesthesiologists and a 2-

percent increase to certified registered nurse anesthetists (CRNAs) that bill Medicare for anesthesia services. CRNAs bill Medicare almost exclusively for anesthesia services.

Anesthesiologists bill Medicare for anesthesia services and other physician fee schedule services. The net increase in payment is slightly less for anesthesia services because it reflects the average increase in payment for anesthesia services and other physician fee schedule services that are not increasing as a result of the 5-year review

The column labeled "All Other Changes" reflects all changes that affect practice expense RVUs described in section II. A. These changes include: (1) As requested by the American Urology Association (AUA), removing several codes from the non-physician work pool; (2) incorporating supplemental data from the American Physical Therapy Association (APTA) and; (3) continuing to determine the global practice expense RVUs as the sum of the PC and TC practice expense RVUs for pathology services. While removing the codes requested by the AUA will increase payments to urologists, it will result in a somewhat smaller increase in payment than proposed for the services remaining in the non-physician work pool. As expected, incorporating supplemental survey data will increase payment to physical and occupational therapists. Payment reductions to pathology and independent laboratories

resulting from determining the TC value as the difference between the global and PC will not occur in CY 2003 since we are not making this change for 1 year for pathology services paid using the physician fee schedule.

The column labeled "Total" shows the combined effect of all RVU changes on average Medicare payments for the specialties shown. The net effect of our final rule will continue to benefit several types of suppliers that provide services that are affected by the non-physician work pool methodology. Payments to Independent Diagnostic Testing Facilities will increase by approximately 4 percent. Portable x-ray suppliers will also receive an approximate increase of 4 percent in payments for services paid under the physician fee schedule. However, we note that only about 47 percent of Medicare revenues received by portable x-ray suppliers are attributable to physician fee schedule services. The other Medicare revenues received by portable x-ray suppliers are attributed to the transportation of x-ray equipment paid at rates determined by the Medicare carrier. Any change to the rates for carrier-priced services would be made at local carrier discretion. We recently asked our Medicare carriers to analyze payment for portable x-ray transportation since it has been a number of years since payment for this service has been reviewed.

TABLE 23.—IMPACT OF WORK AND PRACTICE EXPENSE CHANGES ON TOTAL MEDICARE ALLOWED CHARGES BY PHYSICIAN, PRACTITIONER AND SUPPLIER SUBCATEGORY

Category	Medicare allowed charges (\$ in billions)	NPRM (percent)	Practice expense refinements (percent)	5-year review (percent)	All other changes (percent)	Total (percent)
Physicians:						
ALLERGY/IMMUNOLOGY	0.14	2	0	0	0	1
ANESTHESIOLOGY	1.24	-1	0	1	0	1
CARDIAC SURGERY	0.28	0	-1	0	0	-1
CARDIOLOGY	4.75	1	0	0	-1	1
CLINICS	2.57	0	0	0	0	0
DERMATOLOGY	1.55	-2	-3	0	1	-4
EMERGENCY MEDICINE	1.17	0	0	0	0	0
ENDOCRINOLOGY	0.21	0	1	0	-1	0
FAMILY PRACTICE	3.43	0	1	0	0	0
GASTROENTEROLOGY	1.34	-1	0	0	0	-1
GENERAL PRACTICE	0.84	0	1	0	0	0
GENERAL SURGERY	1.98	-1	0	0	0	-1
GERIATRICS	0.08	0	0	0	0	0
HEMATOLOGY/ONCOLOGY	0.95	1	0	0	0	1
INFECTIOUS DISEASE	0.28	-1	0	0	0	-1
INTERNAL MEDICINE	6.77	0	0	0	0	0
INTERVENTIONAL RADIOLOGY	0.14	1	0	0	-2	-1
NEPHROLOGY	1.09	-1	-3	0	0	-4
NEUROLOGY	0.91	2	0	0	0	2
NEUROSURGERY	0.38	-1	-1	0	0	-1
OBSTETRICS/GYNECOLOGY	0.48	0	1	0	0	1
OPHTHALMOLOGY	3.86	-1	0	0	0	-1
ORTHOPEDIC SURGERY	2.40	0	-1	0	0	-2
OTOLARNGOLOGY	0.66	0	0	0	-1	-1

TABLE 23.—IMPACT OF WORK AND PRACTICE EXPENSE CHANGES ON TOTAL MEDICARE ALLOWED CHARGES BY PHYSICIAN, PRACTITIONER AND SUPPLIER SUBCATEGORY—Continued

Category	Medicare allowed charges (\$ in billions)	NPRM (per cent)	Practice expense refinements (percent)	5-year review (percent)	All other changes (percent)	Total (percent)
PATHOLOGY	0.69	-2	0	0	2	0
PEDIATRICS	0.05	0	1	0	0	1
PHYSICAL MEDICINE	0.49	1	1	0	0	2
PLASTIC SURGERY	0.25	-1	2	0	0	0
PSYCHIATRY	1.00	0	0	0	0	-1
PULMONARY DISEASE	1.12	0	0	0	0	0
RADIATION ONCOLOGY	0.81	3	0	0	-2	1
RADIOLOGY	3.47	2	0	0	-1	1
RHEUMATOLOGY	0.30	0	1	0	-1	0
THORACIC SURGERY	0.43	0	0	0	0	-1
UROLOGY	1.36	-1	1	0	2	2
VASCULAR SURGERY	0.37	2	0	0	0	1
Other Practitioners:						
AUDIOLOGIST	0.02	8	-3	0	-2	2
CHIROPRACTOR	0.50	-1	1	0	0	-1
CLINICAL PSYCHOLOGIST	0.40	1	-1	0	0	0
CLINICAL SOCIAL WORKER	0.23	0	-2	0	0	-1
NURSE ANESTHETIST	0.38	-1	0	2	0	1
NURSE PRACTITIONER	0.30	0	0	0	0	0
OPTOMETRY	0.54	-2	1	0	-1	-1
PHYSICAL/OCCUPATIONAL THERAPY	0.61	0	0	0	3	2
PHYSICIANS ASSISTANT	0.23	0	-1	0	0	-1
PODIATRY	1.17	-1	0	0	0	0
Suppliers:						
DIAGNOSTIC TESTING FACILITY	0.51	9	-2	0	-4	3
INDEPENDENT LABORATORY	0.43	-8	4	0	8	3
PORTABLE X-RAY SUPPLIER	0.07	8	0	0	-3	4
ALL OTHER	0.29	0	-1	0	0	-1
ALL PHYSICIAN FEE SCHEDULE	53.53	0	0	0	0	0

Table 24 shows the combined impact of changes in payment due to RVUs and the physician fee schedule update. As described in section V, section 1848(d)(4) of the Act requires the

physician fee schedule update to be -4.4 percent. We do not have the authority to change the physician fee schedule update formula specified in the statute. Table 24 shows the

estimated change in average payments by specialty based on the provisions of this final rule and the physician fee schedule update.

TABLE 24.—ESTIMATED IMPACT OF ALL CHANGES ON TOTAL MEDICARE ALLOWED CHARGES BY SPECIALTY

Category	Medicare allowed charges (\$ in billions)	5 Year review/ RVU changes percent	Physician fee schedule update percent	Total percent
Physicians:				
ALLERGY/IMMUNOLOGY	0.14	1	-4.4	-3
ANESTHESIOLOGY	1.24	1	-4.4	-3
CARDIAC SURGERY	0.28	-1	-4.4	-6
CARDIOLOGY	4.75	1	-4.4	-4
CLINICS	2.57	0	-4.4	-5
DERMATOLOGY	1.55	-4	-4.4	-8
EMERGENCY MEDICINE	1.17	0	-4.4	-5
ENDOCRINOLOGY	0.21	0	-4.4	-5
FAMILY PRACTICE	3.43	0	-4.4	-5
GASTROENTEROLOGY	1.34	-1	-4.4	-5
GENERAL PRACTICE	0.84	0	-4.4	-4
GENERAL SURGERY	1.98	-1	-4.4	-5
GERIATRICS	0.08	0	-4.4	-5
HEMATOLOGY/ONCOLOGY	0.95	1	-4.4	-3
INFECTIOUS DISEASE	0.28	-1	-4.4	-5
INTERNAL MEDICINE	6.77	0	-4.4	-5
INTERVENTIONAL RADIOLOGY	0.14	-1	-4.4	-5
NEPHROLOGY	1.09	-4	-4.4	-8
NEUROLOGY	0.91	2	-4.4	-2
NEUROSURGERY	0.38	-1	-4.4	-6

TABLE 24.—ESTIMATED IMPACT OF ALL CHANGES ON TOTAL MEDICARE ALLOWED CHARGES BY SPECIALTY—Continued

Category	Medicare allowed charges (\$ in billions)	5 Year review/ RVU changes percent	Physician fee schedule update percent	Total percent
OBSTETRICS/GYNECOLOGY	0.48	1	-4.4	-3
OPHTHALMOLOGY	3.86	-1	-4.4	-5
ORTHOPEDIC SURGERY	2.40	-2	-4.4	-7
OTOLARNGOLOGY	0.66	-1	-4.4	-5
PATHOLOGY	0.69	0	-4.4	-5
PEDIATRICS	0.05	1	-4.4	-4
PHYSICAL MEDICINE	0.49	2	-4.4	-3
PLASTIC SURGERY	0.25	0	-4.4	-4
PSYCHIATRY	1.00	-1	-4.4	-5
PULMONARY DISEASE	1.12	0	-4.4	-4
RADIATION ONCOLOGY	0.81	1	-4.4	-3
RADIOLOGY	3.47	1	-4.4	-4
RHEUMATOLOGY	0.30	0	-4.4	-4
THORACIC SURGERY	0.43	-1	-4.4	-5
UROLOGY	1.36	2	-4.4	-3
VASCULAR SURGERY	0.37	1	-4.4	-3
Other Practitioners:				
AUDIOLOGIST	0.02	2	-4.4	-2
CHIROPRACTOR	0.50	-1	-4.4	-5
CLINICAL PSYCHOLOGIST	0.40	0	-4.4	-4
CLINICAL SOCIAL WORKER	0.23	-1	-4.4	-5
NURSE ANESTHETIST	0.38	1	-4.4	-4
NURSE PRACTITIONER	0.30	0	-4.4	-5
OPTOMETRY	0.54	-1	-4.4	-5
PHYSICAL/OCCUPATIONAL THERAPY	0.61	2	-4.4	-3
PHYSICIANS ASSISTANT	0.23	-1	-4.4	-6
PODIATRY	1.17	0	-4.4	-5
Suppliers:				
DIAGNOSTIC TESTING FACILITY	0.51	3	-4.4	-1
INDEPENDENT LABORATORY	0.43	3	-4.4	-1
PORTABLE X-RAY SUPPLIER	0.07	4	-4.4	0
ALL OTHER	0.29	-1	-4.4	-6
ALL PHYSICIAN FEE SCHEDULE	53.53	0	-4.4	-5

Table 25 shows the impact of all of the changes previously discussed on payments for selected high volume procedures. This table shows the combined impact of changes in RVUs and the physician fee schedule update on total payment for the procedure. There are separate columns that show the change in the facility rates and the nonfacility rates. For an explanation of facility and non - facility practice expense refer to § 414.22(b)(5)(i).

TABLE 25.—IMPACT OF PROPOSED RULE AND PHYSICIAN FEE SCHEDULE UPDATE ON MEDICARE PAYMENT FOR SELECTED PROCEDURES

HCPCS	MOD	DESC	Non-Facility			Facility		
			Old	New	% Change	Old	New	% Change
11721	.....	Debride nail, 6 or more	\$36.92	\$35.28	-4	\$28.96	\$27.33	-6
17000	.....	Destroy benign/premgl lesion	62.62	57.77	-8	32.94	31.13	-5
27130	.....	Total hip arthroplasty	N/A	N/A	N/A	1,452.31	1,263.30	-13
27236	.....	Treat thigh fracture	N/A	N/A	N/A	1,113.85	1,005.24	-10
27244	.....	Treat thigh fracture	N/A	N/A	N/A	1,137.38	1,086.53	-4
27447	.....	Total knee arthroplasty	N/A	N/A	N/A	1,514.21	1,359.47	-10
33533	.....	CABG, arterial, single	N/A	N/A	N/A	1,827.34	1,691.89	-7
35301	.....	Rechanneling of artery	N/A	N/A	N/A	1,061.36	1,009.74	-5
43239	.....	Upper GI endoscopy, biopsy	354.75	317.55	-10	154.93	146.67	-5
45385	.....	Lesion removal colonoscopy	571.22	513.00	-10	287.78	273.28	-5
66821	.....	After cataract laser surgery	229.50	215.51	-6	213.94	200.29	-6
66984	.....	Cataract surg w/iol, 1 stage	N/A	N/A	N/A	669.32	630.61	-6
67210	.....	Treatment of retinal lesion	603.08	568.35	-6	546.61	515.77	-6
71010	26	Chest x-ray	9.05	8.65	-4	9.05	8.65	-4
71020	26	Chest x-ray	11.22	10.38	-7	11.22	10.38	-7
76091	.....	Mammogram, both breasts	90.50	88.21	-3	N/A	N/A	N/A
76091	26	Mammogram, both breasts	43.44	41.51	-4	43.44	41.51	-4
76092	.....	Mammogram, screening	81.81	77.83	-5	N/A	N/A	N/A
76092	26	Mammogram, screening	35.48	33.90	-4	35.48	33.90	-4
77427	.....	Radiation tx management, 5	167.96	158.09	-6	167.96	158.09	-6
78465	26	Heart image (3d), multiple	74.93	70.91	-5	74.93	70.91	-5
88305	26	Tissue exam by pathologist	40.54	38.40	-5	40.54	38.40	-5
90801	.....	Psy dx interview	144.80	140.10	-3	137.19	132.14	-4
90806	.....	Psytx, off, 45-50 min	95.93	90.63	-6	91.22	87.17	-4

TABLE 25.—IMPACT OF PROPOSED RULE AND PHYSICIAN FEE SCHEDULE UPDATE ON MEDICARE PAYMENT FOR SELECTED PROCEDURES

HCPCS	MOD	DESC	Non-Facility			Facility		
			Old	New	% Change	Old	New	% Change
90807	Psytx, off, 45–50 min w/e&m	103.53	96.51	–7	98.82	94.09	–5
90862	Medication management	51.04	47.74	–6	46.33	44.97	–3
90921	ESRD related services, month	273.30	246.64	–10	273.30	246.64	–10
90935	Hemodialysis, one evaluation	N/A	N/A	N/A	76.38	67.11	–12
92004	Eye exam, new patient	123.44	116.23	–6	87.96	83.02	–6
92012	Eye exam established pat	61.18	57.77	–6	35.84	33.90	–5
92014	Eye exam & treatment	91.22	85.44	–6	58.64	55.35	–6
92980	Insert intracoronary stent	N/A	N/A	N/A	788.06	752.72	–4
92982	Coronary artery dilation	N/A	N/A	N/A	582.45	559.01	–4
93000	Electrocardiogram, complete	25.34	24.91	–2	N/A	N/A	N/A
93010	Electrocardiogram report	9.05	8.30	–8	9.05	8.30	–8
93015	Cardiovascular stress test	99.91	97.55	–2	N/A	N/A	N/A
93307	26	Echo exam of heart	48.14	45.32	–6	48.14	45.32	–6
93510	26	Left heart catheterization	230.59	217.58	–6	230.59	217.58	–6
98941	Chiropractic manipulation	35.48	33.55	–5	31.13	29.40	–6
99202	Office/outpatient visit, new	61.54	58.81	–4	45.61	43.24	–5
99203	Office/outpatient visit, new	91.95	87.17	–5	69.50	66.07	–5
99204	Office/outpatient visit, new	130.68	124.19	–5	102.81	97.55	–5
99205	Office/outpatient visit, new	166.15	158.43	–5	136.47	129.37	–5
99211	Office/outpatient visit, est	20.27	19.37	–4	8.69	8.30	–4
99212	Office/outpatient visit, est	36.20	34.25	–5	23.17	21.79	–6
99213	Office/outpatient visit, est	50.32	48.08	–4	34.03	32.52	–4
99214	Office/outpatient visit, est	78.91	75.06	–5	56.11	53.27	–5
99215	Office/outpatient visit, est	115.84	110.00	–5	90.50	85.79	–5
99221	Initial hospital care	N/A	N/A	N/A	65.16	61.92	–5
99222	Initial hospital care	N/A	N/A	N/A	108.24	102.74	–5
99223	Initial hospital care	N/A	N/A	N/A	150.95	142.86	–5
99231	Subsequent hospital care	N/A	N/A	N/A	32.58	30.79	–5
99232	Subsequent hospital care	N/A	N/A	N/A	53.57	50.85	–5
99233	Subsequent hospital care	N/A	N/A	N/A	76.38	72.30	–5
99236	Observ/hosp same date	N/A	N/A	N/A	214.66	203.75	–5
99238	Hospital discharge day	N/A	N/A	N/A	66.24	65.03	–2
99239	Hospital discharge day	N/A	N/A	N/A	90.86	88.21	–3
99241	Office consultation	47.06	44.62	–5	33.30	31.13	–7
99242	Office consultation	87.24	83.02	–5	68.05	64.00	–6
99243	Office consultation	115.84	109.66	–5	90.14	85.10	–6
99244	Office consultation	164.34	156.01	–5	133.58	126.26	–5
99245	Office consultation	212.85	202.36	–5	177.01	167.08	–6
99251	Initial inpatient consult	N/A	N/A	N/A	34.75	32.86	–5
99252	Initial inpatient consult	N/A	N/A	N/A	69.86	66.07	–5
99253	Initial inpatient consult	N/A	N/A	N/A	95.20	90.29	–5
99254	Initial inpatient consult	N/A	N/A	N/A	136.83	129.72	–5
99255	Initial inpatient consult	N/A	N/A	N/A	188.60	178.49	–5
99261	Follow – up inpatient consult	N/A	N/A	N/A	21.72	20.76	–4
99262	Follow – up inpatient consult	N/A	N/A	N/A	43.44	41.16	–5
99263	Follow – up inpatient consult	N/A	N/A	N/A	64.80	61.23	–6
99282	Emergency dept visit	N/A	N/A	N/A	26.43	25.25	–4
99283	Emergency dept visit	N/A	N/A	N/A	59.37	56.73	–4
99284	Emergency dept visit	N/A	N/A	N/A	92.67	88.56	–4
99285	Emergency dept visit	N/A	N/A	N/A	144.80	138.02	–5
99291	Critical care, first hour	208.87	197.52	–5	198.37	188.18	–5
99292	Critical care, addl 30 min	108.24	101.35	–6	98.82	94.09	–5
99301	Nursing facility care	70.23	66.76	–5	60.09	57.42	–4
99302	Nursing facility care	95.57	90.98	–5	80.72	76.45	–5
99303	Nursing facility care	118.73	112.77	–5	100.27	95.13	–5
99311	Nursing fac care, subseq	40.18	38.40	–4	30.05	28.71	–4
99312	Nursing fac care, subseq	61.90	58.81	–5	49.95	47.39	–5
99313	Nursing fac care, subseq	84.34	80.60	–4	70.95	67.45	–5
99348	Home visit, est patient	73.85	69.88	–5	N/A	N/A	N/A
99350	Home visit, est patient	166.52	157.74	–5	N/A	N/A	N/A
G0008	Admin influenza virus vac	3.98	7.26	82	N/A	N/A	N/A
G0009	Admin pneumococcal vaccine	3.98	7.26	82	N/A	N/A	N/A
G0010	Admin hepatitis b vaccine	3.98	7.26	82	N/A	N/A	N/A

B. Proposed Productivity Adjustment to the MEI

As indicated in section VI.B. of this final rule, we are adopting the proposed change to the methodology for adjusting for productivity in the MEI. We will use the 10-year moving average of private nonfarm business (economy-wide) multifactor productivity applied to the

entire index to calculate the MEI beginning in CY 2003. The prior method accounted for productivity by adjusting the labor portion of the MEI by the 10-year moving average change in private nonfarm business (economy-wide) labor productivity. Our reasons for proposing this change and the alternatives we

considered are discussed in detail in section VI.

We believe that we have developed a revised MEI methodology that is technically superior to the current MEI and more adequately reflects annual changes in the cost of furnishing services in efficient physicians' practices. The change to the MEI will

raise the index by 0.7 percentage points from 2.3 percent to 3.0 percent for 2003. We estimate that this change will increase Federal expenditures by \$150 million in FY 2003. The outyear impact is a function of numerous economic variables that fluctuate unpredictably. Our estimate of the impact beyond FY 2003 is based on projections of both the current and revised index. We estimate the change would increase Federal expenditures by \$340 million in FY 2004 and \$550 million in FY 2005.

C. Site of Service

Relative values for practice expense are determined for both "facility" and "non-facility" settings. (See Addendum B.) We are clarifying whether a given place of service is either a facility or non-facility site for purposes of determining Medicare payment. This clarification should benefit physicians, providers, and Medicare contractors by making the payment rules clearer. We are updating the facility and non-facility designations for several new place-of-service codes and changing the designations for several already in existence. The update for the new place-of-service codes will have no effect on Medicare spending. The place-of-service codes in which we are changing the designation are infrequently used for physician fee schedule services. This rule could result in a minor redistribution in payment among physician fee schedule services through the practice expense budget-neutrality adjustments.

D. Pricing of Technical Components (TC) for Positron Emission Tomography (PET) Scans

As stated earlier, to keep pricing consistent with the manner in which other PET scan services are paid, we are changing from national pricing to carrier pricing for the TC and global value for HCPCS code G0125 *Lung Image PET scans*. The budgetary impact on the Medicare program and providers would be uncertain since we do not know the payment amounts that carriers would use for this service.

E. Medicare Qualifications for Clinical Nurse Specialists (CNSs)

As previously stated, we are revising regulations regarding qualifications for CNSs by allowing flexibility as to certifying bodies. We believe this change will make the Medicare requirements more consistent with criteria for nurse practitioners. We also believe there will be additional enrollment of CNSs that will qualify for Medicare enrollment. We expect that

this policy will have little effect on Medicare expenditures.

F. Process To Add or Delete Services to the Definition of Telehealth

We are finalizing a process for adding or deleting services from the list of telehealth services. In addition, we are adding psychiatric diagnostic interview examinations, CPT code 90801, to the list of Medicare telehealth services. We believe this will have little effect on Medicare expenditures.

G. Change in Global Period for CPT code 77789 (Surface Application of Radiation Source)

We are changing the global period for CPT code 77789 (surface application of radiation source) from a 90-day global period to a 000-day global period. We believe physicians that furnish these services will benefit from this change because it will simplify their billing processes. We do not expect it will have a significant impact on the Medicare program because the change will reflect current practices.

H. New HCPCS G-Codes

In section K we discuss new G-codes for—treatment of peripheral neuropathy; current perception sensory nerve conduction threshold tests; PET codes for breast imaging; and home prothrombin time INR monitoring for anticoagulation management. We have withdrawn our proposal for a new G code for bone marrow aspiration and biopsy on the same date of service. All G codes except for the G code for bone marrow aspiration and biopsy on the same date of service have been implemented during CY 2002 through Program Memoranda as a result of national coverage decisions or the need to clarify payment policy. As stated, we are not proceeding with a G code for bone marrow aspiration and biopsy on the same date of service.

I. Endoscopic Base For Urology Codes

We are correcting the pricing of certain endoscopic services. As we previously indicated, we will use CPT procedure code 52000 as the endoscopic base code for CPT procedure codes 52234, 52235, and 52240. This will result in a reduction in payment in instances when these codes are billed in conjunction with either CPT procedure code 52000 or other codes that have CPT procedure code 52000 as the endoscopic base code. We expect the savings will be negligible.

J. Physical Therapy and Occupational Therapy Caps

There were no proposals made in this area. The imposition of the physical and occupational therapy caps will occur as a result of application of section 4541(c) of the BBA. While section 221 of the BBRA and section 421 of BIPA placed a moratorium on application of these caps, the moratorium expires for physical and occupational therapy services furnished after December 31, 2002. We estimate that application of the caps will reduce Medicare expenditures for physical and occupational therapy services by \$240 million in CY 2003.

K. Enrollment of Physical and Occupational Therapists as Therapists in Private Practice

This change will provide flexibility for therapists by allowing therapists that meet the enrollment criteria to enroll in Medicare without regard to how they are organized to provide services. We do not expect this will have a significant effect on Medicare expenditures because Medicare pays the same amount for these therapy services whether they are billed directly by a therapist or by a physician as an incident to service.

L. Screening Fecal Occult Blood Tests

As discussed in section II.N (1) of the preamble, we are modifying our regulations to allow us to expand coverage when appropriate for (1) screening fecal-occult blood tests for the early detection of colorectal cancer, and (2) additional colorectal cancer screening tests through our national coverage determination process. These changes will allow us to conduct more timely assessments of new types of colon cancer screening tests than is normally possible under the standard rulemaking process. There are no costs or savings to the Medicare program associated with this regulation change.

M. Add-on Anesthesia Codes

The add-on codes, two for obstetrical anesthesia (CPT codes 01968 and 01969) and one for burn excisions (CPT code 01953), represent low volume codes for the Medicare population. We believe the new policy for add-on codes will have a negligible impact on total anesthesia payments.

N. Physician Self-Referral Prohibitions

As discussed in section IV of this preamble, we are updating the list of codes used to define certain designated health services for the purposes of section 1877 of the Act. We are not making any substantive change to the description of any designated health

service as set forth in the January 4, 2001 physician self-referral final rule (66 FR 856). Instead, we are merely updating our list of codes to conform to coding changes in the most recent publication of CPT and HCPCS codes.

For this reason, we certify that the changes we are making will not have a significant economic effect on a substantial number of small entities or on the operations of a substantial number of small rural hospitals.

O. Critical Access Hospital Emergency Services Requirement

We anticipate that this rule will reduce cost for small CAHs. Frontier area and remote location CAHs will no longer be limited to hiring only a physician, nurse practitioner or physician assistant to provide emergency coverage in the absence of the sole practitioner. This rule will provide relief to small CAHs in meeting the current emergency staffing requirement by allowing them to utilize a registered nurse to provide emergency care services once the State submits a letter to us, signed by the Governor, following consultation with the State Boards of Medicine and Nursing, and in accordance with State law, requesting that RNs be included as emergency personnel in § 485.618(d).

P. Alternatives Considered

This final rule contains a range of policies. The preamble identifies those policies when discretion has been exercised and presents rationale for our decisions, including a presentation of nonselected options (except for the critical access hospital emergency services requirement which is provided separately).

Critical Access Hospitals Emergency Services Personnel Requirement

We considered allowing each CAH in a frontier area or remote location to individually request a waiver of the requirements at § 485.618(a) and (d). The statute does not provide authority to waive the requirement for continuous emergency room coverage. Section 1820(c)(B)(ii) requires a qualifying CAH to make available the 24-hour emergency care services that a State determines are necessary for ensuring access to emergency care services in each area served by a CAH. However, we believe States may interpret emergency care services to allow CAHs to use a RN in order to comply with the emergency services personnel requirement stated in the regulations at § 485.618. This change is consistent with our policy of respecting State oversight of health care professions by

deferring to State law to regulate professional practice.

Q. Impact on Beneficiaries

Although changes in physicians' payments were large when the physician fee schedule was implemented in 1992, we detected no problems with beneficiary access to care. We do not believe that there would be any problem with access to care as a result of the changes in this rule. While it has been suggested that the negative update for CY 2003 may affect beneficiary access to care, we note that the formula to determine this update is set by statute and this regulation cannot, and does not, change it.

As indicated above, the imposition of the physical and occupational therapy caps will occur as a result of application of section 4541(c) of the BBA. It is possible that application of physical and occupational therapy caps will have an impact on Medicare beneficiaries either through increased liability for services exceeding the cap or fewer services being provided. We contracted with the Urban Institute to perform analyses related to the implementation of the therapy caps, based on an analysis of a sample of therapy services provided from CYs 1998 through 2000. The draft reports are available on the CMS website. The contractor report indicated that in CY 2000, about 12 percent of patients who received therapy services would have exceeded the caps. The caps are more likely to be exceeded in skilled nursing facilities, comprehensive outpatient rehabilitation facilities, and other rehabilitation facility settings. The caps do not apply to outpatient therapy services provided in an outpatient hospital. The report does not make assumptions about changes in behavior in response to the caps. Without more experience with the caps, it is difficult to predict the precise impact on beneficiaries.

In addition, CAHs in frontier areas and remote locations will be able to satisfy the CAH emergency services personnel requirement, through the addition of RNs to our personnel requirements and beneficiaries will have greater access to care through the utilization of RNs providing emergency care services to patients.

In accordance with the provisions of Executive Order 12866, the Office of Management and Budget reviewed this regulation.

List of Subjects

42 CFR Part 410

Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Rural areas, X-rays.

42 CFR Part 414

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

42 CFR Part 485

Grant programs-health, Health facilities, Medicaid, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV as follows:

PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS

1. The authority citation for part 410 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

2. In § 410.37, paragraphs (a)(1)(v) and (a)(2) are revised to read as follows:

§ 410.37 Colorectal cancer screening tests: Conditions for and limitations on coverage.

- (a) * * *
- (1) * * *

(v) Other tests or procedures established by a national coverage determination, and modifications to tests under this paragraph, with such frequency and payment limits as CMS determines appropriate, in consultation with appropriate organizations
(2) *Screening fecal-occult blood test* means—

- (i) A guaiac-based test for peroxidase activity, testing two samples from each of three consecutive stools, or,
- (ii) Other tests as determined by the Secretary through a national coverage determination.

* * * * *

3. Section 410.59 is amended as follows:

- A. Paragraph (c)(1)(ii)(C) is revised.
- B. A new paragraph (c)(1)(ii)(D) is added.
- C. A new paragraph (c)(1)(ii)(E) is added.

The revision and additions read as follows:

§ 410.59 Outpatient occupational therapy services: Conditions.

* * * * *

(c) * * *
 (1) * * *
 (ii) * * *

(C) An unincorporated solo practice, partnership, or group practice, or a professional corporation or other incorporated occupational therapy practice.

(D) An employee of a physician group.

(E) An employee of a group that is not a professional corporation.

* * * * *

4. Section 410.60 is amended as follows:

A. Paragraph (c)(1)(ii)(C) is revised.

B. A new paragraph (c)(1)(ii)(D) is added.

C. A new paragraph (c)(1)(ii)(E) is added.

The revision and additions read as follows:

§ 410.60 Outpatient physical therapy services: Conditions

* * * * *

(c) * * *
 (1) * * *
 (ii) * * *

(C) An unincorporated solo practice, partnership, or group practice, or a professional corporation or other incorporated physical therapy practice.

(D) An employee of a physician group.

(E) An employee of a group that is not a professional corporation.

* * * * *

5. Section 410.61 is amended by revising paragraph (d)(1)(iii) to read as follows:

§ 410.61 Plan of treatment requirements for outpatient rehabilitation services.

(d) * * *
 (1) * * *

(iii) The occupational therapist that furnishes the occupational therapy services.

* * * * *

6. Section 410.76 is amended by revising paragraph (b)(3) to read as follows:

§ 410.76 Clinical nurse specialists' services.

* * * * *

(b) * * *

(3) Be certified as a clinical nurse specialist by a national certifying body that has established standards for clinical nurse specialists and that is approved by the Secretary.

* * * * *

7. Section 410.78 is amended as follows:

a. Revise the heading of the section.

b. Revise the introductory text of paragraph (b).

c. Revise paragraph (b)(1).

d. Add a new paragraph (f).

The revisions and additions read as follows:

§ 410.78 Telehealth services.

* * * * *

(b) *General rule.* Medicare Part B pays for office and other outpatient visits, professional consultation, psychiatric diagnostic interview examination, individual psychotherapy, and pharmacologic management furnished by an interactive telecommunications system if the following conditions are met:

(1) The physician or practitioner at the distant site must be licensed to furnish the service under State law. The physician or practitioner at the distant site who is licensed under State law to furnish a covered telehealth service described in this section may bill, and receive payment for, the service when it is delivered via a telecommunications system.

* * * * *

(f) *Process for adding or deleting services.* Changes to the list of Medicare telehealth services are made through the annual physician fee schedule rulemaking process.

PART 414—PAYMENT FOR PART B MEDICAL AND OTHER HEALTH SERVICES

1. The authority citation for part 414 continues to read as follows:

Authority: Secs. 1102, 1871, and 1881(b)(1) of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395rr(b)(1)).

2. Section 414.46 is amended by revising paragraph (g) to read as follows:

§ 414.46 Additional rules for payment of anesthesia services.

* * * * *

(g) *Physician involved in multiple anesthesia services.* If the physician is involved in multiple anesthesia services for the same patient during the same operative session, the carrier makes payment according to the base unit associated with the anesthesia service having the highest base unit value and anesthesia time that encompasses the multiple services. The carrier makes payment for add-on anesthesia codes according to program operating instructions.

3. Section 414.65, is amended as follows:

a. Revise the heading of the section.

b. Revise paragraph (a)(1).

c. Revise paragraph (b) introductory text.

The revisions read as follows:

§ 414.65 Payment for telehealth services.

(a) * * *

(1) The Medicare payment amount for office or other outpatient visits, consultation, individual psychotherapy, psychiatric diagnostic interview examination, and pharmacologic management furnished via an interactive telecommunications system is equal to the current fee schedule amount applicable for the service of the physician or practitioner.

* * * * *

(b) *Originating site facility fee.* For telehealth services furnished on or after October 1, 2001:

* * * * *

PART 485—CONDITIONS OF PARTICIPATION: SPECIALIZED PROVIDERS

Part 485 is amended as set forth below:

1. The authority citation for 485 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Act (42 U.S.C. 1302 and 1396hh).

2. Section 485.618 is amended by revising paragraph (d) to read as follows:

§ 485.618 Condition of participation: Emergency services.

* * * * *

(d) *Standard: Personnel.* (1) Except as specified in paragraph (d)(2) of this section, there must be a doctor of medicine or osteopathy, a physician assistant, or a nurse practitioner, with training or experience in emergency care on call and immediately available by telephone or radio contact, and available on site within the following timeframes:

(i) Within 30 minutes, on a 24-hour a day basis, if the CAH is located in an area other than an area described in paragraph (d)(1)(ii) of this section; or

(ii) Within 60 minutes, on a 24-hour a day basis, if all of the following requirements are met:

(A) The CAH is located in an area designated as a frontier area (that is, an area with fewer than six residents per square mile based on the latest population data published by the Bureau of the Census) or in an area that meets the criteria for a remote location adopted by the State in its rural health care plan, and approved by CMS, under section 1820(b) of the Act.

(B) The State has determined, under criteria in its rural health care plan, that allowing an emergency response time longer than 30 minutes is the only feasible method of providing emergency care to residents of the area served by the CAH.

(C) The State maintains documentation showing that the response time of up to 60 minutes at a particular CAH it designates is justified because other available alternatives would increase the time needed to stabilize a patient in an emergency.

(2) A registered nurse satisfies the personnel requirement specified in paragraph (d)(1) of this section for a temporary period if—

(i) The CAH has no greater than 10 beds;

(ii) The CAH is located in an area designated as a frontier area or remote location as described in paragraph (d)(1)(ii)(A) of this section;

(iii) The State in which the CAH is located submits a letter to CMS signed by the Governor, following consultation on the issue of using RNs on a temporary basis as part of their State rural healthcare plan with the State Boards of Medicine and Nursing, and in accordance with State law, requesting that a registered nurse with training and experience in emergency care be included in the list of personnel specified in paragraph (d)(1) of this section. The letter from the Governor must attest that he or she has consulted with State Boards of Medicine and Nursing about issues related to access to and the quality of emergency services in the States. The letter from the Governor must also describe the circumstances and duration of the temporary request to include the registered nurses on the list of personnel specified in paragraph (d)(1) of this section;

(iv) Once a Governor submits a letter, as specified in paragraph (d)(2)(ii) of this section, a CAH must submit documentation to the State survey agency demonstrating that it has been unable, due to the shortage of such personnel in the area, to provide adequate coverage as specified in this paragraph (d).

(3) The request, as specified in paragraph(d)(2)(ii) of this section, and the withdrawal of the request, may be submitted to us at any time, and are effective upon submission.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 26, 2002.

Thomas A. Scully,

Administrator, Centers for Medicare & Medicaid Services.

Approved: December 12, 2002.

Tommy G. Thompson,

Secretary.

Note: These addenda will not appear in the Code of Federal Regulations.

Addendum A—Explanation and Use of Addenda B

The addenda on the following pages provide various data pertaining to the Medicare fee schedule for physicians' services furnished in 2003. Addendum B contains the RVUs for work, non-facility practice expense, facility practice expense, and malpractice expense, and other information for all services included in the physician fee schedule.

In previous years, we have listed many services in Addendum B that are not paid under the physician fee schedule. To avoid publishing as many pages of codes for these services, we are not including clinical laboratory codes and most alpha-numeric codes (Healthcare Common Procedure Coding System (HCPCS) codes not included in CPT) in Addendum B.

Addendum B—2003 Relative Value Units and Related Information Used in Determining Medicare Payments for 2003

This addendum contains the following information for each CPT code and alphanumeric HCPCS code for services that may be paid under the physician fee schedule as well as all G codes

1. *CPT/HCPCS code.* This is the CPT or alphanumeric HCPCS number for the service. Alphanumeric HCPCS codes are included at the end of this addendum.

2. *Modifier.* A modifier is shown if there is a technical component (modifier TC) and a professional component (PC) (modifier -26) for the service. If there is a PC and a TC for the service, Addendum B contains three entries for the code: One for the global values (both professional and technical); one for modifier -26 (PC); and one for modifier TC. The global service is not designated by a modifier, and physicians must bill using the code without a modifier if the physician furnishes both the PC and the TC of the service.

Modifier -53 is shown for a discontinued procedure. There will be RVUs for the code (CPT code 45378) with this modifier.

3. *Status indicator.* This indicator shows whether the CPT/HCPCS code is in the physician fee schedule and whether it is separately payable if the service is covered.

A = Active code. These codes are separately payable under the fee schedule if covered. There will be RVUs for codes with this status. The presence of an "A" indicator does not mean that Medicare has made a national decision regarding the coverage of the service. Carriers remain responsible for coverage

decisions in the absence of a national Medicare policy.

B = Bundled code. Payment for covered services is always bundled into payment for other services not specified. If RVUs are shown, they are not used for Medicare payment. If these services are covered, payment for them is subsumed by the payment for the services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient.)

C = Carrier-priced code. Carriers will establish RVUs and payment amounts for these services, generally on a case-by-case basis following review of documentation, such as an operative report.

D = Deleted code. These codes are deleted effective with the beginning of the calendar year.

E = Excluded from physician fee schedule by regulation. These codes are for items or services that we chose to exclude from the physician fee schedule payment by regulation. No RVUs are shown, and no payment may be made under the physician fee schedule for these codes. Payment for them, if they are covered, continues under reasonable charge or other payment procedures.

F = Deleted/discontinued codes. Code not subject to a 90-day grace period.

G = Code not valid for Medicare purposes. Medicare does not recognize codes assigned this status. Medicare uses another code for reporting of, and payment for, these services.

H = Deleted modifier. Either the TC or PC component shown for the code has been deleted, and the deleted component is shown in the data base with the H status indicator. (Code subject to a 90-day grace period.)

I = Not valid for Medicare purposes. Medicare uses another code for the reporting of, and the payment for these services. (Code NOT subject to a 90-day grace period.)

N = Noncovered service. These codes are noncovered services. Medicare payment may not be made for these codes. If RVUs are shown, they are not used for Medicare payment.

P = Bundled or excluded code. There are no RVUs for these services. No separate payment should be made for them under the physician fee schedule.

—If the item or service is covered as incident to a physician's service and is furnished on the same day as a physician's service, payment for it is bundled into the payment for the physician's service to which it is incident (an example is an elastic bandage furnished by a physician incident to a physician's service).

—If the item or service is covered as other than incident to a physician's

service, it is excluded from the physician fee schedule (for example, colostomy supplies) and is paid under the other payment provisions of the Act.

R = Restricted coverage. Special coverage instructions apply. If the service is covered and no RVUs are shown, it is carrier-priced.

T = Injections. There are RVUs for these services, but they are only paid if there are no other services payable under the physician fee schedule billed on the same date by the same provider. If any other services payable under the physician fee schedule are billed on the same date by the same provider, these services are bundled into the service(s) for which payment is made.

X = Exclusion by law. These codes represent an item or service that is not within the definition of "physicians' services" for physician fee schedule payment purposes. No RVUs are shown for these codes, and no payment may be made under the physician fee schedule. (Examples are ambulance services and clinical diagnostic laboratory services.)

4. *Description of code.* This is an abbreviated version of the narrative description of the code.

5. *Physician work RVUs.* These are the RVUs for the physician work for this

service in 2003. Codes that are not used for Medicare payment are identified with a "+."

6. *Facility practice expense RVUs.* These are the fully implemented resource-based practice expense RVUs for facility settings. An "NA" in the facility column means that we do not pay for the service in a facility setting. For instance, we do not pay using the physician fee schedule for the global or technical component of a radiology service or other diagnostic test in a facility setting. Also, there is no payment in a facility setting for "incident to" services (services that do not have physician work RVUs). Payment is included in our payment for institutional services.

7. *Non-facility practice expense RVUs.* These are the fully implemented resource-based practice expense RVUs for non-facility settings. An "NA" in the nonfacility column means that the service is generally not provided outside of hospitals and we do not have information upon which to determine a price. In most cases, these are major surgical services.

8. *Malpractice expense RVUs.* These are the RVUs for the malpractice expense for the service for 2003.

9. *Facility total.* This is the sum of the work, fully implemented facility practice expense, and malpractice expense RVUs.

10. *Non-facility total.* This is the sum of the work, fully implemented non-facility practice expense, and malpractice expense RVUs.

11. *Global period.* This indicator shows the number of days in the global period for the code (0, 10, or 90 days). An explanation of the alpha codes follows:

MMM = The code describes a service furnished in uncomplicated maternity cases including antepartum care, delivery, and postpartum care. The usual global surgical concept does not apply. See the 1999 Physicians' Current Procedural Terminology for specific definitions.

XXX = The global concept does not apply.

YYY = The global period is to be set by the carrier (for example, unlisted surgery codes).

ZZZ = Code related to another service and is always included in the global period of the other service. (Note: Physician work is associated with intra service time and in some instances the pre- and post-service time.)

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION

CPT 1/ HCPCS ²	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
0001T	C	Endovas repr abdo ao aneurys	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0002T	C	Endovas repr abdo ao aneurys	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0003T	C	Cervicography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0005T	C	Perc cath stent/brain cv art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0006T	C	Perc cath stent/brain cv art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0007T	C	Perc cath stent/brain cv art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0008T	C	Upper gi endoscopy w/suture	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0009T	C	Endometrial cryoablation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0010T	C	Tb test, gamma interferon	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0012T	C	Osteochondral knee autograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0013T	C	Osteochondral knee allograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0014T	C	Meniscal transplant, knee	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0016T	C	Thermotx choroid vasc lesion	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0017T	C	Photocoagulat macular drusen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0018T	C	Transcranial magnetic stimul	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0019T	C	Extracorp shock wave tx, ms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0020T	A	Extracorp shock wave tx, ft	0.06	1.46	0.02	0.01	1.53	0.09	XXX
0021T	C	Fetal oximetry, trnsvag/cerv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0023T	C	Phenotype drug test, hiv 1	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0024T	C	Transcath cardiac reduction	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0025T	C	Ultrasonic pachymetry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0026T	C	Measure remnant lipoproteins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0027T	C	Endoscopic epidural lysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0028T	C	Dexa body composition study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0029T	C	Magnetic tx for incontinence	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0030T	C	Antiprothrombin antibody	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0031T	C	Speculoscopy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0032T	C	Speculoscopy w/direct sample	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0033T	C	Endovasc taa repr incl subcl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0034T	C	Endovasc taa repr w/o subcl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0035T	C	Insert endovasc prosth, taa	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0036T	C	Endovasc prosth, taa, add-on	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0037T	C	Artery transpose/endovas taa	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0038T	C	Rad endovasc taa rpr w/cover	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0039T	C	Rad s/i, endovasc taa repair	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0040T	C	Rad s/i, endovasc taa prosth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0041T	C	Detect ur infect agnt w/cpas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0042T	C	Ct perfusion w/contrast, cbf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0043T	C	Co expired gas analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0044T	C	Whole body photography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
10021	A	Fna w/o image	1.27	2.37	NA	0.07	3.71	NA	XXX
10022	A	Fna w/image	1.27	2.66	NA	0.05	3.98	NA	XXX
10040	A	Acne surgery	1.18	1.10	0.71	0.05	2.33	1.94	010
10060	A	Drainage of skin abscess	1.17	1.49	0.67	0.08	2.74	1.92	010
10061	A	Drainage of skin abscess	2.40	1.88	1.41	0.17	4.45	3.98	010
10080	A	Drainage of pilonidal cyst	1.17	2.13	0.73	0.09	3.39	1.99	010
10081	A	Drainage of pilonidal cyst	2.45	2.90	1.55	0.19	5.54	4.19	010
10120	A	Remove foreign body	1.22	1.54	0.36	0.10	2.86	1.68	010
10121	A	Remove foreign body	2.69	2.96	1.79	0.25	5.90	4.73	010
10140	A	Drainage of hematoma/fluid	1.53	1.49	0.87	0.15	3.17	2.55	010
10160	A	Puncture drainage of lesion	1.20	0.77	0.42	0.11	2.08	1.73	010
10180	A	Complex drainage, wound	2.25	1.48	1.27	0.25	3.98	3.77	010
11000	A	Debride infected skin	0.60	0.64	0.24	0.05	1.29	0.89	000
11001	A	Debride infected skin add-on	0.30	0.38	0.11	0.02	0.70	0.43	ZZZ
11010	A	Debride skin, fx	4.20	2.40	1.96	0.45	7.05	6.61	010
11011	A	Debride skin/muscle, fx	4.95	3.83	2.60	0.53	9.31	8.08	000
11012	A	Debride skin/muscle/bone, fx	6.88	5.51	4.23	0.89	13.28	12.00	000
11040	A	Debride skin, partial	0.50	0.52	0.21	0.05	1.07	0.76	000
11041	A	Debride skin, full	0.82	0.66	0.33	0.06	1.54	1.21	000
11042	A	Debride skin/tissue	1.12	0.97	0.47	0.09	2.18	1.68	000
11043	A	Debride tissue/muscle	2.38	3.57	2.64	0.24	6.19	5.26	010
11044	A	Debride tissue/muscle/bone	3.06	4.73	3.91	0.34	8.13	7.31	010
11055	R	Trim skin lesion	0.43	0.51	0.18	0.02	0.96	0.63	000
11056	R	Trim skin lesions, 2 to 4	0.61	0.58	0.26	0.03	1.22	0.90	000
11057	R	Trim skin lesions, over 4	0.79	0.65	0.33	0.04	1.48	1.16	000
11100	A	Biopsy of skin lesion	0.81	1.24	0.38	0.04	2.09	1.23	000
11101	A	Biopsy, skin add-on	0.41	0.38	0.20	0.02	0.81	0.63	ZZZ
11200	A	Removal of skin tags	0.77	1.23	0.31	0.04	2.04	1.12	010
11201	A	Remove skin tags add-on	0.29	0.56	0.12	0.02	0.87	0.43	ZZZ
11300	A	Shave skin lesion	0.51	0.99	0.22	0.03	1.53	0.76	000
11301	A	Shave skin lesion	0.85	1.10	0.39	0.04	1.99	1.28	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
11302	A	Shave skin lesion	1.05	1.30	0.48	0.05	2.40	1.58	000
11303	A	Shave skin lesion	1.24	1.59	0.54	0.06	2.89	1.84	000
11305	A	Shave skin lesion	0.67	0.84	0.27	0.04	1.55	0.98	000
11306	A	Shave skin lesion	0.99	1.10	0.43	0.05	2.14	1.47	000
11307	A	Shave skin lesion	1.14	1.29	0.50	0.05	2.48	1.69	000
11308	A	Shave skin lesion	1.41	1.45	0.61	0.07	2.93	2.09	000
11310	A	Shave skin lesion	0.73	1.11	0.33	0.04	1.88	1.10	000
11311	A	Shave skin lesion	1.05	1.23	0.50	0.05	2.33	1.60	000
11312	A	Shave skin lesion	1.20	1.43	0.57	0.06	2.69	1.83	000
11313	A	Shave skin lesion	1.62	1.81	0.74	0.09	3.52	2.45	000
11400	A	Exc tr-ext b9+marg 0.5 < cm	0.85	2.08	0.96	0.06	2.99	1.87	010
11401	A	Exc tr-ext b9+marg 0.6-1 cm	1.23	2.12	1.08	0.09	3.44	2.40	010
11402	A	Exc tr-ext b9+marg 1.1-2 cm	1.51	2.28	1.14	0.12	3.91	2.77	010
11403	A	Exc tr-ext b9+marg 2.1-3 cm	1.79	2.50	1.35	0.16	4.45	3.30	010
11404	A	Exc tr-ext b9+marg 3.1-4 cm	2.06	2.84	1.42	0.18	5.08	3.66	010
11406	A	Exc tr-ext b9+marg > 4.0 cm	2.76	3.24	1.68	0.25	6.25	4.69	010
11420	A	Exc h-f-nk-sp b9+marg 0.5 <	0.98	1.81	1.00	0.08	2.87	2.06	010
11421	A	Exc h-f-nk-sp b9+marg 0.6-1	1.42	2.12	1.18	0.11	3.65	2.71	010
11422	A	Exc h-f-nk-sp b9+marg 1.1-2	1.63	2.30	1.38	0.14	4.07	3.15	010
11423	A	Exc h-f-nk-sp b9+marg 2.1-3	2.01	2.66	1.49	0.17	4.84	3.67	010
11424	A	Exc h-f-nk-sp b9+marg 3.1-4	2.43	2.93	1.64	0.21	5.57	4.28	010
11426	A	Exc h-f-nk-sp b9+marg > 4 cm	3.78	3.75	2.15	0.34	7.87	6.27	010
11440	A	Exc face-mm b9+marg 0.5 < cm	1.06	2.27	1.41	0.08	3.41	2.55	010
11441	A	Exc face-mm b9+marg 0.6-1 cm	1.48	2.40	1.59	0.11	3.99	3.18	010
11442	A	Exc face-mm b9+marg 1.1-2 cm	1.72	2.66	1.66	0.14	4.52	3.52	010
11443	A	Exc face-mm b9+marg 2.1-3 cm	2.29	3.04	1.90	0.18	5.51	4.37	010
11444	A	Exc face-mm b9+marg 3.1-4 cm	3.14	3.64	2.28	0.25	7.03	5.67	010
11446	A	Exc face-mm b9+marg > 4 cm	4.49	4.26	2.88	0.30	9.05	7.67	010
11450	A	Removal, sweat gland lesion	2.73	4.12	0.98	0.26	7.11	3.97	090
11451	A	Removal, sweat gland lesion	3.95	4.98	1.43	0.39	9.32	5.77	090
11462	A	Removal, sweat gland lesion	2.51	4.10	0.95	0.23	6.84	3.69	090
11463	A	Removal, sweat gland lesion	3.95	5.60	1.57	0.40	9.95	5.92	090
11470	A	Removal, sweat gland lesion	3.25	4.54	1.23	0.30	8.09	4.78	090
11471	A	Removal, sweat gland lesion	4.41	5.69	1.72	0.40	10.50	6.53	090
11600	A	Exc tr-ext mlg+marg 0.5 < cm	1.31	2.53	0.99	0.09	3.93	2.39	010
11601	A	Exc tr-ext mlg+marg 0.6-1 cm	1.80	2.60	1.24	0.12	4.52	3.16	010
11602	A	Exc tr-ext mlg+marg 1.1-2 cm	1.95	2.73	1.29	0.13	4.81	3.37	010
11603	A	Exc tr-ext mlg+marg 2.1-3 cm	2.19	2.96	1.35	0.16	5.31	3.70	010
11604	A	Exc tr-ext mlg+marg 3.1-4 cm	2.40	3.27	1.41	0.18	5.85	3.99	010
11606	A	Exc tr-ext mlg+marg > 4 cm	3.43	3.96	1.76	0.28	7.67	5.47	010
11620	A	Exc h-f-nk-sp mlg+marg 0.5 <	1.19	2.49	0.97	0.09	3.77	2.25	010
11621	A	Exc h-f-nk-sp mlg+marg 0.6-1	1.76	2.60	1.27	0.12	4.48	3.15	010
11622	A	Exc h-f-nk-sp mlg+marg 1.1-2	2.09	2.87	1.42	0.15	5.11	3.66	010
11623	A	Exc h-f-nk-sp mlg+marg 2.1-3	2.61	3.22	1.62	0.20	6.03	4.43	010
11624	A	Exc h-f-nk-sp mlg+marg 3.1-4	3.06	3.61	1.81	0.25	6.92	5.12	010
11626	A	Exc h-f-nk-sp mlg+mar > 4 cm	4.30	4.56	2.44	0.35	9.21	7.09	010
11640	A	Exc face-mm malig+marg 0.5 <	1.35	2.54	1.14	0.10	3.99	2.59	010
11641	A	Exc face-mm malig+marg 0.6-1	2.16	2.92	1.57	0.15	5.23	3.88	010
11642	A	Exc face-mm malig+marg 1.1-2	2.59	3.30	1.77	0.18	6.07	4.54	010
11643	A	Exc face-mm malig+marg 2.1-3	3.10	3.70	2.01	0.24	7.04	5.35	010
11644	A	Exc face-mm malig+marg 3.1-4	4.03	4.63	2.56	0.33	8.99	6.92	010
11646	A	Exc face-mm mlg+marg > 4 cm	5.95	5.73	3.60	0.46	12.14	10.01	010
11719	R	Trim nail(s)	0.17	0.25	0.07	0.01	0.43	0.25	000
11720	A	Debride nail, 1-5	0.32	0.34	0.13	0.02	0.68	0.47	000
11721	A	Debride nail, 6 or more	0.54	0.44	0.21	0.04	1.02	0.79	000
11730	A	Removal of nail plate	1.13	0.81	0.44	0.09	2.03	1.66	000
11732	A	Remove nail plate, add-on	0.57	0.30	0.23	0.05	0.92	0.85	ZZZ
11740	A	Drain blood from under nail	0.37	0.82	0.14	0.03	1.22	0.54	000
11750	A	Removal of nail bed	1.86	1.72	0.77	0.16	3.74	2.79	010
11752	A	Remove nail bed/finger tip	2.67	2.11	1.76	0.33	5.11	4.76	010
11755	A	Biopsy, nail unit	1.31	1.11	0.56	0.06	2.48	1.93	000
11760	A	Repair of nail bed	1.58	1.80	1.25	0.17	3.55	3.00	010
11762	A	Reconstruction of nail bed	2.89	2.24	1.88	0.32	5.45	5.09	010
11765	A	Excision of nail fold, toe	0.69	1.13	0.49	0.05	1.87	1.23	010
11770	A	Removal of pilonidal lesion	2.61	2.98	1.23	0.24	5.83	4.08	010
11771	A	Removal of pilonidal lesion	5.74	5.50	3.91	0.56	11.80	10.21	090
11772	A	Removal of pilonidal lesion	6.98	6.41	4.36	0.68	14.07	12.02	090
11900	A	Injection into skin lesions	0.52	0.75	0.22	0.02	1.29	0.76	000
11901	A	Added skin lesions injection	0.80	0.72	0.36	0.03	1.55	1.19	000
11920	R	Correct skin color defects	1.61	2.16	0.80	0.17	3.94	2.58	000
11921	R	Correct skin color defects	1.93	2.52	1.00	0.21	4.66	3.14	000
11922	R	Correct skin color defects	0.49	0.38	0.26	0.05	0.92	0.80	ZZZ
11950	R	Therapy for contour defects	0.84	1.22	0.42	0.06	2.12	1.32	000
11951	R	Therapy for contour defects	1.19	1.61	0.52	0.10	2.90	1.81	000
11952	R	Therapy for contour defects	1.69	1.97	0.70	0.17	3.83	2.56	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
11954	R	Therapy for contour defects	1.85	2.59	0.93	0.19	4.63	2.97	000
11960	A	Insert tissue expander(s)	9.08	NA	10.94	0.88	NA	20.90	090
11970	A	Replace tissue expander	7.06	NA	4.98	0.77	NA	12.81	090
11971	A	Remove tissue expander(s)	2.13	6.33	3.86	0.21	8.67	6.20	090
11975	N	Insert contraceptive cap	+1.48	1.44	0.58	0.14	3.06	2.20	XXX
11976	R	Removal of contraceptive cap	1.78	1.62	0.70	0.17	3.57	2.65	000
11977	N	Removal/reinsert contra cap	+3.30	2.30	1.28	0.31	5.91	4.89	XXX
11980	A	Implant hormone pellet(s)	1.48	1.07	0.56	0.10	2.65	2.14	000
11981	A	Insert drug implant device	1.48	1.59	0.58	0.14	3.21	2.20	XXX
11982	A	Remove drug implant device	1.78	1.71	0.70	0.17	3.66	2.65	XXX
11983	A	Remove/insert drug implant	3.30	2.30	1.28	0.31	5.91	4.89	XXX
12001	A	Repair superficial wound(s)	1.70	2.16	0.44	0.13	3.99	2.27	010
12002	A	Repair superficial wound(s)	1.86	2.23	0.92	0.15	4.24	2.93	010
12004	A	Repair superficial wound(s)	2.24	2.51	1.03	0.17	4.92	3.44	010
12005	A	Repair superficial wound(s)	2.86	3.07	1.22	0.23	6.16	4.31	010
12006	A	Repair superficial wound(s)	3.67	3.69	1.53	0.31	7.67	5.51	010
12007	A	Repair superficial wound(s)	4.12	4.16	1.83	0.37	8.65	6.32	010
12011	A	Repair superficial wound(s)	1.76	2.34	0.44	0.14	4.24	2.34	010
12013	A	Repair superficial wound(s)	1.99	2.49	0.96	0.16	4.64	3.11	010
12014	A	Repair superficial wound(s)	2.46	2.77	1.08	0.18	5.41	3.72	010
12015	A	Repair superficial wound(s)	3.19	3.38	1.27	0.24	6.81	4.70	010
12016	A	Repair superficial wound(s)	3.93	3.81	1.55	0.32	8.06	5.80	010
12017	A	Repair superficial wound(s)	4.71	NA	1.90	0.39	NA	7.00	010
12018	A	Repair superficial wound(s)	5.53	NA	2.27	0.46	NA	8.26	010
12020	A	Closure of split wound	2.62	2.55	1.42	0.24	5.41	4.28	010
12021	A	Closure of split wound	1.84	1.70	1.02	0.19	3.73	3.05	010
12031	A	Layer closure of wound(s)	2.15	2.29	0.77	0.15	4.59	3.07	010
12032	A	Layer closure of wound(s)	2.47	2.98	1.28	0.15	5.60	3.90	010
12034	A	Layer closure of wound(s)	2.92	3.21	1.44	0.21	6.34	4.57	010
12035	A	Layer closure of wound(s)	3.43	3.15	1.67	0.30	6.88	5.40	010
12036	A	Layer closure of wound(s)	4.05	5.26	2.46	0.41	9.72	6.92	010
12037	A	Layer closure of wound(s)	4.67	5.62	2.80	0.49	10.78	7.96	010
12041	A	Layer closure of wound(s)	2.37	2.48	0.83	0.17	5.02	3.37	010
12042	A	Layer closure of wound(s)	2.74	3.17	1.41	0.17	6.08	4.32	010
12044	A	Layer closure of wound(s)	3.14	3.26	1.60	0.24	6.64	4.98	010
12045	A	Layer closure of wound(s)	3.64	3.58	1.87	0.34	7.56	5.85	010
12046	A	Layer closure of wound(s)	4.25	5.53	2.55	0.40	10.18	7.20	010
12047	A	Layer closure of wound(s)	4.65	6.15	2.89	0.41	11.21	7.95	010
12051	A	Layer closure of wound(s)	2.47	3.16	1.41	0.16	5.79	4.04	010
12052	A	Layer closure of wound(s)	2.77	3.12	1.38	0.17	6.06	4.32	010
12053	A	Layer closure of wound(s)	3.12	3.26	1.54	0.20	6.58	4.86	010
12054	A	Layer closure of wound(s)	3.46	3.60	1.64	0.25	7.31	5.35	010
12055	A	Layer closure of wound(s)	4.43	4.60	2.19	0.35	9.38	6.97	010
12056	A	Layer closure of wound(s)	5.24	6.62	3.05	0.43	12.29	8.72	010
12057	A	Layer closure of wound(s)	5.96	6.14	3.73	0.50	12.60	10.19	010
13100	A	Repair of wound or lesion	3.12	3.50	1.84	0.21	6.83	5.17	010
13101	A	Repair of wound or lesion	3.92	3.76	2.29	0.22	7.90	6.43	010
13102	A	Repair wound/lesion add-on	1.24	0.76	0.58	0.10	2.10	1.92	ZZZ
13120	A	Repair of wound or lesion	3.30	3.60	1.88	0.23	7.13	5.41	010
13121	A	Repair of wound or lesion	4.33	3.99	2.39	0.25	8.57	6.97	010
13122	A	Repair wound/lesion add-on	1.44	0.89	0.65	0.12	2.45	2.21	ZZZ
13131	A	Repair of wound or lesion	3.79	3.88	2.21	0.25	7.92	6.25	010
13132	A	Repair of wound or lesion	5.95	4.72	3.25	0.32	10.99	9.52	010
13133	A	Repair wound/lesion add-on	2.19	1.22	1.05	0.17	3.58	3.41	ZZZ
13150	A	Repair of wound or lesion	3.81	5.29	2.64	0.29	9.39	6.74	010
13151	A	Repair of wound or lesion	4.45	5.27	3.08	0.28	10.00	7.81	010
13152	A	Repair of wound or lesion	6.33	6.01	3.98	0.38	12.72	10.69	010
13153	A	Repair wound/lesion add-on	2.38	1.37	1.16	0.18	3.93	3.72	ZZZ
13160	A	Late closure of wound	10.48	NA	6.33	1.19	NA	18.00	090
14000	A	Skin tissue rearrangement	5.89	7.60	4.65	0.46	13.95	11.00	090
14001	A	Skin tissue rearrangement	8.47	8.94	5.96	0.65	18.06	15.08	090
14020	A	Skin tissue rearrangement	6.59	8.10	5.35	0.50	15.19	12.44	090
14021	A	Skin tissue rearrangement	10.06	9.53	7.12	0.69	20.28	17.87	090
14040	A	Skin tissue rearrangement	7.87	8.77	7.05	0.55	17.19	15.47	090
14041	A	Skin tissue rearrangement	11.49	11.01	8.91	0.71	23.21	21.11	090
14060	A	Skin tissue rearrangement	8.50	9.48	7.84	0.59	18.57	16.93	090
14061	A	Skin tissue rearrangement	12.29	12.05	9.77	0.75	25.09	22.81	090
14300	A	Skin tissue rearrangement	11.76	11.44	9.36	0.88	24.08	22.00	090
14350	A	Skin tissue rearrangement	9.61	NA	6.36	1.09	NA	17.06	090
15000	A	Skin graft	4.00	3.66	2.22	0.37	8.03	6.59	000
15001	A	Skin graft add-on	1.00	1.26	0.42	0.11	2.37	1.53	ZZZ
15050	A	Skin pinch graft	4.30	5.12	3.99	0.46	9.88	8.75	090
15100	A	Skin split graft	9.05	11.70	8.09	0.94	21.69	18.08	090
15101	A	Skin split graft add-on	1.72	3.27	1.48	0.18	5.17	3.38	ZZZ
15120	A	Skin split graft	9.83	10.23	8.03	0.90	20.96	18.76	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
15121	A	Skin split graft add-on	2.67	4.19	1.85	0.27	7.13	4.79	ZZZ
15200	A	Skin full graft	8.03	9.60	5.54	0.73	18.36	14.30	090
15201	A	Skin full graft add-on	1.32	1.05	0.64	0.14	2.51	2.10	ZZZ
15220	A	Skin full graft	7.87	9.74	6.18	0.68	18.29	14.73	090
15221	A	Skin full graft add-on	1.19	0.93	0.58	0.12	2.24	1.89	ZZZ
15240	A	Skin full graft	9.04	9.25	7.01	0.80	19.09	16.85	090
15241	A	Skin full graft add-on	1.86	1.47	0.94	0.17	3.50	2.97	ZZZ
15260	A	Skin full graft	10.06	9.91	8.90	0.63	20.60	19.59	090
15261	A	Skin full graft add-on	2.23	2.91	1.60	0.17	5.31	4.00	ZZZ
15342	A	Cultured skin graft, 25 cm	1.00	2.06	0.75	0.09	3.15	1.84	010
15343	A	Culture skin graft addl 25 cm	0.25	0.26	0.10	0.02	0.53	0.37	ZZZ
15350	A	Skin homograft	4.00	8.44	4.34	0.42	12.86	8.76	090
15351	A	Skin homograft add-on	1.00	0.95	0.41	0.11	2.06	1.52	ZZZ
15400	A	Skin heterograft	4.00	4.84	4.84	0.40	9.24	9.24	090
15401	A	Skin heterograft add-on	1.00	1.25	0.46	0.11	2.36	1.57	ZZZ
15570	A	Form skin pedicle flap	9.21	8.16	6.07	0.96	18.33	16.24	090
15572	A	Form skin pedicle flap	9.27	7.75	5.80	0.93	17.95	16.00	090
15574	A	Form skin pedicle flap	9.88	8.32	6.84	0.92	19.12	17.64	090
15576	A	Form skin pedicle flap	8.69	8.91	6.29	0.72	18.32	15.70	090
15600	A	Skin graft	1.91	6.13	2.34	0.19	8.23	4.44	090
15610	A	Skin graft	2.42	3.39	2.62	0.25	6.06	5.29	090
15620	A	Skin graft	2.94	6.74	3.39	0.28	9.96	6.61	090
15630	A	Skin graft	3.27	6.19	3.66	0.28	9.74	7.21	090
15650	A	Transfer skin pedicle flap	3.97	6.17	3.73	0.36	10.50	8.06	090
15732	A	Muscle-skin graft, head/neck	17.84	NA	12.70	1.50	NA	32.04	090
15734	A	Muscle-skin graft, trunk	17.79	NA	12.73	1.91	NA	32.43	090
15736	A	Muscle-skin graft, arm	16.27	NA	11.81	1.78	NA	29.86	090
15738	A	Muscle-skin graft, leg	17.92	NA	12.25	1.95	NA	32.12	090
15740	A	Island pedicle flap graft	10.25	9.00	7.05	0.62	19.87	17.92	090
15750	A	Neurovascular pedicle graft	11.41	NA	8.20	1.16	NA	20.77	090
15756	A	Free myo/skin flap microvasc	35.23	NA	20.85	3.11	NA	59.19	090
15757	A	Free skin flap, microvasc	35.23	NA	21.96	3.37	NA	60.56	090
15758	A	Free fascial flap, microvasc	35.10	NA	22.00	3.52	NA	60.62	090
15760	A	Composite skin graft	8.74	9.10	6.62	0.72	18.56	16.08	090
15770	A	Derma-fat-fascia graft	7.52	NA	6.08	0.78	NA	14.38	090
15775	R	Hair transplant punch grafts	3.96	2.87	1.35	0.43	7.26	5.74	000
15776	R	Hair transplant punch grafts	5.54	5.75	2.89	0.60	11.89	9.03	000
15780	A	Abrasion treatment of skin	7.29	6.61	6.58	0.41	14.31	14.28	090
15781	A	Abrasion treatment of skin	4.85	5.07	4.80	0.27	10.19	9.92	090
15782	A	Abrasion treatment of skin	4.32	4.30	4.15	0.21	8.83	8.68	090
15783	A	Abrasion treatment of skin	4.29	4.72	3.57	0.26	9.27	8.12	090
15786	A	Abrasion, lesion, single	2.03	1.77	1.29	0.11	3.91	3.43	010
15787	A	Abrasion, lesions, add-on	0.33	0.32	0.16	0.02	0.67	0.51	ZZZ
15788	R	Chemical peel, face, epiderm	2.09	3.14	1.03	0.11	5.34	3.23	090
15789	R	Chemical peel, face, dermal	4.92	6.17	3.51	0.27	11.36	8.70	090
15792	R	Chemical peel, nonfacial	1.86	2.96	2.17	0.10	4.92	4.13	090
15793	A	Chemical peel, nonfacial	3.74	NA	3.50	0.17	NA	7.41	090
15810	A	Salabrasion	4.74	3.73	3.73	0.42	8.89	8.89	090
15811	A	Salabrasion	5.39	6.09	4.73	0.52	12.00	10.64	090
15819	A	Plastic surgery, neck	9.38	NA	6.67	0.77	NA	16.82	090
15820	A	Revision of lower eyelid	5.15	7.12	5.25	0.30	12.57	10.70	090
15821	A	Revision of lower eyelid	5.72	7.47	5.41	0.31	13.50	11.44	090
15822	A	Revision of upper eyelid	4.45	6.06	4.23	0.22	10.73	8.90	090
15823	A	Revision of upper eyelid	7.05	8.06	6.13	0.32	15.43	13.50	090
15824	R	Removal of forehead wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15825	R	Removal of neck wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15826	R	Removal of brow wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15828	R	Removal of face wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15829	R	Removal of skin wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15831	A	Excise excessive skin tissue	12.40	NA	7.69	1.30	NA	21.39	090
15832	A	Excise excessive skin tissue	11.59	NA	7.68	1.21	NA	20.48	090
15833	A	Excise excessive skin tissue	10.64	NA	7.06	1.17	NA	18.87	090
15834	A	Excise excessive skin tissue	10.85	NA	6.95	1.18	NA	18.98	090
15835	A	Excise excessive skin tissue	11.67	NA	6.93	1.13	NA	19.73	090
15836	A	Excise excessive skin tissue	9.34	NA	6.18	0.95	NA	16.47	090
15837	A	Excise excessive skin tissue	8.43	7.40	6.42	0.78	16.61	15.63	090
15838	A	Excise excessive skin tissue	7.13	NA	5.68	0.58	NA	13.39	090
15839	A	Excise excessive skin tissue	9.38	7.21	5.75	0.88	17.47	16.01	090
15840	A	Graft for face nerve palsy	13.26	NA	9.75	1.15	NA	24.16	090
15841	A	Graft for face nerve palsy	23.26	NA	14.51	2.65	NA	40.42	090
15842	A	Flap for face nerve palsy	37.96	NA	22.78	3.99	NA	64.73	090
15845	A	Skin and muscle repair, face	12.57	NA	8.47	0.80	NA	21.84	090
15850	B	Removal of sutures	+0.78	1.44	0.30	0.04	2.26	1.12	XXX
15851	A	Removal of sutures	0.86	1.64	0.34	0.05	2.55	1.25	000
15852	A	Dressing change, not for burn	0.86	1.75	0.36	0.07	2.68	1.29	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
15860	A	Test for blood flow in graft	1.95	1.30	0.81	0.13	3.38	2.89	000
15876	R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15877	R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15878	R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15879	R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15920	A	Removal of tail bone ulcer	7.95	NA	5.49	0.83	NA	14.27	090
15922	A	Removal of tail bone ulcer	9.90	NA	7.31	1.06	NA	18.27	090
15931	A	Remove sacrum pressure sore	9.24	NA	5.56	0.95	NA	15.75	090
15933	A	Remove sacrum pressure sore	10.85	NA	7.98	1.14	NA	19.97	090
15934	A	Remove sacrum pressure sore	12.69	NA	8.29	1.35	NA	22.33	090
15935	A	Remove sacrum pressure sore	14.57	NA	9.96	1.56	NA	26.09	090
15936	A	Remove sacrum pressure sore	12.38	NA	8.79	1.32	NA	22.49	090
15937	A	Remove sacrum pressure sore	14.21	NA	10.25	1.51	NA	25.97	090
15940	A	Remove hip pressure sore	9.34	NA	5.92	0.98	NA	16.24	090
15941	A	Remove hip pressure sore	11.43	NA	9.80	1.23	NA	22.46	090
15944	A	Remove hip pressure sore	11.46	NA	8.59	1.21	NA	21.26	090
15945	A	Remove hip pressure sore	12.69	NA	9.51	1.38	NA	23.58	090
15946	A	Remove hip pressure sore	21.57	NA	13.95	2.32	NA	37.84	090
15950	A	Remove thigh pressure sore	7.54	NA	5.15	0.80	NA	13.49	090
15951	A	Remove thigh pressure sore	10.72	NA	7.99	1.14	NA	19.85	090
15952	A	Remove thigh pressure sore	11.39	NA	7.39	1.19	NA	19.97	090
15953	A	Remove thigh pressure sore	12.63	NA	8.79	1.38	NA	22.80	090
15956	A	Remove thigh pressure sore	15.52	NA	10.40	1.64	NA	27.56	090
15958	A	Remove thigh pressure sore	15.48	NA	10.72	1.66	NA	27.86	090
15999	C	Removal of pressure sore	0.00	0.00	0.00	0.00	0.00	0.00	YYY
16000	A	Initial treatment of burn(s)	0.89	1.07	0.27	0.06	2.02	1.22	000
16010	A	Treatment of burn(s)	0.87	1.19	0.36	0.07	2.13	1.30	000
16015	A	Treatment of burn(s)	2.35	1.89	0.94	0.22	4.46	3.51	000
16020	A	Treatment of burn(s)	0.80	1.13	0.26	0.06	1.99	1.12	000
16025	A	Treatment of burn(s)	1.85	1.88	0.67	0.16	3.89	2.68	000
16030	A	Treatment of burn(s)	2.08	3.05	0.91	0.18	5.31	3.17	000
16035	A	Incision of burn scab, initi	3.75	NA	1.50	0.36	NA	5.61	090
16036	A	Incise burn scab, addl incis	1.50	NA	0.62	0.11	NA	2.23	ZZZ
17000	A	Destroy benign/premigl lesion	0.60	1.04	0.27	0.03	1.67	0.90	010
17003	A	Destroy lesions, 2-14	0.15	0.12	0.07	0.01	0.28	0.23	ZZZ
17004	A	Destroy lesions, 15 or more	2.79	2.45	1.27	0.12	5.36	4.18	010
17106	A	Destruction of skin lesions	4.59	4.77	3.21	0.28	9.64	8.08	090
17107	A	Destruction of skin lesions	9.16	7.30	5.37	0.53	16.99	15.06	090
17108	A	Destruction of skin lesions	13.20	9.35	7.66	0.89	23.44	21.75	090
17110	A	Destruct lesion, 1-14	0.65	1.71	0.45	0.04	2.40	1.14	010
17111	A	Destruct lesion, 15 or more	0.92	1.75	0.56	0.04	2.71	1.52	010
17250	A	Chemical cautery, tissue	0.50	1.23	0.34	0.04	1.77	0.88	000
17260	A	Destruction of skin lesions	0.91	1.37	0.41	0.04	2.32	1.36	010
17261	A	Destruction of skin lesions	1.17	1.62	0.55	0.05	2.84	1.77	010
17262	A	Destruction of skin lesions	1.58	1.89	0.75	0.07	3.54	2.40	010
17263	A	Destruction of skin lesions	1.79	2.07	0.82	0.08	3.94	2.69	010
17264	A	Destruction of skin lesions	1.94	2.25	0.86	0.08	4.27	2.88	010
17266	A	Destruction of skin lesions	2.34	2.57	0.96	0.11	5.02	3.41	010
17270	A	Destruction of skin lesions	1.32	1.70	0.60	0.06	3.08	1.98	010
17271	A	Destruction of skin lesions	1.49	1.79	0.71	0.06	3.34	2.26	010
17272	A	Destruction of skin lesions	1.77	2.00	0.85	0.07	3.84	2.69	010
17273	A	Destruction of skin lesions	2.05	2.23	0.96	0.09	4.37	3.10	010
17274	A	Destruction of skin lesions	2.59	2.61	1.18	0.11	5.31	3.88	010
17276	A	Destruction of skin lesions	3.20	3.03	1.42	0.15	6.38	4.77	010
17280	A	Destruction of skin lesions	1.17	1.61	0.53	0.05	2.83	1.75	010
17281	A	Destruction of skin lesions	1.72	1.92	0.82	0.07	3.71	2.61	010
17282	A	Destruction of skin lesions	2.04	2.17	0.98	0.09	4.30	3.11	010
17283	A	Destruction of skin lesions	2.64	2.58	1.23	0.11	5.33	3.98	010
17284	A	Destruction of skin lesions	3.21	2.99	1.49	0.14	6.34	4.84	010
17286	A	Destruction of skin lesions	4.44	3.78	2.18	0.22	8.44	6.84	010
17304	A	1 stage mohs, up to 5 spec	7.60	8.09	3.66	0.31	16.00	11.57	000
17305	A	2 stage mohs, up to 5 spec	2.85	3.81	1.37	0.12	6.78	4.34	000
17306	A	3 stage mohs, up to 5 spec	2.85	3.81	1.38	0.12	6.78	4.35	000
17307	A	Mohs addl stage up to 5 spec	2.85	3.82	1.40	0.12	6.79	4.37	000
17310	A	Mohs any stage > 5 spec each	0.62	1.48	0.31	0.05	2.15	0.98	ZZZ
17340	A	Cryotherapy of skin	0.76	0.38	0.26	0.04	1.18	1.06	010
17360	A	Skin peel therapy	1.43	1.59	0.72	0.06	3.08	2.21	010
17380	R	Hair removal by electrolysis	0.00	0.00	0.00	0.00	0.00	0.00	000
17999	C	Skin tissue procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
19000	A	Drainage of breast lesion	0.84	1.20	0.29	0.07	2.11	1.20	000
19001	A	Drain breast lesion add-on	0.42	0.82	0.14	0.03	1.27	0.59	ZZZ
19020	A	Incision of breast lesion	3.57	6.81	3.39	0.35	10.73	7.31	090
19030	A	Injection for breast x-ray	1.53	3.56	0.52	0.07	5.16	2.12	000
19100	A	Bx breast percut w/o image	1.27	1.43	0.44	0.10	2.80	1.81	000
19101	A	Biopsy of breast, open	3.18	5.02	1.89	0.20	8.40	5.27	010

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
19102	A	Bx breast percut w/image	2.00	4.86	0.68	0.13	6.99	2.81	000
19103	A	Bx breast percut w/device	3.70	12.31	1.27	0.16	16.17	5.13	000
19110	A	Nipple exploration	4.30	8.62	4.43	0.44	13.36	9.17	090
19112	A	Excise breast duct fistula	3.67	9.15	3.08	0.38	13.20	7.13	090
19120	A	Removal of breast lesion	5.56	4.92	3.09	0.56	11.04	9.21	090
19125	A	Excision, breast lesion	6.06	5.05	3.26	0.61	11.72	9.93	090
19126	A	Excision, addl breast lesion	2.93	NA	1.02	0.30	NA	4.25	ZZZ
19140	A	Removal of breast tissue	5.14	9.35	3.65	0.52	15.01	9.31	090
19160	A	Removal of breast tissue	5.99	NA	4.52	0.61	NA	11.12	090
19162	A	Remove breast tissue, nodes	13.53	NA	7.88	1.38	NA	22.79	090
19180	A	Removal of breast	8.80	NA	5.93	0.88	NA	15.61	090
19182	A	Removal of breast	7.73	NA	4.98	0.79	NA	13.50	090
19200	A	Removal of breast	15.49	NA	9.07	1.51	NA	26.07	090
19220	A	Removal of breast	15.72	NA	9.12	1.56	NA	26.40	090
19240	A	Removal of breast	16.00	NA	8.74	1.62	NA	26.36	090
19260	A	Removal of chest wall lesion	15.44	NA	9.13	1.64	NA	26.21	090
19271	A	Revision of chest wall	18.90	NA	11.31	2.27	NA	32.48	090
19272	A	Extensive chest wall surgery	21.55	NA	12.24	2.54	NA	36.33	090
19290	A	Place needle wire, breast	1.27	2.89	0.43	0.06	4.22	1.76	000
19291	A	Place needle wire, breast	0.63	1.69	0.21	0.03	2.35	0.87	ZZZ
19295	A	Place breast clip, percut	0.00	2.65	NA	0.01	2.66	NA	ZZZ
19316	A	Suspension of breast	10.69	NA	7.57	1.15	NA	19.41	090
19318	A	Reduction of large breast	15.62	NA	11.72	1.69	NA	29.03	090
19324	A	Enlarge breast	5.85	NA	4.25	0.63	NA	10.73	090
19325	A	Enlarge breast with implant	8.45	NA	6.25	0.90	NA	15.60	090
19328	A	Removal of breast implant	5.68	NA	4.54	0.61	NA	10.83	090
19330	A	Removal of implant material	7.59	NA	5.20	0.81	NA	13.60	090
19340	A	Immediate breast prosthesis	6.33	NA	3.19	0.68	NA	10.20	ZZZ
19342	A	Delayed breast prosthesis	11.20	NA	7.83	1.21	NA	20.24	090
19350	A	Breast reconstruction	8.92	13.45	6.80	0.95	23.32	16.67	090
19355	A	Correct inverted nipple(s)	7.57	13.63	5.41	0.80	22.00	13.78	090
19357	A	Breast reconstruction	18.16	NA	9.82	1.96	NA	29.94	090
19361	A	Breast reconstruction	19.26	NA	10.27	2.08	NA	31.61	090
19364	A	Breast reconstruction	41.00	NA	25.22	3.91	NA	70.13	090
19366	A	Breast reconstruction	21.28	NA	10.27	2.27	NA	33.82	090
19367	A	Breast reconstruction	25.73	NA	17.47	2.78	NA	45.98	090
19368	A	Breast reconstruction	32.42	NA	21.08	3.51	NA	57.01	090
19369	A	Breast reconstruction	29.82	NA	20.65	3.24	NA	53.71	090
19370	A	Surgery of breast capsule	8.05	NA	6.08	0.86	NA	14.99	090
19371	A	Removal of breast capsule	9.35	NA	7.15	1.01	NA	17.51	090
19380	A	Revise breast reconstruction	9.14	NA	7.05	0.98	NA	17.17	090
19396	A	Design custom breast implant	2.17	6.25	1.02	0.23	8.65	3.42	000
19499	C	Breast surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
20000	A	Incision of abscess	2.12	2.16	1.18	0.17	4.45	3.47	010
20005	A	Incision of deep abscess	3.42	3.03	2.21	0.34	6.79	5.97	010
20100	A	Explore wound, neck	10.08	5.82	4.37	0.99	16.89	15.44	010
20101	A	Explore wound, chest	3.22	2.90	1.50	0.24	6.36	4.96	010
20102	A	Explore wound, abdomen	3.94	3.39	1.75	0.35	7.68	6.04	010
20103	A	Explore wound, extremity	5.30	4.26	3.02	0.57	10.13	8.89	010
20150	A	Excise epiphyseal bar	13.69	NA	8.96	0.96	NA	23.61	090
20200	A	Muscle biopsy	1.46	1.70	0.61	0.17	3.33	2.24	000
20205	A	Deep muscle biopsy	2.35	3.87	0.96	0.23	6.45	3.54	000
20206	A	Needle biopsy, muscle	0.99	3.15	0.35	0.06	4.20	1.40	000
20220	A	Bone biopsy, trocar/needle	1.27	4.87	2.93	0.06	6.20	4.26	000
20225	A	Bone biopsy, trocar/needle	1.87	4.37	3.02	0.11	6.35	5.00	000
20240	A	Bone biopsy, excisional	3.23	NA	4.22	0.33	NA	7.78	010
20245	A	Bone biopsy, excisional	7.78	NA	6.91	0.44	NA	15.13	010
20250	A	Open bone biopsy	5.03	NA	4.37	0.50	NA	9.90	010
20251	A	Open bone biopsy	5.56	NA	4.92	0.79	NA	11.27	010
20500	A	Injection of sinus tract	1.23	5.89	3.82	0.10	7.22	5.15	010
20501	A	Inject sinus tract for x-ray	0.76	3.14	0.26	0.03	3.93	1.05	000
20520	A	Removal of foreign body	1.85	5.60	3.59	0.17	7.62	5.61	010
20525	A	Removal of foreign body	3.50	6.84	4.38	0.40	10.74	8.28	010
20526	A	Ther injection, carp tunnel	0.94	0.77	0.41	0.06	1.77	1.41	000
20550	A	Inj tendon sheath/ligament	0.75	0.76	0.24	0.06	1.57	1.05	000
20551	A	Inject tendon origin/insert	0.75	0.70	0.34	0.06	1.51	1.15	000
20552	A	Inject trigger point, 1 or 2	0.66	0.66	0.30	0.06	1.38	1.02	000
20553	A	Inject trigger points, => 3	0.75	0.75	0.34	0.06	1.56	1.15	000
20600	A	Drain/inject, joint/bursa	0.66	0.66	0.36	0.06	1.38	1.08	000
20605	A	Drain/inject, joint/bursa	0.68	0.78	0.37	0.06	1.52	1.11	000
20610	A	Drain/inject, joint/bursa	0.79	0.97	0.42	0.08	1.84	1.29	000
20612	A	Aspirate/inj ganglion cyst	0.70	0.77	0.28	0.06	1.53	1.04	000
20615	A	Treatment of bone cyst	2.28	4.87	2.69	0.19	7.34	5.16	010
20650	A	Insert and remove bone pin	2.23	5.08	3.29	0.28	7.59	5.80	010
20660	A	Apply, rem fixation device	2.51	NA	2.28	0.48	NA	5.27	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
20661	A	Application of head brace	4.89	NA	6.91	0.92	NA	12.72	090
20662	A	Application of pelvis brace	6.07	NA	6.27	0.81	NA	13.15	090
20663	A	Application of thigh brace	5.43	NA	5.58	0.77	NA	11.78	090
20664	A	Halo brace application	8.06	NA	8.62	1.49	NA	18.17	090
20665	A	Removal of fixation device	1.31	2.14	1.30	0.17	3.62	2.78	010
20670	A	Removal of support implant	1.74	6.09	3.55	0.23	8.06	5.52	010
20680	A	Removal of support implant	3.35	5.37	5.37	0.46	9.18	9.18	090
20690	A	Apply bone fixation device	3.52	NA	1.82	0.47	NA	5.81	090
20692	A	Apply bone fixation device	6.41	NA	3.05	0.60	NA	10.06	090
20693	A	Adjust bone fixation device	5.86	NA	13.20	0.85	NA	19.91	090
20694	A	Remove bone fixation device	4.16	9.45	6.56	0.57	14.18	11.29	090
20802	A	Replantation, arm, complete	41.15	NA	27.57	5.81	NA	74.53	090
20805	A	Replant forearm, complete	50.00	NA	43.16	3.95	NA	97.11	090
20808	A	Replantation hand, complete	61.65	NA	49.60	6.49	NA	117.74	090
20816	A	Replantation digit, complete	30.94	NA	46.54	3.01	NA	80.49	090
20822	A	Replantation digit, complete	25.59	NA	42.54	3.07	NA	71.20	090
20824	A	Replantation thumb, complete	30.94	NA	45.41	3.48	NA	79.83	090
20827	A	Replantation thumb, complete	26.41	NA	45.08	3.21	NA	74.70	090
20838	A	Replantation foot, complete	41.41	NA	28.58	5.85	NA	75.84	090
20900	A	Removal of bone for graft	5.58	6.60	6.39	0.77	12.95	12.74	090
20902	A	Removal of bone for graft	7.55	NA	9.17	1.06	NA	17.78	090
20910	A	Remove cartilage for graft	5.34	8.85	6.69	0.50	14.69	12.53	090
20912	A	Remove cartilage for graft	6.35	NA	7.49	0.55	NA	14.39	090
20920	A	Removal of fascia for graft	5.31	NA	5.57	0.54	NA	11.42	090
20922	A	Removal of fascia for graft	6.61	8.97	6.40	0.88	16.46	13.89	090
20924	A	Removal of tendon for graft	6.48	NA	7.16	0.82	NA	14.46	090
20926	A	Removal of tissue for graft	5.53	NA	6.42	0.73	NA	12.68	090
20930	B	Spinal bone allograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
20931	A	Spinal bone allograft	1.81	NA	0.96	0.34	NA	3.11	ZZZ
20936	B	Spinal bone autograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
20937	A	Spinal bone autograft	2.79	NA	1.49	0.43	NA	4.71	ZZZ
20938	A	Spinal bone autograft	3.02	NA	1.59	0.52	NA	5.13	ZZZ
20950	A	Fluid pressure, muscle	1.26	NA	2.24	0.16	NA	3.66	000
20955	A	Fibula bone graft, microvasc	39.21	NA	29.76	4.35	NA	73.32	090
20956	A	Iliac bone graft, microvasc	39.27	NA	28.79	5.77	NA	73.83	090
20957	A	Mt bone graft, microvasc	40.65	NA	21.19	5.74	NA	67.58	090
20962	A	Other bone graft, microvasc	39.27	NA	28.28	5.19	NA	72.74	090
20969	A	Bone/skin graft, microvasc	43.92	NA	32.14	4.34	NA	80.40	090
20970	A	Bone/skin graft, iliac crest	43.06	NA	30.05	4.64	NA	77.75	090
20972	A	Bone/skin graft, metatarsal	42.99	NA	18.39	6.07	NA	67.45	090
20973	A	Bone/skin graft, great toe	45.76	NA	28.24	4.65	NA	78.65	090
20974	A	Electrical bone stimulation	0.62	0.42	0.33	0.09	1.13	1.04	000
20975	A	Electrical bone stimulation	2.60	NA	1.38	0.42	NA	4.40	000
20979	A	Us bone stimulation	0.62	0.73	0.35	0.04	1.39	1.01	000
20999	C	Musculoskeletal surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21010	A	Incision of jaw joint	10.14	NA	7.16	0.54	NA	17.84	090
21015	A	Resection of facial tumor	5.29	NA	7.09	0.52	NA	12.90	090
21025	A	Excision of bone, lower jaw	10.06	7.35	6.87	0.79	18.20	17.72	090
21026	A	Excision of facial bone(s)	4.85	5.39	5.08	0.40	10.64	10.33	090
21029	A	Contour of face bone lesion	7.71	6.96	6.15	0.74	15.41	14.60	090
21030	A	Excise max/zygoma b9 tumor	3.89	4.36	3.64	0.60	8.85	8.13	090
21031	A	Remove exostosis, mandible	3.24	3.35	2.17	0.28	6.87	5.69	090
21032	A	Remove exostosis, maxilla	3.24	3.32	2.29	0.27	6.83	5.80	090
21034	A	Excise max/zygoma mlg tumor	16.17	10.67	10.64	1.37	28.21	28.18	090
21040	A	Excise mandible lesion	3.89	3.76	2.58	0.19	7.84	6.66	090
21041	D	Removal of jaw bone lesion	0.00	0.00	0.00	0.00	0.00	0.00	090
21044	A	Removal of jaw bone lesion	11.86	NA	7.96	0.87	NA	20.69	090
21045	A	Extensive jaw surgery	16.17	NA	10.29	1.20	NA	27.66	090
21046	A	Remove mandible cyst complex	13.00	NA	10.42	1.01	NA	24.43	090
21047	A	Excise lwr jaw cyst w/repair	18.75	NA	9.87	1.53	NA	30.15	090
21048	A	Remove maxilla cyst complex	13.50	NA	10.63	1.01	NA	25.14	090
21049	A	Excis uppr jaw cyst w/repair	18.00	NA	9.55	1.01	NA	28.56	090
21050	A	Removal of jaw joint	10.77	NA	11.63	0.84	NA	23.24	090
21060	A	Remove jaw joint cartilage	10.23	NA	10.09	1.16	NA	21.48	090
21070	A	Remove coronoid process	8.20	NA	5.98	0.67	NA	14.85	090
21076	A	Prepare face/oral prosthesis	13.42	9.49	7.13	1.36	24.27	21.91	010
21077	A	Prepare face/oral prosthesis	33.75	23.88	17.94	3.43	61.06	55.12	090
21079	A	Prepare face/oral prosthesis	22.34	16.88	12.41	1.59	40.81	36.34	090
21080	A	Prepare face/oral prosthesis	25.10	18.97	13.94	2.55	46.62	41.59	090
21081	A	Prepare face/oral prosthesis	22.88	17.28	12.71	1.87	42.03	37.46	090
21082	A	Prepare face/oral prosthesis	20.87	14.77	11.10	1.46	37.10	33.43	090
21083	A	Prepare face/oral prosthesis	19.30	14.58	10.72	1.96	35.84	31.98	090
21084	A	Prepare face/oral prosthesis	22.51	17.01	12.51	1.57	41.09	36.59	090
21085	A	Prepare face/oral prosthesis	9.00	6.37	4.79	0.65	16.02	14.44	010
21086	A	Prepare face/oral prosthesis	24.92	18.83	13.84	1.86	45.61	40.62	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
21087	A	Prepare face/oral prosthesis	24.92	17.63	13.24	2.22	44.77	40.38	090
21088	C	Prepare face/oral prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	090
21089	C	Prepare face/oral prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	090
21100	A	Maxillofacial fixation	4.22	5.93	4.05	0.18	10.33	8.45	090
21110	A	Interdental fixation	5.21	5.31	4.32	0.28	10.80	9.81	090
21116	A	Injection, jaw joint x-ray	0.81	7.71	0.29	0.05	8.57	1.15	000
21120	A	Reconstruction of chin	4.93	9.80	6.08	0.29	15.02	11.30	090
21121	A	Reconstruction of chin	7.64	7.94	6.21	0.56	16.14	14.41	090
21122	A	Reconstruction of chin	8.52	NA	7.63	0.59	NA	16.74	090
21123	A	Reconstruction of chin	11.16	NA	8.08	1.16	NA	20.40	090
21125	A	Augmentation, lower jaw bone	10.62	9.53	8.07	0.72	20.87	19.41	090
21127	A	Augmentation, lower jaw bone	11.12	9.80	7.50	0.76	21.68	19.38	090
21137	A	Reduction of forehead	9.82	NA	8.03	0.53	NA	18.38	090
21138	A	Reduction of forehead	12.19	NA	9.40	1.47	NA	23.06	090
21139	A	Reduction of forehead	14.61	NA	9.78	1.02	NA	25.41	090
21141	A	Reconstruct midface, left	18.10	NA	10.79	1.63	NA	30.52	090
21142	A	Reconstruct midface, left	18.81	NA	12.16	1.16	NA	32.13	090
21143	A	Reconstruct midface, left	19.58	NA	11.10	0.90	NA	31.58	090
21145	A	Reconstruct midface, left	19.94	NA	11.25	2.09	NA	33.28	090
21146	A	Reconstruct midface, left	20.71	NA	11.92	2.13	NA	34.76	090
21147	A	Reconstruct midface, left	21.77	NA	12.15	1.52	NA	35.44	090
21150	A	Reconstruct midface, left	25.24	NA	16.33	1.09	NA	42.66	090
21151	A	Reconstruct midface, left	28.30	NA	19.93	1.98	NA	50.21	090
21154	A	Reconstruct midface, left	30.52	NA	19.84	4.86	NA	55.22	090
21155	A	Reconstruct midface, left	34.45	NA	20.75	5.48	NA	60.68	090
21159	A	Reconstruct midface, left	42.38	NA	25.58	6.74	NA	74.70	090
21160	A	Reconstruct midface, left	46.44	NA	26.69	4.39	NA	77.52	090
21172	A	Reconstruct orbit/forehead	27.80	NA	15.82	1.91	NA	45.53	090
21175	A	Reconstruct orbit/forehead	33.17	NA	20.06	5.16	NA	58.39	090
21179	A	Reconstruct entire forehead	22.25	NA	17.84	2.48	NA	42.57	090
21180	A	Reconstruct entire forehead	25.19	NA	18.59	2.15	NA	45.93	090
21181	A	Contour cranial bone lesion	9.90	NA	8.34	0.97	NA	19.21	090
21182	A	Reconstruct cranial bone	32.19	NA	21.89	2.53	NA	56.61	090
21183	A	Reconstruct cranial bone	35.31	NA	23.87	2.75	NA	61.93	090
21184	A	Reconstruct cranial bone	38.24	NA	24.30	4.12	NA	66.66	090
21188	A	Reconstruction of midface	22.46	NA	15.62	1.85	NA	39.93	090
21193	A	Reconst lwr jaw w/o graft	17.15	NA	10.78	1.53	NA	29.46	090
21194	A	Reconst lwr jaw w/graft	19.84	NA	12.72	1.39	NA	33.95	090
21195	A	Reconst lwr jaw w/o fixation	17.24	NA	12.35	1.20	NA	30.79	090
21196	A	Reconst lwr jaw w/fixation	18.91	NA	12.91	1.62	NA	33.44	090
21198	A	Reconst lwr jaw segment	14.16	NA	11.66	1.05	NA	26.87	090
21199	A	Reconst lwr jaw w/advance	16.00	NA	9.29	1.26	NA	26.55	090
21206	A	Reconstruct upper jaw bone	14.10	NA	9.72	1.01	NA	24.83	090
21208	A	Augmentation of facial bones	10.23	9.69	8.36	0.92	20.84	19.51	090
21209	A	Reduction of facial bones	6.72	7.97	5.79	0.60	15.29	13.11	090
21210	A	Face bone graft	10.23	8.99	8.14	0.88	20.10	19.25	090
21215	A	Lower jaw bone graft	10.77	8.90	7.08	1.04	20.71	18.89	090
21230	A	Rib cartilage graft	10.77	NA	10.06	0.96	NA	21.79	090
21235	A	Ear cartilage graft	6.72	12.21	8.03	0.52	19.45	15.27	090
21240	A	Reconstruction of jaw joint	14.05	NA	11.30	1.15	NA	26.50	090
21242	A	Reconstruction of jaw joint	12.95	NA	11.07	1.40	NA	25.42	090
21243	A	Reconstruction of jaw joint	20.79	NA	13.76	1.85	NA	36.40	090
21244	A	Reconstruction of lower jaw	11.86	NA	9.17	0.95	NA	21.98	090
21245	A	Reconstruction of jaw	11.86	12.18	10.18	0.88	24.92	22.92	090
21246	A	Reconstruction of jaw	12.47	10.33	10.33	1.21	24.01	24.01	090
21247	A	Reconstruct lower jaw bone	22.63	NA	16.39	2.21	NA	41.23	090
21248	A	Reconstruction of jaw	11.48	8.99	7.76	1.01	21.48	20.25	090
21249	A	Reconstruction of jaw	17.52	11.51	10.20	1.39	30.42	29.11	090
21255	A	Reconstruct lower jaw bone	16.72	NA	11.44	1.13	NA	29.29	090
21256	A	Reconstruction of orbit	16.19	NA	13.27	1.04	NA	30.50	090
21260	A	Revise eye sockets	16.52	NA	10.71	1.25	NA	28.48	090
21261	A	Revise eye sockets	31.49	NA	20.59	2.20	NA	54.28	090
21263	A	Revise eye sockets	28.42	NA	12.98	2.16	NA	43.56	090
21267	A	Revise eye sockets	18.90	NA	14.48	1.35	NA	34.73	090
21268	A	Revise eye sockets	24.48	NA	16.12	0.79	NA	41.39	090
21270	A	Augmentation, cheek bone	10.23	9.54	9.54	0.73	20.50	20.50	090
21275	A	Revision, orbitofacial bones	11.24	NA	10.78	1.03	NA	23.05	090
21280	A	Revision of eyelid	6.03	NA	6.07	0.27	NA	12.37	090
21282	A	Revision of eyelid	3.49	NA	5.15	0.21	NA	8.85	090
21295	A	Revision of jaw muscle/bone	1.53	NA	4.35	0.13	NA	6.01	090
21296	A	Revision of jaw muscle/bone	4.25	NA	4.55	0.30	NA	9.10	090
21299	C	Cranio/maxillofacial surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21300	A	Treatment of skull fracture	0.72	2.73	0.26	0.09	3.54	1.07	000
21310	A	Treatment of nose fracture	0.58	2.68	0.15	0.05	3.31	0.78	000
21315	A	Treatment of nose fracture	1.51	3.43	1.27	0.12	5.06	2.90	010

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
21320	A	Treatment of nose fracture	1.85	4.83	2.03	0.15	6.83	4.03	010
21325	A	Treatment of nose fracture	3.77	NA	3.67	0.31	NA	7.75	090
21330	A	Treatment of nose fracture	5.38	NA	5.51	0.48	NA	11.37	090
21335	A	Treatment of nose fracture	8.61	NA	7.16	0.64	NA	16.41	090
21336	A	Treat nasal septal fracture	5.72	NA	5.55	0.45	NA	11.72	090
21337	A	Treat nasal septal fracture	2.70	5.23	3.25	0.22	8.15	6.17	090
21338	A	Treat nasoethmoid fracture	6.46	NA	5.96	0.53	NA	12.95	090
21339	A	Treat nasoethmoid fracture	8.09	NA	6.70	0.76	NA	15.55	090
21340	A	Treatment of nose fracture	10.77	NA	9.09	0.85	NA	20.71	090
21343	A	Treatment of sinus fracture	12.95	NA	9.77	1.06	NA	23.78	090
21344	A	Treatment of sinus fracture	19.72	NA	13.44	1.72	NA	34.88	090
21345	A	Treat nose/jaw fracture	8.16	9.73	7.91	0.60	18.49	16.67	090
21346	A	Treat nose/jaw fracture	10.61	NA	10.05	0.85	NA	21.51	090
21347	A	Treat nose/jaw fracture	12.69	NA	9.50	1.14	NA	23.33	090
21348	A	Treat nose/jaw fracture	16.69	NA	10.93	1.50	NA	29.12	090
21355	A	Treat cheek bone fracture	3.77	4.40	2.28	0.29	8.46	6.34	010
21356	A	Treat cheek bone fracture	4.15	NA	3.23	0.36	NA	7.74	010
21360	A	Treat cheek bone fracture	6.46	NA	5.63	0.52	NA	12.61	090
21365	A	Treat cheek bone fracture	14.95	NA	11.31	1.30	NA	27.56	090
21366	A	Treat cheek bone fracture	17.77	NA	11.90	1.41	NA	31.08	090
21385	A	Treat eye socket fracture	9.16	NA	7.53	0.64	NA	17.33	090
21386	A	Treat eye socket fracture	9.16	NA	7.97	0.76	NA	17.89	090
21387	A	Treat eye socket fracture	9.70	NA	8.22	0.78	NA	18.70	090
21390	A	Treat eye socket fracture	10.13	NA	8.47	0.70	NA	19.30	090
21395	A	Treat eye socket fracture	12.68	NA	9.79	1.09	NA	23.56	090
21400	A	Treat eye socket fracture	1.40	3.12	1.05	0.12	4.64	2.57	090
21401	A	Treat eye socket fracture	3.26	4.83	3.11	0.34	8.43	6.71	090
21406	A	Treat eye socket fracture	7.01	NA	6.75	0.59	NA	14.35	090
21407	A	Treat eye socket fracture	8.61	NA	7.75	0.67	NA	17.03	090
21408	A	Treat eye socket fracture	12.38	NA	10.01	1.24	NA	23.63	090
21421	A	Treat mouth roof fracture	5.14	7.44	6.09	0.42	13.00	11.65	090
21422	A	Treat mouth roof fracture	8.32	NA	7.49	0.69	NA	16.50	090
21423	A	Treat mouth roof fracture	10.40	NA	8.02	0.95	NA	19.37	090
21431	A	Treat craniofacial fracture	7.05	NA	6.68	0.58	NA	14.31	090
21432	A	Treat craniofacial fracture	8.61	NA	7.74	0.55	NA	16.90	090
21433	A	Treat craniofacial fracture	25.35	NA	17.10	2.46	NA	44.91	090
21435	A	Treat craniofacial fracture	17.25	NA	12.56	1.66	NA	31.47	090
21436	A	Treat craniofacial fracture	28.04	NA	17.16	2.32	NA	47.52	090
21440	A	Treat dental ridge fracture	2.70	5.68	3.64	0.22	8.60	6.56	090
21445	A	Treat dental ridge fracture	5.38	7.04	5.17	0.55	12.97	11.10	090
21450	A	Treat lower jaw fracture	2.97	6.87	2.74	0.23	10.07	5.94	090
21451	A	Treat lower jaw fracture	4.87	6.63	5.65	0.39	11.89	10.91	090
21452	A	Treat lower jaw fracture	1.98	9.39	4.20	0.14	11.51	6.32	090
21453	A	Treat lower jaw fracture	5.54	7.52	6.40	0.49	13.55	12.43	090
21454	A	Treat lower jaw fracture	6.46	NA	5.78	0.55	NA	12.79	090
21461	A	Treat lower jaw fracture	8.09	9.26	7.94	0.73	18.08	16.76	090
21462	A	Treat lower jaw fracture	9.79	10.56	8.08	0.80	21.15	18.67	090
21465	A	Treat lower jaw fracture	11.91	NA	7.87	0.84	NA	20.62	090
21470	A	Treat lower jaw fracture	15.34	NA	9.93	1.36	NA	26.63	090
21480	A	Reset dislocated jaw	0.61	1.58	0.18	0.05	2.24	0.84	000
21485	A	Reset dislocated jaw	3.99	3.85	3.39	0.31	8.15	7.69	090
21490	A	Repair dislocated jaw	11.86	NA	7.57	1.31	NA	20.74	090
21493	A	Treat hyoid bone fracture	1.27	NA	3.38	0.10	NA	4.75	090
21494	A	Treat hyoid bone fracture	6.28	NA	5.06	0.44	NA	11.78	090
21495	A	Treat hyoid bone fracture	5.69	NA	5.00	0.41	NA	11.10	090
21497	A	Interdental wiring	3.86	4.75	3.97	0.31	8.92	8.14	090
21499	C	Head surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21501	A	Drain neck/chest lesion	3.81	4.39	3.59	0.36	8.56	7.76	090
21502	A	Drain chest lesion	7.12	NA	7.44	0.79	NA	15.35	090
21510	A	Drainage of bone lesion	5.74	NA	7.16	0.67	NA	13.57	090
21550	A	Biopsy of neck/chest	2.06	2.33	1.22	0.13	4.52	3.41	010
21555	A	Remove lesion, neck/chest	4.35	4.26	2.44	0.41	9.02	7.20	090
21556	A	Remove lesion, neck/chest	5.57	NA	3.21	0.51	NA	9.29	090
21557	A	Remove tumor, neck/chest	8.88	NA	7.68	0.85	NA	17.41	090
21600	A	Partial removal of rib	6.89	NA	7.57	0.81	NA	15.27	090
21610	A	Partial removal of rib	14.61	NA	11.24	1.85	NA	27.70	090
21615	A	Removal of rib	9.87	NA	8.07	1.20	NA	19.14	090
21616	A	Removal of rib and nerves	12.04	NA	9.27	1.31	NA	22.62	090
21620	A	Partial removal of sternum	6.79	NA	8.04	0.77	NA	15.60	090
21627	A	Sternal debridement	6.81	NA	12.58	0.82	NA	20.21	090
21630	A	Extensive sternum surgery	17.38	NA	13.52	1.95	NA	32.85	090
21632	A	Extensive sternum surgery	18.14	NA	12.17	2.16	NA	32.47	090
21700	A	Revision of neck muscle	6.19	9.22	7.25	0.31	15.72	13.75	090
21705	A	Revision of neck muscle/rib	9.60	NA	7.62	0.92	NA	18.14	090
21720	A	Revision of neck muscle	5.68	7.95	7.01	0.80	14.43	13.49	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
21725	A	Revision of neck muscle	6.99	NA	7.45	0.90	NA	15.34	090
21740	A	Reconstruction of sternum	16.50	NA	12.48	2.03	NA	31.01	090
21742	C	Repair stern/nuss w/o scope	0.00	0.00	0.00	0.00	0.00	0.00	090
21743	C	Repair sternum/nuss w/scope	0.00	0.00	0.00	0.00	0.00	0.00	090
21750	A	Repair of sternum separation	10.77	NA	9.85	1.35	NA	21.97	090
21800	A	Treatment of rib fracture	0.96	2.38	1.08	0.09	3.43	2.13	090
21805	A	Treatment of rib fracture	2.75	NA	4.71	0.29	NA	7.75	090
21810	A	Treatment of rib fracture(s)	6.86	NA	7.06	0.60	NA	14.52	090
21820	A	Treat sternum fracture	1.28	2.92	1.56	0.15	4.35	2.99	090
21825	A	Treat sternum fracture	7.41	NA	10.26	0.84	NA	18.51	090
21899	C	Neck/chest surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21920	A	Biopsy soft tissue of back	2.06	2.45	0.75	0.12	4.63	2.93	010
21925	A	Biopsy soft tissue of back	4.49	11.93	4.68	0.44	16.86	9.61	090
21930	A	Remove lesion, back or flank	5.00	4.60	2.62	0.49	10.09	8.11	090
21935	A	Remove tumor, back	17.96	NA	13.01	1.87	NA	32.84	090
22100	A	Remove part of neck vertebra	9.73	NA	8.38	1.55	NA	19.66	090
22101	A	Remove part, thorax vertebra	9.81	NA	8.57	1.51	NA	19.89	090
22102	A	Remove part, lumbar vertebra	9.81	NA	8.77	1.46	NA	20.04	090
22103	A	Remove extra spine segment	2.34	NA	1.24	0.37	NA	3.95	ZZZ
22110	A	Remove part of neck vertebra	12.74	NA	10.66	2.20	NA	25.60	090
22112	A	Remove part, thorax vertebra	12.81	NA	10.54	1.96	NA	25.31	090
22114	A	Remove part, lumbar vertebra	12.81	NA	10.45	1.98	NA	25.24	090
22116	A	Remove extra spine segment	2.32	NA	1.19	0.40	NA	3.91	ZZZ
22210	A	Revision of neck spine	23.82	NA	17.10	4.23	NA	45.15	090
22212	A	Revision of thorax spine	19.42	NA	14.61	2.78	NA	36.81	090
22214	A	Revision of lumbar spine	19.45	NA	15.09	2.78	NA	37.32	090
22216	A	Revise, extra spine segment	6.04	NA	3.21	0.98	NA	10.23	ZZZ
22220	A	Revision of neck spine	21.37	NA	15.50	3.65	NA	40.52	090
22222	A	Revision of thorax spine	21.52	NA	13.08	3.08	NA	37.68	090
22224	A	Revision of lumbar spine	21.52	NA	15.72	3.20	NA	40.44	090
22226	A	Revise, extra spine segment	6.04	NA	3.17	1.01	NA	10.22	ZZZ
22305	A	Treat spine process fracture	2.05	3.40	2.82	0.29	5.74	5.16	090
22310	A	Treat spine fracture	2.61	5.04	4.44	0.37	8.02	7.42	090
22315	A	Treat spine fracture	8.84	NA	8.64	1.37	NA	18.85	090
22318	A	Treat odontoid fx w/o graft	21.50	NA	14.63	4.26	NA	40.39	090
22319	A	Treat odontoid fx w/graft	24.00	NA	17.14	4.76	NA	45.90	090
22325	A	Treat spine fracture	18.30	NA	13.88	2.61	NA	34.79	090
22326	A	Treat neck spine fracture	19.59	NA	15.00	3.54	NA	38.13	090
22327	A	Treat thorax spine fracture	19.20	NA	14.24	2.75	NA	36.19	090
22328	A	Treat each add spine fx	4.61	NA	2.33	0.66	NA	7.60	ZZZ
22505	A	Manipulation of spine	1.87	4.80	3.19	0.27	6.94	5.33	010
22520	A	Percut vertebroplasty thor	8.91	NA	3.98	0.99	NA	13.88	010
22521	A	Percut vertebroplasty lumb	8.34	NA	3.81	0.93	NA	13.08	010
22522	A	Percut vertebroplasty addl	4.31	NA	1.73	0.33	NA	6.37	ZZZ
22548	A	Neck spine fusion	25.82	NA	16.22	4.98	NA	47.02	090
22554	A	Neck spine fusion	18.62	NA	12.63	3.51	NA	34.76	090
22556	A	Thorax spine fusion	23.46	NA	14.89	3.78	NA	42.13	090
22558	A	Lumbar spine fusion	22.28	NA	13.40	3.18	NA	38.86	090
22585	A	Additional spinal fusion	5.53	NA	2.87	0.98	NA	9.38	ZZZ
22590	A	Spine & skull spinal fusion	20.51	NA	13.62	3.81	NA	37.94	090
22595	A	Neck spinal fusion	19.39	NA	13.12	3.62	NA	36.13	090
22600	A	Neck spine fusion	16.14	NA	11.40	2.89	NA	30.43	090
22610	A	Thorax spine fusion	16.02	NA	11.56	2.66	NA	30.24	090
22612	A	Lumbar spine fusion	21.00	NA	14.36	3.28	NA	38.64	090
22614	A	Spine fusion, extra segment	6.44	NA	3.44	1.04	NA	10.92	ZZZ
22630	A	Lumbar spine fusion	20.84	NA	14.01	3.79	NA	38.64	090
22632	A	Spine fusion, extra segment	5.23	NA	2.74	0.90	NA	8.87	ZZZ
22800	A	Fusion of spine	18.25	NA	13.02	2.71	NA	33.98	090
22802	A	Fusion of spine	30.88	NA	19.99	4.42	NA	55.29	090
22804	A	Fusion of spine	36.27	NA	23.15	5.23	NA	64.65	090
22808	A	Fusion of spine	26.27	NA	16.72	4.36	NA	47.35	090
22810	A	Fusion of spine	30.27	NA	18.75	4.49	NA	53.51	090
22812	A	Fusion of spine	32.70	NA	20.27	4.67	NA	57.64	090
22818	A	Kyphectomy, 1-2 segments	31.83	NA	19.49	5.01	NA	56.33	090
22819	A	Kyphectomy, 3 or more	36.44	NA	20.58	5.20	NA	62.22	090
22830	A	Exploration of spinal fusion	10.85	NA	8.32	1.73	NA	20.90	090
22840	A	Insert spine fixation device	12.54	NA	6.67	2.03	NA	21.24	ZZZ
22841	B	Insert spine fixation device	0.00	0.00	0.00	0.00	0.00	0.00	XXX
22842	A	Insert spine fixation device	12.58	NA	6.69	2.04	NA	21.31	ZZZ
22843	A	Insert spine fixation device	13.46	NA	6.78	2.10	NA	22.34	ZZZ
22844	A	Insert spine fixation device	16.44	NA	8.99	2.42	NA	27.85	ZZZ
22845	A	Insert spine fixation device	11.96	NA	6.24	2.22	NA	20.42	ZZZ
22846	A	Insert spine fixation device	12.42	NA	6.51	2.26	NA	21.19	ZZZ
22847	A	Insert spine fixation device	13.80	NA	7.21	2.36	NA	23.37	ZZZ
22848	A	Insert pelv fixation device	6.00	NA	3.27	0.88	NA	10.15	ZZZ

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
22849	A	Reinsert spinal fixation	18.51	NA	13.75	2.87	NA	35.13	090
22850	A	Remove spine fixation device	9.52	NA	8.50	1.51	NA	19.53	090
22851	A	Apply spine prosth device	6.71	NA	3.45	1.11	NA	11.27	ZZZ
22852	A	Remove spine fixation device	9.01	NA	8.26	1.40	NA	18.67	090
22855	A	Remove spine fixation device	15.13	NA	11.24	2.74	NA	29.11	090
22899	C	Spine surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
22900	A	Remove abdominal wall lesion	5.80	NA	4.29	0.58	NA	10.67	090
22999	C	Abdomen surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
23000	A	Removal of calcium deposits	4.36	8.97	7.38	0.50	13.83	12.24	090
23020	A	Release shoulder joint	8.93	NA	10.95	1.23	NA	21.11	090
23030	A	Drain shoulder lesion	3.43	6.24	4.54	0.42	10.09	8.39	010
23031	A	Drain shoulder bursa	2.74	6.00	4.34	0.33	9.07	7.41	010
23035	A	Drain shoulder bone lesion	8.61	NA	15.81	1.19	NA	25.61	090
23040	A	Exploratory shoulder surgery	9.20	NA	12.15	1.28	NA	22.63	090
23044	A	Exploratory shoulder surgery	7.12	NA	11.01	0.97	NA	19.10	090
23065	A	Biopsy shoulder tissues	2.27	2.71	1.33	0.14	5.12	3.74	010
23066	A	Biopsy shoulder tissues	4.16	7.96	6.49	0.50	12.62	11.15	090
23075	A	Removal of shoulder lesion	2.39	5.36	3.21	0.25	8.00	5.85	010
23076	A	Removal of shoulder lesion	7.63	NA	8.42	0.87	NA	16.92	090
23077	A	Remove tumor of shoulder	16.09	NA	14.26	1.81	NA	32.16	090
23100	A	Biopsy of shoulder joint	6.03	NA	9.13	0.81	NA	15.97	090
23101	A	Shoulder joint surgery	5.58	NA	9.14	0.77	NA	15.49	090
23105	A	Remove shoulder joint lining	8.23	NA	10.55	1.13	NA	19.91	090
23106	A	Incision of collarbone joint	5.96	NA	9.25	0.82	NA	16.03	090
23107	A	Explore treat shoulder joint	8.62	NA	10.74	1.19	NA	20.55	090
23120	A	Partial removal, collar bone	7.11	NA	9.97	0.99	NA	18.07	090
23125	A	Removal of collar bone	9.39	NA	11.08	1.27	NA	21.74	090
23130	A	Remove shoulder bone, part	7.55	NA	10.20	1.06	NA	18.81	090
23140	A	Removal of bone lesion	6.89	NA	8.64	0.82	NA	16.35	090
23145	A	Removal of bone lesion	9.09	NA	12.05	1.24	NA	22.38	090
23146	A	Removal of bone lesion	7.83	NA	11.37	1.11	NA	20.31	090
23150	A	Removal of humerus lesion	8.48	NA	10.37	1.14	NA	19.99	090
23155	A	Removal of humerus lesion	10.35	NA	12.62	1.20	NA	24.17	090
23156	A	Removal of humerus lesion	8.68	NA	10.74	1.18	NA	20.60	090
23170	A	Remove collar bone lesion	6.86	NA	11.17	0.84	NA	18.87	090
23172	A	Remove shoulder blade lesion	6.90	NA	10.70	0.95	NA	18.55	090
23174	A	Remove humerus lesion	9.51	NA	12.19	1.30	NA	23.00	090
23180	A	Remove collar bone lesion	8.53	NA	16.82	1.18	NA	26.53	090
23182	A	Remove shoulder blade lesion	8.15	NA	16.90	1.08	NA	26.13	090
23184	A	Remove humerus lesion	9.38	NA	17.08	1.24	NA	27.70	090
23190	A	Partial removal of scapula	7.24	NA	8.72	0.97	NA	16.93	090
23195	A	Removal of head of humerus	9.81	NA	11.11	1.38	NA	22.30	090
23200	A	Removal of collar bone	12.08	NA	14.52	1.48	NA	28.08	090
23210	A	Removal of shoulder blade	12.49	NA	14.47	1.61	NA	28.57	090
23220	A	Partial removal of humerus	14.56	NA	15.73	2.03	NA	32.32	090
23221	A	Partial removal of humerus	17.74	NA	17.13	2.51	NA	37.38	090
23222	A	Partial removal of humerus	23.92	NA	21.02	3.37	NA	48.31	090
23330	A	Remove shoulder foreign body	1.85	5.75	3.77	0.18	7.78	5.80	010
23331	A	Remove shoulder foreign body	7.38	NA	10.06	1.02	NA	18.46	090
23332	A	Remove shoulder foreign body	11.62	NA	12.40	1.62	NA	25.64	090
23350	A	Injection for shoulder x-ray	1.00	7.30	0.34	0.05	8.35	1.39	000
23395	A	Muscle transfer, shoulder/arm	16.85	NA	14.27	2.29	NA	33.41	090
23397	A	Muscle transfers	16.13	NA	14.61	2.24	NA	32.98	090
23400	A	Fixation of shoulder blade	13.54	NA	14.58	1.91	NA	30.03	090
23405	A	Incision of tendon & muscle	8.37	NA	9.69	1.12	NA	19.18	090
23406	A	Incise tendon(s) & muscle(s)	10.79	NA	11.89	1.48	NA	24.16	090
23410	A	Repair rotator cuff, acute	12.45	NA	12.81	1.72	NA	26.98	090
23412	A	Repair rotator cuff, chronic	13.31	NA	13.32	1.86	NA	28.49	090
23415	A	Release of shoulder ligament	9.97	NA	10.45	1.39	NA	21.81	090
23420	A	Repair of shoulder	13.30	NA	14.31	1.86	NA	29.47	090
23430	A	Repair biceps tendon	9.98	NA	11.50	1.40	NA	22.88	090
23440	A	Remove/transplant tendon	10.48	NA	11.82	1.47	NA	23.77	090
23450	A	Repair shoulder capsule	13.40	NA	13.30	1.86	NA	28.56	090
23455	A	Repair shoulder capsule	14.37	NA	13.88	2.01	NA	30.26	090
23460	A	Repair shoulder capsule	15.37	NA	14.46	2.17	NA	32.00	090
23462	A	Repair shoulder capsule	15.30	NA	14.13	2.16	NA	31.59	090
23465	A	Repair shoulder capsule	15.85	NA	14.31	1.61	NA	31.77	090
23466	A	Repair shoulder capsule	14.22	NA	13.84	2.00	NA	30.06	090
23470	A	Reconstruct shoulder joint	17.15	NA	12.42	2.40	NA	31.97	090
23472	A	Reconstruct shoulder joint	21.10	NA	14.64	2.37	NA	38.11	090
23480	A	Revision of collar bone	11.18	NA	12.16	1.56	NA	24.90	090
23485	A	Revision of collar bone	13.43	NA	13.35	1.84	NA	28.62	090
23490	A	Reinforce clavicle	11.86	NA	12.24	1.11	NA	25.21	090
23491	A	Reinforce shoulder bones	14.21	NA	13.76	2.00	NA	29.97	090
23500	A	Treat clavicle fracture	2.08	4.08	2.60	0.26	6.42	4.94	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
23505	A	Treat clavicle fracture	3.69	6.20	4.12	0.50	10.39	8.31	090
23515	A	Treat clavicle fracture	7.41	NA	8.43	1.03	NA	16.87	090
23520	A	Treat clavicle dislocation	2.16	4.12	2.68	0.26	6.54	5.10	090
23525	A	Treat clavicle dislocation	3.60	6.00	3.98	0.44	10.04	8.02	090
23530	A	Treat clavicle dislocation	7.31	NA	8.20	0.85	NA	16.36	090
23532	A	Treat clavicle dislocation	8.01	NA	8.60	1.13	NA	17.74	090
23540	A	Treat clavicle dislocation	2.23	4.68	2.57	0.24	7.15	5.04	090
23545	A	Treat clavicle dislocation	3.25	5.26	3.69	0.39	8.90	7.33	090
23550	A	Treat clavicle dislocation	7.24	NA	8.37	0.94	NA	16.55	090
23552	A	Treat clavicle dislocation	8.45	NA	9.03	1.18	NA	18.66	090
23570	A	Treat shoulder blade fx	2.23	4.06	2.77	0.29	6.58	5.29	090
23575	A	Treat shoulder blade fx	4.06	6.41	4.37	0.53	11.00	8.96	090
23585	A	Treat scapula fracture	8.96	NA	9.58	1.25	NA	19.79	090
23600	A	Treat humerus fracture	2.93	5.91	3.74	0.39	9.23	7.06	090
23605	A	Treat humerus fracture	4.87	8.79	6.83	0.67	14.33	12.37	090
23615	A	Treat humerus fracture	9.35	NA	10.47	1.31	NA	21.13	090
23616	A	Treat humerus fracture	21.27	NA	16.24	2.98	NA	40.49	090
23620	A	Treat humerus fracture	2.40	5.62	3.47	0.32	8.34	6.19	090
23625	A	Treat humerus fracture	3.93	7.75	5.75	0.53	12.21	10.21	090
23630	A	Treat humerus fracture	7.35	NA	8.44	1.03	NA	16.82	090
23650	A	Treat shoulder dislocation	3.39	5.74	3.58	0.31	9.44	7.28	090
23655	A	Treat shoulder dislocation	4.57	NA	4.38	0.52	NA	9.47	090
23660	A	Treat shoulder dislocation	7.49	NA	8.24	1.01	NA	16.74	090
23665	A	Treat dislocation/fracture	4.47	7.93	5.99	0.60	13.00	11.06	090
23670	A	Treat dislocation/fracture	7.90	NA	8.93	1.10	NA	17.93	090
23675	A	Treat dislocation/fracture	6.05	8.66	6.87	0.83	15.54	13.75	090
23680	A	Treat dislocation/fracture	10.06	NA	10.06	1.39	NA	21.51	090
23700	A	Fixation of shoulder	2.52	NA	3.65	0.35	NA	6.52	010
23800	A	Fusion of shoulder joint	14.16	NA	14.66	1.97	NA	30.79	090
23802	A	Fusion of shoulder joint	16.60	NA	13.91	2.34	NA	32.85	090
23900	A	Amputation of arm & girdle	19.72	NA	15.69	2.47	NA	37.88	090
23920	A	Amputation at shoulder joint	14.61	NA	14.02	1.92	NA	30.55	090
23921	A	Amputation follow-up surgery	5.49	NA	6.90	0.78	NA	13.17	090
23929	C	Shoulder surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
23930	A	Drainage of arm lesion	2.94	6.19	4.05	0.32	9.45	7.31	010
23931	A	Drainage of arm bursa	1.79	5.97	3.88	0.21	7.97	5.88	010
23935	A	Drain arm/elbow bone lesion	6.09	NA	13.61	0.84	NA	20.54	090
24000	A	Exploratory elbow surgery	5.82	NA	6.17	0.77	NA	12.76	090
24006	A	Release elbow joint	9.31	NA	8.70	1.27	NA	19.28	090
24065	A	Biopsy arm/elbow soft tissue	2.08	5.87	3.35	0.14	8.09	5.57	010
24066	A	Biopsy arm/elbow soft tissue	5.21	8.94	6.82	0.61	14.76	12.64	090
24075	A	Remove arm/elbow lesion	3.92	8.20	6.14	0.43	12.55	10.49	090
24076	A	Remove arm/elbow lesion	6.30	NA	7.34	0.70	NA	14.34	090
24077	A	Remove tumor of arm/elbow	11.76	NA	13.78	1.32	NA	26.86	090
24100	A	Biopsy elbow joint lining	4.93	NA	5.79	0.62	NA	11.34	090
24101	A	Explore/treat elbow joint	6.13	NA	6.96	0.84	NA	13.93	090
24102	A	Remove elbow joint lining	8.03	NA	7.95	1.09	NA	17.07	090
24105	A	Removal of elbow bursa	3.61	NA	5.38	0.49	NA	9.48	090
24110	A	Remove humerus lesion	7.39	NA	10.13	0.99	NA	18.51	090
24115	A	Remove/graft bone lesion	9.63	NA	10.52	1.15	NA	21.30	090
24116	A	Remove/graft bone lesion	11.81	NA	12.57	1.66	NA	26.04	090
24120	A	Remove elbow lesion	6.65	NA	6.95	0.87	NA	14.47	090
24125	A	Remove/graft bone lesion	7.89	NA	7.28	0.88	NA	16.05	090
24126	A	Remove/graft bone lesion	8.31	NA	8.03	0.90	NA	17.24	090
24130	A	Removal of head of radius	6.25	NA	7.05	0.87	NA	14.17	090
24134	A	Removal of arm bone lesion	9.73	NA	16.46	1.31	NA	27.50	090
24136	A	Remove radius bone lesion	7.99	NA	6.55	0.85	NA	15.39	090
24138	A	Remove elbow bone lesion	8.05	NA	8.03	1.12	NA	17.20	090
24140	A	Partial removal of arm bone	9.18	NA	17.56	1.23	NA	27.97	090
24145	A	Partial removal of radius	7.58	NA	11.64	1.01	NA	20.23	090
24147	A	Partial removal of elbow	7.54	NA	11.64	1.04	NA	20.22	090
24149	A	Radical resection of elbow	14.20	NA	11.19	1.90	NA	27.29	090
24150	A	Extensive humerus surgery	13.27	NA	15.23	1.81	NA	30.31	090
24151	A	Extensive humerus surgery	15.58	NA	16.96	2.19	NA	34.73	090
24152	A	Extensive radius surgery	10.06	NA	9.83	1.19	NA	21.08	090
24153	A	Extensive radius surgery	11.54	NA	7.06	0.64	NA	19.24	090
24155	A	Removal of elbow joint	11.73	NA	9.42	1.42	NA	22.57	090
24160	A	Remove elbow joint implant	7.83	NA	6.95	1.07	NA	15.85	090
24164	A	Remove radius head implant	6.23	NA	5.95	0.84	NA	13.02	090
24200	A	Removal of arm foreign body	1.76	5.73	3.35	0.15	7.64	5.26	010
24201	A	Removal of arm foreign body	4.56	8.91	7.06	0.56	14.03	12.18	090
24220	A	Injection for elbow x-ray	1.31	11.02	0.46	0.07	12.40	1.84	000
24300	A	Manipulate elbow w/anesth	3.75	NA	5.53	0.49	NA	9.77	090
24301	A	Muscle/tendon transfer	10.20	NA	9.22	1.30	NA	20.72	090
24305	A	Arm tendon lengthening	7.45	NA	7.79	0.98	NA	16.22	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
24310	A	Revision of arm tendon	5.98	NA	8.53	0.74	NA	15.25	090
24320	A	Repair of arm tendon	10.56	NA	11.05	1.00	NA	22.61	090
24330	A	Revision of arm muscles	9.60	NA	8.87	1.21	NA	19.68	090
24331	A	Revision of arm muscles	10.65	NA	9.48	1.41	NA	21.54	090
24332	A	Tenolysis, triceps	7.45	NA	5.21	0.77	NA	13.43	090
24340	A	Repair of biceps tendon	7.89	NA	7.86	1.08	NA	16.83	090
24341	A	Repair arm tendon/muscle	7.90	NA	7.86	1.08	NA	16.84	090
24342	A	Repair of ruptured tendon	10.62	NA	9.44	1.48	NA	21.54	090
24343	A	Repr elbow lat ligmnt w/tiss	8.65	NA	7.89	1.13	NA	17.67	090
24344	A	Reconstruct elbow lat ligmnt	14.00	NA	11.18	1.83	NA	27.01	090
24345	A	Repr elbow med ligmnt w/tissu	8.65	NA	7.89	1.13	NA	17.67	090
24346	A	Reconstruct elbow med ligmnt	14.00	NA	11.18	1.83	NA	27.01	090
24350	A	Repair of tennis elbow	5.25	NA	6.44	0.72	NA	12.41	090
24351	A	Repair of tennis elbow	5.91	NA	6.93	0.82	NA	13.66	090
24352	A	Repair of tennis elbow	6.43	NA	7.19	0.90	NA	14.52	090
24354	A	Repair of tennis elbow	6.48	NA	7.15	0.88	NA	14.51	090
24356	A	Revision of tennis elbow	6.68	NA	7.33	0.90	NA	14.91	090
24360	A	Reconstruct elbow joint	12.34	NA	9.65	1.69	NA	23.68	090
24361	A	Reconstruct elbow joint	14.08	NA	10.64	1.95	NA	26.67	090
24362	A	Reconstruct elbow joint	14.99	NA	12.41	1.92	NA	29.32	090
24363	A	Replace elbow joint	18.49	NA	11.53	2.52	NA	32.54	090
24365	A	Reconstruct head of radius	8.39	NA	7.31	1.11	NA	16.81	090
24366	A	Reconstruct head of radius	9.13	NA	7.69	1.28	NA	18.10	090
24400	A	Revision of humerus	11.06	NA	12.99	1.53	NA	25.58	090
24410	A	Revision of humerus	14.82	NA	14.11	1.89	NA	30.82	090
24420	A	Revision of humerus	13.44	NA	17.27	1.82	NA	32.53	090
24430	A	Repair of humerus	12.81	NA	13.18	1.80	NA	27.79	090
24435	A	Repair humerus with graft	13.17	NA	14.37	1.84	NA	29.38	090
24470	A	Revision of elbow joint	8.74	NA	8.50	1.23	NA	18.47	090
24495	A	Decompression of forearm	8.12	NA	10.28	0.92	NA	19.32	090
24498	A	Reinforce humerus	11.92	NA	12.68	1.67	NA	26.27	090
24500	A	Treat humerus fracture	3.21	5.31	3.38	0.41	8.93	7.00	090
24505	A	Treat humerus fracture	5.17	9.31	7.10	0.72	15.20	12.99	090
24515	A	Treat humerus fracture	11.65	NA	11.58	1.63	NA	24.86	090
24516	A	Treat humerus fracture	11.65	NA	12.14	1.63	NA	25.42	090
24530	A	Treat humerus fracture	3.50	6.52	4.97	0.47	10.49	8.94	090
24535	A	Treat humerus fracture	6.87	9.14	6.89	0.96	16.97	14.72	090
24538	A	Treat humerus fracture	9.43	NA	10.85	1.25	NA	21.53	090
24545	A	Treat humerus fracture	10.46	NA	10.37	1.47	NA	22.30	090
24546	A	Treat humerus fracture	15.69	NA	13.83	2.18	NA	31.70	090
24560	A	Treat humerus fracture	2.80	5.10	3.16	0.35	8.25	6.31	090
24565	A	Treat humerus fracture	5.56	8.24	6.05	0.74	14.54	12.35	090
24566	A	Treat humerus fracture	7.79	NA	10.34	1.10	NA	19.23	090
24575	A	Treat humerus fracture	10.66	NA	8.43	1.44	NA	20.53	090
24576	A	Treat humerus fracture	2.86	4.85	3.31	0.38	8.09	6.55	090
24577	A	Treat humerus fracture	5.79	8.47	6.32	0.81	15.07	12.92	090
24579	A	Treat humerus fracture	11.60	NA	11.31	1.62	NA	24.53	090
24582	A	Treat humerus fracture	8.55	NA	10.77	1.20	NA	20.52	090
24586	A	Treat elbow fracture	15.21	NA	11.05	2.12	NA	28.38	090
24587	A	Treat elbow fracture	15.16	NA	10.88	2.14	NA	28.18	090
24600	A	Treat elbow dislocation	4.23	7.12	5.11	0.49	11.84	9.83	090
24605	A	Treat elbow dislocation	5.42	NA	5.09	0.72	NA	11.23	090
24615	A	Treat elbow dislocation	9.42	NA	7.97	1.31	NA	18.70	090
24620	A	Treat elbow fracture	6.98	NA	6.71	0.90	NA	14.59	090
24635	A	Treat elbow fracture	13.19	NA	16.64	1.84	NA	31.67	090
24640	A	Treat elbow dislocation	1.20	3.54	1.84	0.11	4.85	3.15	010
24650	A	Treat radius fracture	2.16	4.81	2.92	0.28	7.25	5.36	090
24655	A	Treat radius fracture	4.40	7.66	5.41	0.58	12.64	10.39	090
24665	A	Treat radius fracture	8.14	NA	9.72	1.13	NA	18.99	090
24666	A	Treat radius fracture	9.49	NA	10.48	1.32	NA	21.29	090
24670	A	Treat ulnar fracture	2.54	4.71	3.13	0.33	7.58	6.00	090
24675	A	Treat ulnar fracture	4.72	7.86	5.68	0.65	13.23	11.05	090
24685	A	Treat ulnar fracture	8.80	NA	10.08	1.23	NA	20.11	090
24800	A	Fusion of elbow joint	11.20	NA	9.94	1.41	NA	22.55	090
24802	A	Fusion/graft of elbow joint	13.69	NA	11.56	1.89	NA	27.14	090
24900	A	Amputation of upper arm	9.60	NA	11.21	1.18	NA	21.99	090
24920	A	Amputation of upper arm	9.54	NA	12.82	1.22	NA	23.58	090
24925	A	Amputation follow-up surgery	7.07	NA	9.68	0.95	NA	17.70	090
24930	A	Amputation follow-up surgery	10.25	NA	11.78	1.23	NA	23.26	090
24931	A	Amputate upper arm & implant	12.72	NA	9.23	1.56	NA	23.51	090
24935	A	Revision of amputation	15.56	NA	12.63	1.58	NA	29.77	090
24940	C	Revision of upper arm	0.00	0.00	0.00	0.00	0.00	0.00	090
24999	C	Upper arm/elbow surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
25000	A	Incision of tendon sheath	3.38	NA	7.59	0.45	NA	11.42	090
25001	A	Incise flexor carpi radialis	3.38	NA	4.37	0.45	NA	8.20	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
25020	A	Decompress forearm 1 space	5.92	NA	11.38	0.76	NA	18.06	090
25023	A	Decompress forearm 1 space	12.96	NA	17.36	1.52	NA	31.84	090
25024	A	Decompress forearm 2 spaces	9.50	NA	8.08	1.24	NA	18.82	090
25025	A	Decompress forearm 2 spaces	16.54	NA	11.75	2.18	NA	30.47	090
25028	A	Drainage of forearm lesion	5.25	NA	10.17	0.61	NA	16.03	090
25031	A	Drainage of forearm bursa	4.14	NA	10.14	0.50	NA	14.78	090
25035	A	Treat forearm bone lesion	7.36	NA	16.87	0.98	NA	25.21	090
25040	A	Explore/treat wrist joint	7.18	NA	9.48	0.96	NA	17.62	090
25065	A	Biopsy forearm soft tissues	1.99	2.58	2.58	0.12	4.69	4.69	010
25066	A	Biopsy forearm soft tissues	4.13	NA	8.42	0.49	NA	13.04	090
25075	A	Remove forearm lesion subcu	3.74	NA	7.39	0.40	NA	11.53	090
25076	A	Remove forearm lesion deep	4.92	NA	12.88	0.59	NA	18.39	090
25077	A	Remove tumor, forearm/wrist	9.76	NA	15.51	1.10	NA	26.37	090
25085	A	Incision of wrist capsule	5.50	NA	11.29	0.71	NA	17.50	090
25100	A	Biopsy of wrist joint	3.90	NA	7.66	0.50	NA	12.06	090
25101	A	Explore/treat wrist joint	4.69	NA	8.02	0.60	NA	13.31	090
25105	A	Remove wrist joint lining	5.85	NA	11.25	0.77	NA	17.87	090
25107	A	Remove wrist joint cartilage	6.43	NA	11.62	0.82	NA	18.87	090
25110	A	Remove wrist tendon lesion	3.92	NA	8.62	0.48	NA	13.02	090
25111	A	Remove wrist tendon lesion	3.39	NA	6.67	0.42	NA	10.48	090
25112	A	Reremove wrist tendon lesion	4.53	NA	7.49	0.54	NA	12.56	090
25115	A	Remove wrist/forearm lesion	8.82	NA	17.36	1.11	NA	27.29	090
25116	A	Remove wrist/forearm lesion	7.11	NA	16.36	0.90	NA	24.37	090
25118	A	Excise wrist tendon sheath	4.37	NA	8.09	0.55	NA	13.01	090
25119	A	Partial removal of ulna	6.04	NA	11.54	0.80	NA	18.38	090
25120	A	Removal of forearm lesion	6.10	NA	15.31	0.81	NA	22.22	090
25125	A	Remove/graft forearm lesion	7.48	NA	16.39	1.02	NA	24.89	090
25126	A	Remove/graft forearm lesion	7.55	NA	15.93	1.00	NA	24.48	090
25130	A	Removal of wrist lesion	5.26	NA	8.44	0.66	NA	14.36	090
25135	A	Remove & graft wrist lesion	6.89	NA	9.27	0.89	NA	17.05	090
25136	A	Remove & graft wrist lesion	5.97	NA	8.50	0.58	NA	15.05	090
25145	A	Remove forearm bone lesion	6.37	NA	15.73	0.82	NA	22.92	090
25150	A	Partial removal of ulna	7.09	NA	12.28	0.96	NA	20.33	090
25151	A	Partial removal of radius	7.39	NA	16.28	0.93	NA	24.60	090
25170	A	Extensive forearm surgery	11.09	NA	17.76	1.52	NA	30.37	090
25210	A	Removal of wrist bone	5.95	NA	8.84	0.73	NA	15.52	090
25215	A	Removal of wrist bones	7.89	NA	12.52	1.02	NA	21.43	090
25230	A	Partial removal of radius	5.23	NA	8.35	0.66	NA	14.24	090
25240	A	Partial removal of ulna	5.17	NA	11.07	0.69	NA	16.93	090
25246	A	Injection for wrist x-ray	1.45	10.27	0.50	0.07	11.79	2.02	000
25248	A	Remove forearm foreign body	5.14	NA	10.23	0.54	NA	15.91	090
25250	A	Removal of wrist prosthesis	6.60	NA	6.19	0.84	NA	13.63	090
25251	A	Removal of wrist prosthesis	9.57	NA	8.08	1.15	NA	18.80	090
25259	A	Manipulate wrist w/anesthes	3.75	NA	5.46	0.50	NA	9.71	090
25260	A	Repair forearm tendon/muscle	7.80	NA	17.12	0.97	NA	25.89	090
25263	A	Repair forearm tendon/muscle	7.82	NA	16.99	0.94	NA	25.75	090
25265	A	Repair forearm tendon/muscle	9.88	NA	17.71	1.19	NA	28.78	090
25270	A	Repair forearm tendon/muscle	6.00	NA	16.17	0.76	NA	22.93	090
25272	A	Repair forearm tendon/muscle	7.04	NA	16.74	0.89	NA	24.67	090
25274	A	Repair forearm tendon/muscle	8.75	NA	17.17	1.14	NA	27.06	090
25275	A	Repair forearm tendon sheath	8.50	NA	7.44	1.13	NA	17.07	090
25280	A	Revise wrist/forearm tendon	7.22	NA	16.29	0.91	NA	24.42	090
25290	A	Incise wrist/forearm tendon	5.29	NA	18.62	0.66	NA	24.57	090
25295	A	Release wrist/forearm tendon	6.55	NA	15.93	0.86	NA	23.34	090
25300	A	Fusion of tendons at wrist	8.80	NA	10.06	1.07	NA	19.93	090
25301	A	Fusion of tendons at wrist	8.40	NA	9.98	1.08	NA	19.46	090
25310	A	Transplant forearm tendon	8.14	NA	16.74	1.01	NA	25.89	090
25312	A	Transplant forearm tendon	9.57	NA	17.49	1.22	NA	28.28	090
25315	A	Revise palsy hand tendon(s)	10.20	NA	18.31	1.26	NA	29.77	090
25316	A	Revise palsy hand tendon(s)	12.33	NA	19.71	1.74	NA	33.78	090
25320	A	Repair/revise wrist joint	10.77	NA	11.50	1.32	NA	23.59	090
25332	A	Revise wrist joint	11.41	NA	9.34	1.46	NA	22.21	090
25335	A	Realignment of hand	12.88	NA	14.95	1.66	NA	29.49	090
25337	A	Reconstruct ulna/radioulnar	10.17	NA	13.85	1.31	NA	25.33	090
25350	A	Revision of radius	8.78	NA	16.98	1.17	NA	26.93	090
25355	A	Revision of radius	10.17	NA	17.60	1.44	NA	29.21	090
25360	A	Revision of ulna	8.43	NA	16.89	1.17	NA	26.49	090
25365	A	Revise radius & ulna	12.40	NA	18.51	1.67	NA	32.58	090
25370	A	Revise radius or ulna	13.36	NA	18.42	1.88	NA	33.66	090
25375	A	Revise radius & ulna	13.04	NA	19.42	1.84	NA	34.30	090
25390	A	Shorten radius or ulna	10.40	NA	17.69	1.38	NA	29.47	090
25391	A	Lengthen radius or ulna	13.65	NA	19.37	1.73	NA	34.75	090
25392	A	Shorten radius & ulna	13.95	NA	18.37	1.73	NA	34.05	090
25393	A	Lengthen radius & ulna	15.87	NA	20.63	1.87	NA	38.37	090
25394	A	Repair carpal bone, shorten	10.40	NA	8.29	1.40	NA	20.09	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
25400	A	Repair radius or ulna	10.92	NA	18.22	1.50	NA	30.64	090
25405	A	Repair/graft radius or ulna	14.38	NA	20.48	1.95	NA	36.81	090
25415	A	Repair radius & ulna	13.35	NA	19.39	1.87	NA	34.61	090
25420	A	Repair/graft radius & ulna	16.33	NA	21.34	2.20	NA	39.87	090
25425	A	Repair/graft radius or ulna	13.21	NA	26.80	1.61	NA	41.62	090
25426	A	Repair/graft radius & ulna	15.82	NA	20.12	2.23	NA	38.17	090
25430	A	Vasc graft into carpal bone	9.25	NA	7.62	1.07	NA	17.94	090
25431	A	Repair nonunion carpal bone	10.44	NA	6.38	0.56	NA	17.38	090
25440	A	Repair/graft wrist bone	10.44	NA	11.25	1.41	NA	23.10	090
25441	A	Reconstruct wrist joint	12.90	NA	10.14	1.83	NA	24.87	090
25442	A	Reconstruct wrist joint	10.85	NA	9.00	1.24	NA	21.09	090
25443	A	Reconstruct wrist joint	10.39	NA	8.89	1.30	NA	20.58	090
25444	A	Reconstruct wrist joint	11.15	NA	9.17	1.43	NA	21.75	090
25445	A	Reconstruct wrist joint	9.69	NA	8.18	1.26	NA	19.13	090
25446	A	Wrist replacement	16.55	NA	12.17	2.20	NA	30.92	090
25447	A	Repair wrist joint(s)	10.37	NA	8.76	1.34	NA	20.47	090
25449	A	Remove wrist joint implant	14.49	NA	10.89	1.77	NA	27.15	090
25450	A	Revision of wrist joint	7.87	NA	13.09	0.88	NA	21.84	090
25455	A	Revision of wrist joint	9.49	NA	14.28	1.07	NA	24.84	090
25490	A	Reinforce radius	9.54	NA	16.71	1.19	NA	27.44	090
25491	A	Reinforce ulna	9.96	NA	17.58	1.41	NA	28.95	090
25492	A	Reinforce radius and ulna	12.33	NA	18.06	1.62	NA	32.01	090
25500	A	Treat fracture of radius	2.45	4.37	2.93	0.28	7.10	5.66	090
25505	A	Treat fracture of radius	5.21	8.04	5.81	0.69	13.94	11.71	090
25515	A	Treat fracture of radius	9.18	NA	10.00	1.22	NA	20.40	090
25520	A	Treat fracture of radius	6.26	8.23	6.43	0.85	15.34	13.54	090
25525	A	Treat fracture of radius	12.24	NA	11.92	1.68	NA	25.84	090
25526	A	Treat fracture of radius	12.98	NA	15.40	1.80	NA	30.18	090
25530	A	Treat fracture of ulna	2.09	4.42	2.92	0.27	6.78	5.28	090
25535	A	Treat fracture of ulna	5.14	7.81	5.86	0.68	13.63	11.68	090
25545	A	Treat fracture of ulna	8.90	NA	10.14	1.23	NA	20.27	090
25560	A	Treat fracture radius & ulna	2.44	4.41	2.90	0.27	7.12	5.61	090
25565	A	Treat fracture radius & ulna	5.63	8.28	6.02	0.76	14.67	12.41	090
25574	A	Treat fracture radius & ulna	7.01	NA	9.05	0.96	NA	17.02	090
25575	A	Treat fracture radius/ulna	10.45	NA	10.98	1.46	NA	22.89	090
25600	A	Treat fracture radius/ulna	2.63	4.75	3.11	0.34	7.72	6.08	090
25605	A	Treat fracture radius/ulna	5.81	8.51	6.27	0.81	15.13	12.89	090
25611	A	Treat fracture radius/ulna	7.77	NA	10.37	1.08	NA	19.22	090
25620	A	Treat fracture radius/ulna	8.55	NA	9.91	1.17	NA	19.63	090
25622	A	Treat wrist bone fracture	2.61	4.70	3.08	0.33	7.64	6.02	090
25624	A	Treat wrist bone fracture	4.53	7.73	5.49	0.61	12.87	10.63	090
25628	A	Treat wrist bone fracture	8.43	NA	9.95	1.14	NA	19.52	090
25630	A	Treat wrist bone fracture	2.88	4.86	3.14	0.37	8.11	6.39	090
25635	A	Treat wrist bone fracture	4.39	7.68	4.75	0.39	12.46	9.53	090
25645	A	Treat wrist bone fracture	7.25	NA	9.47	0.93	NA	17.65	090
25650	A	Treat wrist bone fracture	3.05	4.91	3.21	0.37	8.33	6.63	090
25651	A	Pin ulnar styloid fracture	5.36	NA	5.69	0.72	NA	11.77	090
25652	A	Treat fracture ulnar styloid	7.60	NA	6.85	1.02	NA	15.47	090
25660	A	Treat wrist dislocation	4.76	NA	5.49	0.59	NA	10.84	090
25670	A	Treat wrist dislocation	7.92	NA	9.73	1.07	NA	18.72	090
25671	A	Pin radioulnar dislocation	6.00	NA	6.02	0.81	NA	12.83	090
25675	A	Treat wrist dislocation	4.67	7.52	5.43	0.57	12.76	10.67	090
25676	A	Treat wrist dislocation	8.04	NA	9.78	1.10	NA	18.92	090
25680	A	Treat wrist fracture	5.99	NA	6.48	0.61	NA	13.08	090
25685	A	Treat wrist fracture	9.78	NA	10.44	1.25	NA	21.47	090
25690	A	Treat wrist dislocation	5.50	NA	7.21	0.78	NA	13.49	090
25695	A	Treat wrist dislocation	8.34	NA	9.86	1.07	NA	19.27	090
25800	A	Fusion of wrist joint	9.76	NA	10.92	1.30	NA	21.98	090
25805	A	Fusion/graft of wrist joint	11.28	NA	11.81	1.51	NA	24.60	090
25810	A	Fusion/graft of wrist joint	10.57	NA	11.34	1.37	NA	23.28	090
25820	A	Fusion of hand bones	7.45	NA	9.68	0.96	NA	18.09	090
25825	A	Fuse hand bones with graft	9.27	NA	10.66	1.20	NA	21.13	090
25830	A	Fusion, radioulnar jnt/ulna	10.06	NA	17.12	1.27	NA	28.45	090
25900	A	Amputation of forearm	9.01	NA	14.48	1.08	NA	24.57	090
25905	A	Amputation of forearm	9.12	NA	15.75	1.06	NA	25.93	090
25907	A	Amputation follow-up surgery	7.80	NA	15.19	1.01	NA	24.00	090
25909	A	Amputation follow-up surgery	8.96	NA	15.62	1.07	NA	25.65	090
25915	A	Amputation of forearm	17.08	NA	23.14	2.41	NA	42.63	090
25920	A	Amputate hand at wrist	8.68	NA	9.91	1.06	NA	19.65	090
25922	A	Amputate hand at wrist	7.42	NA	9.06	0.93	NA	17.41	090
25924	A	Amputation follow-up surgery	8.46	NA	10.25	1.07	NA	19.78	090
25927	A	Amputation of hand	8.80	NA	14.18	1.02	NA	24.00	090
25929	A	Amputation follow-up surgery	7.59	NA	7.83	0.89	NA	16.31	090
25931	A	Amputation follow-up surgery	7.81	NA	15.09	0.88	NA	23.78	090
25999	C	Forearm or wrist surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
26010	A	Drainage of finger abscess	1.54	5.97	1.78	0.14	7.65	3.46	010
26011	A	Drainage of finger abscess	2.19	12.48	2.48	0.25	14.92	4.92	010
26020	A	Drain hand tendon sheath	4.67	NA	5.31	0.59	NA	10.57	090
26025	A	Drainage of palm bursa	4.82	NA	5.18	0.60	NA	10.60	090
26030	A	Drainage of palm bursa(s)	5.93	NA	5.85	0.72	NA	12.50	090
26034	A	Treat hand bone lesion	6.23	NA	6.04	0.79	NA	13.06	090
26035	A	Decompress fingers/hand	9.51	NA	7.99	1.12	NA	18.62	090
26037	A	Decompress fingers/hand	7.25	NA	6.48	0.87	NA	14.60	090
26040	A	Release palm contracture	3.33	NA	3.75	0.45	NA	7.53	090
26045	A	Release palm contracture	5.56	NA	5.30	0.74	NA	11.60	090
26055	A	Incise finger tendon sheath	2.69	15.46	3.59	0.36	18.51	6.64	090
26060	A	Incision of finger tendon	2.81	NA	3.28	0.35	NA	6.44	090
26070	A	Explore/treat hand joint	3.69	NA	3.32	0.35	NA	7.36	090
26075	A	Explore/treat finger joint	3.79	NA	3.67	0.40	NA	7.86	090
26080	A	Explore/treat finger joint	4.24	NA	4.58	0.52	NA	9.34	090
26100	A	Biopsy hand joint lining	3.67	NA	3.90	0.45	NA	8.02	090
26105	A	Biopsy finger joint lining	3.71	NA	3.93	0.45	NA	8.09	090
26110	A	Biopsy finger joint lining	3.53	NA	3.80	0.44	NA	7.77	090
26115	A	Remove hand lesion subcut	3.86	14.42	4.43	0.48	18.76	8.77	090
26116	A	Remove hand lesion, deep	5.53	NA	5.66	0.69	NA	11.88	090
26117	A	Remove tumor, hand/finger	8.55	NA	6.94	1.01	NA	16.50	090
26121	A	Release palm contracture	7.54	NA	6.72	0.94	NA	15.20	090
26123	A	Release palm contracture	9.29	NA	8.65	1.17	NA	19.11	090
26125	A	Release palm contracture	4.61	NA	2.51	0.57	NA	7.69	ZZZ
26130	A	Remove wrist joint lining	5.42	NA	5.12	0.65	NA	11.19	090
26135	A	Revise finger joint, each	6.96	NA	6.20	0.87	NA	14.03	090
26140	A	Revise finger joint, each	6.17	NA	5.75	0.76	NA	12.68	090
26145	A	Tendon excision, palm/finger	6.32	NA	5.78	0.77	NA	12.87	090
26160	A	Remove tendon sheath lesion	3.15	18.94	3.86	0.39	22.48	7.40	090
26170	A	Removal of palm tendon, each	4.77	NA	4.72	0.60	NA	10.09	090
26180	A	Removal of finger tendon	5.18	NA	5.10	0.64	NA	10.92	090
26185	A	Remove finger bone	5.25	NA	5.62	0.67	NA	11.54	090
26200	A	Remove hand bone lesion	5.51	NA	5.14	0.71	NA	11.36	090
26205	A	Remove/graft bone lesion	7.70	NA	6.69	0.95	NA	15.34	090
26210	A	Removal of finger lesion	5.15	NA	5.12	0.64	NA	10.91	090
26215	A	Remove/graft finger lesion	7.10	NA	6.07	0.77	NA	13.94	090
26230	A	Partial removal of hand bone	6.33	NA	5.68	0.84	NA	12.85	090
26235	A	Partial removal, finger bone	6.19	NA	5.62	0.78	NA	12.59	090
26236	A	Partial removal, finger bone	5.32	NA	5.17	0.66	NA	11.15	090
26250	A	Extensive hand surgery	7.55	NA	6.23	0.92	NA	14.70	090
26255	A	Extensive hand surgery	12.43	NA	9.26	1.05	NA	22.74	090
26260	A	Extensive finger surgery	7.03	NA	5.98	0.83	NA	13.84	090
26261	A	Extensive finger surgery	9.09	NA	6.22	0.84	NA	16.15	090
26262	A	Partial removal of finger	5.67	NA	5.18	0.70	NA	11.55	090
26320	A	Removal of implant from hand	3.98	NA	4.50	0.49	NA	8.97	090
26340	A	Manipulate finger w/anesth	2.50	NA	4.64	0.30	NA	7.44	090
26350	A	Repair finger/hand tendon	5.99	NA	20.03	0.73	NA	26.75	090
26352	A	Repair/graft hand tendon	7.68	NA	20.50	0.93	NA	29.11	090
26356	A	Repair finger/hand tendon	8.07	NA	21.49	0.99	NA	30.55	090
26357	A	Repair finger/hand tendon	8.58	NA	21.19	1.02	NA	30.79	090
26358	A	Repair/graft hand tendon	9.14	NA	21.74	1.07	NA	31.95	090
26370	A	Repair finger/hand tendon	7.11	NA	20.67	0.90	NA	28.68	090
26372	A	Repair/graft hand tendon	8.76	NA	22.00	1.06	NA	31.82	090
26373	A	Repair finger/hand tendon	8.16	NA	21.56	0.98	NA	30.70	090
26390	A	Revise hand/finger tendon	9.19	NA	16.75	1.09	NA	27.03	090
26392	A	Repair/graft hand tendon	10.26	NA	22.55	1.26	NA	34.07	090
26410	A	Repair hand tendon	4.63	NA	16.30	0.57	NA	21.50	090
26412	A	Repair/graft hand tendon	6.31	NA	17.39	0.80	NA	24.50	090
26415	A	Excision, hand/finger tendon	8.34	NA	15.90	0.77	NA	25.01	090
26416	A	Graft hand or finger tendon	9.37	NA	18.56	1.20	NA	29.13	090
26418	A	Repair finger tendon	4.25	NA	16.13	0.50	NA	20.88	090
26420	A	Repair/graft finger tendon	6.77	NA	17.69	0.83	NA	25.29	090
26426	A	Repair finger/hand tendon	6.15	NA	17.16	0.77	NA	24.08	090
26428	A	Repair/graft finger tendon	7.21	NA	18.24	0.84	NA	26.29	090
26432	A	Repair finger tendon	4.02	NA	13.36	0.48	NA	17.86	090
26433	A	Repair finger tendon	4.56	NA	14.27	0.56	NA	19.39	090
26434	A	Repair/graft finger tendon	6.09	NA	14.67	0.71	NA	21.47	090
26437	A	Realignment of tendons	5.82	NA	14.40	0.74	NA	20.96	090
26440	A	Release palm/finger tendon	5.02	NA	18.87	0.62	NA	24.51	090
26442	A	Release palm & finger tendon	8.16	NA	20.31	0.94	NA	29.41	090
26445	A	Release hand/finger tendon	4.31	NA	18.71	0.54	NA	23.56	090
26449	A	Release forearm/hand tendon	7.00	NA	20.02	0.84	NA	27.86	090
26450	A	Incision of palm tendon	3.67	NA	8.57	0.46	NA	12.70	090
26455	A	Incision of finger tendon	3.64	NA	8.45	0.47	NA	12.56	090
26460	A	Incise hand/finger tendon	3.46	NA	8.20	0.44	NA	12.10	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
26471	A	Fusion of finger tendons	5.73	NA	14.06	0.73	NA	20.52	090
26474	A	Fusion of finger tendons	5.32	NA	14.31	0.69	NA	20.32	090
26476	A	Tendon lengthening	5.18	NA	13.80	0.62	NA	19.60	090
26477	A	Tendon shortening	5.15	NA	14.01	0.60	NA	19.76	090
26478	A	Lengthening of hand tendon	5.80	NA	14.65	0.77	NA	21.22	090
26479	A	Shortening of hand tendon	5.74	NA	14.65	0.76	NA	21.15	090
26480	A	Transplant hand tendon	6.69	NA	19.94	0.84	NA	27.47	090
26483	A	Transplant/graft hand tendon	8.29	NA	20.43	1.03	NA	29.75	090
26485	A	Transplant palm tendon	7.70	NA	20.34	0.94	NA	28.98	090
26489	A	Transplant/graft palm tendon	9.55	NA	17.04	0.98	NA	27.57	090
26490	A	Revise thumb tendon	8.41	NA	15.54	1.05	NA	25.00	090
26492	A	Tendon transfer with graft	9.62	NA	16.15	1.19	NA	26.96	090
26494	A	Hand tendon/muscle transfer	8.47	NA	16.14	1.13	NA	25.74	090
26496	A	Revise thumb tendon	9.59	NA	15.87	1.17	NA	26.63	090
26497	A	Finger tendon transfer	9.57	NA	16.32	1.17	NA	27.06	090
26498	A	Finger tendon transfer	14.00	NA	18.71	1.74	NA	34.45	090
26499	A	Revision of finger	8.98	NA	17.02	0.94	NA	26.94	090
26500	A	Hand tendon reconstruction	5.96	NA	14.98	0.66	NA	21.60	090
26502	A	Hand tendon reconstruction	7.14	NA	15.27	0.87	NA	23.28	090
26504	A	Hand tendon reconstruction	7.47	NA	15.08	0.84	NA	23.39	090
26508	A	Release thumb contracture	6.01	NA	14.59	0.76	NA	21.36	090
26510	A	Thumb tendon transfer	5.43	NA	14.30	0.71	NA	20.44	090
26516	A	Fusion of knuckle joint	7.15	NA	15.07	0.90	NA	23.12	090
26517	A	Fusion of knuckle joints	8.83	NA	16.41	0.96	NA	26.20	090
26518	A	Fusion of knuckle joints	9.02	NA	16.12	1.13	NA	26.27	090
26520	A	Release knuckle contracture	5.30	NA	18.85	0.65	NA	24.80	090
26525	A	Release finger contracture	5.33	NA	19.02	0.66	NA	25.01	090
26530	A	Revise knuckle joint	6.69	NA	6.04	0.86	NA	13.59	090
26531	A	Revise knuckle with implant	7.91	NA	6.95	1.01	NA	15.87	090
26535	A	Revise finger joint	5.24	NA	3.69	0.66	NA	9.59	090
26536	A	Revise/implant finger joint	6.37	NA	10.32	0.80	NA	17.49	090
26540	A	Repair hand joint	6.43	NA	14.89	0.81	NA	22.13	090
26541	A	Repair hand joint with graft	8.62	NA	16.25	1.12	NA	25.99	090
26542	A	Repair hand joint with graft	6.78	NA	14.78	0.87	NA	22.43	090
26545	A	Reconstruct finger joint	6.92	NA	15.52	0.79	NA	23.23	090
26546	A	Repair nonunion hand	8.92	NA	16.15	1.14	NA	26.21	090
26548	A	Reconstruct finger joint	8.03	NA	16.02	0.98	NA	25.03	090
26550	A	Construct thumb replacement	21.24	NA	23.47	1.80	NA	46.51	090
26551	A	Great toe-hand transfer	46.58	NA	36.90	6.57	NA	90.05	090
26553	A	Single transfer, toe-hand	46.27	NA	28.16	1.99	NA	76.42	090
26554	A	Double transfer, toe-hand	54.95	NA	38.79	7.76	NA	101.50	090
26555	A	Positional change of finger	16.63	NA	22.51	2.13	NA	41.27	090
26556	A	Toe joint transfer	47.26	NA	34.27	6.67	NA	88.20	090
26560	A	Repair of web finger	5.38	NA	12.99	0.60	NA	18.97	090
26561	A	Repair of web finger	10.92	NA	16.12	0.69	NA	27.73	090
26562	A	Repair of web finger	15.00	NA	19.37	0.98	NA	35.35	090
26565	A	Correct metacarpal flaw	6.74	NA	14.95	0.84	NA	22.53	090
26567	A	Correct finger deformity	6.82	NA	14.88	0.84	NA	22.54	090
26568	A	Lengthen metacarpal/finger	9.08	NA	20.41	1.10	NA	30.59	090
26580	A	Repair hand deformity	18.18	NA	15.87	1.46	NA	35.51	090
26587	A	Reconstruct extra finger	14.05	6.36	NA	1.12	21.53	NA	090
26590	A	Repair finger deformity	17.96	NA	17.46	1.32	NA	36.74	090
26591	A	Repair muscles of hand	3.25	NA	13.80	0.37	NA	17.42	090
26593	A	Release muscles of hand	5.31	NA	13.78	0.64	NA	19.73	090
26596	A	Excision constricting tissue	8.95	NA	9.86	0.87	NA	19.68	090
26600	A	Treat metacarpal fracture	1.96	4.36	2.83	0.25	6.57	5.04	090
26605	A	Treat metacarpal fracture	2.85	6.33	4.45	0.38	9.56	7.68	090
26607	A	Treat metacarpal fracture	5.36	NA	8.46	0.70	NA	14.52	090
26608	A	Treat metacarpal fracture	5.36	NA	9.07	0.73	NA	15.16	090
26615	A	Treat metacarpal fracture	5.33	NA	8.49	0.70	NA	14.52	090
26641	A	Treat thumb dislocation	3.94	6.70	4.86	0.42	11.06	9.22	090
26645	A	Treat thumb fracture	4.41	7.51	5.35	0.54	12.46	10.30	090
26650	A	Treat thumb fracture	5.72	NA	9.24	0.77	NA	15.73	090
26665	A	Treat thumb fracture	7.60	NA	9.52	0.97	NA	18.09	090
26670	A	Treat hand dislocation	3.69	6.53	4.75	0.36	10.58	8.80	090
26675	A	Treat hand dislocation	4.64	6.66	4.57	0.56	11.86	9.77	090
26676	A	Pin hand dislocation	5.52	NA	9.30	0.76	NA	15.58	090
26685	A	Treat hand dislocation	6.98	NA	9.14	0.95	NA	17.07	090
26686	A	Treat hand dislocation	7.94	NA	9.73	1.05	NA	18.72	090
26700	A	Treat knuckle dislocation	3.69	5.13	2.96	0.35	9.17	7.00	090
26705	A	Treat knuckle dislocation	4.19	6.47	4.41	0.50	11.16	9.10	090
26706	A	Pin knuckle dislocation	5.12	NA	5.98	0.64	NA	11.74	090
26715	A	Treat knuckle dislocation	5.74	NA	8.65	0.75	NA	15.14	090
26720	A	Treat finger fracture, each	1.66	3.22	1.69	0.20	5.08	3.55	090
26725	A	Treat finger fracture, each	3.33	5.47	3.28	0.43	9.23	7.04	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
26727	A	Treat finger fracture, each	5.23	NA	9.18	0.69	NA	15.10	090
26735	A	Treat finger fracture, each	5.98	NA	8.91	0.77	NA	15.66	090
26740	A	Treat finger fracture, each	1.94	4.01	2.67	0.24	6.19	4.85	090
26742	A	Treat finger fracture, each	3.85	7.41	5.28	0.49	11.75	9.62	090
26746	A	Treat finger fracture, each	5.81	NA	8.98	0.74	NA	15.53	090
26750	A	Treat finger fracture, each	1.70	3.82	2.41	0.19	5.71	4.30	090
26755	A	Treat finger fracture, each	3.10	5.25	3.10	0.37	8.72	6.57	090
26756	A	Pin finger fracture, each	4.39	NA	8.89	0.56	NA	13.84	090
26765	A	Treat finger fracture, each	4.17	NA	7.97	0.51	NA	12.65	090
26770	A	Treat finger dislocation	3.02	4.98	2.71	0.27	8.27	6.00	090
26775	A	Treat finger dislocation	3.71	6.25	4.06	0.43	10.39	8.20	090
26776	A	Pin finger dislocation	4.80	NA	9.01	0.63	NA	14.44	090
26785	A	Treat finger dislocation	4.21	NA	7.94	0.54	NA	12.69	090
26820	A	Thumb fusion with graft	8.26	NA	16.22	1.11	NA	25.59	090
26841	A	Fusion of thumb	7.13	NA	15.46	0.97	NA	23.56	090
26842	A	Thumb fusion with graft	8.24	NA	16.24	1.10	NA	25.58	090
26843	A	Fusion of hand joint	7.61	NA	14.93	0.99	NA	23.53	090
26844	A	Fusion/graft of hand joint	8.73	NA	16.20	1.12	NA	26.05	090
26850	A	Fusion of knuckle	6.97	NA	14.89	0.89	NA	22.75	090
26852	A	Fusion of knuckle with graft	8.46	NA	15.84	1.05	NA	25.35	090
26860	A	Fusion of finger joint	4.69	NA	13.75	0.60	NA	19.04	090
26861	A	Fusion of finger jnt, add-on	1.74	NA	0.96	0.22	NA	2.92	ZZZ
26862	A	Fusion/graft of finger joint	7.37	NA	15.38	0.92	NA	23.67	090
26863	A	Fuse/graft added joint	3.90	NA	2.17	0.51	NA	6.58	ZZZ
26910	A	Amputate metacarpal bone	7.60	NA	14.07	0.90	NA	22.57	090
26951	A	Amputation of finger/thumb	4.59	NA	13.06	0.56	NA	18.21	090
26952	A	Amputation of finger/thumb	6.31	NA	14.25	0.74	NA	21.30	090
26989	C	Hand/finger surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
26990	A	Drainage of pelvis lesion	7.48	NA	16.35	0.92	NA	24.75	090
26991	A	Drainage of pelvis bursa	6.68	11.94	9.87	0.85	19.47	17.40	090
26992	A	Drainage of bone lesion	13.02	NA	20.25	1.75	NA	35.02	090
27000	A	Incision of hip tendon	5.62	NA	7.78	0.76	NA	14.16	090
27001	A	Incision of hip tendon	6.94	NA	8.52	0.95	NA	16.41	090
27003	A	Incision of hip tendon	7.34	NA	9.52	0.93	NA	17.79	090
27005	A	Incision of hip tendon	9.66	NA	10.84	1.36	NA	21.86	090
27006	A	Incision of hip tendons	9.68	NA	10.84	1.33	NA	21.85	090
27025	A	Incision of hip/thigh fascia	11.16	NA	10.70	1.38	NA	23.24	090
27030	A	Drainage of hip joint	13.01	NA	12.69	1.81	NA	27.51	090
27033	A	Exploration of hip joint	13.39	NA	12.81	1.87	NA	28.07	090
27035	A	Denervation of hip joint	16.69	NA	17.51	1.70	NA	35.90	090
27036	A	Excision of hip joint/muscle	12.88	NA	14.25	1.80	NA	28.93	090
27040	A	Biopsy of soft tissues	2.87	6.16	3.97	0.21	9.24	7.05	010
27041	A	Biopsy of soft tissues	9.89	NA	8.60	1.01	NA	19.50	090
27047	A	Remove hip/pelvis lesion	7.45	9.54	7.15	0.79	17.78	15.39	090
27048	A	Remove hip/pelvis lesion	6.25	NA	8.06	0.73	NA	15.04	090
27049	A	Remove tumor, hip/pelvis	13.66	NA	13.54	1.60	NA	28.80	090
27050	A	Biopsy of sacroiliac joint	4.36	NA	7.42	0.53	NA	12.31	090
27052	A	Biopsy of hip joint	6.23	NA	8.71	0.85	NA	15.79	090
27054	A	Removal of hip joint lining	8.54	NA	11.05	1.17	NA	20.76	090
27060	A	Removal of ischial bursa	5.43	NA	7.63	0.60	NA	13.66	090
27062	A	Remove femur lesion/bursa	5.37	NA	7.59	0.74	NA	13.70	090
27065	A	Removal of hip bone lesion	5.90	NA	9.09	0.76	NA	15.75	090
27066	A	Removal of hip bone lesion	10.33	NA	12.88	1.42	NA	24.63	090
27067	A	Remove/graft hip bone lesion	13.83	NA	14.91	1.95	NA	30.69	090
27070	A	Partial removal of hip bone	10.72	NA	18.36	1.36	NA	30.44	090
27071	A	Partial removal of hip bone	11.46	NA	19.32	1.51	NA	32.29	090
27075	A	Extensive hip surgery	35.00	NA	25.82	2.22	NA	63.04	090
27076	A	Extensive hip surgery	22.12	NA	20.29	2.86	NA	45.27	090
27077	A	Extensive hip surgery	40.00	NA	29.14	3.18	NA	72.32	090
27078	A	Extensive hip surgery	13.44	NA	15.81	1.67	NA	30.92	090
27079	A	Extensive hip surgery	13.75	NA	15.34	1.86	NA	30.95	090
27080	A	Removal of tail bone	6.39	NA	7.66	0.80	NA	14.85	090
27086	A	Remove hip foreign body	1.87	5.13	3.97	0.17	7.17	6.01	010
27087	A	Remove hip foreign body	8.54	NA	9.19	1.09	NA	18.82	090
27090	A	Removal of hip prosthesis	11.15	NA	8.95	1.55	NA	21.65	090
27091	A	Removal of hip prosthesis	22.14	NA	14.22	3.11	NA	39.47	090
27093	A	Injection for hip x-ray	1.30	12.50	0.50	0.09	13.89	1.89	000
27095	A	Injection for hip x-ray	1.50	11.47	0.54	0.10	13.07	2.14	000
27096	A	Inject sacroiliac joint	1.40	10.28	0.34	0.08	11.76	1.82	000
27097	A	Revision of hip tendon	8.80	NA	9.44	1.22	NA	19.46	090
27098	A	Transfer tendon to pelvis	8.83	NA	9.88	1.24	NA	19.95	090
27100	A	Transfer of abdominal muscle	11.08	NA	13.03	1.57	NA	25.68	090
27105	A	Transfer of spinal muscle	11.77	NA	12.72	1.66	NA	26.15	090
27110	A	Transfer of iliopsoas muscle	13.26	NA	13.59	1.38	NA	28.23	090
27111	A	Transfer of iliopsoas muscle	12.15	NA	12.43	1.48	NA	26.06	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
27120	A	Reconstruction of hip socket	18.01	NA	12.05	2.45	NA	32.51	090
27122	A	Reconstruction of hip socket	14.98	NA	11.19	2.08	NA	28.25	090
27125	A	Partial hip replacement	14.69	NA	10.75	2.05	NA	27.49	090
27130	A	Total hip arthroplasty	20.12	NA	13.58	2.82	NA	36.52	090
27132	A	Total hip arthroplasty	23.30	NA	15.87	3.26	NA	42.43	090
27134	A	Revise hip joint replacement	28.52	NA	18.20	3.97	NA	50.69	090
27137	A	Revise hip joint replacement	21.17	NA	14.24	2.97	NA	38.38	090
27138	A	Revise hip joint replacement	22.17	NA	14.72	3.11	NA	40.00	090
27140	A	Transplant femur ridge	12.24	NA	12.27	1.67	NA	26.18	090
27146	A	Incision of hip bone	17.43	NA	16.51	2.27	NA	36.21	090
27147	A	Revision of hip bone	20.58	NA	17.71	2.61	NA	40.90	090
27151	A	Incision of hip bones	22.51	NA	12.83	3.12	NA	38.46	090
27156	A	Revision of hip bones	24.63	NA	20.37	3.48	NA	48.48	090
27158	A	Revision of pelvis	19.74	NA	16.00	2.60	NA	38.34	090
27161	A	Incision of neck of femur	16.71	NA	14.57	2.32	NA	33.60	090
27165	A	Incision/fixation of femur	17.91	NA	15.11	2.51	NA	35.53	090
27170	A	Repair/graft femur head/neck	16.07	NA	14.30	2.20	NA	32.57	090
27175	A	Treat slipped epiphysis	8.46	NA	7.39	1.19	NA	17.04	090
27176	A	Treat slipped epiphysis	12.05	NA	10.20	1.68	NA	23.93	090
27177	A	Treat slipped epiphysis	15.08	NA	11.88	2.11	NA	29.07	090
27178	A	Treat slipped epiphysis	11.99	NA	9.63	1.68	NA	23.30	090
27179	A	Revise head/neck of femur	12.98	NA	11.01	1.84	NA	25.83	090
27181	A	Treat slipped epiphysis	14.68	NA	11.17	1.74	NA	27.59	090
27185	A	Revision of femur epiphysis	9.18	NA	10.51	1.29	NA	20.98	090
27187	A	Reinforce hip bones	13.54	NA	13.81	1.89	NA	29.24	090
27193	A	Treat pelvic ring fracture	5.56	7.39	5.47	0.77	13.72	11.80	090
27194	A	Treat pelvic ring fracture	9.65	9.40	7.71	1.32	20.37	18.68	090
27200	A	Treat tail bone fracture	1.84	3.25	1.83	0.22	5.31	3.89	090
27202	A	Treat tail bone fracture	7.04	NA	22.21	0.69	NA	29.94	090
27215	A	Treat pelvic fracture(s)	10.05	NA	10.59	1.37	NA	22.01	090
27216	A	Treat pelvic ring fracture	15.19	NA	14.82	2.15	NA	32.16	090
27217	A	Treat pelvic ring fracture	14.11	NA	13.07	1.95	NA	29.13	090
27218	A	Treat pelvic ring fracture	20.15	NA	14.41	2.85	NA	37.41	090
27220	A	Treat hip socket fracture	6.18	7.73	5.82	0.85	14.76	12.85	090
27222	A	Treat hip socket fracture	12.70	NA	10.44	1.77	NA	24.91	090
27226	A	Treat hip wall fracture	14.91	NA	10.98	2.07	NA	27.96	090
27227	A	Treat hip fracture(s)	23.45	NA	17.40	3.24	NA	44.09	090
27228	A	Treat hip fracture(s)	27.16	NA	19.68	3.77	NA	50.61	090
27230	A	Treat thigh fracture	5.50	8.01	6.44	0.73	14.24	12.67	090
27232	A	Treat thigh fracture	10.68	NA	9.48	1.45	NA	21.61	090
27235	A	Treat thigh fracture	12.16	NA	11.34	1.71	NA	25.21	090
27236	A	Treat thigh fracture	15.60	NA	11.28	2.18	NA	29.06	090
27238	A	Treat thigh fracture	5.52	NA	6.55	0.76	NA	12.83	090
27240	A	Treat thigh fracture	12.50	NA	10.52	1.69	NA	24.71	090
27244	A	Treat thigh fracture	15.94	NA	13.24	2.23	NA	31.41	090
27245	A	Treat thigh fracture	20.31	NA	15.64	2.85	NA	38.80	090
27246	A	Treat thigh fracture	4.71	7.73	6.19	0.66	13.10	11.56	090
27248	A	Treat thigh fracture	10.45	NA	10.25	1.45	NA	22.15	090
27250	A	Treat hip dislocation	6.95	NA	6.49	0.68	NA	14.12	090
27252	A	Treat hip dislocation	10.39	NA	8.43	1.37	NA	20.19	090
27253	A	Treat hip dislocation	12.92	NA	11.14	1.81	NA	25.87	090
27254	A	Treat hip dislocation	18.26	NA	14.04	2.52	NA	34.82	090
27256	A	Treat hip dislocation	4.12	NA	4.45	0.49	NA	9.06	010
27257	A	Treat hip dislocation	5.22	NA	4.77	0.56	NA	10.55	010
27258	A	Treat hip dislocation	15.43	NA	14.26	2.06	NA	31.75	090
27259	A	Treat hip dislocation	21.55	NA	17.51	2.99	NA	42.05	090
27265	A	Treat hip dislocation	5.05	NA	6.25	0.65	NA	11.95	090
27266	A	Treat hip dislocation	7.49	NA	7.69	1.04	NA	16.22	090
27275	A	Manipulation of hip joint	2.27	NA	3.75	0.31	NA	6.33	010
27280	A	Fusion of sacroiliac joint	13.39	NA	14.60	1.98	NA	29.97	090
27282	A	Fusion of pubic bones	11.34	NA	12.54	1.14	NA	25.02	090
27284	A	Fusion of hip joint	23.45	NA	18.80	2.36	NA	44.61	090
27286	A	Fusion of hip joint	23.45	NA	19.33	2.37	NA	45.15	090
27290	A	Amputation of leg at hip	23.28	NA	17.03	2.94	NA	43.25	090
27295	A	Amputation of leg at hip	18.65	NA	14.46	2.35	NA	35.46	090
27299	C	Pelvis/hip joint surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
27301	A	Drain thigh/knee lesion	6.49	16.43	14.49	0.80	23.72	21.78	090
27303	A	Drainage of bone lesion	8.28	NA	15.57	1.14	NA	24.99	090
27305	A	Incise thigh tendon & fascia	5.92	NA	9.50	0.77	NA	16.19	090
27306	A	Incision of thigh tendon	4.62	NA	7.93	0.62	NA	13.17	090
27307	A	Incision of thigh tendons	5.80	NA	8.53	0.78	NA	15.11	090
27310	A	Exploration of knee joint	9.27	NA	10.40	1.29	NA	20.96	090
27315	A	Partial removal, thigh nerve	6.97	NA	4.45	0.79	NA	12.21	090
27320	A	Partial removal, thigh nerve	6.30	NA	4.68	0.78	NA	11.76	090
27323	A	Biopsy, thigh soft tissues	2.28	6.01	3.57	0.17	8.46	6.02	010

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
27324	A	Biopsy, thigh soft tissues	4.90	NA	7.14	0.59	NA	12.63	090
27327	A	Removal of thigh lesion	4.47	8.59	6.51	0.50	13.56	11.48	090
27328	A	Removal of thigh lesion	5.57	NA	7.28	0.66	NA	13.51	090
27329	A	Remove tumor, thigh/knee	14.14	NA	14.74	1.68	NA	30.56	090
27330	A	Biopsy, knee joint lining	4.97	NA	6.61	0.66	NA	12.24	090
27331	A	Explore/treat knee joint	5.88	NA	7.83	0.81	NA	14.52	090
27332	A	Removal of knee cartilage	8.27	NA	9.06	1.15	NA	18.48	090
27333	A	Removal of knee cartilage	7.30	NA	8.59	1.03	NA	16.92	090
27334	A	Remove knee joint lining	8.70	NA	9.97	1.21	NA	19.88	090
27335	A	Remove knee joint lining	10.00	NA	10.83	1.41	NA	22.24	090
27340	A	Removal of kneecap bursa	4.18	NA	6.26	0.58	NA	11.02	090
27345	A	Removal of knee cyst	5.92	NA	7.70	0.81	NA	14.43	090
27347	A	Remove knee cyst	5.78	NA	7.45	0.76	NA	13.99	090
27350	A	Removal of kneecap	8.17	NA	9.17	1.15	NA	18.49	090
27355	A	Remove femur lesion	7.65	NA	10.74	1.07	NA	19.46	090
27356	A	Remove femur lesion/graft	9.48	NA	11.74	1.29	NA	22.51	090
27357	A	Remove femur lesion/graft	10.53	NA	12.24	1.48	NA	24.25	090
27358	A	Remove femur lesion/fixation	4.74	NA	2.59	0.67	NA	8.00	ZZZ
27360	A	Partial removal, leg bone(s)	10.50	NA	18.97	1.42	NA	30.89	090
27365	A	Extensive leg surgery	16.27	NA	14.68	2.26	NA	33.21	090
27370	A	Injection for knee x-ray	0.96	11.98	0.33	0.06	13.00	1.35	000
27372	A	Removal of foreign body	5.07	8.64	6.69	0.62	14.33	12.38	090
27380	A	Repair of kneecap tendon	7.16	NA	8.67	1.00	NA	16.83	090
27381	A	Repair/graft kneecap tendon	10.34	NA	10.37	1.44	NA	22.15	090
27385	A	Repair of thigh muscle	7.76	NA	9.02	1.09	NA	17.87	090
27386	A	Repair/graft of thigh muscle	10.56	NA	11.17	1.49	NA	23.22	090
27390	A	Incision of thigh tendon	5.33	NA	8.20	0.69	NA	14.22	090
27391	A	Incision of thigh tendons	7.20	NA	9.33	0.99	NA	17.52	090
27392	A	Incision of thigh tendons	9.20	NA	11.43	1.23	NA	21.86	090
27393	A	Lengthening of thigh tendon	6.39	NA	8.74	0.90	NA	16.03	090
27394	A	Lengthening of thigh tendons	8.50	NA	11.13	1.17	NA	20.80	090
27395	A	Lengthening of thigh tendons	11.73	NA	14.02	1.63	NA	27.38	090
27396	A	Transplant of thigh tendon	7.86	NA	11.02	1.11	NA	19.99	090
27397	A	Transplants of thigh tendons	11.28	NA	12.48	1.58	NA	25.34	090
27400	A	Revise thigh muscles/tendons	9.02	NA	11.20	1.18	NA	21.40	090
27403	A	Repair of knee cartilage	8.33	NA	9.19	1.16	NA	18.68	090
27405	A	Repair of knee ligament	8.65	NA	10.04	1.21	NA	19.90	090
27407	A	Repair of knee ligament	10.28	NA	10.74	1.38	NA	22.40	090
27409	A	Repair of knee ligaments	12.90	NA	12.29	1.75	NA	26.94	090
27418	A	Repair degenerated kneecap	10.85	NA	11.28	1.51	NA	23.64	090
27420	A	Revision of unstable kneecap	9.83	NA	10.02	1.38	NA	21.23	090
27422	A	Revision of unstable kneecap	9.78	NA	10.04	1.37	NA	21.19	090
27424	A	Revision/removal of kneecap	9.81	NA	10.00	1.38	NA	21.19	090
27425	A	Lat retinacular release open	5.22	NA	7.58	0.73	NA	13.53	090
27427	A	Reconstruction, knee	9.36	NA	9.64	1.29	NA	20.29	090
27428	A	Reconstruction, knee	14.00	NA	12.86	1.95	NA	28.81	090
27429	A	Reconstruction, knee	15.52	NA	13.68	2.18	NA	31.38	090
27430	A	Revision of thigh muscles	9.67	NA	10.08	1.35	NA	21.10	090
27435	A	Incision of knee joint	9.49	NA	9.91	1.33	NA	20.73	090
27437	A	Revise kneecap	8.46	NA	7.31	1.18	NA	16.95	090
27438	A	Revise kneecap with implant	11.23	NA	8.71	1.56	NA	21.50	090
27440	A	Revision of knee joint	10.43	NA	6.23	1.42	NA	18.08	090
27441	A	Revision of knee joint	10.82	NA	6.90	1.49	NA	19.21	090
27442	A	Revision of knee joint	11.89	NA	9.09	1.68	NA	22.66	090
27443	A	Revision of knee joint	10.93	NA	8.85	1.52	NA	21.30	090
27445	A	Revision of knee joint	17.68	NA	12.52	2.49	NA	32.69	090
27446	A	Revision of knee joint	15.84	NA	11.50	2.22	NA	29.56	090
27447	A	Total knee arthroplasty	21.48	NA	14.82	3.00	NA	39.30	090
27448	A	Incision of thigh	11.06	NA	12.41	1.51	NA	24.98	090
27450	A	Incision of thigh	13.98	NA	14.20	1.96	NA	30.14	090
27454	A	Realignment of thigh bone	17.56	NA	16.02	2.46	NA	36.04	090
27455	A	Realignment of knee	12.82	NA	12.70	1.78	NA	27.30	090
27457	A	Realignment of knee	13.45	NA	11.87	1.88	NA	27.20	090
27465	A	Shortening of thigh bone	13.87	NA	14.06	1.86	NA	29.79	090
27466	A	Lengthening of thigh bone	16.33	NA	16.39	1.92	NA	34.64	090
27468	A	Shorten/lengthen thighs	18.97	NA	16.56	2.68	NA	38.21	090
27470	A	Repair of thigh	16.07	NA	16.45	2.24	NA	34.76	090
27472	A	Repair/graft of thigh	17.72	NA	17.33	2.49	NA	37.54	090
27475	A	Surgery to stop leg growth	8.64	NA	9.62	1.13	NA	19.39	090
27477	A	Surgery to stop leg growth	9.85	NA	10.08	1.31	NA	21.24	090
27479	A	Surgery to stop leg growth	12.80	NA	12.35	1.81	NA	26.96	090
27485	A	Surgery to stop leg growth	8.84	NA	9.79	1.24	NA	19.87	090
27486	A	Revise/replace knee joint	19.27	NA	13.67	2.70	NA	35.64	090
27487	A	Revise/replace knee joint	25.27	NA	16.83	3.54	NA	45.64	090
27488	A	Removal of knee prosthesis	15.74	NA	11.83	2.21	NA	29.78	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
27495	A	Reinforce thigh	15.55	NA	16.19	2.18	NA	33.92	090
27496	A	Decompression of thigh/knee	6.11	NA	8.25	0.77	NA	15.13	090
27497	A	Decompression of thigh/knee	7.17	NA	8.28	0.84	NA	16.29	090
27498	A	Decompression of thigh/knee	7.99	NA	8.67	0.97	NA	17.63	090
27499	A	Decompression of thigh/knee	9.00	NA	9.28	1.18	NA	19.46	090
27500	A	Treatment of thigh fracture	5.92	10.40	7.84	0.80	17.12	14.56	090
27501	A	Treatment of thigh fracture	5.92	11.65	9.09	0.83	18.40	15.84	090
27502	A	Treatment of thigh fracture	10.58	NA	11.60	1.49	NA	23.67	090
27503	A	Treatment of thigh fracture	10.58	NA	11.64	1.49	NA	23.71	090
27506	A	Treatment of thigh fracture	17.45	NA	14.57	2.33	NA	34.35	090
27507	A	Treatment of thigh fracture	13.99	NA	12.74	1.95	NA	28.68	090
27508	A	Treatment of thigh fracture	5.83	7.42	5.52	0.80	14.05	12.15	090
27509	A	Treatment of thigh fracture	7.71	NA	9.50	1.08	NA	18.29	090
27510	A	Treatment of thigh fracture	9.13	NA	7.39	1.26	NA	17.78	090
27511	A	Treatment of thigh fracture	13.64	NA	13.34	1.91	NA	28.89	090
27513	A	Treatment of thigh fracture	17.92	NA	15.66	2.51	NA	36.09	090
27514	A	Treatment of thigh fracture	17.30	NA	14.78	2.41	NA	34.49	090
27516	A	Treat thigh fx growth plate	5.37	8.20	6.00	0.74	14.31	12.11	090
27517	A	Treat thigh fx growth plate	8.78	9.86	7.97	1.22	19.86	17.97	090
27519	A	Treat thigh fx growth plate	15.02	NA	13.83	2.09	NA	30.94	090
27520	A	Treat kneecap fracture	2.86	5.79	3.90	0.38	9.03	7.14	090
27524	A	Treat kneecap fracture	10.00	NA	9.05	1.40	NA	20.45	090
27530	A	Treat knee fracture	3.78	6.31	4.45	0.51	10.60	8.74	090
27532	A	Treat knee fracture	7.30	7.79	5.87	1.02	16.11	14.19	090
27535	A	Treat knee fracture	11.50	NA	12.23	1.61	NA	25.34	090
27536	A	Treat knee fracture	15.65	NA	12.09	2.19	NA	29.93	090
27538	A	Treat knee fracture(s)	4.87	7.97	5.73	0.67	13.51	11.27	090
27540	A	Treat knee fracture	13.10	NA	10.55	1.80	NA	25.45	090
27550	A	Treat knee dislocation	5.76	7.57	5.83	0.68	14.01	12.27	090
27552	A	Treat knee dislocation	7.90	NA	8.23	1.10	NA	17.23	090
27556	A	Treat knee dislocation	14.41	NA	14.69	2.01	NA	31.11	090
27557	A	Treat knee dislocation	16.77	NA	15.93	2.37	NA	35.07	090
27558	A	Treat knee dislocation	17.72	NA	16.13	2.51	NA	36.36	090
27560	A	Treat kneecap dislocation	3.82	6.20	3.99	0.40	10.42	8.21	090
27562	A	Treat kneecap dislocation	5.79	NA	5.85	0.69	NA	12.33	090
27566	A	Treat kneecap dislocation	12.23	NA	10.20	1.73	NA	24.16	090
27570	A	Fixation of knee joint	1.74	NA	3.45	0.24	NA	5.43	010
27580	A	Fusion of knee	19.37	NA	16.57	2.70	NA	38.64	090
27590	A	Amputate leg at thigh	12.03	NA	12.59	1.35	NA	25.97	090
27591	A	Amputate leg at thigh	12.68	NA	14.63	1.63	NA	28.94	090
27592	A	Amputate leg at thigh	10.02	NA	12.18	1.17	NA	23.37	090
27594	A	Amputation follow-up surgery	6.92	NA	9.10	0.82	NA	16.84	090
27596	A	Amputation follow-up surgery	10.60	NA	12.65	1.24	NA	24.49	090
27598	A	Amputate lower leg at knee	10.53	NA	11.61	1.24	NA	23.38	090
27599	C	Leg surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
27600	A	Decompression of lower leg	5.65	NA	7.85	0.68	NA	14.18	090
27601	A	Decompression of lower leg	5.64	NA	7.79	0.69	NA	14.12	090
27602	A	Decompression of lower leg	7.35	NA	8.13	0.85	NA	16.33	090
27603	A	Drain lower leg lesion	4.94	16.03	10.71	0.56	21.53	16.21	090
27604	A	Drain lower leg bursa	4.47	11.74	8.69	0.54	16.75	13.70	090
27605	A	Incision of achilles tendon	2.87	10.88	4.01	0.38	14.13	7.26	010
27606	A	Incision of achilles tendon	4.14	13.17	5.24	0.57	17.88	9.95	010
27607	A	Treat lower leg bone lesion	7.97	NA	14.85	1.08	NA	23.90	090
27610	A	Explore/treat ankle joint	8.34	NA	10.90	1.15	NA	20.39	090
27612	A	Exploration of ankle joint	7.33	NA	8.61	1.01	NA	16.95	090
27613	A	Biopsy lower leg soft tissue	2.17	5.93	3.16	0.16	8.26	5.49	010
27614	A	Biopsy lower leg soft tissue	5.66	11.55	7.39	0.62	17.83	13.67	090
27615	A	Remove tumor, lower leg	12.56	NA	16.85	1.39	NA	30.80	090
27618	A	Remove lower leg lesion	5.09	11.86	6.86	0.54	17.49	12.49	090
27619	A	Remove lower leg lesion	8.40	13.36	9.46	1.01	22.77	18.87	090
27620	A	Explore/treat ankle joint	5.98	NA	8.48	0.83	NA	15.29	090
27625	A	Remove ankle joint lining	8.30	NA	10.10	1.16	NA	19.56	090
27626	A	Remove ankle joint lining	8.91	NA	10.79	1.23	NA	20.93	090
27630	A	Removal of tendon lesion	4.80	11.52	7.24	0.60	16.92	12.64	090
27635	A	Remove lower leg bone lesion	7.78	NA	11.58	1.06	NA	20.42	090
27637	A	Remove/graft leg bone lesion	9.85	NA	12.91	1.38	NA	24.14	090
27638	A	Remove/graft leg bone lesion	10.57	NA	13.24	1.47	NA	25.28	090
27640	A	Partial removal of tibia	11.37	NA	18.94	1.54	NA	31.85	090
27641	A	Partial removal of fibula	9.24	NA	16.89	1.22	NA	27.35	090
27645	A	Extensive lower leg surgery	14.17	NA	18.70	1.98	NA	34.85	090
27646	A	Extensive lower leg surgery	12.66	NA	17.64	1.55	NA	31.85	090
27647	A	Extensive ankle/heel surgery	12.24	NA	11.52	1.64	NA	25.40	090
27648	A	Injection for ankle x-ray	0.96	9.75	0.34	0.05	10.76	1.35	000
27650	A	Repair achilles tendon	9.69	NA	9.79	1.35	NA	20.83	090
27652	A	Repair/graft achilles tendon	10.33	NA	10.02	1.45	NA	21.80	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
27654	A	Repair of achilles tendon	10.02	NA	10.51	1.41	NA	21.94	090
27656	A	Repair leg fascia defect	4.57	12.84	6.76	0.48	17.89	11.81	090
27658	A	Repair of leg tendon, each	4.98	13.20	9.52	0.68	18.86	15.18	090
27659	A	Repair of leg tendon, each	6.81	14.89	10.27	0.96	22.66	18.04	090
27664	A	Repair of leg tendon, each	4.59	15.00	9.66	0.63	20.22	14.88	090
27665	A	Repair of leg tendon, each	5.40	14.63	9.79	0.75	20.78	15.94	090
27675	A	Repair lower leg tendons	7.18	NA	8.63	1.01	NA	16.82	090
27676	A	Repair lower leg tendons	8.42	NA	9.68	1.15	NA	19.25	090
27680	A	Release of lower leg tendon	5.74	NA	8.48	0.80	NA	15.02	090
27681	A	Release of lower leg tendons	6.82	NA	8.98	0.92	NA	16.72	090
27685	A	Revision of lower leg tendon	6.50	10.50	8.74	0.91	17.91	16.15	090
27686	A	Revise lower leg tendons	7.46	15.11	10.39	1.05	23.62	18.90	090
27687	A	Revision of calf tendon	6.24	NA	8.90	0.88	NA	16.02	090
27690	A	Revise lower leg tendon	8.71	NA	9.75	1.22	NA	19.68	090
27691	A	Revise lower leg tendon	9.96	NA	11.37	1.40	NA	22.73	090
27692	A	Revise additional leg tendon	1.87	NA	0.95	0.26	NA	3.08	ZZZ
27695	A	Repair of ankle ligament	6.51	NA	9.63	0.90	NA	17.04	090
27696	A	Repair of ankle ligaments	8.27	NA	9.97	1.16	NA	19.40	090
27698	A	Repair of ankle ligament	9.36	NA	9.72	1.31	NA	20.39	090
27700	A	Revision of ankle joint	9.29	NA	5.81	1.24	NA	16.34	090
27702	A	Reconstruct ankle joint	13.67	NA	10.57	1.92	NA	26.16	090
27703	A	Reconstruction, ankle joint	15.87	NA	11.36	2.24	NA	29.47	090
27704	A	Removal of ankle implant	7.62	NA	5.75	0.61	NA	13.98	090
27705	A	Incision of tibia	10.38	NA	11.94	1.44	NA	23.76	090
27707	A	Incision of fibula	4.37	NA	8.83	0.60	NA	13.80	090
27709	A	Incision of tibia & fibula	9.95	NA	11.93	1.39	NA	23.27	090
27712	A	Realignment of lower leg	14.25	NA	14.10	2.00	NA	30.35	090
27715	A	Revision of lower leg	14.39	NA	15.50	2.00	NA	31.89	090
27720	A	Repair of tibia	11.79	NA	14.12	1.66	NA	27.57	090
27722	A	Repair/graft of tibia	11.82	NA	13.88	1.65	NA	27.35	090
27724	A	Repair/graft of tibia	18.20	NA	17.61	2.10	NA	37.91	090
27725	A	Repair of lower leg	15.59	NA	16.06	2.20	NA	33.85	090
27727	A	Repair of lower leg	14.01	NA	14.96	1.84	NA	30.81	090
27730	A	Repair of tibia epiphysis	7.41	21.22	10.17	0.75	29.38	18.33	090
27732	A	Repair of fibula epiphysis	5.32	14.21	8.71	0.63	20.16	14.66	090
27734	A	Repair lower leg epiphyses	8.48	NA	9.91	0.85	NA	19.24	090
27740	A	Repair of leg epiphyses	9.30	23.90	11.76	1.31	34.51	22.37	090
27742	A	Repair of leg epiphyses	10.30	16.69	10.97	1.55	28.54	22.82	090
27745	A	Reinforce tibia	10.07	NA	12.05	1.38	NA	23.50	090
27750	A	Treatment of tibia fracture	3.19	5.93	4.10	0.43	9.55	7.72	090
27752	A	Treatment of tibia fracture	5.84	8.53	6.34	0.82	15.19	13.00	090
27756	A	Treatment of tibia fracture	6.78	NA	11.38	0.94	NA	19.10	090
27758	A	Treatment of tibia fracture	11.67	NA	12.42	1.52	NA	25.61	090
27759	A	Treatment of tibia fracture	13.76	NA	13.74	1.93	NA	29.43	090
27760	A	Treatment of ankle fracture	3.01	5.69	3.91	0.39	9.09	7.31	090
27762	A	Treatment of ankle fracture	5.25	7.99	5.87	0.71	13.95	11.83	090
27766	A	Treatment of ankle fracture	8.36	NA	8.68	1.17	NA	18.21	090
27780	A	Treatment of fibula fracture	2.65	5.61	3.71	0.33	8.59	6.69	090
27781	A	Treatment of fibula fracture	4.40	6.84	4.69	0.57	11.81	9.66	090
27784	A	Treatment of fibula fracture	7.11	NA	8.92	0.98	NA	17.01	090
27786	A	Treatment of ankle fracture	2.84	5.66	3.83	0.37	8.87	7.04	090
27788	A	Treatment of ankle fracture	4.45	6.92	4.75	0.61	11.98	9.81	090
27792	A	Treatment of ankle fracture	7.66	NA	8.40	1.07	NA	17.13	090
27808	A	Treatment of ankle fracture	2.83	6.81	4.62	0.38	10.02	7.83	090
27810	A	Treatment of ankle fracture	5.13	8.08	5.88	0.71	13.92	11.72	090
27814	A	Treatment of ankle fracture	10.68	NA	11.19	1.50	NA	23.37	090
27816	A	Treatment of ankle fracture	2.89	6.27	4.63	0.37	9.53	7.89	090
27818	A	Treatment of ankle fracture	5.50	8.22	6.02	0.74	14.46	12.26	090
27822	A	Treatment of ankle fracture	11.00	NA	13.50	1.29	NA	25.79	090
27823	A	Treatment of ankle fracture	13.00	NA	14.56	1.65	NA	29.21	090
27824	A	Treat lower leg fracture	2.89	6.73	4.63	0.39	10.01	7.91	090
27825	A	Treat lower leg fracture	6.19	8.70	6.50	0.85	15.74	13.54	090
27826	A	Treat lower leg fracture	8.54	NA	12.17	1.19	NA	21.90	090
27827	A	Treat lower leg fracture	14.06	NA	15.23	1.96	NA	31.25	090
27828	A	Treat lower leg fracture	16.23	NA	15.93	2.27	NA	34.43	090
27829	A	Treat lower leg joint	5.49	NA	8.94	0.77	NA	15.20	090
27830	A	Treat lower leg dislocation	3.79	5.77	4.31	0.44	10.00	8.54	090
27831	A	Treat lower leg dislocation	4.56	NA	5.53	0.61	NA	10.70	090
27832	A	Treat lower leg dislocation	6.49	NA	8.61	0.91	NA	16.01	090
27840	A	Treat ankle dislocation	4.58	NA	6.11	0.47	NA	11.16	090
27842	A	Treat ankle dislocation	6.21	NA	5.25	0.76	NA	12.22	090
27846	A	Treat ankle dislocation	9.79	NA	10.58	1.36	NA	21.73	090
27848	A	Treat ankle dislocation	11.20	NA	11.92	1.55	NA	24.67	090
27860	A	Fixation of ankle joint	2.34	NA	3.76	0.31	NA	6.41	010
27870	A	Fusion of ankle joint, open	13.91	NA	14.08	1.95	NA	29.94	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
27871	A	Fusion of tibiofibular joint	9.17	NA	11.36	1.29	NA	21.82	090
27880	A	Amputation of lower leg	11.85	NA	11.88	1.38	NA	25.11	090
27881	A	Amputation of lower leg	12.34	NA	13.55	1.59	NA	27.48	090
27882	A	Amputation of lower leg	8.94	NA	12.97	1.03	NA	22.94	090
27884	A	Amputation follow-up surgery	8.21	NA	10.83	0.95	NA	19.99	090
27886	A	Amputation follow-up surgery	9.32	NA	11.37	1.13	NA	21.82	090
27888	A	Amputation of foot at ankle	9.67	NA	11.23	1.26	NA	22.16	090
27889	A	Amputation of foot at ankle	9.98	NA	10.58	1.19	NA	21.75	090
27892	A	Decompression of leg	7.39	NA	8.26	0.86	NA	16.51	090
27893	A	Decompression of leg	7.35	NA	8.11	0.90	NA	16.36	090
27894	A	Decompression of leg	10.49	NA	9.56	1.25	NA	21.30	090
27899	C	Leg/ankle surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
28001	A	Drainage of bursa of foot	2.73	5.63	3.23	0.31	8.67	6.27	010
28002	A	Treatment of foot infection	4.62	6.93	4.33	0.56	12.11	9.51	010
28003	A	Treatment of foot infection	8.41	11.29	10.81	1.03	20.73	20.25	090
28005	A	Treat foot bone lesion	8.68	NA	10.68	1.14	NA	20.50	090
28008	A	Incision of foot fascia	4.45	8.11	6.33	0.56	13.12	11.34	090
28010	A	Incision of toe tendon	2.84	7.56	5.29	0.39	10.79	8.52	090
28011	A	Incision of toe tendons	4.14	9.37	7.07	0.58	14.09	11.79	090
28020	A	Exploration of foot joint	5.01	9.32	6.74	0.64	14.97	12.39	090
28022	A	Exploration of foot joint	4.67	8.13	6.33	0.62	13.42	11.62	090
28024	A	Exploration of toe joint	4.38	8.30	6.56	0.50	13.18	11.44	090
28030	A	Removal of foot nerve	6.15	NA	3.46	0.85	NA	10.46	090
28035	A	Decompression of tibia nerve	5.09	9.32	5.50	0.71	15.12	11.30	090
28043	A	Excision of foot lesion	3.54	7.53	5.21	0.45	11.52	9.20	090
28045	A	Excision of foot lesion	4.72	8.14	5.91	0.62	13.48	11.25	090
28046	A	Resection of tumor, foot	10.18	12.35	10.95	1.13	23.66	22.26	090
28050	A	Biopsy of foot joint lining	4.25	7.78	6.03	0.55	12.58	10.83	090
28052	A	Biopsy of foot joint lining	3.94	8.10	6.14	0.51	12.55	10.59	090
28054	A	Biopsy of toe joint lining	3.45	8.01	5.96	0.45	11.91	9.86	090
28060	A	Partial removal, foot fascia	5.23	8.76	6.63	0.69	14.68	12.55	090
28062	A	Removal of foot fascia	6.52	9.62	6.52	0.85	16.99	13.89	090
28070	A	Removal of foot joint lining	5.10	7.95	6.12	0.68	13.73	11.90	090
28072	A	Removal of foot joint lining	4.58	8.50	7.07	0.64	13.72	12.29	090
28080	A	Removal of foot lesion	3.58	7.89	5.68	0.50	11.97	9.76	090
28086	A	Excise foot tendon sheath	4.78	11.42	7.64	0.66	16.86	13.08	090
28088	A	Excise foot tendon sheath	3.86	9.48	6.95	0.52	13.86	11.33	090
28090	A	Removal of foot lesion	4.41	8.05	5.73	0.57	13.03	10.71	090
28092	A	Removal of toe lesions	3.64	8.48	6.17	0.46	12.58	10.27	090
28100	A	Removal of ankle/heel lesion	5.66	11.90	7.91	0.76	18.32	14.33	090
28102	A	Remove/graft foot lesion	7.73	NA	9.27	0.97	NA	17.97	090
28103	A	Remove/graft foot lesion	6.50	10.07	7.46	0.89	17.46	14.85	090
28104	A	Remove/graft foot lesion	5.12	8.79	6.99	0.69	14.60	12.80	090
28106	A	Remove/graft foot lesion	7.16	NA	6.84	1.01	NA	15.01	090
28107	A	Remove/graft foot lesion	5.56	10.01	7.09	0.74	16.31	13.39	090
28108	A	Removal of toe lesions	4.16	7.42	5.44	0.52	12.10	10.12	090
28110	A	Part removal of metatarsal	4.08	8.95	7.08	0.49	13.52	11.65	090
28111	A	Part removal of metatarsal	5.01	10.65	7.86	0.63	16.29	13.50	090
28112	A	Part removal of metatarsal	4.49	9.66	7.66	0.60	14.75	12.75	090
28113	A	Part removal of metatarsal	4.79	9.24	7.32	0.63	14.66	12.74	090
28114	A	Removal of metatarsal heads	9.79	14.07	11.12	1.36	25.22	22.27	090
28116	A	Revision of foot	7.75	8.88	6.83	1.03	17.66	15.61	090
28118	A	Removal of heel bone	5.96	9.52	7.26	0.79	16.27	14.01	090
28119	A	Removal of heel spur	5.39	8.54	6.23	0.74	14.67	12.36	090
28120	A	Part removal of ankle/heel	5.40	12.72	10.02	0.69	18.81	16.11	090
28122	A	Partial removal of foot bone	7.29	11.28	9.68	0.96	19.53	17.93	090
28124	A	Partial removal of toe	4.81	9.52	7.87	0.65	14.98	13.33	090
28126	A	Partial removal of toe	3.52	8.27	7.11	0.49	12.28	11.12	090
28130	A	Removal of ankle bone	8.11	NA	9.03	1.11	NA	18.25	090
28140	A	Removal of metatarsal	6.91	10.80	7.99	0.84	18.55	15.74	090
28150	A	Removal of toe	4.09	8.94	7.33	0.52	13.55	11.94	090
28153	A	Partial removal of toe	3.66	8.27	5.96	0.49	12.42	10.11	090
28160	A	Partial removal of toe	3.74	8.58	7.50	0.51	12.83	11.75	090
28171	A	Extensive foot surgery	9.60	NA	8.48	1.13	NA	19.21	090
28173	A	Extensive foot surgery	8.80	11.13	8.87	1.04	20.97	18.71	090
28175	A	Extensive foot surgery	6.05	9.58	6.90	0.75	16.38	13.70	090
28190	A	Removal of foot foreign body	1.96	6.41	3.42	0.16	8.53	5.54	010
28192	A	Removal of foot foreign body	4.64	8.20	5.59	0.52	13.36	10.75	090
28193	A	Removal of foot foreign body	5.73	8.77	6.70	0.63	15.13	13.06	090
28200	A	Repair of foot tendon	4.60	8.41	6.53	0.59	13.60	11.72	090
28202	A	Repair/graft of foot tendon	6.84	11.55	7.11	0.86	19.25	14.81	090
28208	A	Repair of foot tendon	4.37	8.15	6.10	0.59	13.11	11.06	090
28210	A	Repair/graft of foot tendon	6.35	9.60	6.56	0.77	16.72	13.68	090
28220	A	Release of foot tendon	4.53	7.94	6.29	0.63	13.10	11.45	090
28222	A	Release of foot tendons	5.62	8.34	7.12	0.77	14.73	13.51	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
28225	A	Release of foot tendon	3.66	7.72	5.83	0.50	11.88	9.99	090
28226	A	Release of foot tendons	4.53	7.99	6.80	0.62	13.14	11.95	090
28230	A	Incision of foot tendon(s)	4.24	8.10	7.09	0.59	12.93	11.92	090
28232	A	Incision of toe tendon	3.39	8.14	6.78	0.48	12.01	10.65	090
28234	A	Incision of foot tendon	3.37	8.22	6.25	0.46	12.05	10.08	090
28238	A	Revision of foot tendon	7.73	10.31	7.61	1.08	19.12	16.42	090
28240	A	Release of big toe	4.36	8.05	6.67	0.61	13.02	11.64	090
28250	A	Revision of foot fascia	5.92	9.00	7.08	0.81	15.73	13.81	090
28260	A	Release of midfoot joint	7.96	9.47	7.73	1.08	18.51	16.77	090
28261	A	Revision of foot tendon	11.73	11.02	9.66	1.66	24.41	23.05	090
28262	A	Revision of foot and ankle	15.83	17.31	15.44	2.22	35.36	33.49	090
28264	A	Release of midfoot joint	10.35	11.28	11.28	1.46	23.09	23.09	090
28270	A	Release of foot contracture	4.76	8.70	7.46	0.67	14.13	12.89	090
28272	A	Release of toe joint, each	3.80	7.59	5.63	0.52	11.91	9.95	090
28280	A	Fusion of toes	5.19	9.25	7.16	0.72	15.16	13.07	090
28285	A	Repair of hammertoe	4.59	8.76	6.85	0.64	13.99	12.08	090
28286	A	Repair of hammertoe	4.56	8.62	6.80	0.64	13.82	12.00	090
28288	A	Partial removal of foot bone	4.74	9.14	8.50	0.65	14.53	13.89	090
28289	A	Repair hallux rigidus	7.04	11.61	9.63	0.96	19.61	17.63	090
28290	A	Correction of bunion	5.66	9.89	9.25	0.79	16.34	15.70	090
28292	A	Correction of bunion	7.04	9.86	7.77	0.98	17.88	15.79	090
28293	A	Correction of bunion	9.15	8.28	5.99	1.28	18.71	16.42	090
28294	A	Correction of bunion	8.56	10.47	7.96	1.16	20.19	17.68	090
28296	A	Correction of bunion	9.18	10.94	8.74	1.28	21.40	19.20	090
28297	A	Correction of bunion	9.18	11.96	10.51	1.31	22.45	21.00	090
28298	A	Correction of bunion	7.94	10.07	8.40	1.12	19.13	17.46	090
28299	A	Correction of bunion	10.58	11.36	9.11	1.24	23.18	20.93	090
28300	A	Incision of heel bone	9.54	15.04	9.59	1.31	25.89	20.44	090
28302	A	Incision of ankle bone	9.55	14.76	9.53	1.15	25.46	20.23	090
28304	A	Incision of midfoot bones	9.16	10.31	7.89	1.00	20.47	18.05	090
28305	A	Incise/graft midfoot bones	10.50	14.76	9.73	0.55	25.81	20.78	090
28306	A	Incision of metatarsal	5.86	9.21	6.48	0.81	15.88	13.15	090
28307	A	Incision of metatarsal	6.33	13.36	8.20	0.71	20.40	15.24	090
28308	A	Incision of metatarsal	5.29	7.88	5.45	0.74	13.91	11.48	090
28309	A	Incision of metatarsals	12.78	NA	10.66	1.64	NA	25.08	090
28310	A	Revision of big toe	5.43	9.14	6.99	0.76	15.33	13.18	090
28312	A	Revision of toe	4.55	8.87	7.70	0.62	14.04	12.87	090
28313	A	Repair deformity of toe	5.01	9.36	9.36	0.68	15.05	15.05	090
28315	A	Removal of sesamoid bone	4.86	7.91	5.75	0.66	13.43	11.27	090
28320	A	Repair of foot bones	9.18	NA	9.14	1.27	NA	19.59	090
28322	A	Repair of metatarsals	8.34	11.91	8.67	1.17	21.42	18.18	090
28340	A	Resect enlarged toe tissue	6.98	9.40	6.86	0.98	17.36	14.82	090
28341	A	Resect enlarged toe	8.41	9.50	7.14	1.18	19.09	16.73	090
28344	A	Repair extra toe(s)	4.26	8.82	5.99	0.60	13.68	10.85	090
28345	A	Repair webbed toe(s)	5.92	9.33	7.70	0.84	16.09	14.46	090
28360	A	Reconstruct cleft foot	13.34	NA	13.96	1.88	NA	29.18	090
28400	A	Treatment of heel fracture	2.16	6.16	4.90	0.29	8.61	7.35	090
28405	A	Treatment of heel fracture	4.57	7.06	6.09	0.63	12.26	11.29	090
28406	A	Treatment of heel fracture	6.31	NA	9.13	0.87	NA	16.31	090
28415	A	Treat heel fracture	15.97	NA	15.68	2.24	NA	33.89	090
28420	A	Treat/graft heel fracture	16.64	NA	16.03	2.29	NA	34.96	090
28430	A	Treatment of ankle fracture	2.09	5.58	4.27	0.27	7.94	6.63	090
28435	A	Treatment of ankle fracture	3.40	5.82	4.89	0.47	9.69	8.76	090
28436	A	Treatment of ankle fracture	4.71	NA	8.17	0.66	NA	13.54	090
28445	A	Treat ankle fracture	15.62	NA	14.08	1.29	NA	30.99	090
28450	A	Treat midfoot fracture, each	1.90	5.53	4.16	0.25	7.68	6.31	090
28455	A	Treat midfoot fracture, each	3.09	5.46	5.08	0.43	8.98	8.60	090
28456	A	Treat midfoot fracture	2.68	NA	6.50	0.36	NA	9.54	090
28465	A	Treat midfoot fracture, each	7.01	NA	8.48	0.87	NA	16.36	090
28470	A	Treat metatarsal fracture	1.99	4.77	3.44	0.26	7.02	5.69	090
28475	A	Treat metatarsal fracture	2.97	5.37	4.59	0.41	8.75	7.97	090
28476	A	Treat metatarsal fracture	3.38	NA	7.01	0.46	NA	10.85	090
28485	A	Treat metatarsal fracture	5.71	NA	8.18	0.80	NA	14.69	090
28490	A	Treat big toe fracture	1.09	2.86	2.18	0.13	4.08	3.40	090
28495	A	Treat big toe fracture	1.58	2.96	2.31	0.19	4.73	4.08	090
28496	A	Treat big toe fracture	2.33	10.94	5.26	0.32	13.59	7.91	090
28505	A	Treat big toe fracture	3.81	11.49	6.99	0.50	15.80	11.30	090
28510	A	Treatment of toe fracture	1.09	2.55	2.17	0.13	3.77	3.39	090
28515	A	Treatment of toe fracture	1.46	2.80	2.26	0.17	4.43	3.89	090
28525	A	Treat toe fracture	3.32	11.14	6.62	0.44	14.90	10.38	090
28530	A	Treat sesamoid bone fracture	1.06	3.07	2.81	0.13	4.26	4.00	090
28531	A	Treat sesamoid bone fracture	2.35	11.17	4.20	0.33	13.85	6.88	090
28540	A	Treat foot dislocation	2.04	3.82	3.82	0.24	6.10	6.10	090
28545	A	Treat foot dislocation	2.45	4.11	4.11	0.33	6.89	6.89	090
28546	A	Treat foot dislocation	3.20	9.17	6.25	0.46	12.83	9.91	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
28555	A	Repair foot dislocation	6.30	13.38	8.67	0.88	20.56	15.85	090
28570	A	Treat foot dislocation	1.66	4.23	4.00	0.22	6.11	5.88	090
28575	A	Treat foot dislocation	3.31	6.02	5.69	0.45	9.78	9.45	090
28576	A	Treat foot dislocation	4.17	11.89	6.88	0.56	16.62	11.61	090
28585	A	Repair foot dislocation	7.99	9.70	8.46	1.13	18.82	17.58	090
28600	A	Treat foot dislocation	1.89	4.58	4.15	0.24	6.71	6.28	090
28605	A	Treat foot dislocation	2.71	5.24	5.20	0.35	8.30	8.26	090
28606	A	Treat foot dislocation	4.90	16.53	7.41	0.68	22.11	12.99	090
28615	A	Repair foot dislocation	7.77	NA	9.71	1.09	NA	18.57	090
28630	A	Treat toe dislocation	1.70	2.39	2.39	0.17	4.26	4.26	010
28635	A	Treat toe dislocation	1.91	2.60	2.60	0.24	4.75	4.75	010
28636	A	Treat toe dislocation	2.77	7.15	3.21	0.39	10.31	6.37	010
28645	A	Repair toe dislocation	4.22	6.72	4.42	0.58	11.52	9.22	090
28660	A	Treat toe dislocation	1.23	3.15	2.47	0.11	4.49	3.81	010
28665	A	Treat toe dislocation	1.92	2.63	2.63	0.24	4.79	4.79	010
28666	A	Treat toe dislocation	2.66	7.78	2.94	0.38	10.82	5.98	010
28675	A	Repair of toe dislocation	2.92	9.64	5.13	0.41	12.97	8.46	090
28705	A	Fusion of foot bones	18.80	NA	15.42	2.13	NA	36.35	090
28715	A	Fusion of foot bones	13.10	NA	12.85	1.84	NA	27.79	090
28725	A	Fusion of foot bones	11.61	NA	11.67	1.63	NA	24.91	090
28730	A	Fusion of foot bones	10.76	NA	11.03	1.51	NA	23.30	090
28735	A	Fusion of foot bones	10.85	NA	10.81	1.51	NA	23.17	090
28737	A	Revision of foot bones	9.64	NA	9.45	1.36	NA	20.45	090
28740	A	Fusion of foot bones	8.02	13.73	9.19	1.13	22.88	18.34	090
28750	A	Fusion of big toe joint	7.30	14.99	9.59	1.03	23.32	17.92	090
28755	A	Fusion of big toe joint	4.74	9.24	6.76	0.66	14.64	12.16	090
28760	A	Fusion of big toe joint	7.75	10.17	7.89	1.07	18.99	16.71	090
28800	A	Amputation of midfoot	8.21	NA	9.11	0.98	NA	18.30	090
28805	A	Amputation thru metatarsal	8.39	NA	9.05	0.97	NA	18.41	090
28810	A	Amputation toe & metatarsal	6.21	NA	7.96	0.70	NA	14.87	090
28820	A	Amputation of toe	4.41	11.19	7.26	0.51	16.11	12.18	090
28825	A	Partial amputation of toe	3.59	10.58	7.11	0.43	14.60	11.13	090
28899	C	Foot/toes surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
29000	A	Application of body cast	2.25	3.08	1.74	0.30	5.63	4.29	000
29010	A	Application of body cast	2.06	3.07	1.72	0.27	5.40	4.05	000
29015	A	Application of body cast	2.41	2.97	1.60	0.21	5.59	4.22	000
29020	A	Application of body cast	2.11	3.27	1.44	0.16	5.54	3.71	000
29025	A	Application of body cast	2.40	3.16	1.86	0.26	5.82	4.52	000
29035	A	Application of body cast	1.77	3.10	1.53	0.24	5.11	3.54	000
29040	A	Application of body cast	2.22	2.48	1.54	0.35	5.05	4.11	000
29044	A	Application of body cast	2.12	3.42	1.83	0.29	5.83	4.24	000
29046	A	Application of body cast	2.41	3.12	2.01	0.34	5.87	4.76	000
29049	A	Application of figure eight	0.89	1.10	0.57	0.12	2.11	1.58	000
29055	A	Application of shoulder cast	1.78	2.54	1.44	0.24	4.56	3.46	000
29058	A	Application of shoulder cast	1.31	1.36	0.76	0.14	2.81	2.21	000
29065	A	Application of long arm cast	0.87	1.15	0.70	0.12	2.14	1.69	000
29075	A	Application of forearm cast	0.77	1.09	0.64	0.11	1.97	1.52	000
29085	A	Apply hand/wrist cast	0.87	1.13	0.62	0.11	2.11	1.60	000
29086	A	Apply finger cast	0.62	0.72	0.55	0.06	1.40	1.23	000
29105	A	Apply long arm splint	0.87	1.08	0.51	0.11	2.06	1.49	000
29125	A	Apply forearm splint	0.59	0.91	0.40	0.06	1.56	1.05	000
29126	A	Apply forearm splint	0.77	1.13	0.47	0.06	1.96	1.30	000
29130	A	Application of finger splint	0.50	0.44	0.17	0.05	0.99	0.72	000
29131	A	Application of finger splint	0.55	0.71	0.24	0.03	1.29	0.82	000
29200	A	Strapping of chest	0.65	0.80	0.36	0.04	1.49	1.05	000
29220	A	Strapping of low back	0.64	0.75	0.40	0.07	1.46	1.11	000
29240	A	Strapping of shoulder	0.71	0.88	0.39	0.05	1.64	1.15	000
29260	A	Strapping of elbow or wrist	0.55	0.77	0.34	0.04	1.36	0.93	000
29280	A	Strapping of hand or finger	0.51	0.81	0.34	0.04	1.36	0.89	000
29305	A	Application of hip cast	2.03	2.91	1.65	0.29	5.23	3.97	000
29325	A	Application of hip casts	2.32	3.09	1.83	0.31	5.72	4.46	000
29345	A	Application of long leg cast	1.40	1.55	1.02	0.19	3.14	2.61	000
29355	A	Application of long leg cast	1.53	1.53	1.07	0.20	3.26	2.80	000
29358	A	Apply long leg cast brace	1.43	1.80	1.04	0.19	3.42	2.66	000
29365	A	Application of long leg cast	1.18	1.44	0.90	0.17	2.79	2.25	000
29405	A	Apply short leg cast	0.86	1.07	0.67	0.12	2.05	1.65	000
29425	A	Apply short leg cast	1.01	1.08	0.70	0.14	2.23	1.85	000
29435	A	Apply short leg cast	1.18	1.37	0.89	0.17	2.72	2.24	000
29440	A	Addition of walker to cast	0.57	0.63	0.27	0.07	1.27	0.91	000
29445	A	Apply rigid leg cast	1.78	1.64	0.95	0.24	3.66	2.97	000
29450	A	Application of leg cast	2.08	1.39	1.08	0.13	3.60	3.29	000
29505	A	Application, long leg splint	0.69	1.06	0.47	0.06	1.81	1.22	000
29515	A	Application lower leg splint	0.73	0.80	0.47	0.07	1.60	1.27	000
29520	A	Strapping of hip	0.54	0.88	0.44	0.02	1.44	1.00	000
29530	A	Strapping of knee	0.57	0.82	0.35	0.04	1.43	0.96	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
29540	A	Strapping of ankle and/or ft	0.51	0.39	0.32	0.04	0.94	0.87	000
29550	A	Strapping of toes	0.47	0.40	0.27	0.05	0.92	0.79	000
29580	A	Application of paste boot	0.57	0.60	0.35	0.05	1.22	0.97	000
29590	A	Application of foot splint	0.76	0.49	0.30	0.06	1.31	1.12	000
29700	A	Removal/revision of cast	0.57	0.81	0.29	0.07	1.45	0.93	000
29705	A	Removal/revision of cast	0.76	0.74	0.39	0.10	1.60	1.25	000
29710	A	Removal/revision of cast	1.34	1.41	0.71	0.17	2.92	2.22	000
29715	A	Removal/revision of cast	0.94	1.08	0.41	0.08	2.10	1.43	000
29720	A	Repair of body cast	0.68	1.00	0.39	0.10	1.78	1.17	000
29730	A	Windowing of cast	0.75	0.73	0.35	0.10	1.58	1.20	000
29740	A	Wedging of cast	1.12	1.04	0.50	0.15	2.31	1.77	000
29750	A	Wedging of clubfoot cast	1.26	1.00	0.59	0.16	2.42	2.01	000
29799	C	Casting/strapping procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
29800	A	Jaw arthroscopy/surgery	6.43	NA	9.06	0.84	NA	16.33	090
29804	A	Jaw arthroscopy/surgery	8.14	NA	8.53	0.66	NA	17.33	090
29805	A	Shoulder arthroscopy, dx	5.89	NA	7.85	0.84	NA	14.58	090
29806	A	Shoulder arthroscopy/surgery	14.37	NA	11.17	2.00	NA	27.54	090
29807	A	Shoulder arthroscopy/surgery	13.90	NA	10.93	1.94	NA	26.77	090
29819	A	Shoulder arthroscopy/surgery	7.62	NA	6.87	1.07	NA	15.56	090
29820	A	Shoulder arthroscopy/surgery	7.07	NA	6.39	0.99	NA	14.45	090
29821	A	Shoulder arthroscopy/surgery	7.72	NA	6.89	1.08	NA	15.69	090
29822	A	Shoulder arthroscopy/surgery	7.43	NA	6.77	1.04	NA	15.24	090
29823	A	Shoulder arthroscopy/surgery	8.17	NA	7.32	1.15	NA	16.64	090
29824	A	Shoulder arthroscopy/surgery	8.25	NA	7.46	1.15	NA	16.86	090
29825	A	Shoulder arthroscopy/surgery	7.62	NA	6.86	1.06	NA	15.54	090
29826	A	Shoulder arthroscopy/surgery	8.99	NA	7.63	1.26	NA	17.88	090
29827	A	Arthroscop rotator cuff repr	15.36	NA	11.55	1.86	NA	28.77	090
29830	A	Elbow arthroscopy	5.76	NA	5.47	0.79	NA	12.02	090
29834	A	Elbow arthroscopy/surgery	6.28	NA	5.96	0.86	NA	13.10	090
29835	A	Elbow arthroscopy/surgery	6.48	NA	6.02	0.88	NA	13.38	090
29836	A	Elbow arthroscopy/surgery	7.55	NA	6.83	1.06	NA	15.44	090
29837	A	Elbow arthroscopy/surgery	6.87	NA	6.27	0.96	NA	14.10	090
29838	A	Elbow arthroscopy/surgery	7.71	NA	6.98	1.07	NA	15.76	090
29840	A	Wrist arthroscopy	5.54	NA	5.49	0.69	NA	11.72	090
29843	A	Wrist arthroscopy/surgery	6.01	NA	5.74	0.82	NA	12.57	090
29844	A	Wrist arthroscopy/surgery	6.37	NA	5.96	0.86	NA	13.19	090
29845	A	Wrist arthroscopy/surgery	7.52	NA	6.61	0.84	NA	14.97	090
29846	A	Wrist arthroscopy/surgery	6.75	NA	6.19	0.89	NA	13.83	090
29847	A	Wrist arthroscopy/surgery	7.08	NA	6.33	0.91	NA	14.32	090
29848	A	Wrist endoscopy/surgery	5.44	NA	5.69	0.72	NA	11.85	090
29850	A	Knee arthroscopy/surgery	8.19	NA	5.27	0.74	NA	14.20	090
29851	A	Knee arthroscopy/surgery	13.10	NA	9.94	1.81	NA	24.85	090
29855	A	Tibial arthroscopy/surgery	10.62	NA	8.79	1.50	NA	20.91	090
29856	A	Tibial arthroscopy/surgery	14.14	NA	10.74	2.00	NA	26.88	090
29860	A	Hip arthroscopy, dx	8.05	NA	7.06	1.14	NA	16.25	090
29861	A	Hip arthroscopy/surgery	9.15	NA	7.48	1.29	NA	17.92	090
29862	A	Hip arthroscopy/surgery	9.90	NA	8.58	1.39	NA	19.87	090
29863	A	Hip arthroscopy/surgery	9.90	NA	8.53	1.40	NA	19.83	090
29870	A	Knee arthroscopy, dx	5.07	NA	5.00	0.67	NA	10.74	090
29871	A	Knee arthroscopy/drainage	6.55	NA	5.98	0.88	NA	13.41	090
29873	A	Knee arthroscopy/surgery	6.00	NA	6.56	0.73	NA	13.29	090
29874	A	Knee arthroscopy/surgery	7.05	NA	6.27	0.87	NA	14.19	090
29875	A	Knee arthroscopy/surgery	6.31	NA	5.98	0.88	NA	13.17	090
29876	A	Knee arthroscopy/surgery	7.92	NA	7.12	1.11	NA	16.15	090
29877	A	Knee arthroscopy/surgery	7.35	NA	6.81	1.03	NA	15.19	090
29879	A	Knee arthroscopy/surgery	8.04	NA	7.21	1.13	NA	16.38	090
29880	A	Knee arthroscopy/surgery	8.50	NA	7.46	1.19	NA	17.15	090
29881	A	Knee arthroscopy/surgery	7.76	NA	7.04	1.09	NA	15.89	090
29882	A	Knee arthroscopy/surgery	8.65	NA	7.34	1.09	NA	17.08	090
29883	A	Knee arthroscopy/surgery	11.05	NA	9.16	1.33	NA	21.54	090
29884	A	Knee arthroscopy/surgery	7.33	NA	6.76	1.03	NA	15.12	090
29885	A	Knee arthroscopy/surgery	9.09	NA	7.98	1.27	NA	18.34	090
29886	A	Knee arthroscopy/surgery	7.54	NA	6.94	1.06	NA	15.54	090
29887	A	Knee arthroscopy/surgery	9.04	NA	7.95	1.27	NA	18.26	090
29888	A	Knee arthroscopy/surgery	13.90	NA	10.42	1.95	NA	26.27	090
29889	A	Knee arthroscopy/surgery	16.00	NA	12.48	2.11	NA	30.59	090
29891	A	Ankle arthroscopy/surgery	8.40	NA	7.50	1.17	NA	17.07	090
29892	A	Ankle arthroscopy/surgery	9.00	NA	7.77	1.26	NA	18.03	090
29893	A	Scope, plantar fasciotomy	5.22	NA	3.88	0.74	NA	9.84	090
29894	A	Ankle arthroscopy/surgery	7.21	NA	5.61	1.01	NA	13.83	090
29895	A	Ankle arthroscopy/surgery	6.99	NA	5.60	0.97	NA	13.56	090
29897	A	Ankle arthroscopy/surgery	7.18	NA	6.04	1.01	NA	14.23	090
29898	A	Ankle arthroscopy/surgery	8.32	NA	6.28	1.14	NA	15.74	090
29899	A	Ankle arthroscopy/surgery	13.91	NA	10.58	1.95	NA	26.44	090
29900	A	Mcp joint arthroscopy, dx	5.42	NA	5.92	0.75	NA	12.09	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
29901	A	Mcp joint arthroscopy, surg	6.13	NA	6.30	0.85	NA	13.28	090
29902	A	Mcp joint arthroscopy, surg	6.70	NA	6.61	0.93	NA	14.24	090
29999	C	Arthroscopy of joint	0.00	0.00	0.00	0.00	0.00	0.00	YYY
30000	A	Drainage of nose lesion	1.43	2.52	1.47	0.10	4.05	3.00	010
30020	A	Drainage of nose lesion	1.43	2.71	1.56	0.08	4.22	3.07	010
30100	A	Intranasal biopsy	0.94	1.33	0.52	0.06	2.33	1.52	000
30110	A	Removal of nose polyp(s)	1.63	2.80	0.87	0.12	4.55	2.62	010
30115	A	Removal of nose polyp(s)	4.35	NA	4.49	0.31	NA	9.15	090
30117	A	Removal of intranasal lesion	3.16	4.97	3.15	0.22	8.35	6.53	090
30118	A	Removal of intranasal lesion	9.69	NA	8.17	0.66	NA	18.52	090
30120	A	Revision of nose	5.27	5.97	5.97	0.41	11.65	11.65	090
30124	A	Removal of nose lesion	3.10	NA	3.31	0.20	NA	6.61	090
30125	A	Removal of nose lesion	7.16	NA	6.42	0.54	NA	14.12	090
30130	A	Removal of turbinate bones	3.38	NA	3.94	0.22	NA	7.54	090
30140	A	Removal of turbinate bones	3.43	NA	4.58	0.24	NA	8.25	090
30150	A	Partial removal of nose	9.14	NA	8.56	0.76	NA	18.46	090
30160	A	Removal of nose	9.58	NA	8.47	0.78	NA	18.83	090
30200	A	Injection treatment of nose	0.78	1.21	0.44	0.06	2.05	1.28	000
30210	A	Nasal sinus therapy	1.08	2.15	0.59	0.08	3.31	1.75	010
30220	A	Insert nasal septal button	1.54	2.51	0.84	0.11	4.16	2.49	010
30300	A	Remove nasal foreign body	1.04	2.60	0.38	0.07	3.71	1.49	010
30310	A	Remove nasal foreign body	1.96	NA	1.88	0.14	NA	3.98	010
30320	A	Remove nasal foreign body	4.52	NA	5.24	0.36	NA	10.12	090
30400	R	Reconstruction of nose	9.83	NA	8.81	0.80	NA	19.44	090
30410	R	Reconstruction of nose	12.98	NA	10.50	1.08	NA	24.56	090
30420	R	Reconstruction of nose	15.88	NA	12.20	1.24	NA	29.32	090
30430	R	Revision of nose	7.21	NA	7.14	0.62	NA	14.97	090
30435	R	Revision of nose	11.71	NA	10.22	1.10	NA	23.03	090
30450	R	Revision of nose	18.65	NA	13.82	1.53	NA	34.00	090
30460	A	Revision of nose	9.96	NA	9.12	0.85	NA	19.93	090
30462	A	Revision of nose	19.57	NA	14.40	1.92	NA	35.89	090
30465	A	Repair nasal stenosis	11.64	NA	8.64	0.97	NA	21.25	090
30520	A	Repair of nasal septum	5.70	NA	5.85	0.41	NA	11.96	090
30540	A	Repair nasal defect	7.75	NA	6.43	0.53	NA	14.71	090
30545	A	Repair nasal defect	11.38	NA	9.58	0.80	NA	21.76	090
30560	A	Release of nasal adhesions	1.26	2.33	1.50	0.09	3.68	2.85	010
30580	A	Repair upper jaw fistula	6.69	4.97	4.97	0.50	12.16	12.16	090
30600	A	Repair mouth/nose fistula	6.02	4.93	4.93	0.70	11.65	11.65	090
30620	A	Intranasal reconstruction	5.97	NA	6.54	0.45	NA	12.96	090
30630	A	Repair nasal septum defect	7.12	NA	7.08	0.51	NA	14.71	090
30801	A	Cauterization, inner nose	1.09	2.55	2.30	0.08	3.72	3.47	010
30802	A	Cauterization, inner nose	2.03	3.10	2.84	0.15	5.28	5.02	010
30901	A	Control of nosebleed	1.21	1.40	0.33	0.09	2.70	1.63	000
30903	A	Control of nosebleed	1.54	3.14	0.51	0.12	4.80	2.17	000
30905	A	Control of nosebleed	1.97	3.79	0.78	0.15	5.91	2.90	000
30906	A	Repeat control of nosebleed	2.45	4.19	1.23	0.17	6.81	3.85	000
30915	A	Ligation, nasal sinus artery	7.20	NA	7.03	0.50	NA	14.73	090
30920	A	Ligation, upper jaw artery	9.83	NA	8.48	0.69	NA	19.00	090
30930	A	Therapy, fracture of nose	1.26	NA	2.16	0.09	NA	3.51	010
30999	C	Nasal surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
31000	A	Irrigation, maxillary sinus	1.15	2.43	0.64	0.08	3.66	1.87	010
31002	A	Irrigation, sphenoid sinus	1.91	NA	2.03	0.14	NA	4.08	010
31020	A	Exploration, maxillary sinus	2.94	4.30	3.64	0.20	7.44	6.78	090
31030	A	Exploration, maxillary sinus	5.92	4.77	4.60	0.42	11.11	10.94	090
31032	A	Explore sinus, remove polyps	6.57	NA	6.06	0.47	NA	13.10	090
31040	A	Exploration behind upper jaw	9.42	NA	6.97	0.71	NA	17.10	090
31050	A	Exploration, sphenoid sinus	5.28	NA	5.04	0.39	NA	10.71	090
31051	A	Sphenoid sinus surgery	7.11	NA	6.51	0.55	NA	14.17	090
31070	A	Exploration of frontal sinus	4.28	NA	5.00	0.30	NA	9.58	090
31075	A	Exploration of frontal sinus	9.16	NA	8.16	0.64	NA	17.96	090
31080	A	Removal of frontal sinus	11.42	NA	8.78	0.78	NA	20.98	090
31081	A	Removal of frontal sinus	12.75	NA	9.73	1.84	NA	24.32	090
31084	A	Removal of frontal sinus	13.51	NA	10.49	0.96	NA	24.96	090
31085	A	Removal of frontal sinus	14.20	NA	10.73	1.18	NA	26.11	090
31086	A	Removal of frontal sinus	12.86	NA	10.42	0.90	NA	24.18	090
31087	A	Removal of frontal sinus	13.10	NA	10.43	1.15	NA	24.68	090
31090	A	Exploration of sinuses	9.53	NA	8.89	0.66	NA	19.08	090
31200	A	Removal of ethmoid sinus	4.97	NA	5.70	0.25	NA	10.92	090
31201	A	Removal of ethmoid sinus	8.37	NA	7.76	0.58	NA	16.71	090
31205	A	Removal of ethmoid sinus	10.24	NA	8.39	0.58	NA	19.21	090
31225	A	Removal of upper jaw	19.23	NA	15.01	1.38	NA	35.62	090
31230	A	Removal of upper jaw	21.94	NA	16.66	1.57	NA	40.17	090
31231	A	Nasal endoscopy, dx	1.10	1.99	0.59	0.08	3.17	1.77	000
31233	A	Nasal/sinus endoscopy, dx	2.18	2.63	1.19	0.16	4.97	3.53	000
31235	A	Nasal/sinus endoscopy, dx	2.64	2.90	1.45	0.18	5.72	4.27	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
31237	A	Nasal/sinus endoscopy, surg	2.98	3.17	1.61	0.21	6.36	4.80	000
31238	A	Nasal/sinus endoscopy, surg	3.26	3.71	1.82	0.23	7.20	5.31	000
31239	A	Nasal/sinus endoscopy, surg	8.70	NA	6.51	0.46	NA	15.67	010
31240	A	Nasal/sinus endoscopy, surg	2.61	NA	1.55	0.18	NA	4.34	000
31254	A	Revision of ethmoid sinus	4.65	NA	2.71	0.32	NA	7.68	000
31255	A	Removal of ethmoid sinus	6.96	NA	4.01	0.49	NA	11.46	000
31256	A	Exploration maxillary sinus	3.29	NA	1.95	0.23	NA	5.47	000
31267	A	Endoscopy, maxillary sinus	5.46	NA	3.16	0.38	NA	9.00	000
31276	A	Sinus endoscopy, surgical	8.85	NA	5.05	0.62	NA	14.52	000
31287	A	Nasal/sinus endoscopy, surg	3.92	NA	2.30	0.27	NA	6.49	000
31288	A	Nasal/sinus endoscopy, surg	4.58	NA	2.67	0.32	NA	7.57	000
31290	A	Nasal/sinus endoscopy, surg	17.24	NA	11.56	1.20	NA	30.00	010
31291	A	Nasal/sinus endoscopy, surg	18.19	NA	11.87	1.73	NA	31.79	010
31292	A	Nasal/sinus endoscopy, surg	14.76	NA	10.05	0.99	NA	25.80	010
31293	A	Nasal/sinus endoscopy, surg	16.21	NA	10.76	0.97	NA	27.94	010
31294	A	Nasal/sinus endoscopy, surg	19.06	NA	12.32	1.04	NA	32.42	010
31299	C	Sinus surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
31300	A	Removal of larynx lesion	14.29	NA	17.26	0.99	NA	32.54	090
31320	A	Diagnostic incision, larynx	5.26	NA	12.98	0.40	NA	18.64	090
31360	A	Removal of larynx	17.08	NA	19.03	1.20	NA	37.31	090
31365	A	Removal of larynx	24.16	NA	22.76	1.72	NA	48.64	090
31367	A	Partial removal of larynx	21.86	NA	23.63	1.57	NA	47.06	090
31368	A	Partial removal of larynx	27.09	NA	28.25	1.90	NA	57.24	090
31370	A	Partial removal of larynx	21.38	NA	23.28	1.51	NA	46.17	090
31375	A	Partial removal of larynx	20.21	NA	20.86	1.43	NA	42.50	090
31380	A	Partial removal of larynx	20.21	NA	20.88	1.40	NA	42.49	090
31382	A	Partial removal of larynx	20.52	NA	22.86	1.44	NA	44.82	090
31390	A	Removal of larynx & pharynx	27.53	NA	28.42	1.95	NA	57.90	090
31395	A	Reconstruct larynx & pharynx	31.09	NA	34.27	2.27	NA	67.63	090
31400	A	Revision of larynx	10.31	NA	15.66	0.72	NA	26.69	090
31420	A	Removal of epiglottis	10.22	NA	15.35	0.71	NA	26.28	090
31500	A	Insert emergency airway	2.33	NA	0.67	0.15	NA	3.15	000
31502	A	Change of windpipe airway	0.65	1.98	0.26	0.04	2.67	0.95	000
31505	A	Diagnostic laryngoscopy	0.61	0.67	0.23	0.04	1.32	0.88	000
31510	A	Laryngoscopy with biopsy	1.92	2.83	0.98	0.15	4.90	3.05	000
31511	A	Remove foreign body, larynx	2.16	3.12	0.75	0.16	5.44	3.07	000
31512	A	Removal of larynx lesion	2.07	3.07	1.07	0.16	5.30	3.30	000
31513	A	Injection into vocal cord	2.10	NA	1.28	0.15	NA	3.53	000
31515	A	Laryngoscopy for aspiration	1.80	2.39	0.85	0.12	4.31	2.77	000
31520	A	Diagnostic laryngoscopy	2.56	NA	1.38	0.17	NA	4.11	000
31525	A	Diagnostic laryngoscopy	2.63	2.91	1.48	0.18	5.72	4.29	000
31526	A	Diagnostic laryngoscopy	2.57	NA	1.54	0.18	NA	4.29	000
31527	A	Laryngoscopy for treatment	3.27	NA	1.71	0.21	NA	5.19	000
31528	A	Laryngoscopy and dilation	2.37	NA	1.26	0.16	NA	3.79	000
31529	A	Laryngoscopy and dilation	2.68	NA	1.55	0.18	NA	4.41	000
31530	A	Operative laryngoscopy	3.39	NA	1.75	0.24	NA	5.38	000
31531	A	Operative laryngoscopy	3.59	NA	2.12	0.25	NA	5.96	000
31535	A	Operative laryngoscopy	3.16	NA	1.82	0.22	NA	5.20	000
31536	A	Operative laryngoscopy	3.56	NA	2.09	0.25	NA	5.90	000
31540	A	Operative laryngoscopy	4.13	NA	2.40	0.29	NA	6.82	000
31541	A	Operative laryngoscopy	4.53	NA	2.64	0.32	NA	7.49	000
31560	A	Operative laryngoscopy	5.46	NA	3.05	0.38	NA	8.89	000
31561	A	Operative laryngoscopy	6.00	NA	3.26	0.42	NA	9.68	000
31570	A	Laryngoscopy with injection	3.87	4.16	2.23	0.24	8.27	6.34	000
31571	A	Laryngoscopy with injection	4.27	NA	2.45	0.30	NA	7.02	000
31575	A	Diagnostic laryngoscopy	1.10	2.07	0.57	0.08	3.25	1.75	000
31576	A	Laryngoscopy with biopsy	1.97	2.45	1.02	0.13	4.55	3.12	000
31577	A	Remove foreign body, larynx	2.47	2.93	1.25	0.17	5.57	3.89	000
31578	A	Removal of larynx lesion	2.84	3.19	1.24	0.20	6.23	4.28	000
31579	A	Diagnostic laryngoscopy	2.26	2.94	1.20	0.16	5.36	3.62	000
31580	A	Revision of larynx	12.38	NA	16.18	0.87	NA	29.43	090
31582	A	Revision of larynx	21.62	NA	21.69	1.52	NA	44.83	090
31584	A	Treat larynx fracture	19.64	NA	18.64	1.42	NA	39.70	090
31585	A	Treat larynx fracture	4.64	NA	8.94	0.30	NA	13.88	090
31586	A	Treat larynx fracture	8.03	NA	12.77	0.56	NA	21.36	090
31587	A	Revision of larynx	11.99	NA	14.23	0.88	NA	27.10	090
31588	A	Revision of larynx	13.11	NA	17.11	0.92	NA	31.14	090
31590	A	Reinnervate larynx	6.97	NA	12.52	0.50	NA	19.99	090
31595	A	Larynx nerve surgery	8.34	NA	11.32	0.62	NA	20.28	090
31599	C	Larynx surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
31600	A	Incision of windpipe	7.18	NA	3.05	0.34	NA	10.57	000
31601	A	Incision of windpipe	4.45	NA	2.15	0.39	NA	6.99	000
31603	A	Incision of windpipe	4.15	NA	1.75	0.35	NA	6.25	000
31605	A	Incision of windpipe	3.58	NA	1.21	0.33	NA	5.12	000
31610	A	Incision of windpipe	8.76	NA	10.79	0.69	NA	20.24	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
31611	A	Surgery/speech prosthesis	5.64	NA	10.19	0.40	NA	16.23	090
31612	A	Puncture/clear windpipe	0.91	1.49	0.42	0.06	2.46	1.39	000
31613	A	Repair windpipe opening	4.59	NA	8.88	0.37	NA	13.84	090
31614	A	Repair windpipe opening	7.12	NA	12.24	0.51	NA	19.87	090
31615	A	Visualization of windpipe	2.09	3.74	1.17	0.14	5.97	3.40	000
31622	A	Dx bronchoscope/wash	2.78	3.44	1.15	0.14	6.36	4.07	000
31623	A	Dx bronchoscope/brush	2.88	3.18	1.14	0.14	6.20	4.16	000
31624	A	Dx bronchoscope/lavage	2.88	2.89	1.14	0.13	5.90	4.15	000
31625	A	Bronchoscopy w/biopsy(s)	3.37	NA	1.30	0.16	NA	4.83	000
31628	A	Bronchoscopy/lung bx, each	3.81	3.36	1.40	0.14	7.31	5.35	000
31629	A	Bronchoscopy/needle bx, each	3.37	NA	1.27	0.13	NA	4.77	000
31630	A	Bronchoscopy dilate/fx repr	3.82	NA	1.97	0.30	NA	6.09	000
31631	A	Bronchoscopy, dilate w/stent	4.37	NA	2.01	0.31	NA	6.69	000
31635	A	Bronchoscopy w/fb removal	3.68	NA	1.67	0.21	NA	5.56	000
31640	A	Bronchoscopy w/tumor excise	4.94	NA	2.34	0.37	NA	7.65	000
31641	A	Bronchoscopy, treat blockage	5.03	NA	2.13	0.30	NA	7.46	000
31643	A	Diag bronchoscope/catheter	3.50	NA	1.32	0.15	NA	4.97	000
31645	A	Bronchoscopy, clear airways	3.16	NA	1.22	0.13	NA	4.51	000
31646	A	Bronchoscopy, reclare airway	2.72	NA	1.09	0.12	NA	3.93	000
31656	A	Bronchoscopy, inj for x-ray	2.17	NA	0.93	0.10	NA	3.20	000
31700	A	Insertion of airway catheter	1.34	2.34	0.69	0.07	3.75	2.10	000
31708	A	Instill airway contrast dye	1.41	NA	0.60	0.06	NA	2.07	000
31710	A	Insertion of airway catheter	1.30	NA	0.71	0.06	NA	2.07	000
31715	A	Injection for bronchus x-ray	1.11	NA	0.61	0.06	NA	1.78	000
31717	A	Bronchial brush biopsy	2.12	3.40	0.88	0.09	5.61	3.09	000
31720	A	Clearance of airways	1.06	1.86	0.33	0.06	2.98	1.45	000
31725	A	Clearance of airways	1.96	NA	0.60	0.10	NA	2.66	000
31730	A	Intro, windpipe wire/tube	2.85	2.42	1.10	0.15	5.42	4.10	000
31750	A	Repair of windpipe	13.02	NA	16.00	1.02	NA	30.04	090
31755	A	Repair of windpipe	15.93	NA	19.11	1.15	NA	36.19	090
31760	A	Repair of windpipe	22.35	NA	12.34	1.48	NA	36.17	090
31766	A	Reconstruction of windpipe	30.43	NA	16.11	3.16	NA	49.70	090
31770	A	Repair/graft of bronchus	22.51	NA	14.25	2.27	NA	39.03	090
31775	A	Reconstruct bronchus	23.54	NA	15.35	2.91	NA	41.80	090
31780	A	Reconstruct windpipe	17.72	NA	12.85	1.55	NA	32.12	090
31781	A	Reconstruct windpipe	23.53	NA	14.74	2.04	NA	40.31	090
31785	A	Remove windpipe lesion	17.23	NA	12.68	1.36	NA	31.27	090
31786	A	Remove windpipe lesion	23.98	NA	15.62	2.20	NA	41.80	090
31800	A	Repair of windpipe injury	7.43	NA	6.79	0.67	NA	14.89	090
31805	A	Repair of windpipe injury	13.13	NA	10.71	1.45	NA	25.29	090
31820	A	Closure of windpipe lesion	4.49	8.08	7.96	0.35	12.92	12.80	090
31825	A	Repair of windpipe defect	6.81	11.16	11.16	0.50	18.47	18.47	090
31830	A	Revise windpipe scar	4.50	7.97	7.97	0.36	12.83	12.83	090
31899	C	Airways surgical procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
32000	A	Drainage of chest	1.54	3.11	0.50	0.07	4.72	2.11	000
32002	A	Treatment of collapsed lung	2.19	NA	0.85	0.11	NA	3.15	000
32005	A	Treat lung lining chemically	2.19	NA	0.87	0.17	NA	3.23	000
32020	A	Insertion of chest tube	3.98	NA	1.44	0.36	NA	5.78	000
32035	A	Exploration of chest	8.67	NA	7.97	1.02	NA	17.66	090
32036	A	Exploration of chest	9.68	NA	8.69	1.20	NA	19.57	090
32095	A	Biopsy through chest wall	8.36	NA	8.13	0.99	NA	17.48	090
32100	A	Exploration/biopsy of chest	15.24	NA	10.39	1.45	NA	27.08	090
32110	A	Explore/repair chest	23.00	NA	12.89	1.63	NA	37.52	090
32120	A	Re-exploration of chest	11.54	NA	9.49	1.42	NA	22.45	090
32124	A	Explore chest free adhesions	12.72	NA	9.42	1.51	NA	23.65	090
32140	A	Removal of lung lesion(s)	13.93	NA	9.97	1.68	NA	25.58	090
32141	A	Remove/treat lung lesions	14.00	NA	9.87	1.72	NA	25.59	090
32150	A	Removal of lung lesion(s)	14.15	NA	9.84	1.60	NA	25.59	090
32151	A	Remove lung foreign body	14.21	NA	10.50	1.49	NA	26.20	090
32160	A	Open chest heart massage	9.30	NA	6.31	1.01	NA	16.62	090
32200	A	Drain, open, lung lesion	15.29	NA	10.04	1.46	NA	26.79	090
32201	A	Drain, percut, lung lesion	4.00	NA	5.54	0.18	NA	9.72	000
32215	A	Treat chest lining	11.33	NA	9.44	1.34	NA	22.11	090
32220	A	Release of lung	24.00	NA	13.45	2.39	NA	39.84	090
32225	A	Partial release of lung	13.96	NA	10.11	1.70	NA	25.77	090
32310	A	Removal of chest lining	13.44	NA	9.75	1.65	NA	24.84	090
32320	A	Free/remove chest lining	24.00	NA	13.18	2.50	NA	39.68	090
32400	A	Needle biopsy chest lining	1.76	1.86	0.57	0.07	3.69	2.40	000
32402	A	Open biopsy chest lining	7.56	NA	8.06	0.91	NA	16.53	090
32405	A	Biopsy, lung or mediastinum	1.93	2.38	0.65	0.09	4.40	2.67	000
32420	A	Puncture/clear lung	2.18	NA	0.85	0.11	NA	3.14	000
32440	A	Removal of lung	25.00	NA	12.43	2.56	NA	39.99	090
32442	A	Sleeve pneumonectomy	26.24	NA	14.04	3.12	NA	43.40	090
32445	A	Removal of lung	25.09	NA	13.48	3.11	NA	41.68	090
32480	A	Partial removal of lung	23.75	NA	12.47	2.24	NA	38.46	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
32482	A	Bilobectomy	25.00	NA	12.50	2.35	NA	39.85	090
32484	A	Segmentectomy	20.69	NA	10.93	2.54	NA	34.16	090
32486	A	Sleeve lobectomy	23.92	NA	12.63	3.00	NA	39.55	090
32488	A	Completion pneumonectomy	25.71	NA	13.20	3.18	NA	42.09	090
32491	R	Lung volume reduction	21.25	NA	11.97	2.66	NA	35.88	090
32500	A	Partial removal of lung	22.00	NA	11.79	1.77	NA	35.56	090
32501	A	Repair bronchus add-on	4.69	NA	1.54	0.56	NA	6.79	ZZZ
32520	A	Remove lung & revise chest	21.68	NA	10.87	2.71	NA	35.26	090
32522	A	Remove lung & revise chest	24.20	NA	11.71	2.84	NA	38.75	090
32525	A	Remove lung & revise chest	26.50	NA	12.42	3.25	NA	42.17	090
32540	A	Removal of lung lesion	14.64	NA	9.12	1.84	NA	25.60	090
32601	A	Thoracoscopy, diagnostic	5.46	NA	3.61	0.63	NA	9.70	000
32602	A	Thoracoscopy, diagnostic	5.96	NA	3.76	0.70	NA	10.42	000
32603	A	Thoracoscopy, diagnostic	7.81	NA	4.19	0.76	NA	12.76	000
32604	A	Thoracoscopy, diagnostic	8.78	NA	4.74	0.97	NA	14.49	000
32605	A	Thoracoscopy, diagnostic	6.93	NA	4.26	0.86	NA	12.05	000
32606	A	Thoracoscopy, diagnostic	8.40	NA	4.57	0.99	NA	13.96	000
32650	A	Thoracoscopy, surgical	10.75	NA	6.50	1.25	NA	18.50	090
32651	A	Thoracoscopy, surgical	12.91	NA	7.05	1.50	NA	21.46	090
32652	A	Thoracoscopy, surgical	18.66	NA	9.74	2.30	NA	30.70	090
32653	A	Thoracoscopy, surgical	12.87	NA	6.78	1.55	NA	21.20	090
32654	A	Thoracoscopy, surgical	12.44	NA	7.20	1.51	NA	21.15	090
32655	A	Thoracoscopy, surgical	13.10	NA	7.07	1.53	NA	21.70	090
32656	A	Thoracoscopy, surgical	12.91	NA	7.53	1.61	NA	22.05	090
32657	A	Thoracoscopy, surgical	13.65	NA	7.42	1.64	NA	22.71	090
32658	A	Thoracoscopy, surgical	11.63	NA	7.01	1.47	NA	20.11	090
32659	A	Thoracoscopy, surgical	11.59	NA	7.12	1.39	NA	20.10	090
32660	A	Thoracoscopy, surgical	17.43	NA	9.05	2.09	NA	28.57	090
32661	A	Thoracoscopy, surgical	13.25	NA	7.47	1.66	NA	22.38	090
32662	A	Thoracoscopy, surgical	16.44	NA	8.51	2.01	NA	26.96	090
32663	A	Thoracoscopy, surgical	18.47	NA	10.22	2.28	NA	30.97	090
32664	A	Thoracoscopy, surgical	14.20	NA	7.48	1.70	NA	23.38	090
32665	A	Thoracoscopy, surgical	15.54	NA	8.02	1.79	NA	25.35	090
32800	A	Repair lung hernia	13.69	NA	9.82	1.51	NA	25.02	090
32810	A	Close chest after drainage	13.05	NA	10.08	1.55	NA	24.68	090
32815	A	Close bronchial fistula	23.15	NA	13.56	2.84	NA	39.55	090
32820	A	Reconstruct injured chest	21.48	NA	13.98	2.31	NA	37.77	090
32850	X	Donor pneumonectomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
32851	A	Lung transplant, single	38.63	NA	20.19	4.90	NA	63.72	090
32852	A	Lung transplant with bypass	41.80	NA	21.70	5.17	NA	68.67	090
32853	A	Lung transplant, double	47.81	NA	23.60	6.13	NA	77.54	090
32854	A	Lung transplant with bypass	50.98	NA	24.25	6.41	NA	81.64	090
32900	A	Removal of rib(s)	20.27	NA	12.20	2.42	NA	34.89	090
32905	A	Revise & repair chest wall	20.75	NA	12.57	2.54	NA	35.86	090
32906	A	Revise & repair chest wall	26.77	NA	14.61	3.30	NA	44.68	090
32940	A	Revision of lung	19.43	NA	11.85	2.47	NA	33.75	090
32960	A	Therapeutic pneumothorax	1.84	2.15	0.57	0.12	4.11	2.53	000
32997	A	Total lung lavage	6.00	NA	1.93	0.55	NA	8.48	000
32999	C	Chest surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
33010	A	Drainage of heart sac	2.24	NA	0.98	0.13	NA	3.35	000
33011	A	Repeat drainage of heart sac	2.24	NA	1.02	0.13	NA	3.39	000
33015	A	Incision of heart sac	6.80	NA	4.52	0.64	NA	11.96	090
33020	A	Incision of heart sac	12.61	NA	8.01	1.50	NA	22.12	090
33025	A	Incision of heart sac	12.09	NA	7.88	1.50	NA	21.47	090
33030	A	Partial removal of heart sac	18.71	NA	12.30	2.40	NA	33.41	090
33031	A	Partial removal of heart sac	21.79	NA	13.57	2.78	NA	38.14	090
33050	A	Removal of heart sac lesion	14.36	NA	10.31	1.73	NA	26.40	090
33120	A	Removal of heart lesion	24.56	NA	16.05	3.06	NA	43.67	090
33130	A	Removal of heart lesion	21.39	NA	12.74	2.51	NA	36.64	090
33140	A	Heart revascularize (tmr)	20.00	NA	10.67	2.27	NA	32.94	090
33141	A	Heart tmr w/other procedure	4.84	NA	1.57	0.55	NA	6.96	ZZZ
33200	A	Insertion of heart pacemaker	12.48	NA	9.72	1.17	NA	23.37	090
33201	A	Insertion of heart pacemaker	10.18	NA	9.71	1.21	NA	21.10	090
33206	A	Insertion of heart pacemaker	6.67	NA	5.69	0.50	NA	12.86	090
33207	A	Insertion of heart pacemaker	8.04	NA	6.23	0.57	NA	14.84	090
33208	A	Insertion of heart pacemaker	8.13	NA	6.43	0.54	NA	15.10	090
33210	A	Insertion of heart electrode	3.30	NA	1.28	0.17	NA	4.75	000
33211	A	Insertion of heart electrode	3.40	NA	1.34	0.17	NA	4.91	000
33212	A	Insertion of pulse generator	5.52	NA	4.62	0.44	NA	10.58	090
33213	A	Insertion of pulse generator	6.37	NA	5.06	0.46	NA	11.89	090
33214	A	Upgrade of pacemaker system	7.75	NA	6.19	0.52	NA	14.46	090
33215	A	Reposition pacing-defib lead	4.76	NA	3.15	0.36	NA	8.27	090
33216	A	Insert lead pace-defib, one	5.78	NA	5.32	0.36	NA	11.46	090
33217	A	Insert lead pace-defib, dual	5.75	NA	5.58	0.36	NA	11.69	090
33218	A	Repair lead pace-defib, one	5.44	NA	4.68	0.40	NA	10.52	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
33220	A	Repair lead pace-defib, dual	5.52	NA	4.69	0.39	NA	10.60	090
33222	A	Revise pocket, pacemaker	4.96	NA	4.08	0.39	NA	9.43	090
33223	A	Revise pocket, pacing-defib	6.46	NA	5.41	0.44	NA	12.31	090
33224	A	Insert pacing lead & connect	9.05	NA	3.92	0.36	NA	13.33	090
33225	A	L ventric pacing lead add-on	8.34	NA	3.11	0.36	NA	11.81	ZZZ
33226	A	Reposition l ventric lead	8.69	NA	3.79	0.36	NA	12.84	000
33233	A	Removal of pacemaker system	3.29	NA	4.12	0.22	NA	7.63	090
33234	A	Removal of pacemaker system	7.82	NA	5.66	0.56	NA	14.04	090
33235	A	Removal pacemaker electrode	9.40	NA	6.50	0.68	NA	16.58	090
33236	A	Remove electrode/thoracotomy	12.60	NA	9.38	1.49	NA	23.47	090
33237	A	Remove electrode/thoracotomy	13.71	NA	9.78	1.57	NA	25.06	090
33238	A	Remove electrode/thoracotomy	15.22	NA	9.27	1.56	NA	26.05	090
33240	A	Insert pulse generator	7.60	NA	5.77	0.53	NA	13.90	090
33241	A	Remove pulse generator	3.24	NA	3.71	0.21	NA	7.16	090
33243	A	Remove eltrd/thoracotomy	22.64	NA	10.90	2.53	NA	36.07	090
33244	A	Remove eltrd, transven	13.76	NA	8.43	1.05	NA	23.24	090
33245	A	Insert epic eltrd pace-defib	14.30	NA	11.02	1.28	NA	26.60	090
33246	A	Insert epic eltrd/generator	20.71	NA	14.36	2.22	NA	37.29	090
33249	A	Eltrd/insert pace-defib	14.23	NA	9.27	0.80	NA	24.30	090
33250	A	Ablate heart dysrhythm focus	21.85	NA	14.42	1.01	NA	37.28	090
33251	A	Ablate heart dysrhythm focus	24.88	NA	14.53	2.41	NA	41.82	090
33253	A	Reconstruct atria	31.06	NA	16.79	3.68	NA	51.53	090
33261	A	Ablate heart dysrhythm focus	24.88	NA	14.79	2.82	NA	42.49	090
33282	A	Implant pat-active ht record	4.17	NA	4.91	0.39	NA	9.47	090
33284	A	Remove pat-active ht record	2.50	NA	4.39	0.23	NA	7.12	090
33300	A	Repair of heart wound	17.92	NA	12.08	1.91	NA	31.91	090
33305	A	Repair of heart wound	21.44	NA	13.53	2.68	NA	37.65	090
33310	A	Exploratory heart surgery	18.51	NA	12.43	2.26	NA	33.20	090
33315	A	Exploratory heart surgery	22.37	NA	13.74	2.90	NA	39.01	090
33320	A	Repair major blood vessel(s)	16.79	NA	11.44	1.66	NA	29.89	090
33321	A	Repair major vessel	20.20	NA	12.72	2.70	NA	35.62	090
33322	A	Repair major blood vessel(s)	20.62	NA	13.32	2.51	NA	36.45	090
33330	A	Insert major vessel graft	21.43	NA	12.93	2.49	NA	36.85	090
33332	A	Insert major vessel graft	23.96	NA	13.18	2.45	NA	39.59	090
33335	A	Insert major vessel graft	30.01	NA	16.23	3.79	NA	50.03	090
33400	A	Repair of aortic valve	28.50	NA	15.00	3.09	NA	46.59	090
33401	A	Valvuloplasty, open	23.91	NA	13.33	2.71	NA	39.95	090
33403	A	Valvuloplasty, w/cp bypass	24.89	NA	13.71	2.48	NA	41.08	090
33404	A	Prepare heart-aorta conduit	28.54	NA	13.94	3.31	NA	45.79	090
33405	A	Replacement of aortic valve	35.00	NA	17.52	3.86	NA	56.38	090
33406	A	Replacement of aortic valve	37.50	NA	18.31	4.07	NA	59.88	090
33410	A	Replacement of aortic valve	32.46	NA	16.00	4.11	NA	52.57	090
33411	A	Replacement of aortic valve	36.25	NA	17.97	4.16	NA	58.38	090
33412	A	Replacement of aortic valve	42.00	NA	19.77	4.66	NA	66.43	090
33413	A	Replacement of aortic valve	43.50	NA	20.10	4.26	NA	67.86	090
33414	A	Repair of aortic valve	30.35	NA	17.98	3.79	NA	52.12	090
33415	A	Revision, subvalvular tissue	27.15	NA	16.05	3.25	NA	46.45	090
33416	A	Revise ventricle muscle	30.35	NA	16.41	3.85	NA	50.61	090
33417	A	Repair of aortic valve	28.53	NA	17.51	3.58	NA	49.62	090
33420	A	Revision of mitral valve	22.70	NA	10.12	1.48	NA	34.30	090
33422	A	Revision of mitral valve	25.94	NA	13.03	3.30	NA	42.27	090
33425	A	Repair of mitral valve	27.00	NA	12.58	3.00	NA	42.58	090
33426	A	Repair of mitral valve	33.00	NA	16.42	3.87	NA	53.29	090
33427	A	Repair of mitral valve	40.00	NA	18.59	4.30	NA	62.89	090
33430	A	Replacement of mitral valve	33.50	NA	16.54	3.95	NA	53.99	090
33460	A	Revision of tricuspid valve	23.60	NA	14.13	3.02	NA	40.75	090
33463	A	Valvuloplasty, tricuspid	25.62	NA	14.87	3.17	NA	43.66	090
33464	A	Valvuloplasty, tricuspid	27.33	NA	15.47	3.47	NA	46.27	090
33465	A	Replace tricuspid valve	28.79	NA	15.80	3.61	NA	48.20	090
33468	A	Revision of tricuspid valve	30.12	NA	20.10	4.00	NA	54.22	090
33470	A	Revision of pulmonary valve	20.81	NA	13.67	2.81	NA	37.29	090
33471	A	Valvotomy, pulmonary valve	22.25	NA	12.72	3.00	NA	37.97	090
33472	A	Revision of pulmonary valve	22.25	NA	15.25	2.92	NA	40.42	090
33474	A	Revision of pulmonary valve	23.04	NA	13.42	2.84	NA	39.30	090
33475	A	Replacement, pulmonary valve	33.00	NA	18.87	2.64	NA	54.51	090
33476	A	Revision of heart chamber	25.77	NA	14.07	2.40	NA	42.24	090
33478	A	Revision of heart chamber	26.74	NA	15.15	3.56	NA	45.45	090
33496	A	Repair, prosth valve clot	27.25	NA	17.18	3.44	NA	47.87	090
33500	A	Repair heart vessel fistula	25.55	NA	13.86	2.80	NA	42.21	090
33501	A	Repair heart vessel fistula	17.78	NA	10.55	2.05	NA	30.38	090
33502	A	Coronary artery correction	21.04	NA	17.04	2.51	NA	40.59	090
33503	A	Coronary artery graft	21.78	NA	14.05	1.42	NA	37.25	090
33504	A	Coronary artery graft	24.66	NA	16.92	3.04	NA	44.62	090
33505	A	Repair artery w/tunnel	26.84	NA	18.36	1.52	NA	46.72	090
33506	A	Repair artery, translocation	35.50	NA	19.69	3.19	NA	58.38	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS ²	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
33508	A	Endoscopic vein harvest	0.31	NA	0.11	0.03	NA	0.45	ZZZ
33510	A	CABG, vein, single	29.00	NA	15.52	3.13	NA	47.65	090
33511	A	CABG, vein, two	30.00	NA	16.21	3.34	NA	49.55	090
33512	A	CABG, vein, three	31.80	NA	16.75	3.70	NA	52.25	090
33513	A	CABG, vein, four	32.00	NA	16.91	3.99	NA	52.90	090
33514	A	CABG, vein, five	32.75	NA	17.16	4.37	NA	54.28	090
33516	A	Cabg, vein, six or more	35.00	NA	17.91	4.62	NA	57.53	090
33517	A	CABG, artery-vein, single	2.57	NA	0.84	0.32	NA	3.73	ZZZ
33518	A	CABG, artery-vein, two	4.85	NA	1.58	0.61	NA	7.04	ZZZ
33519	A	CABG, artery-vein, three	7.12	NA	2.31	0.89	NA	10.32	ZZZ
33521	A	CABG, artery-vein, four	9.40	NA	3.05	1.18	NA	13.63	ZZZ
33522	A	CABG, artery-vein, five	11.67	NA	3.79	1.48	NA	16.94	ZZZ
33523	A	Cabg, art-vein, six or more	13.95	NA	4.50	1.78	NA	20.23	ZZZ
33530	A	Coronary artery, bypass/reop	5.86	NA	1.90	0.73	NA	8.49	ZZZ
33533	A	CABG, arterial, single	30.00	NA	15.67	3.24	NA	48.91	090
33534	A	CABG, arterial, two	32.20	NA	16.81	3.63	NA	52.64	090
33535	A	CABG, arterial, three	34.50	NA	17.30	3.97	NA	55.77	090
33536	A	Cabg, arterial, four or more	37.50	NA	17.63	3.29	NA	58.42	090
33542	A	Removal of heart lesion	28.85	NA	17.43	3.61	NA	49.89	090
33545	A	Repair of heart damage	36.78	NA	20.01	4.40	NA	61.19	090
33572	A	Open coronary endarterectomy	4.45	NA	1.44	0.55	NA	6.44	ZZZ
33600	A	Closure of valve	29.51	NA	16.89	2.30	NA	48.70	090
33602	A	Closure of valve	28.54	NA	16.43	2.90	NA	47.87	090
33606	A	Anastomosis/artery-aorta	30.74	NA	18.23	3.59	NA	52.56	090
33608	A	Repair anomaly w/conduit	31.09	NA	17.62	4.17	NA	52.88	090
33610	A	Repair by enlargement	30.61	NA	18.66	4.02	NA	53.29	090
33611	A	Repair double ventricle	34.00	NA	19.21	3.28	NA	56.49	090
33612	A	Repair double ventricle	35.00	NA	19.97	4.44	NA	59.41	090
33615	A	Repair, modified fontan	34.00	NA	18.80	3.15	NA	55.95	090
33617	A	Repair single ventricle	37.00	NA	21.91	4.09	NA	63.00	090
33619	A	Repair single ventricle	45.00	NA	27.24	4.71	NA	76.95	090
33641	A	Repair heart septum defect	21.39	NA	11.95	2.67	NA	36.01	090
33645	A	Revision of heart veins	24.82	NA	14.27	3.27	NA	42.36	090
33647	A	Repair heart septum defects	28.73	NA	17.65	3.37	NA	49.75	090
33660	A	Repair of heart defects	30.00	NA	17.37	2.82	NA	50.19	090
33665	A	Repair of heart defects	28.60	NA	17.67	3.81	NA	50.08	090
33670	A	Repair of heart chambers	35.00	NA	16.19	2.18	NA	53.37	090
33681	A	Repair heart septum defect	30.61	NA	18.07	3.53	NA	52.21	090
33684	A	Repair heart septum defect	29.65	NA	16.93	3.77	NA	50.35	090
33688	A	Repair heart septum defect	30.62	NA	14.40	3.89	NA	48.91	090
33690	A	Reinforce pulmonary artery	19.55	NA	13.65	2.56	NA	35.76	090
33692	A	Repair of heart defects	30.75	NA	17.47	3.77	NA	51.99	090
33694	A	Repair of heart defects	34.00	NA	18.41	4.27	NA	56.68	090
33697	A	Repair of heart defects	36.00	NA	19.61	4.54	NA	60.15	090
33702	A	Repair of heart defects	26.54	NA	16.85	3.45	NA	46.84	090
33710	A	Repair of heart defects	29.71	NA	18.23	3.85	NA	51.79	090
33720	A	Repair of heart defect	26.56	NA	16.34	3.21	NA	46.11	090
33722	A	Repair of heart defect	28.41	NA	17.91	3.80	NA	50.12	090
33730	A	Repair heart-vein defect(s)	34.25	NA	18.02	2.85	NA	55.12	090
33732	A	Repair heart-vein defect	28.16	NA	17.20	2.78	NA	48.14	090
33735	A	Revision of heart chamber	21.39	NA	12.25	1.12	NA	34.76	090
33736	A	Revision of heart chamber	23.52	NA	15.56	2.70	NA	41.78	090
33737	A	Revision of heart chamber	21.76	NA	14.86	2.93	NA	39.55	090
33750	A	Major vessel shunt	21.41	NA	13.38	1.74	NA	36.53	090
33755	A	Major vessel shunt	21.79	NA	12.25	2.93	NA	36.97	090
33762	A	Major vessel shunt	21.79	NA	13.40	1.59	NA	36.78	090
33764	A	Major vessel shunt & graft	21.79	NA	13.15	1.93	NA	36.87	090
33766	A	Major vessel shunt	22.76	NA	15.33	3.04	NA	41.13	090
33767	A	Major vessel shunt	24.50	NA	15.19	3.14	NA	42.83	090
33770	A	Repair great vessels defect	37.00	NA	17.97	4.49	NA	59.46	090
33771	A	Repair great vessels defect	34.65	NA	14.95	4.67	NA	54.27	090
33774	A	Repair great vessels defect	30.98	NA	16.58	4.18	NA	51.74	090
33775	A	Repair great vessels defect	32.20	NA	16.92	4.34	NA	53.46	090
33776	A	Repair great vessels defect	34.04	NA	18.41	4.58	NA	57.03	090
33777	A	Repair great vessels defect	33.46	NA	17.41	4.51	NA	55.38	090
33778	A	Repair great vessels defect	40.00	NA	20.72	4.83	NA	65.55	090
33779	A	Repair great vessels defect	36.21	NA	18.16	2.40	NA	56.77	090
33780	A	Repair great vessels defect	41.75	NA	22.40	5.21	NA	69.36	090
33781	A	Repair great vessels defect	36.45	NA	15.41	4.91	NA	56.77	090
33786	A	Repair arterial trunk	39.00	NA	20.17	4.69	NA	63.86	090
33788	A	Revision of pulmonary artery	26.62	NA	15.38	3.32	NA	45.32	090
33800	A	Aortic suspension	16.24	NA	12.45	1.11	NA	29.80	090
33802	A	Repair vessel defect	17.66	NA	13.02	1.56	NA	32.24	090
33803	A	Repair vessel defect	19.60	NA	13.51	2.63	NA	35.74	090
33813	A	Repair septal defect	20.65	NA	14.94	2.78	NA	38.37	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
33814	A	Repair septal defect	25.77	NA	16.47	2.52	NA	44.76	090
33820	A	Revise major vessel	16.29	NA	11.45	2.10	NA	29.84	090
33822	A	Revise major vessel	17.32	NA	13.84	2.33	NA	33.49	090
33824	A	Revise major vessel	19.52	NA	12.63	2.61	NA	34.76	090
33840	A	Remove aorta constriction	20.63	NA	13.95	2.36	NA	36.94	090
33845	A	Remove aorta constriction	22.12	NA	15.13	2.90	NA	40.15	090
33851	A	Remove aorta constriction	21.27	NA	14.80	2.86	NA	38.93	090
33852	A	Repair septal defect	23.71	NA	15.34	3.19	NA	42.24	090
33853	A	Repair septal defect	31.72	NA	18.90	4.23	NA	54.85	090
33860	A	Ascending aortic graft	38.00	NA	18.90	4.30	NA	61.20	090
33861	A	Ascending aortic graft	42.00	NA	20.18	4.24	NA	66.42	090
33863	A	Ascending aortic graft	45.00	NA	21.14	4.60	NA	70.74	090
33870	A	Transverse aortic arch graft	44.00	NA	20.83	5.09	NA	69.92	090
33875	A	Thoracic aortic graft	33.06	NA	17.10	4.08	NA	54.24	090
33877	A	Thoracoabdominal graft	42.60	NA	21.75	5.07	NA	69.42	090
33910	A	Remove lung artery emboli	24.59	NA	14.28	3.06	NA	41.93	090
33915	A	Remove lung artery emboli	21.02	NA	12.37	1.20	NA	34.59	090
33916	A	Surgery of great vessel	25.83	NA	14.94	3.04	NA	43.81	090
33917	A	Repair pulmonary artery	24.50	NA	15.94	3.17	NA	43.61	090
33918	A	Repair pulmonary atresia	26.45	NA	15.59	3.42	NA	45.46	090
33919	A	Repair pulmonary atresia	40.00	NA	21.68	3.48	NA	65.16	090
33920	A	Repair pulmonary atresia	31.95	NA	16.90	3.61	NA	52.46	090
33922	A	Transect pulmonary artery	23.52	NA	14.38	2.30	NA	40.20	090
33924	A	Remove pulmonary shunt	5.50	NA	1.82	0.74	NA	8.06	ZZZ
33930	X	Removal of donor heart/lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33935	R	Transplantation, heart/lung	60.96	NA	27.89	8.15	NA	97.00	090
33940	X	Removal of donor heart	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33945	R	Transplantation of heart	42.10	NA	21.79	5.42	NA	69.31	090
33960	A	External circulation assist	19.36	NA	4.96	2.14	NA	26.46	000
33961	A	External circulation assist	10.93	NA	3.65	1.47	NA	16.05	ZZZ
33967	A	Insert ia percut device	4.85	1.90	1.87	0.28	7.03	7.00	000
33968	A	Remove aortic assist device	0.64	NA	0.23	0.07	NA	0.94	000
33970	A	Aortic circulation assist	6.75	NA	2.29	0.70	NA	9.74	000
33971	A	Aortic circulation assist	9.69	NA	8.18	0.97	NA	18.84	090
33973	A	Insert balloon device	9.76	NA	3.31	1.01	NA	14.08	000
33974	A	Remove intra-aortic balloon	14.41	NA	10.98	1.48	NA	26.87	090
33975	A	Implant ventricular device	21.00	NA	6.28	1.72	NA	29.00	XXX
33976	A	Implant ventricular device	23.00	NA	7.52	2.82	NA	33.34	XXX
33977	A	Remove ventricular device	19.29	NA	10.50	2.44	NA	32.23	090
33978	A	Remove ventricular device	21.73	NA	11.37	2.66	NA	35.76	090
33979	A	Insert intracorporeal device	46.00	17.88	17.88	3.98	67.86	67.86	XXX
33980	A	Remove intracorporeal device	56.25	NA	26.47	4.60	NA	87.32	090
33999	C	Cardiac surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
34001	A	Removal of artery clot	12.91	NA	5.85	1.46	NA	20.22	090
34051	A	Removal of artery clot	15.21	NA	6.91	1.90	NA	24.02	090
34101	A	Removal of artery clot	10.00	NA	4.71	1.11	NA	15.82	090
34111	A	Removal of arm artery clot	10.00	NA	4.77	0.85	NA	15.62	090
34151	A	Removal of artery clot	25.00	NA	10.24	1.84	NA	37.08	090
34201	A	Removal of artery clot	10.03	NA	5.03	1.02	NA	16.08	090
34203	A	Removal of leg artery clot	16.50	NA	7.46	1.37	NA	25.33	090
34401	A	Removal of vein clot	25.00	NA	10.05	1.20	NA	36.25	090
34421	A	Removal of vein clot	12.00	NA	5.88	0.95	NA	18.83	090
34451	A	Removal of vein clot	27.00	NA	10.76	1.59	NA	39.35	090
34471	A	Removal of vein clot	10.18	NA	4.93	0.90	NA	16.01	090
34490	A	Removal of vein clot	9.86	NA	6.12	0.73	NA	16.71	090
34501	A	Repair valve, femoral vein	16.00	NA	9.25	1.37	NA	26.62	090
34502	A	Reconstruct vena cava	26.95	NA	10.98	2.99	NA	40.92	090
34510	A	Transposition of vein valve	18.95	NA	10.27	1.60	NA	30.82	090
34520	A	Cross-over vein graft	17.95	NA	9.30	1.41	NA	28.66	090
34530	A	Leg vein fusion	16.64	NA	8.74	2.06	NA	27.44	090
34800	A	Endovasc abdo repair w/tube	20.75	NA	8.94	1.49	NA	31.18	090
34802	A	Endovasc abdo repr w/device	23.00	NA	9.69	1.65	NA	34.34	090
34804	A	Endovasc abdo repr w/device	23.00	NA	9.69	1.65	NA	34.34	090
34808	A	Endovasc abdo occlud device	4.13	NA	1.40	0.29	NA	5.82	ZZZ
34812	A	Xpose for endoprosth, femorl	6.75	NA	2.29	0.49	NA	9.53	000
34813	A	Femoral endovas graft add-on	4.80	NA	1.60	0.34	NA	6.74	ZZZ
34820	A	Xpose for endoprosth, iliac	9.75	NA	3.30	0.70	NA	13.75	000
34825	A	Endovasc extend prosth, init	12.00	NA	5.95	0.86	NA	18.81	090
34826	A	Endovasc exten prosth, addl	4.13	NA	1.41	0.29	NA	5.83	ZZZ
34830	A	Open aortic tube prosth repr	32.59	NA	13.31	2.34	NA	48.24	090
34831	A	Open aortoiliac prosth repr	35.34	NA	11.68	2.53	NA	49.55	090
34832	A	Open aortofemor prosth repr	35.34	NA	14.38	2.53	NA	52.25	090
34833	A	Xpose for endoprosth, iliac	12.00	NA	4.98	0.70	NA	17.68	000
34834	A	Xpose, endoprosth, brachial	5.35	NA	2.48	0.49	NA	8.32	000
34900	A	Endovasc iliac repr w/graft	16.38	NA	8.24	1.49	NA	26.11	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
35001	A	Repair defect of artery	19.64	NA	8.39	2.44	NA	30.47	090
35002	A	Repair artery rupture, neck	21.00	NA	9.07	1.82	NA	31.89	090
35005	A	Repair defect of artery	18.12	NA	7.79	1.35	NA	27.26	090
35011	A	Repair defect of artery	18.00	NA	7.40	1.30	NA	26.70	090
35013	A	Repair artery rupture, arm	22.00	NA	8.74	1.91	NA	32.65	090
35021	A	Repair defect of artery	19.65	NA	8.61	1.93	NA	30.19	090
35022	A	Repair artery rupture, chest	23.18	NA	9.43	1.99	NA	34.60	090
35045	A	Repair defect of arm artery	17.57	NA	8.61	1.25	NA	27.43	090
35081	A	Repair defect of artery	28.01	NA	11.65	3.20	NA	42.86	090
35082	A	Repair artery rupture, aorta	38.50	NA	14.60	4.07	NA	57.17	090
35091	A	Repair defect of artery	35.40	NA	13.91	4.09	NA	53.40	090
35092	A	Repair artery rupture, aorta	45.00	NA	16.93	4.31	NA	66.24	090
35102	A	Repair defect of artery	30.76	NA	12.33	3.44	NA	46.53	090
35103	A	Repair artery rupture, groin	40.50	NA	15.39	3.79	NA	59.68	090
35111	A	Repair defect of artery	25.00	NA	10.18	1.81	NA	36.99	090
35112	A	Repair artery rupture, spleen	30.00	NA	11.65	1.95	NA	43.60	090
35121	A	Repair defect of artery	30.00	NA	12.07	2.93	NA	45.00	090
35122	A	Repair artery rupture, belly	35.00	NA	13.46	3.54	NA	52.00	090
35131	A	Repair defect of artery	25.00	NA	10.38	2.11	NA	37.49	090
35132	A	Repair artery rupture, groin	30.00	NA	11.82	2.48	NA	44.30	090
35141	A	Repair defect of artery	20.00	NA	8.50	1.65	NA	30.15	090
35142	A	Repair artery rupture, thigh	23.30	NA	9.56	1.75	NA	34.61	090
35151	A	Repair defect of artery	22.64	NA	9.54	1.93	NA	34.11	090
35152	A	Repair artery rupture, knee	25.62	NA	10.42	1.93	NA	37.97	090
35161	A	Repair defect of artery	18.76	NA	8.70	2.21	NA	29.67	090
35162	A	Repair artery rupture	19.78	NA	8.86	2.21	NA	30.85	090
35180	A	Repair blood vessel lesion	13.62	NA	6.35	1.44	NA	21.41	090
35182	A	Repair blood vessel lesion	30.00	NA	12.30	1.88	NA	44.18	090
35184	A	Repair blood vessel lesion	18.00	NA	7.79	1.34	NA	27.13	090
35188	A	Repair blood vessel lesion	14.28	NA	6.58	1.53	NA	22.39	090
35189	A	Repair blood vessel lesion	28.00	NA	11.46	2.12	NA	41.58	090
35190	A	Repair blood vessel lesion	12.75	NA	5.88	1.33	NA	19.96	090
35201	A	Repair blood vessel lesion	16.14	NA	7.02	1.17	NA	24.33	090
35206	A	Repair blood vessel lesion	13.25	NA	7.51	1.04	NA	21.80	090
35207	A	Repair blood vessel lesion	10.15	NA	9.76	1.15	NA	21.06	090
35211	A	Repair blood vessel lesion	22.12	NA	13.77	2.83	NA	38.72	090
35216	A	Repair blood vessel lesion	18.75	NA	11.67	2.17	NA	32.59	090
35221	A	Repair blood vessel lesion	24.39	NA	10.09	1.79	NA	36.27	090
35226	A	Repair blood vessel lesion	14.50	NA	8.95	0.84	NA	24.29	090
35231	A	Repair blood vessel lesion	20.00	NA	9.24	1.32	NA	30.56	090
35236	A	Repair blood vessel lesion	17.11	NA	8.89	1.19	NA	27.19	090
35241	A	Repair blood vessel lesion	23.12	NA	14.42	2.90	NA	40.44	090
35246	A	Repair blood vessel lesion	26.45	NA	14.23	2.22	NA	42.90	090
35251	A	Repair blood vessel lesion	30.20	NA	12.03	1.87	NA	44.10	090
35256	A	Repair blood vessel lesion	18.36	NA	9.43	1.32	NA	29.11	090
35261	A	Repair blood vessel lesion	17.80	NA	7.43	1.34	NA	26.57	090
35266	A	Repair blood vessel lesion	14.91	NA	7.98	1.16	NA	24.05	090
35271	A	Repair blood vessel lesion	22.12	NA	13.57	2.77	NA	38.46	090
35276	A	Repair blood vessel lesion	24.25	NA	13.84	2.37	NA	40.46	090
35281	A	Repair blood vessel lesion	28.00	NA	11.41	1.82	NA	41.23	090
35286	A	Repair blood vessel lesion	16.16	NA	8.73	1.36	NA	26.25	090
35301	A	Rechanneling of artery	18.70	NA	8.26	2.23	NA	29.19	090
35311	A	Rechanneling of artery	27.00	NA	10.92	2.75	NA	40.67	090
35321	A	Rechanneling of artery	16.00	NA	6.72	1.36	NA	24.08	090
35331	A	Rechanneling of artery	26.20	NA	10.82	2.71	NA	39.73	090
35341	A	Rechanneling of artery	25.11	NA	10.41	2.87	NA	38.39	090
35351	A	Rechanneling of artery	23.00	NA	9.63	2.29	NA	34.92	090
35355	A	Rechanneling of artery	18.50	NA	8.12	1.80	NA	28.42	090
35361	A	Rechanneling of artery	28.20	NA	11.37	2.66	NA	42.23	090
35363	A	Rechanneling of artery	30.20	NA	12.12	2.77	NA	45.09	090
35371	A	Rechanneling of artery	14.72	NA	6.58	1.32	NA	22.62	090
35372	A	Rechanneling of artery	18.00	NA	7.73	1.53	NA	27.26	090
35381	A	Rechanneling of artery	15.81	NA	7.21	1.80	NA	24.82	090
35390	A	Reoperation, carotid add-on	3.19	NA	1.07	0.38	NA	4.64	ZZZ
35400	A	Angioscopy	3.00	NA	1.05	0.34	NA	4.39	ZZZ
35450	A	Repair arterial blockage	10.07	NA	4.02	0.84	NA	14.93	000
35452	A	Repair arterial blockage	6.91	NA	3.09	0.76	NA	10.76	000
35454	A	Repair arterial blockage	6.04	NA	2.77	0.67	NA	9.48	000
35456	A	Repair arterial blockage	7.35	NA	3.21	0.82	NA	11.38	000
35458	A	Repair arterial blockage	9.49	NA	3.92	1.09	NA	14.50	000
35459	A	Repair arterial blockage	8.63	NA	3.59	0.96	NA	13.18	000
35460	A	Repair venous blockage	6.04	NA	2.63	0.66	NA	9.33	000
35470	A	Repair arterial blockage	8.63	NA	3.89	0.50	NA	13.02	000
35471	A	Repair arterial blockage	10.07	NA	4.53	0.50	NA	15.10	000
35472	A	Repair arterial blockage	6.91	NA	3.26	0.39	NA	10.56	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
35473	A	Repair arterial blockage	6.04	NA	2.95	0.34	NA	9.33	000
35474	A	Repair arterial blockage	7.36	NA	2.94	0.40	NA	10.70	000
35475	R	Repair arterial blockage	9.49	NA	4.12	0.47	NA	14.08	000
35476	A	Repair venous blockage	6.04	NA	2.88	0.27	NA	9.19	000
35480	A	Atherectomy, open	11.08	NA	4.50	1.13	NA	16.71	000
35481	A	Atherectomy, open	7.61	NA	3.38	0.84	NA	11.83	000
35482	A	Atherectomy, open	6.65	NA	3.04	0.75	NA	10.44	000
35483	A	Atherectomy, open	8.10	NA	3.47	0.81	NA	12.38	000
35484	A	Atherectomy, open	10.44	NA	4.19	1.13	NA	15.76	000
35485	A	Atherectomy, open	9.49	NA	4.02	1.06	NA	14.57	000
35490	A	Atherectomy, percutaneous	11.08	NA	4.80	0.55	NA	16.43	000
35491	A	Atherectomy, percutaneous	7.61	NA	3.32	0.49	NA	11.42	000
35492	A	Atherectomy, percutaneous	6.65	NA	3.20	0.43	NA	10.28	000
35493	A	Atherectomy, percutaneous	8.10	NA	3.86	0.47	NA	12.43	000
35494	A	Atherectomy, percutaneous	10.44	NA	4.46	0.48	NA	15.38	000
35495	A	Atherectomy, percutaneous	9.49	NA	4.46	0.51	NA	14.46	000
35500	A	Harvest vein for bypass	6.45	NA	2.07	0.63	NA	9.15	ZZZ
35501	A	Artery bypass graft	19.19	NA	7.43	2.33	NA	28.95	090
35506	A	Artery bypass graft	19.67	NA	8.13	2.33	NA	30.13	090
35507	A	Artery bypass graft	19.67	NA	8.09	2.27	NA	30.03	090
35508	A	Artery bypass graft	18.65	NA	7.85	2.34	NA	28.84	090
35509	A	Artery bypass graft	18.07	NA	7.54	2.12	NA	27.73	090
35511	A	Artery bypass graft	21.20	NA	8.69	1.74	NA	31.63	090
35515	A	Artery bypass graft	18.65	NA	7.93	2.26	NA	28.84	090
35516	A	Artery bypass graft	16.32	NA	5.80	1.88	NA	24.00	090
35518	A	Artery bypass graft	21.20	NA	8.49	1.78	NA	31.47	090
35521	A	Artery bypass graft	22.20	NA	9.33	1.82	NA	33.35	090
35526	A	Artery bypass graft	29.95	NA	12.00	2.18	NA	44.13	090
35531	A	Artery bypass graft	36.20	NA	14.13	2.91	NA	53.24	090
35533	A	Artery bypass graft	28.00	NA	11.36	2.35	NA	41.71	090
35536	A	Artery bypass graft	31.70	NA	12.58	2.62	NA	46.90	090
35541	A	Artery bypass graft	25.80	NA	10.72	2.74	NA	39.26	090
35546	A	Artery bypass graft	25.54	NA	10.48	2.84	NA	38.86	090
35548	A	Artery bypass graft	21.57	NA	9.06	2.45	NA	33.08	090
35549	A	Artery bypass graft	23.35	NA	9.81	2.77	NA	35.93	090
35551	A	Artery bypass graft	26.67	NA	10.89	3.19	NA	40.75	090
35556	A	Artery bypass graft	21.76	NA	9.24	2.48	NA	33.48	090
35558	A	Artery bypass graft	21.20	NA	8.99	1.58	NA	31.77	090
35560	A	Artery bypass graft	32.00	NA	12.78	2.73	NA	47.51	090
35563	A	Artery bypass graft	24.20	NA	10.09	1.68	NA	35.97	090
35565	A	Artery bypass graft	23.20	NA	9.71	1.71	NA	34.62	090
35566	A	Artery bypass graft	26.92	NA	11.67	3.02	NA	41.61	090
35571	A	Artery bypass graft	24.06	NA	11.90	2.14	NA	38.10	090
35572	A	Harvest femoropopliteal vein	6.82	NA	2.57	0.63	NA	10.02	ZZZ
35582	A	Vein bypass graft	27.13	NA	11.09	3.11	NA	41.33	090
35583	A	Vein bypass graft	22.37	NA	10.39	2.53	NA	35.29	090
35585	A	Vein bypass graft	28.39	NA	14.29	3.21	NA	45.89	090
35587	A	Vein bypass graft	24.75	NA	12.58	2.17	NA	39.50	090
35600	A	Harvest artery for cabg	4.95	NA	1.62	0.60	NA	7.17	ZZZ
35601	A	Artery bypass graft	17.50	NA	7.33	2.08	NA	26.91	090
35606	A	Artery bypass graft	18.71	NA	7.75	2.17	NA	28.63	090
35612	A	Artery bypass graft	15.76	NA	6.72	1.72	NA	24.20	090
35616	A	Artery bypass graft	15.70	NA	6.78	1.84	NA	24.32	090
35621	A	Artery bypass graft	20.00	NA	8.67	1.68	NA	30.35	090
35623	A	Bypass graft, not vein	24.00	NA	9.98	1.91	NA	35.89	090
35626	A	Artery bypass graft	27.75	NA	10.93	2.89	NA	41.57	090
35631	A	Artery bypass graft	34.00	NA	13.41	2.83	NA	50.24	090
35636	A	Artery bypass graft	29.50	NA	12.11	2.37	NA	43.98	090
35641	A	Artery bypass graft	24.57	NA	10.27	2.83	NA	37.67	090
35642	A	Artery bypass graft	17.98	NA	7.86	1.84	NA	27.68	090
35645	A	Artery bypass graft	17.47	NA	7.69	1.91	NA	27.07	090
35646	A	Artery bypass graft	31.00	NA	13.00	3.63	NA	47.63	090
35647	A	Artery bypass graft	28.00	NA	11.76	3.28	NA	43.04	090
35650	A	Artery bypass graft	19.00	NA	7.77	1.64	NA	28.41	090
35651	A	Artery bypass graft	25.04	NA	10.50	2.53	NA	38.07	090
35654	A	Artery bypass graft	25.00	NA	10.34	2.10	NA	37.44	090
35656	A	Artery bypass graft	19.53	NA	8.22	2.21	NA	29.96	090
35661	A	Artery bypass graft	19.00	NA	8.09	1.50	NA	28.59	090
35663	A	Artery bypass graft	22.00	NA	9.44	1.55	NA	32.99	090
35665	A	Artery bypass graft	21.00	NA	8.98	1.76	NA	31.74	090
35666	A	Artery bypass graft	22.19	NA	11.72	2.19	NA	36.10	090
35671	A	Artery bypass graft	19.33	NA	10.39	1.68	NA	31.40	090
35681	A	Composite bypass graft	1.60	NA	0.55	0.18	NA	2.33	ZZZ
35682	A	Composite bypass graft	7.20	NA	2.44	0.83	NA	10.47	ZZZ
35683	A	Composite bypass graft	8.50	NA	2.88	0.98	NA	12.36	ZZZ

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
35685	A	Bypass graft patency/patch	4.05	NA	1.52	0.25	NA	5.82	ZZZ
35686	A	Bypass graft/av fist patency	3.35	NA	1.26	0.21	NA	4.82	ZZZ
35691	A	Arterial transposition	18.05	NA	7.54	2.06	NA	27.65	090
35693	A	Arterial transposition	15.36	NA	6.59	1.80	NA	23.75	090
35694	A	Arterial transposition	19.16	NA	7.83	2.13	NA	29.12	090
35695	A	Arterial transposition	19.16	NA	7.78	2.19	NA	29.13	090
35700	A	Reoperation, bypass graft	3.08	NA	1.03	0.36	NA	4.47	ZZZ
35701	A	Exploration, carotid artery	8.50	NA	4.59	0.64	NA	13.73	090
35721	A	Exploration, femoral artery	7.18	NA	5.13	0.59	NA	12.90	090
35741	A	Exploration popliteal artery	8.00	NA	5.34	0.60	NA	13.94	090
35761	A	Exploration of artery/vein	5.37	NA	4.42	0.60	NA	10.39	090
35800	A	Explore neck vessels	7.02	NA	3.90	0.79	NA	11.71	090
35820	A	Explore chest vessels	12.88	NA	4.19	1.61	NA	18.68	090
35840	A	Explore abdominal vessels	9.77	NA	5.10	1.06	NA	15.93	090
35860	A	Explore limb vessels	5.55	NA	3.54	0.63	NA	9.72	090
35870	A	Repair vessel graft defect	22.17	NA	9.95	2.47	NA	34.59	090
35875	A	Removal of clot in graft	10.13	NA	6.30	0.97	NA	17.40	090
35876	A	Removal of clot in graft	17.00	NA	8.80	1.88	NA	27.68	090
35879	A	Revise graft w/vein	16.00	NA	7.61	1.35	NA	24.96	090
35881	A	Revise graft w/vein	18.00	NA	8.46	1.44	NA	27.90	090
35901	A	Excision, graft, neck	8.19	NA	5.82	0.90	NA	14.91	090
35903	A	Excision, graft, extremity	9.39	NA	8.08	1.03	NA	18.50	090
35905	A	Excision, graft, thorax	31.25	NA	15.12	2.15	NA	48.52	090
35907	A	Excision, graft, abdomen	35.00	NA	14.57	2.17	NA	51.74	090
36000	A	Place needle in vein	0.18	0.66	0.05	0.01	0.85	0.24	XXX
36002	A	Pseudoaneurysm injection trt	1.96	2.45	1.00	0.10	4.51	3.06	000
36005	A	Injection ext venography	0.95	8.51	0.32	0.04	9.50	1.31	000
36010	A	Place catheter in vein	2.43	NA	0.81	0.16	NA	3.40	XXX
36011	A	Place catheter in vein	3.14	NA	1.05	0.17	NA	4.36	XXX
36012	A	Place catheter in vein	3.52	NA	1.18	0.17	NA	4.87	XXX
36013	A	Place catheter in artery	2.52	NA	0.67	0.17	NA	3.36	XXX
36014	A	Place catheter in artery	3.02	NA	1.02	0.14	NA	4.18	XXX
36015	A	Place catheter in artery	3.52	NA	1.18	0.16	NA	4.86	XXX
36100	A	Establish access to artery	3.02	NA	1.12	0.18	NA	4.32	XXX
36120	A	Establish access to artery	2.01	NA	0.67	0.11	NA	2.79	XXX
36140	A	Establish access to artery	2.01	NA	0.66	0.12	NA	2.79	XXX
36145	A	Artery to vein shunt	2.01	NA	0.68	0.10	NA	2.79	XXX
36160	A	Establish access to aorta	2.52	NA	0.86	0.20	NA	3.58	XXX
36200	A	Place catheter in aorta	3.02	NA	1.04	0.15	NA	4.21	XXX
36215	A	Place catheter in artery	4.68	NA	1.62	0.22	NA	6.52	XXX
36216	A	Place catheter in artery	5.28	NA	1.81	0.24	NA	7.33	XXX
36217	A	Place catheter in artery	6.30	NA	2.21	0.32	NA	8.83	XXX
36218	A	Place catheter in artery	1.01	NA	0.35	0.05	NA	1.41	ZZZ
36245	A	Place catheter in artery	4.68	NA	1.69	0.23	NA	6.60	XXX
36246	A	Place catheter in artery	5.28	NA	1.83	0.26	NA	7.37	XXX
36247	A	Place catheter in artery	6.30	NA	2.17	0.32	NA	8.79	XXX
36248	A	Place catheter in artery	1.01	NA	0.36	0.06	NA	1.43	ZZZ
36260	A	Insertion of infusion pump	9.71	NA	5.50	1.00	NA	16.21	090
36261	A	Revision of infusion pump	5.45	NA	3.33	0.50	NA	9.28	090
36262	A	Removal of infusion pump	4.02	NA	2.48	0.43	NA	6.93	090
36299	C	Vessel injection procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
36400	A	Bl draw < 3 yrs fem/jugular	0.38	0.89	0.10	0.01	1.28	0.49	XXX
36405	A	Bl draw < 3 yrs scalp vein	0.31	0.33	0.08	0.01	0.65	0.40	XXX
36406	A	Bl draw < 3 yrs other vein	0.18	0.37	0.05	0.01	0.56	0.24	XXX
36410	A	Non-routine bl draw > 3 yrs	0.18	0.39	0.05	0.01	0.58	0.24	XXX
36415	I	Routine venipuncture	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36416	I	Capillary blood draw	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36420	A	Vein access cutdown < 1 yr	1.01	NA	0.31	0.09	NA	1.41	XXX
36425	A	Vein access cutdown > 1 yr	0.76	NA	0.22	0.05	NA	1.03	XXX
36430	A	Blood transfusion service	0.00	1.01	NA	0.05	1.06	NA	XXX
36440	A	Bl push transfuse, 2 yr or <	1.03	NA	0.29	0.08	NA	1.40	XXX
36450	A	Bl exchange/transfuse, nb	2.23	NA	0.72	0.16	NA	3.11	XXX
36455	A	Bl exchange/transfuse non-nb	2.43	NA	0.85	0.10	NA	3.38	XXX
36460	A	Transfusion service, fetal	6.59	NA	2.27	0.56	NA	9.42	XXX
36468	R	Injection(s), spider veins	0.00	0.00	0.00	0.00	0.00	0.00	000
36469	R	Injection(s), spider veins	0.00	0.00	0.00	0.00	0.00	0.00	000
36470	A	Injection therapy of vein	1.09	2.33	0.39	0.10	3.52	1.58	010
36471	A	Injection therapy of veins	1.57	2.68	0.55	0.15	4.40	2.27	010
36481	A	Insertion of catheter, vein	6.99	NA	2.80	0.40	NA	10.19	000
36488	A	Insertion of catheter, vein	1.35	NA	0.74	0.09	NA	2.18	000
36489	A	Insertion of catheter, vein	2.50	4.11	1.04	0.08	6.69	3.62	000
36490	A	Insertion of catheter, vein	1.67	NA	0.83	0.17	NA	2.67	000
36491	A	Insertion of catheter, vein	1.43	NA	0.76	0.13	NA	2.32	000
36493	A	Repositioning of cvc	1.21	NA	0.86	0.06	NA	2.13	000
36500	A	Insertion of catheter, vein	3.52	NA	1.26	0.14	NA	4.92	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
36510	A	Insertion of catheter, vein	1.09	NA	0.72	0.06	NA	1.87	000
36511	A	Apheresis wbc	1.74	NA	0.70	0.06	NA	2.50	000
36512	A	Apheresis rbc	1.74	NA	0.70	0.06	NA	2.50	000
36513	A	Apheresis platelets	1.74	NA	0.70	0.06	NA	2.50	000
36514	A	Apheresis plasma	1.74	NA	0.70	0.06	NA	2.50	000
36515	A	Apheresis, adsorp/reinfuse	1.74	NA	0.70	0.06	NA	2.50	000
36516	A	Apheresis, selective	1.74	NA	0.70	0.06	NA	2.50	000
36520	D	Plasma and/or cell exchange	0.00	0.00	0.00	0.00	0.00	0.00	000
36521	D	Apheresis w/ adsorp/reinfuse	0.00	0.00	0.00	0.00	0.00	0.00	000
36522	A	Photopheresis	1.67	6.77	1.15	0.07	8.51	2.89	000
36530	R	Insertion of infusion pump	6.20	NA	3.70	0.56	NA	10.46	010
36531	R	Revision of infusion pump	4.87	NA	3.25	0.44	NA	8.56	010
36532	R	Removal of infusion pump	3.30	NA	1.52	0.34	NA	5.16	010
36533	A	Insertion of access device	5.32	13.55	3.38	0.49	19.36	9.19	010
36534	A	Revision of access device	2.80	NA	1.46	0.19	NA	4.45	010
36535	A	Removal of access device	2.27	2.81	1.82	0.21	5.29	4.30	010
36536	A	Remove cva device obstruct	3.60	33.54	1.47	0.23	37.37	5.30	000
36537	A	Remove cva lumen obstruct	0.75	7.69	0.49	0.04	8.48	1.28	000
36540	B	Collect blood venous device	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36550	A	Declot vascular device	0.00	0.38	NA	0.31	0.69	NA	XXX
36600	A	Withdrawal of arterial blood	0.32	0.41	0.09	0.02	0.75	0.43	XXX
36620	A	Insertion catheter, artery	1.15	NA	0.24	0.06	NA	1.45	000
36625	A	Insertion catheter, artery	2.11	NA	0.53	0.16	NA	2.80	000
36640	A	Insertion catheter, artery	2.10	NA	0.72	0.18	NA	3.00	000
36660	A	Insertion catheter, artery	1.40	NA	0.45	0.08	NA	1.93	000
36680	A	Insert needle, bone cavity	1.20	NA	0.62	0.08	NA	1.90	000
36800	A	Insertion of cannula	2.43	NA	1.76	0.17	NA	4.36	000
36810	A	Insertion of cannula	3.97	NA	2.24	0.40	NA	6.61	000
36815	A	Insertion of cannula	2.62	NA	1.26	0.26	NA	4.14	000
36819	A	Av fusion/uppr arm vein	14.00	NA	6.41	1.56	NA	21.97	090
36820	A	Av fusion/forearm vein	14.00	NA	6.43	1.56	NA	21.99	090
36821	A	Av fusion direct any site	8.93	NA	4.94	0.97	NA	14.84	090
36822	A	Insertion of cannula(s)	5.42	NA	7.14	0.63	NA	13.19	090
36823	A	Insertion of cannula(s)	21.00	NA	10.38	2.18	NA	33.56	090
36825	A	Artery-vein autograft	9.84	NA	5.48	1.09	NA	16.41	090
36830	A	Artery-vein nonautograft	12.00	NA	6.04	1.32	NA	19.36	090
36831	A	Open thrombect av fistula	8.00	NA	3.93	0.79	NA	12.72	090
36832	A	Av fistula revision, open	10.50	NA	5.53	1.13	NA	17.16	090
36833	A	Av fistula revision	11.95	NA	6.00	1.29	NA	19.24	090
36834	A	Repair A-V aneurysm	9.93	NA	3.79	1.06	NA	14.78	090
36835	A	Artery to vein shunt	7.15	NA	4.52	0.80	NA	12.47	090
36860	A	External cannula declotting	2.01	2.62	1.34	0.10	4.73	3.45	000
36861	A	Cannula declotting	2.52	NA	1.46	0.14	NA	4.12	000
36870	A	Percut thrombect av fistula	5.16	42.32	2.39	0.23	47.71	7.78	090
37140	A	Revision of circulation	23.60	NA	10.31	1.21	NA	35.12	090
37145	A	Revision of circulation	24.61	NA	10.93	2.48	NA	38.02	090
37160	A	Revision of circulation	21.60	NA	9.14	2.16	NA	32.90	090
37180	A	Revision of circulation	24.61	NA	10.27	2.63	NA	37.51	090
37181	A	Splice spleen/kidney veins	26.68	NA	10.86	2.67	NA	40.21	090
37182	A	Insert hepatic shunt (tips)	17.00	NA	6.37	1.49	NA	24.86	000
37183	A	Remove hepatic shunt (tips)	8.00	NA	3.12	0.43	NA	11.55	000
37195	A	Thrombolytic therapy, stroke	0.00	8.02	NA	0.38	8.40	NA	XXX
37200	A	Transcatheter biopsy	4.56	NA	1.55	0.19	NA	6.30	000
37201	A	Transcatheter therapy infuse	5.00	NA	2.53	0.24	NA	7.77	000
37202	A	Transcatheter therapy infuse	5.68	NA	3.10	0.38	NA	9.16	000
37203	A	Transcatheter retrieval	5.03	NA	2.55	0.23	NA	7.81	000
37204	A	Transcatheter occlusion	18.14	NA	6.11	0.91	NA	25.16	000
37205	A	Transcatheter stent	8.28	NA	3.79	0.43	NA	12.50	000
37206	A	Transcatheter stent add-on	4.13	NA	1.48	0.22	NA	5.83	ZZZ
37207	A	Transcatheter stent	8.28	NA	3.53	0.89	NA	12.70	000
37208	A	Transcatheter stent add-on	4.13	NA	1.41	0.44	NA	5.98	ZZZ
37209	A	Exchange arterial catheter	2.27	NA	0.77	0.11	NA	3.15	000
37250	A	Iv us first vessel add-on	2.10	NA	0.77	0.17	NA	3.04	ZZZ
37251	A	Iv us each add vessel add-on	1.60	NA	0.57	0.14	NA	2.31	ZZZ
37500	A	Endoscopy ligate perf veins	11.00	NA	8.70	0.40	NA	20.10	090
37501	C	Vascular endoscopy procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
37565	A	Ligation of neck vein	10.88	NA	5.08	0.45	NA	16.41	090
37600	A	Ligation of neck artery	11.25	NA	6.30	0.40	NA	17.95	090
37605	A	Ligation of neck artery	13.11	NA	6.48	0.77	NA	20.36	090
37606	A	Ligation of neck artery	6.28	NA	3.98	0.79	NA	11.05	090
37607	A	Ligation of a-v fistula	6.16	NA	3.65	0.67	NA	10.48	090
37609	A	Temporal artery procedure	3.00	7.02	2.52	0.21	10.23	5.73	010
37615	A	Ligation of neck artery	5.73	NA	3.64	0.57	NA	9.94	090
37616	A	Ligation of chest artery	16.49	NA	10.58	1.93	NA	29.00	090
37617	A	Ligation of abdomen artery	22.06	NA	9.42	1.69	NA	33.17	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
37618	A	Ligation of extremity artery	4.84	NA	3.49	0.54	NA	8.87	090
37620	A	Revision of major vein	10.56	NA	5.40	0.75	NA	16.71	090
37650	A	Revision of major vein	7.80	NA	4.65	0.56	NA	13.01	090
37660	A	Revision of major vein	21.00	NA	9.32	1.17	NA	31.49	090
37700	A	Revise leg vein	3.73	NA	3.14	0.40	NA	7.27	090
37720	A	Removal of leg vein	5.66	NA	3.63	0.61	NA	9.90	090
37730	A	Removal of leg veins	7.33	NA	4.51	0.77	NA	12.61	090
37735	A	Removal of leg veins/lesion	10.53	NA	5.77	1.17	NA	17.47	090
37760	A	Ligation, leg veins, open	10.47	NA	5.63	1.11	NA	17.21	090
37780	A	Revision of leg vein	3.84	NA	2.96	0.41	NA	7.21	090
37785	A	Revise secondary varicosity	3.84	6.98	2.85	0.41	11.23	7.10	090
37788	A	Revascularization, penis	22.01	NA	11.50	1.35	NA	34.86	090
37790	A	Penile venous occlusion	8.34	NA	6.11	0.63	NA	15.08	090
37799	C	Vascular surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
38100	A	Removal of spleen, total	14.50	NA	6.56	1.30	NA	22.36	090
38101	A	Removal of spleen, partial	15.31	NA	6.94	1.38	NA	23.63	090
38102	A	Removal of spleen, total	4.80	NA	1.68	0.49	NA	6.97	ZZZ
38115	A	Repair of ruptured spleen	15.82	NA	7.04	1.40	NA	24.26	090
38120	A	Laparoscopy, splenectomy	17.00	NA	7.37	1.73	NA	26.10	090
38129	C	Laparoscope proc, spleen	0.00	0.00	0.00	0.00	0.00	0.00	YYY
38200	A	Injection for spleen x-ray	2.64	NA	0.92	0.12	NA	3.68	000
38204	B	BI donor search management	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38205	R	Harvest allogenic stem cells	1.50	NA	0.61	0.05	NA	2.16	000
38206	R	Harvest auto stem cells	1.50	NA	0.61	0.05	NA	2.16	000
38207	I	Cryopreserve stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38208	I	Thaw preserved stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38209	I	Wash harvest stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38210	I	T-cell depletion of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38211	I	Tumor cell deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38212	I	Rbc depletion of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38213	I	Platelet deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38214	I	Volume deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38215	I	Harvest stem cell concentrte	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38220	A	Bone marrow aspiration	1.08	4.64	0.43	0.03	5.75	1.54	XXX
38221	A	Bone marrow biopsy	1.37	4.79	0.54	0.04	6.20	1.95	XXX
38230	R	Bone marrow collection	4.54	NA	2.42	0.25	NA	7.21	010
38231	D	Stem cell collection	0.00	0.00	0.00	0.00	0.00	0.00	000
38240	R	Bone marrow/stem transplant	2.24	NA	0.84	0.08	NA	3.16	XXX
38241	R	Bone marrow/stem transplant	2.24	NA	0.84	0.08	NA	3.16	XXX
38242	A	Lymphocyte infuse transplant	1.71	NA	0.70	0.05	NA	2.46	000
38300	A	Drainage, lymph node lesion	1.99	4.51	2.59	0.15	6.65	4.73	010
38305	A	Drainage, lymph node lesion	6.00	8.72	6.29	0.36	15.08	12.65	090
38308	A	Incision of lymph channels	6.45	NA	5.70	0.51	NA	12.66	090
38380	A	Thoracic duct procedure	7.46	NA	7.55	0.68	NA	15.69	090
38381	A	Thoracic duct procedure	12.88	NA	9.83	1.58	NA	24.29	090
38382	A	Thoracic duct procedure	10.08	NA	9.18	1.08	NA	20.34	090
38500	A	Biopsy/removal, lymph nodes	3.75	3.04	2.56	0.28	7.07	6.59	010
38505	A	Needle biopsy, lymph nodes	1.14	3.13	1.09	0.09	4.36	2.32	000
38510	A	Biopsy/removal, lymph nodes	6.43	NA	5.41	0.38	NA	12.22	010
38520	A	Biopsy/removal, lymph nodes	6.67	NA	5.55	0.52	NA	12.74	090
38525	A	Biopsy/removal, lymph nodes	6.07	NA	4.40	0.48	NA	10.95	090
38530	A	Biopsy/removal, lymph nodes	7.98	NA	5.84	0.63	NA	14.45	090
38542	A	Explore deep node(s), neck	5.91	NA	6.00	0.50	NA	12.41	090
38550	A	Removal, neck/armpit lesion	6.92	NA	4.90	0.69	NA	12.51	090
38555	A	Removal, neck/armpit lesion	14.14	NA	10.28	1.46	NA	25.88	090
38562	A	Removal, pelvic lymph nodes	10.49	NA	6.53	0.97	NA	17.99	090
38564	A	Removal, abdomen lymph nodes	10.83	NA	6.27	1.06	NA	18.16	090
38570	A	Laparoscopy, lymph node biop	9.25	NA	4.47	0.89	NA	14.61	010
38571	A	Laparoscopy, lymphadenectomy	14.68	NA	6.10	0.80	NA	21.58	010
38572	A	Laparoscopy, lymphadenectomy	16.59	NA	7.40	1.32	NA	25.31	010
38589	C	Laparoscope proc, lymphatic	0.00	0.00	0.00	0.00	0.00	0.00	YYY
38700	A	Removal of lymph nodes, neck	8.24	NA	13.43	0.60	NA	22.27	090
38720	A	Removal of lymph nodes, neck	13.61	NA	15.95	1.03	NA	30.59	090
38724	A	Removal of lymph nodes, neck	14.54	NA	16.51	1.10	NA	32.15	090
38740	A	Remove armpit lymph nodes	10.03	NA	5.79	0.69	NA	16.51	090
38745	A	Remove armpit lymph nodes	13.10	NA	8.25	0.90	NA	22.25	090
38746	A	Remove thoracic lymph nodes	4.89	NA	1.60	0.55	NA	7.04	ZZZ
38747	A	Remove abdominal lymph nodes	4.89	NA	1.70	0.50	NA	7.09	ZZZ
38760	A	Remove groin lymph nodes	12.95	NA	7.14	0.88	NA	20.97	090
38765	A	Remove groin lymph nodes	19.98	NA	11.22	1.50	NA	32.70	090
38770	A	Remove pelvis lymph nodes	13.23	NA	6.79	0.99	NA	21.01	090
38780	A	Remove abdomen lymph nodes	16.59	NA	9.28	1.60	NA	27.47	090
38790	A	Inject for lymphatic x-ray	1.29	31.59	0.45	0.09	32.97	1.83	000
38792	A	Identify sentinel node	0.52	NA	0.18	0.04	NA	0.74	000
38794	A	Access thoracic lymph duct	4.45	NA	1.54	0.17	NA	6.16	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
38999	C	Blood/lymph system procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
39000	A	Exploration of chest	6.10	NA	7.58	0.73	NA	14.41	090
39010	A	Exploration of chest	11.79	NA	7.19	1.46	NA	20.44	090
39200	A	Removal chest lesion	13.62	NA	7.30	1.65	NA	22.57	090
39220	A	Removal chest lesion	17.42	NA	9.05	2.10	NA	28.57	090
39400	A	Visualization of chest	5.61	NA	4.59	0.69	NA	10.89	010
39499	C	Chest procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
39501	A	Repair diaphragm laceration	13.19	NA	7.73	1.38	NA	22.30	090
39502	A	Repair paraesophageal hernia	16.33	NA	8.22	1.68	NA	26.23	090
39503	A	Repair of diaphragm hernia	95.00	NA	34.45	3.52	NA	132.97	090
39520	A	Repair of diaphragm hernia	16.10	NA	9.68	1.83	NA	27.61	090
39530	A	Repair of diaphragm hernia	15.41	NA	8.56	1.66	NA	25.63	090
39531	A	Repair of diaphragm hernia	16.42	NA	8.75	1.83	NA	27.00	090
39540	A	Repair of diaphragm hernia	13.32	NA	7.77	1.38	NA	22.47	090
39541	A	Repair of diaphragm hernia	14.41	NA	7.86	1.52	NA	23.79	090
39545	A	Revision of diaphragm	13.37	NA	9.29	1.55	NA	24.21	090
39560	A	Resect diaphragm, simple	12.00	NA	7.53	1.35	NA	20.88	090
39561	A	Resect diaphragm, complex	17.50	NA	9.76	1.97	NA	29.23	090
39599	C	Diaphragm surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
40490	A	Biopsy of lip	1.22	1.73	0.62	0.06	3.01	1.90	000
40500	A	Partial excision of lip	4.28	5.89	5.69	0.31	10.48	10.28	090
40510	A	Partial excision of lip	4.70	6.76	6.51	0.38	11.84	11.59	090
40520	A	Partial excision of lip	4.67	7.77	6.87	0.42	12.86	11.96	090
40525	A	Reconstruct lip with flap	7.55	NA	8.36	0.68	NA	16.59	090
40527	A	Reconstruct lip with flap	9.13	NA	9.24	0.82	NA	19.19	090
40530	A	Partial removal of lip	5.40	6.60	6.24	0.47	12.47	12.11	090
40650	A	Repair lip	3.64	5.44	4.81	0.31	9.39	8.76	090
40652	A	Repair lip	4.26	6.83	6.80	0.39	11.48	11.45	090
40654	A	Repair lip	5.31	7.71	7.50	0.48	13.50	13.29	090
40700	A	Repair cleft lip/nasal	12.79	NA	10.32	0.93	NA	24.04	090
40701	A	Repair cleft lip/nasal	15.85	NA	12.70	1.36	NA	29.91	090
40702	A	Repair cleft lip/nasal	13.04	NA	9.54	1.01	NA	23.59	090
40720	A	Repair cleft lip/nasal	13.55	NA	11.93	1.31	NA	26.79	090
40761	A	Repair cleft lip/nasal	14.72	NA	12.39	1.41	NA	28.52	090
40799	C	Lip surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
40800	A	Drainage of mouth lesion	1.17	1.82	0.87	0.09	3.08	2.13	010
40801	A	Drainage of mouth lesion	2.53	2.42	1.55	0.18	5.13	4.26	010
40804	A	Removal, foreign body, mouth	1.24	2.31	1.03	0.09	3.64	2.36	010
40805	A	Removal, foreign body, mouth	2.69	2.75	1.75	0.17	5.61	4.61	010
40806	A	Incision of lip fold	0.31	0.96	0.86	0.02	1.29	1.19	000
40808	A	Biopsy of mouth lesion	0.96	1.94	1.02	0.07	2.97	2.05	010
40810	A	Excision of mouth lesion	1.31	2.07	1.16	0.09	3.47	2.56	010
40812	A	Excise/repair mouth lesion	2.31	2.43	1.72	0.17	4.91	4.20	010
40814	A	Excise/repair mouth lesion	3.42	3.34	2.98	0.26	7.02	6.66	090
40816	A	Excision of mouth lesion	3.67	3.46	3.17	0.27	7.40	7.11	090
40818	A	Excise oral mucosa for graft	2.41	4.11	4.11	0.14	6.66	6.66	090
40819	A	Excise lip or cheek fold	2.41	3.57	3.55	0.17	6.15	6.13	090
40820	A	Treatment of mouth lesion	1.28	2.47	2.30	0.08	3.83	3.66	010
40830	A	Repair mouth laceration	1.76	2.53	2.50	0.14	4.43	4.40	010
40831	A	Repair mouth laceration	2.46	2.78	2.78	0.21	5.45	5.45	010
40840	R	Reconstruction of mouth	8.73	6.14	6.14	0.79	15.66	15.66	090
40842	R	Reconstruction of mouth	8.73	6.00	6.00	0.65	15.38	15.38	090
40843	R	Reconstruction of mouth	12.10	7.31	7.31	0.84	20.25	20.25	090
40844	R	Reconstruction of mouth	16.01	8.98	8.95	1.63	26.62	26.59	090
40845	R	Reconstruction of mouth	18.58	10.94	10.94	1.47	30.99	30.99	090
40899	C	Mouth surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
41000	A	Drainage of mouth lesion	1.30	2.38	1.50	0.09	3.77	2.89	010
41005	A	Drainage of mouth lesion	1.26	2.26	1.47	0.09	3.61	2.82	010
41006	A	Drainage of mouth lesion	3.24	3.75	3.40	0.25	7.24	6.89	090
41007	A	Drainage of mouth lesion	3.10	3.87	3.19	0.22	7.19	6.51	090
41008	A	Drainage of mouth lesion	3.37	3.60	3.28	0.24	7.21	6.89	090
41009	A	Drainage of mouth lesion	3.59	3.67	3.27	0.25	7.51	7.11	090
41010	A	Incision of tongue fold	1.06	3.26	3.26	0.06	4.38	4.38	010
41015	A	Drainage of mouth lesion	3.96	4.22	3.23	0.29	8.47	7.48	090
41016	A	Drainage of mouth lesion	4.07	4.15	3.38	0.28	8.50	7.73	090
41017	A	Drainage of mouth lesion	4.07	4.16	3.32	0.32	8.55	7.71	090
41018	A	Drainage of mouth lesion	5.10	4.55	3.79	0.35	10.00	9.24	090
41100	A	Biopsy of tongue	1.63	2.36	1.40	0.12	4.11	3.15	010
41105	A	Biopsy of tongue	1.42	2.18	1.32	0.10	3.70	2.84	010
41108	A	Biopsy of floor of mouth	1.05	2.04	1.10	0.08	3.17	2.23	010
41110	A	Excision of tongue lesion	1.51	2.44	1.31	0.11	4.06	2.93	010
41112	A	Excision of tongue lesion	2.73	3.38	2.71	0.20	6.31	5.64	090
41113	A	Excision of tongue lesion	3.19	3.40	2.94	0.23	6.82	6.36	090
41114	A	Excision of tongue lesion	8.47	NA	5.44	0.64	NA	14.55	090
41115	A	Excision of tongue fold	1.74	2.61	2.54	0.13	4.48	4.41	010

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
41116	A	Excision of mouth lesion	2.44	3.40	3.40	0.17	6.01	6.01	090
41120	A	Partial removal of tongue	9.77	NA	8.88	0.70	NA	19.35	090
41130	A	Partial removal of tongue	11.15	NA	9.66	0.81	NA	21.62	090
41135	A	Tongue and neck surgery	23.09	NA	15.99	1.66	NA	40.74	090
41140	A	Removal of tongue	25.50	NA	17.32	1.85	NA	44.67	090
41145	A	Tongue removal, neck surgery	30.06	NA	21.30	2.11	NA	53.47	090
41150	A	Tongue, mouth, jaw surgery	23.04	NA	17.16	1.67	NA	41.87	090
41153	A	Tongue, mouth, neck surgery	23.77	NA	17.77	1.71	NA	43.25	090
41155	A	Tongue, jaw, & neck surgery	27.72	NA	19.97	2.02	NA	49.71	090
41250	A	Repair tongue laceration	1.91	2.88	1.71	0.15	4.94	3.77	010
41251	A	Repair tongue laceration	2.27	2.72	2.00	0.18	5.17	4.45	010
41252	A	Repair tongue laceration	2.97	3.50	2.34	0.23	6.70	5.54	010
41500	A	Fixation of tongue	3.71	NA	4.33	0.26	NA	8.30	090
41510	A	Tongue to lip surgery	3.42	NA	4.80	0.24	NA	8.46	090
41520	A	Reconstruction, tongue fold	2.73	3.03	3.03	0.19	5.95	5.95	090
41599	C	Tongue and mouth surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
41800	A	Drainage of gum lesion	1.17	1.97	1.37	0.09	3.23	2.63	010
41805	A	Removal foreign body, gum	1.24	1.95	1.95	0.09	3.28	3.28	010
41806	A	Removal foreign body, jawbone	2.69	2.57	2.45	0.22	5.48	5.36	010
41820	R	Excision, gum, each quadrant	0.00	0.00	0.00	0.00	0.00	0.00	000
41821	R	Excision of gum flap	0.00	0.00	0.00	0.00	0.00	0.00	000
41822	R	Excision of gum lesion	2.31	2.83	0.96	0.24	5.38	3.51	010
41823	R	Excision of gum lesion	3.30	3.58	3.00	0.29	7.17	6.59	090
41825	A	Excision of gum lesion	1.31	2.40	2.36	0.10	3.81	3.77	010
41826	A	Excision of gum lesion	2.31	2.64	2.64	0.17	5.12	5.12	010
41827	A	Excision of gum lesion	3.42	3.58	3.58	0.25	7.25	7.25	090
41828	R	Excision of gum lesion	3.09	3.01	2.40	0.22	6.32	5.71	010
41830	R	Removal of gum tissue	3.35	3.30	2.94	0.23	6.88	6.52	010
41850	R	Treatment of gum lesion	0.00	0.00	0.00	0.00	0.00	0.00	000
41870	R	Gum graft	0.00	0.00	0.00	0.00	0.00	0.00	000
41872	R	Repair gum	2.59	2.88	2.88	0.18	5.65	5.65	090
41874	R	Repair tooth socket	3.09	2.88	2.40	0.23	6.20	5.72	090
41899	C	Dental surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
42000	A	Drainage mouth roof lesion	1.23	2.53	1.53	0.10	3.86	2.86	010
42100	A	Biopsy roof of mouth	1.31	2.51	2.50	0.10	3.92	3.91	010
42104	A	Excision lesion, mouth roof	1.64	2.57	2.57	0.12	4.33	4.33	010
42106	A	Excision lesion, mouth roof	2.10	2.64	2.64	0.16	4.90	4.90	010
42107	A	Excision lesion, mouth roof	4.44	4.11	4.11	0.32	8.87	8.87	090
42120	A	Remove palate/lesion	6.17	NA	6.11	0.44	NA	12.72	090
42140	A	Excision of uvula	1.62	3.91	3.37	0.12	5.65	5.11	090
42145	A	Repair palate, pharynx/uvula	8.05	NA	7.50	0.56	NA	16.11	090
42160	A	Treatment mouth roof lesion	1.80	3.28	2.70	0.13	5.21	4.63	010
42180	A	Repair palate	2.50	2.99	2.11	0.19	5.68	4.80	010
42182	A	Repair palate	3.83	3.47	3.06	0.27	7.57	7.16	010
42200	A	Reconstruct cleft palate	12.00	NA	10.14	0.97	NA	23.11	090
42205	A	Reconstruct cleft palate	13.29	NA	9.23	0.82	NA	23.34	090
42210	A	Reconstruct cleft palate	14.50	NA	9.51	1.24	NA	25.25	090
42215	A	Reconstruct cleft palate	8.82	NA	8.69	0.96	NA	18.47	090
42220	A	Reconstruct cleft palate	7.02	NA	6.73	0.41	NA	14.16	090
42225	A	Reconstruct cleft palate	9.54	NA	9.15	0.75	NA	19.44	090
42226	A	Lengthening of palate	10.01	NA	9.52	0.73	NA	20.26	090
42227	A	Lengthening of palate	9.52	NA	8.09	0.70	NA	18.31	090
42235	A	Repair palate	7.87	NA	6.18	0.49	NA	14.54	090
42260	A	Repair nose to lip fistula	9.80	6.99	6.99	0.85	17.64	17.64	090
42280	A	Preparation, palate mold	1.54	1.43	0.75	0.12	3.09	2.41	010
42281	A	Insertion, palate prosthesis	1.93	1.81	0.97	0.14	3.88	3.04	010
42299	C	Palate/uvula surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
42300	A	Drainage of salivary gland	1.93	2.65	1.89	0.15	4.73	3.97	010
42305	A	Drainage of salivary gland	6.07	NA	5.29	0.46	NA	11.82	090
42310	A	Drainage of salivary gland	1.56	2.32	1.65	0.11	3.99	3.32	010
42320	A	Drainage of salivary gland	2.35	2.77	2.13	0.17	5.29	4.65	010
42325	A	Create salivary cyst drain	2.75	3.36	1.15	0.17	6.28	4.07	090
42326	A	Create salivary cyst drain	3.78	3.34	1.76	0.34	7.46	5.88	090
42330	A	Removal of salivary stone	2.21	2.78	1.05	0.16	5.15	3.42	010
42335	A	Removal of salivary stone	3.31	3.66	3.66	0.23	7.20	7.20	090
42340	A	Removal of salivary stone	4.60	4.80	4.80	0.34	9.74	9.74	090
42400	A	Biopsy of salivary gland	0.78	2.49	0.39	0.06	3.33	1.23	000
42405	A	Biopsy of salivary gland	3.29	3.40	3.34	0.24	6.93	6.87	010
42408	A	Excision of salivary cyst	4.54	4.54	4.54	0.34	9.42	9.42	090
42409	A	Drainage of salivary cyst	2.81	3.39	3.39	0.20	6.40	6.40	090
42410	A	Excise parotid gland/lesion	9.34	NA	7.87	0.77	NA	17.98	090
42415	A	Excise parotid gland/lesion	16.89	NA	12.47	1.26	NA	30.62	090
42420	A	Excise parotid gland/lesion	19.59	NA	14.03	1.45	NA	35.07	090
42425	A	Excise parotid gland/lesion	13.02	NA	10.46	0.98	NA	24.46	090
42426	A	Excise parotid gland/lesion	21.26	NA	14.83	1.57	NA	37.66	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
42440	A	Excise submaxillary gland	6.97	NA	5.98	0.51	NA	13.46	090
42450	A	Excise sublingual gland	4.62	4.78	4.78	0.34	9.74	9.74	090
42500	A	Repair salivary duct	4.30	4.84	4.84	0.30	9.44	9.44	090
42505	A	Repair salivary duct	6.18	5.46	5.46	0.44	12.08	12.08	090
42507	A	Parotid duct diversion	6.11	NA	5.98	0.66	NA	12.75	090
42508	A	Parotid duct diversion	9.10	NA	8.12	0.64	NA	17.86	090
42509	A	Parotid duct diversion	11.54	NA	9.65	1.24	NA	22.43	090
42510	A	Parotid duct diversion	8.15	NA	7.09	0.57	NA	15.81	090
42550	A	Injection for salivary x-ray	1.25	12.74	0.43	0.06	14.05	1.74	000
42600	A	Closure of salivary fistula	4.82	6.30	5.67	0.34	11.46	10.83	090
42650	A	Dilation of salivary duct	0.77	1.09	0.40	0.06	1.92	1.23	000
42660	A	Dilation of salivary duct	1.13	1.18	1.18	0.07	2.38	2.38	000
42665	A	Ligation of salivary duct	2.53	3.51	3.51	0.17	6.21	6.21	090
42699	C	Salivary surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
42700	A	Drainage of tonsil abscess	1.62	3.27	1.88	0.12	5.01	3.62	010
42720	A	Drainage of throat abscess	5.42	4.88	4.76	0.39	10.69	10.57	010
42725	A	Drainage of throat abscess	10.72	NA	8.52	0.80	NA	20.04	090
42800	A	Biopsy of throat	1.39	3.09	2.62	0.10	4.58	4.11	010
42802	A	Biopsy of throat	1.54	3.18	2.70	0.11	4.83	4.35	010
42804	A	Biopsy of upper nose/throat	1.24	3.05	2.57	0.09	4.38	3.90	010
42806	A	Biopsy of upper nose/throat	1.58	3.52	2.76	0.12	5.22	4.46	010
42808	A	Excise pharynx lesion	2.30	5.06	3.15	0.17	7.53	5.62	010
42809	A	Remove pharynx foreign body	1.81	3.50	1.74	0.13	5.44	3.68	010
42810	A	Excision of neck cyst	3.25	5.52	4.50	0.25	9.02	8.00	090
42815	A	Excision of neck cyst	7.07	NA	6.58	0.53	NA	14.18	090
42820	A	Remove tonsils and adenoids	3.91	NA	3.35	0.28	NA	7.54	090
42821	A	Remove tonsils and adenoids	4.29	NA	4.23	0.30	NA	8.82	090
42825	A	Removal of tonsils	3.42	NA	3.69	0.24	NA	7.35	090
42826	A	Removal of tonsils	3.38	NA	3.75	0.23	NA	7.36	090
42830	A	Removal of adenoids	2.57	NA	2.42	0.18	NA	5.17	090
42831	A	Removal of adenoids	2.71	NA	2.55	0.19	NA	5.45	090
42835	A	Removal of adenoids	2.30	NA	3.15	0.17	NA	5.62	090
42836	A	Removal of adenoids	3.18	NA	3.68	0.22	NA	7.08	090
42842	A	Extensive surgery of throat	8.76	NA	7.82	0.61	NA	17.19	090
42844	A	Extensive surgery of throat	14.31	NA	11.36	1.04	NA	26.71	090
42845	A	Extensive surgery of throat	24.29	NA	17.44	1.76	NA	43.49	090
42860	A	Excision of tonsil tags	2.22	NA	3.08	0.16	NA	5.46	090
42870	A	Excision of lingual tonsil	5.40	NA	6.10	0.38	NA	11.88	090
42890	A	Partial removal of pharynx	12.94	NA	10.82	0.91	NA	24.67	090
42892	A	Revision of pharyngeal walls	15.83	NA	12.34	1.14	NA	29.31	090
42894	A	Revision of pharyngeal walls	22.88	NA	16.97	1.64	NA	41.49	090
42900	A	Repair throat wound	5.25	NA	3.76	0.39	NA	9.40	010
42950	A	Reconstruction of throat	8.10	NA	7.52	0.58	NA	16.20	090
42953	A	Repair throat, esophagus	8.96	NA	8.99	0.73	NA	18.68	090
42955	A	Surgical opening of throat	7.39	NA	6.53	0.63	NA	14.55	090
42960	A	Control throat bleeding	2.33	NA	2.11	0.17	NA	4.61	010
42961	A	Control throat bleeding	5.59	NA	5.27	0.40	NA	11.26	090
42962	A	Control throat bleeding	7.14	NA	6.18	0.51	NA	13.83	090
42970	A	Control nose/throat bleeding	5.43	NA	3.77	0.37	NA	9.57	090
42971	A	Control nose/throat bleeding	6.21	NA	5.81	0.45	NA	12.47	090
42972	A	Control nose/throat bleeding	7.20	NA	5.54	0.54	NA	13.28	090
42999	C	Throat surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43020	A	Incision of esophagus	8.09	NA	6.46	0.70	NA	15.25	090
43030	A	Throat muscle surgery	7.69	NA	6.93	0.60	NA	15.22	090
43045	A	Incision of esophagus	20.12	NA	11.08	2.15	NA	33.35	090
43100	A	Excision of esophagus lesion	9.19	NA	7.20	0.79	NA	17.18	090
43101	A	Excision of esophagus lesion	16.24	NA	8.62	1.81	NA	26.67	090
43107	A	Removal of esophagus	40.00	NA	18.02	3.29	NA	61.31	090
43108	A	Removal of esophagus	34.19	NA	15.85	3.78	NA	53.82	090
43112	A	Removal of esophagus	43.50	NA	19.49	3.67	NA	66.66	090
43113	A	Removal of esophagus	35.27	NA	16.48	4.33	NA	56.08	090
43116	A	Partial removal of esophagus	31.22	NA	18.82	2.62	NA	52.66	090
43117	A	Partial removal of esophagus	40.00	NA	17.09	3.51	NA	60.60	090
43118	A	Partial removal of esophagus	33.20	NA	15.40	3.56	NA	52.16	090
43121	A	Partial removal of esophagus	29.19	NA	13.36	3.44	NA	45.99	090
43122	A	Partial removal of esophagus	40.00	NA	17.29	3.27	NA	60.56	090
43123	A	Partial removal of esophagus	33.20	NA	15.82	3.96	NA	52.98	090
43124	A	Removal of esophagus	27.32	NA	14.94	2.95	NA	45.21	090
43130	A	Removal of esophagus pouch	11.75	NA	8.86	1.06	NA	21.67	090
43135	A	Removal of esophagus pouch	16.10	NA	9.91	1.85	NA	27.86	090
43200	A	Esophagus endoscopy	1.59	7.97	1.18	0.11	9.67	2.88	000
43201	A	Esoph scope w/submucous inj	2.09	4.44	1.27	0.12	6.65	3.48	000
43202	A	Esophagus endoscopy, biopsy	1.89	6.25	1.13	0.12	8.26	3.14	000
43204	A	Esoph scope w/sclerosis inj	3.77	NA	1.67	0.18	NA	5.62	000
43205	A	Esophagus endoscopy/ligation	3.79	NA	1.68	0.17	NA	5.64	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
43215	A	Esophagus endoscopy	2.60	NA	1.23	0.17	NA	4.00	000
43216	A	Esophagus endoscopy/lesion	2.40	NA	1.18	0.15	NA	3.73	000
43217	A	Esophagus endoscopy	2.90	NA	1.33	0.17	NA	4.40	000
43219	A	Esophagus endoscopy	2.80	NA	1.40	0.16	NA	4.36	000
43220	A	Esoph endoscopy, dilation	2.10	NA	1.10	0.12	NA	3.32	000
43226	A	Esoph endoscopy, dilation	2.34	NA	1.17	0.12	NA	3.63	000
43227	A	Esoph endoscopy, repair	3.60	NA	1.60	0.18	NA	5.38	000
43228	A	Esoph endoscopy, ablation	3.77	NA	1.72	0.25	NA	5.74	000
43231	A	Esoph endoscopy w/us exam	3.19	NA	1.57	0.20	NA	4.96	000
43232	A	Esoph endoscopy w/us fn bx	4.48	NA	2.10	0.26	NA	6.84	000
43234	A	Upper GI endoscopy, exam	2.01	4.28	1.04	0.13	6.42	3.18	000
43235	A	Uppr gi endoscopy, diagnosis	2.39	5.85	1.06	0.13	8.37	3.58	000
43236	A	Uppr gi scope w/submuc inj	2.92	4.70	1.26	0.14	7.76	4.32	000
43239	A	Upper GI endoscopy, biopsy	2.87	6.17	1.23	0.14	9.18	4.24	000
43240	A	Esoph endoscope w/drain cyst	6.86	NA	2.70	0.36	NA	9.92	000
43241	A	Upper GI endoscopy with tube	2.59	NA	1.14	0.14	NA	3.87	000
43242	A	Uppr gi endoscopy w/us fn bx	7.31	NA	2.83	0.29	NA	10.43	000
43243	A	Upper gi endoscopy & inject	4.57	NA	1.86	0.21	NA	6.64	000
43244	A	Upper GI endoscopy/ligation	5.05	NA	2.03	0.21	NA	7.29	000
43245	A	Uppr gi scope dilate strictr	3.18	13.87	1.34	0.18	17.23	4.70	000
43246	A	Place gastrostomy tube	4.33	NA	1.75	0.24	NA	6.32	000
43247	A	Operative upper GI endoscopy	3.39	NA	1.42	0.17	NA	4.98	000
43248	A	Uppr gi endoscopy/guide wire	3.15	NA	1.35	0.15	NA	4.65	000
43249	A	Esoph endoscopy, dilation	2.90	NA	1.26	0.15	NA	4.31	000
43250	A	Upper GI endoscopy/tumor	3.20	NA	1.35	0.17	NA	4.72	000
43251	A	Operative upper GI endoscopy	3.70	NA	1.53	0.19	NA	5.42	000
43255	A	Operative upper GI endoscopy	4.82	NA	1.95	0.20	NA	6.97	000
43256	A	Uppr gi endoscopy w stent	4.35	NA	1.77	0.23	NA	6.35	000
43258	A	Operative upper GI endoscopy	4.55	NA	1.85	0.22	NA	6.62	000
43259	A	Endoscopic ultrasound exam	4.89	NA	1.95	0.22	NA	7.06	000
43260	A	Endo cholangiopancreatograph	5.96	NA	2.44	0.27	NA	8.67	000
43261	A	Endo cholangiopancreatograph	6.27	NA	2.55	0.29	NA	9.11	000
43262	A	Endo cholangiopancreatograph	7.39	NA	2.96	0.34	NA	10.69	000
43263	A	Endo cholangiopancreatograph	7.29	NA	2.93	0.28	NA	10.50	000
43264	A	Endo cholangiopancreatograph	8.90	NA	3.49	0.41	NA	12.80	000
43265	A	Endo cholangiopancreatograph	10.02	NA	3.89	0.42	NA	14.33	000
43267	A	Endo cholangiopancreatograph	7.39	NA	2.96	0.34	NA	10.69	000
43268	A	Endo cholangiopancreatograph	7.39	NA	2.96	0.34	NA	10.69	000
43269	A	Endo cholangiopancreatograph	8.21	NA	3.24	0.28	NA	11.73	000
43271	A	Endo cholangiopancreatograph	7.39	NA	2.95	0.34	NA	10.68	000
43272	A	Endo cholangiopancreatograph	7.39	NA	2.96	0.34	NA	10.69	000
43280	A	Laparoscopy, fundoplasty	17.25	NA	8.20	1.76	NA	27.21	090
43289	C	Laparoscopy proc, esoph	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43300	A	Repair of esophagus	9.14	NA	7.25	0.85	NA	17.24	090
43305	A	Repair esophagus and fistula	17.39	NA	12.70	1.36	NA	31.45	090
43310	A	Repair of esophagus	25.39	NA	14.66	3.18	NA	43.23	090
43312	A	Repair esophagus and fistula	28.42	NA	18.20	3.38	NA	50.00	090
43313	A	Esophagoplasty congenital	45.28	NA	21.66	5.43	NA	72.37	090
43314	A	Tracheo-esophagoplasty cong	50.27	NA	23.68	5.53	NA	79.48	090
43320	A	Fuse esophagus & stomach	19.93	NA	10.45	1.59	NA	31.97	090
43324	A	Revise esophagus & stomach	20.57	NA	9.48	1.72	NA	31.77	090
43325	A	Revise esophagus & stomach	20.06	NA	9.85	1.65	NA	31.56	090
43326	A	Revise esophagus & stomach	19.74	NA	10.49	1.84	NA	32.07	090
43330	A	Repair of esophagus	19.77	NA	9.56	1.52	NA	30.85	090
43331	A	Repair of esophagus	20.13	NA	11.13	1.93	NA	33.19	090
43340	A	Fuse esophagus & intestine	19.61	NA	10.61	1.53	NA	31.75	090
43341	A	Fuse esophagus & intestine	20.85	NA	12.08	2.14	NA	35.07	090
43350	A	Surgical opening, esophagus	15.78	NA	10.17	1.15	NA	27.10	090
43351	A	Surgical opening, esophagus	18.35	NA	10.61	1.51	NA	30.47	090
43352	A	Surgical opening, esophagus	15.26	NA	9.72	1.28	NA	26.26	090
43360	A	Gastrointestinal repair	35.70	NA	16.54	3.00	NA	55.24	090
43361	A	Gastrointestinal repair	40.50	NA	18.38	3.52	NA	62.40	090
43400	A	Ligate esophagus veins	21.20	NA	10.34	0.99	NA	32.53	090
43401	A	Esophagus surgery for veins	22.09	NA	10.35	1.73	NA	34.17	090
43405	A	Ligate/staple esophagus	20.01	NA	9.51	1.63	NA	31.15	090
43410	A	Repair esophagus wound	13.47	NA	8.93	1.15	NA	23.55	090
43415	A	Repair esophagus wound	25.00	NA	12.26	1.92	NA	39.18	090
43420	A	Repair esophagus opening	14.35	NA	8.92	0.86	NA	24.13	090
43425	A	Repair esophagus opening	21.03	NA	11.22	2.03	NA	34.28	090
43450	A	Dilate esophagus	1.38	1.38	0.62	0.07	2.83	2.07	000
43453	A	Dilate esophagus	1.51	NA	0.67	0.08	NA	2.26	000
43456	A	Dilate esophagus	2.57	NA	1.04	0.14	NA	3.75	000
43458	A	Dilate esophagus	3.06	NA	1.23	0.17	NA	4.46	000
43460	A	Pressure treatment esophagus	3.80	NA	1.50	0.21	NA	5.51	000
43496	C	Free jejunum flap, microvasc	0.00	0.00	0.00	0.00	0.00	0.00	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
43499	C	Esophagus surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43500	A	Surgical opening of stomach	11.05	NA	5.08	0.84	NA	16.97	090
43501	A	Surgical repair of stomach	20.04	NA	8.60	1.55	NA	30.19	090
43502	A	Surgical repair of stomach	23.13	NA	9.77	1.83	NA	34.73	090
43510	A	Surgical opening of stomach	13.08	NA	7.53	0.90	NA	21.51	090
43520	A	Incision of pyloric muscle	9.99	NA	5.81	0.84	NA	16.64	090
43600	A	Biopsy of stomach	1.91	NA	1.02	0.11	NA	3.04	000
43605	A	Biopsy of stomach	11.98	NA	5.39	0.93	NA	18.30	090
43610	A	Excision of stomach lesion	14.60	NA	6.69	1.14	NA	22.43	090
43611	A	Excision of stomach lesion	17.84	NA	7.93	1.38	NA	27.15	090
43620	A	Removal of stomach	30.04	NA	12.69	2.29	NA	45.02	090
43621	A	Removal of stomach	30.73	NA	12.88	2.36	NA	45.97	090
43622	A	Removal of stomach	32.53	NA	13.48	2.48	NA	48.49	090
43631	A	Removal of stomach, partial	22.59	NA	9.45	1.99	NA	34.03	090
43632	A	Removal of stomach, partial	22.59	NA	9.46	2.00	NA	34.05	090
43633	A	Removal of stomach, partial	23.10	NA	9.64	2.05	NA	34.79	090
43634	A	Removal of stomach, partial	25.12	NA	10.41	2.18	NA	37.71	090
43635	A	Removal of stomach, partial	2.06	NA	0.72	0.21	NA	2.99	ZZZ
43638	A	Removal of stomach, partial	29.00	NA	11.77	2.24	NA	43.01	090
43639	A	Removal of stomach, partial	29.65	NA	12.01	2.31	NA	43.97	090
43640	A	Vagotomy & pylorus repair	17.02	NA	7.52	1.51	NA	26.05	090
43641	A	Vagotomy & pylorus repair	17.27	NA	7.63	1.53	NA	26.43	090
43651	A	Laparoscopy, vagus nerve	10.15	NA	4.59	1.03	NA	15.77	090
43652	A	Laparoscopy, vagus nerve	12.15	NA	5.37	1.25	NA	18.77	090
43653	A	Laparoscopy, gastrostomy	7.73	NA	4.23	0.78	NA	12.74	090
43659	C	Laparoscope proc, stom	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43750	A	Place gastrostomy tube	4.49	NA	2.62	0.33	NA	7.44	010
43752	B	Nasal/orogastric w/stent	0.00	0.00	0.00	0.00	0.00	0.00	XXX
43760	A	Change gastrostomy tube	1.10	1.42	0.46	0.07	2.59	1.63	000
43761	A	Reposition gastrostomy tube	2.01	NA	0.80	0.10	NA	2.91	000
43800	A	Reconstruction of pylorus	13.69	NA	6.44	1.07	NA	21.20	090
43810	A	Fusion of stomach and bowel	14.65	NA	6.74	1.10	NA	22.49	090
43820	A	Fusion of stomach and bowel	15.37	NA	6.96	1.18	NA	23.51	090
43825	A	Fusion of stomach and bowel	19.22	NA	8.30	1.50	NA	29.02	090
43830	A	Place gastrostomy tube	9.53	NA	4.91	0.69	NA	15.13	090
43831	A	Place gastrostomy tube	7.84	NA	4.28	0.81	NA	12.93	090
43832	A	Place gastrostomy tube	15.60	NA	7.46	1.13	NA	24.19	090
43840	A	Repair of stomach lesion	15.56	NA	7.02	1.20	NA	23.78	090
43842	A	Gastroplasty for obesity	18.47	NA	11.21	1.51	NA	31.19	090
43843	A	Gastroplasty for obesity	18.65	NA	10.81	1.53	NA	30.99	090
43846	A	Gastric bypass for obesity	24.05	NA	13.23	1.96	NA	39.24	090
43847	A	Gastric bypass for obesity	26.92	NA	14.86	2.14	NA	43.92	090
43848	A	Revision gastroplasty	29.39	NA	15.91	2.39	NA	47.69	090
43850	A	Revise stomach-bowel fusion	24.72	NA	10.14	1.97	NA	36.83	090
43855	A	Revise stomach-bowel fusion	26.16	NA	10.73	2.01	NA	38.90	090
43860	A	Revise stomach-bowel fusion	25.00	NA	10.30	2.03	NA	37.33	090
43865	A	Revise stomach-bowel fusion	26.52	NA	10.85	2.15	NA	39.52	090
43870	A	Repair stomach opening	9.69	NA	5.05	0.71	NA	15.45	090
43880	A	Repair stomach-bowel fistula	24.65	NA	10.67	1.94	NA	37.26	090
43999	C	Stomach surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44005	A	Freeing of bowel adhesion	16.23	NA	7.20	1.39	NA	24.82	090
44010	A	Incision of small bowel	12.52	NA	6.32	1.05	NA	19.89	090
44015	A	Insert needle cath bowel	2.62	NA	0.91	0.25	NA	3.78	ZZZ
44020	A	Explore small intestine	13.99	NA	6.40	1.20	NA	21.59	090
44021	A	Decompress small bowel	14.08	NA	6.84	1.18	NA	22.10	090
44025	A	Incision of large bowel	14.28	NA	6.49	1.21	NA	21.98	090
44050	A	Reduce bowel obstruction	14.03	NA	6.42	1.15	NA	21.60	090
44055	A	Correct malrotation of bowel	22.00	NA	9.20	1.32	NA	32.52	090
44100	A	Biopsy of bowel	2.01	NA	1.06	0.12	NA	3.19	000
44110	A	Excise intestine lesion(s)	11.81	NA	5.69	1.00	NA	18.50	090
44111	A	Excision of bowel lesion(s)	14.29	NA	7.05	1.22	NA	22.56	090
44120	A	Removal of small intestine	17.00	NA	7.45	1.46	NA	25.91	090
44121	A	Removal of small intestine	4.45	NA	1.56	0.46	NA	6.47	ZZZ
44125	A	Removal of small intestine	17.54	NA	7.64	1.49	NA	26.67	090
44126	A	Enterectomy w/o taper, cong	35.50	NA	17.79	0.36	NA	53.65	090
44127	A	Enterectomy w/taper, cong	41.00	NA	20.28	0.41	NA	61.69	090
44128	A	Enterectomy cong, add-on	4.45	NA	1.73	0.45	NA	6.63	ZZZ
44130	A	Bowel to bowel fusion	14.49	NA	6.57	1.23	NA	22.29	090
44132	R	Enterectomy, cadaver donor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44133	R	Enterectomy, live donor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44135	R	Intestine transplnt, cadaver	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44136	R	Intestine transplant, live	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44139	A	Mobilization of colon	2.23	NA	0.78	0.21	NA	3.22	ZZZ
44140	A	Partial removal of colon	21.00	NA	8.86	2.14	NA	32.00	090
44141	A	Partial removal of colon	19.51	NA	10.20	1.95	NA	31.66	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
44143	A	Partial removal of colon	22.99	NA	10.89	2.02	NA	35.90	090
44144	A	Partial removal of colon	21.53	NA	9.70	1.89	NA	33.12	090
44145	A	Partial removal of colon	26.42	NA	11.04	2.22	NA	39.68	090
44146	A	Partial removal of colon	27.54	NA	13.12	2.20	NA	42.86	090
44147	A	Partial removal of colon	20.71	NA	8.85	1.74	NA	31.30	090
44150	A	Removal of colon	23.95	NA	12.20	2.05	NA	38.20	090
44151	A	Removal of colon/ileostomy	26.88	NA	13.55	1.97	NA	42.40	090
44152	A	Removal of colon/ileostomy	27.83	NA	11.94	2.36	NA	42.13	090
44153	A	Removal of colon/ileostomy	30.59	NA	14.74	2.33	NA	47.66	090
44155	A	Removal of colon/ileostomy	27.86	NA	13.56	2.26	NA	43.68	090
44156	A	Removal of colon/ileostomy	30.79	NA	15.19	2.19	NA	48.17	090
44160	A	Removal of colon	18.62	NA	7.93	1.86	NA	28.41	090
44200	A	Laparoscopy, enterolysis	14.44	NA	6.38	1.46	NA	22.28	090
44201	A	Laparoscopy, jejunostomy	9.78	NA	4.63	0.97	NA	15.38	090
44202	A	Lap resect s/intestine singl	22.04	NA	9.14	2.16	NA	33.34	090
44203	A	Lap resect s/intestine, addl	4.45	NA	1.56	0.46	NA	6.47	ZZZ
44204	A	Laparo partial colectomy	25.08	NA	10.21	2.55	NA	37.84	090
44205	A	Lap colectomy part w/ileum	22.23	NA	9.07	2.23	NA	33.53	090
44206	A	Lap part colectomy w/stoma	27.00	NA	11.22	2.02	NA	40.24	090
44207	A	L colectomy/coloproctostomy	30.00	NA	11.82	2.22	NA	44.04	090
44208	A	L colectomy/coloproctostomy	32.00	NA	13.42	2.20	NA	47.62	090
44209	D	Laparoscopy proc, intestine	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44210	A	Laparo total proctocolectomy	28.00	NA	12.11	2.05	NA	42.16	090
44211	A	Laparo total proctocolectomy	35.00	NA	15.02	2.33	NA	52.35	090
44212	A	Laparo total proctocolectomy	32.50	NA	14.16	2.26	NA	48.92	090
44238	C	Laparoscopy proc, intestine	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44239	C	Laparoscopy proc, rectum	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44300	A	Open bowel to skin	12.11	NA	5.63	0.88	NA	18.62	090
44310	A	Ileostomy/jejunostomy	15.95	NA	6.88	1.13	NA	23.96	090
44312	A	Revision of ileostomy	8.02	NA	4.09	0.54	NA	12.65	090
44314	A	Revision of ileostomy	15.05	NA	6.71	0.99	NA	22.75	090
44316	A	Devise bowel pouch	21.09	NA	8.71	1.41	NA	31.21	090
44320	A	Colostomy	17.64	NA	7.83	1.28	NA	26.75	090
44322	A	Colostomy with biopsies	11.98	NA	8.75	1.18	NA	21.91	090
44340	A	Revision of colostomy	7.72	NA	4.35	0.56	NA	12.63	090
44345	A	Revision of colostomy	15.43	NA	7.03	1.11	NA	23.57	090
44346	A	Revision of colostomy	16.99	NA	7.54	1.20	NA	25.73	090
44360	A	Small bowel endoscopy	2.59	NA	1.36	0.14	NA	4.09	000
44361	A	Small bowel endoscopy/biopsy	2.87	NA	1.45	0.15	NA	4.47	000
44363	A	Small bowel endoscopy	3.50	NA	1.64	0.19	NA	5.33	000
44364	A	Small bowel endoscopy	3.74	NA	1.76	0.21	NA	5.71	000
44365	A	Small bowel endoscopy	3.31	NA	1.63	0.18	NA	5.12	000
44366	A	Small bowel endoscopy	4.41	NA	2.01	0.22	NA	6.64	000
44369	A	Small bowel endoscopy	4.52	NA	2.01	0.23	NA	6.76	000
44370	A	Small bowel endoscopy/stent	4.80	NA	2.15	0.21	NA	7.16	000
44372	A	Small bowel endoscopy	4.41	NA	2.00	0.27	NA	6.68	000
44373	A	Small bowel endoscopy	3.50	NA	1.72	0.19	NA	5.41	000
44376	A	Small bowel endoscopy	5.26	NA	2.30	0.29	NA	7.85	000
44377	A	Small bowel endoscopy/biopsy	5.53	NA	2.43	0.28	NA	8.24	000
44378	A	Small bowel endoscopy	7.13	NA	2.99	0.37	NA	10.49	000
44379	A	S bowel endoscope w/stent	7.47	NA	3.11	0.38	NA	10.96	000
44380	A	Small bowel endoscopy	1.05	NA	0.78	0.08	NA	1.91	000
44382	A	Small bowel endoscopy	1.27	NA	0.87	0.09	NA	2.23	000
44383	A	Ileoscopy w/stent	2.94	NA	1.42	0.13	NA	4.49	000
44385	A	Endoscopy of bowel pouch	1.82	4.53	0.96	0.12	6.47	2.90	000
44386	A	Endoscopy, bowel pouch/biop	2.12	5.99	1.09	0.15	8.26	3.36	000
44388	A	Colon endoscopy	2.82	6.49	1.38	0.18	9.49	4.38	000
44389	A	Colonoscopy with biopsy	3.13	7.24	1.51	0.18	10.55	4.82	000
44390	A	Colonoscopy for foreign body	3.83	6.96	1.73	0.22	11.01	5.78	000
44391	A	Colonoscopy for bleeding	4.32	6.01	1.73	0.23	10.56	6.28	000
44392	A	Colonoscopy & polypectomy	3.82	7.44	1.74	0.23	11.49	5.79	000
44393	A	Colonoscopy, lesion removal	4.84	7.76	2.12	0.27	12.87	7.23	000
44394	A	Colonoscopy w/snare	4.43	7.96	1.98	0.26	12.65	6.67	000
44397	A	Colonoscopy w/stent	4.71	NA	2.06	0.28	NA	7.05	000
44500	A	Intro, gastrointestinal tube	0.49	NA	0.36	0.02	NA	0.87	000
44602	A	Suture, small intestine	16.03	NA	6.63	1.07	NA	23.73	090
44603	A	Suture, small intestine	18.66	NA	7.52	1.39	NA	27.57	090
44604	A	Suture, large intestine	16.03	NA	6.69	1.42	NA	24.14	090
44605	A	Repair of bowel lesion	19.53	NA	8.66	1.54	NA	29.73	090
44615	A	Intestinal stricturoplasty	15.93	NA	6.89	1.39	NA	24.21	090
44620	A	Repair bowel opening	12.20	NA	5.48	1.05	NA	18.73	090
44625	A	Repair bowel opening	15.05	NA	6.49	1.30	NA	22.84	090
44626	A	Repair bowel opening	25.36	NA	10.09	2.53	NA	37.98	090
44640	A	Repair bowel-skin fistula	21.65	NA	8.82	1.46	NA	31.93	090
44650	A	Repair bowel fistula	22.57	NA	9.13	1.49	NA	33.19	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
44660	A	Repair bowel-bladder fistula	21.36	NA	8.56	1.14	NA	31.06	090
44661	A	Repair bowel-bladder fistula	24.81	NA	9.80	1.53	NA	36.14	090
44680	A	Surgical revision, intestine	15.40	NA	6.64	1.37	NA	23.41	090
44700	A	Suspend bowel w/prosthesis	16.11	NA	6.88	1.21	NA	24.20	090
44701	A	Intraop colon lavage add-on	3.10	NA	1.07	0.21	NA	4.38	ZZZ
44799	C	Intestine surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44800	A	Excision of bowel pouch	11.23	NA	5.50	1.11	NA	17.84	090
44820	A	Excision of mesentery lesion	12.09	NA	5.63	1.03	NA	18.75	090
44850	A	Repair of mesentery	10.74	NA	5.13	0.99	NA	16.86	090
44899	C	Bowel surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44900	A	Drain app abscess, open	10.14	NA	4.87	0.84	NA	15.85	090
44901	A	Drain app abscess, percut	3.38	NA	4.51	0.17	NA	8.06	000
44950	A	Appendectomy	10.00	NA	4.50	0.88	NA	15.38	090
44955	A	Appendectomy add-on	1.53	NA	0.55	0.16	NA	2.24	ZZZ
44960	A	Appendectomy	12.34	NA	5.52	1.09	NA	18.95	090
44970	A	Laparoscopy, appendectomy	8.70	NA	4.22	0.88	NA	13.80	090
44979	C	Laparoscopy proc, app	0.00	0.00	0.00	0.00	0.00	0.00	YYY
45000	A	Drainage of pelvic abscess	4.52	NA	3.08	0.37	NA	7.97	090
45005	A	Drainage of rectal abscess	1.99	4.51	1.57	0.18	6.68	3.74	010
45020	A	Drainage of rectal abscess	4.72	NA	3.38	0.41	NA	8.51	090
45100	A	Biopsy of rectum	3.68	NA	2.49	0.33	NA	6.50	090
45108	A	Removal of anorectal lesion	4.76	NA	3.02	0.46	NA	8.24	090
45110	A	Removal of rectum	28.00	NA	12.51	2.26	NA	42.77	090
45111	A	Partial removal of rectum	16.48	NA	7.35	1.60	NA	25.43	090
45112	A	Removal of rectum	30.54	NA	12.07	2.35	NA	44.96	090
45113	A	Partial proctectomy	30.58	NA	12.98	2.13	NA	45.69	090
45114	A	Partial removal of rectum	27.32	NA	11.19	2.28	NA	40.79	090
45116	A	Partial removal of rectum	24.58	NA	10.22	2.00	NA	36.80	090
45119	A	Remove rectum w/reservoir	30.84	NA	12.85	2.13	NA	45.82	090
45120	A	Removal of rectum	24.60	NA	10.31	2.28	NA	37.19	090
45121	A	Removal of rectum and colon	27.04	NA	11.34	2.66	NA	41.04	090
45123	A	Partial proctectomy	16.71	NA	7.02	1.04	NA	24.77	090
45126	A	Pelvic exenteration	45.16	NA	19.41	3.23	NA	67.80	090
45130	A	Excision of rectal prolapse	16.44	NA	6.93	1.12	NA	24.49	090
45135	A	Excision of rectal prolapse	19.28	NA	8.54	1.52	NA	29.34	090
45136	A	Excise ileoanal reservoir	27.30	NA	12.31	2.72	NA	42.33	090
45150	A	Excision of rectal stricture	5.67	NA	3.08	0.46	NA	9.21	090
45160	A	Excision of rectal lesion	15.32	NA	6.78	1.07	NA	23.17	090
45170	A	Excision of rectal lesion	11.49	NA	5.39	0.89	NA	17.77	090
45190	A	Destruction, rectal tumor	9.74	NA	5.12	0.76	NA	15.62	090
45300	A	Proctosigmoidoscopy dx	0.38	1.33	0.23	0.05	1.76	0.66	000
45303	A	Proctosigmoidoscopy dilate	0.44	1.58	0.26	0.06	2.08	0.76	000
45305	A	Proctosigmoidoscopy w/bx	1.01	1.58	0.45	0.09	2.68	1.55	000
45307	A	Proctosigmoidoscopy fb	0.94	2.52	0.42	0.15	3.61	1.51	000
45308	A	Proctosigmoidoscopy removal	0.83	1.52	0.39	0.13	2.48	1.35	000
45309	A	Proctosigmoidoscopy removal	2.01	2.39	0.79	0.17	4.57	2.97	000
45315	A	Proctosigmoidoscopy removal	1.40	2.55	0.59	0.20	4.15	2.19	000
45317	A	Proctosigmoidoscopy bleed	1.50	1.84	0.62	0.20	3.54	2.32	000
45320	A	Proctosigmoidoscopy ablate	1.58	1.80	0.66	0.20	3.58	2.44	000
45321	A	Proctosigmoidoscopy volvul	1.17	NA	0.51	0.17	NA	1.85	000
45327	A	Proctosigmoidoscopy w/stent	1.65	NA	0.86	0.10	NA	2.61	000
45330	A	Diagnostic sigmoidoscopy	0.96	1.82	0.52	0.05	2.83	1.53	000
45331	A	Sigmoidoscopy and biopsy	1.15	2.24	0.53	0.07	3.46	1.75	000
45332	A	Sigmoidoscopy w/fb removal	1.79	3.96	0.75	0.11	5.86	2.65	000
45333	A	Sigmoidoscopy & polypectomy	1.79	3.57	0.75	0.12	5.48	2.66	000
45334	A	Sigmoidoscopy for bleeding	2.73	NA	1.08	0.16	NA	3.97	000
45335	A	Sigmoidoscope w/submuc inj	1.36	2.48	0.65	0.07	3.91	2.08	000
45337	A	Sigmoidoscopy & decompress	2.36	NA	0.95	0.15	NA	3.46	000
45338	A	Sigmoidoscopy w/tumr remove	2.34	4.29	0.95	0.15	6.78	3.44	000
45339	A	Sigmoidoscopy w/ablate tumr	3.14	3.26	1.23	0.17	6.57	4.54	000
45340	A	Sig w/balloon dilation	1.66	7.19	0.76	0.07	8.92	2.49	000
45341	A	Sigmoidoscopy w/ultrasound	2.60	NA	1.37	0.20	NA	4.17	000
45342	A	Sigmoidoscopy w/us guide bx	4.06	NA	1.81	0.23	NA	6.10	000
45345	A	Sigmoidoscopy w/stent	2.92	NA	1.40	0.15	NA	4.47	000
45355	A	Surgical colonoscopy	3.52	NA	1.24	0.26	NA	5.02	000
45378	A	Diagnostic colonoscopy	3.70	8.03	1.72	0.20	11.93	5.62	000
45378	53	....	Diagnostic colonoscopy	0.96	1.82	0.52	0.05	2.83	1.53	000
45379	A	Colonoscopy w/fb removal	4.69	8.34	2.08	0.25	13.28	7.02	000
45380	A	Colonoscopy and biopsy	4.44	8.46	2.00	0.21	13.11	6.65	000
45381	A	Colonoscope, submucous inj	4.20	6.15	1.70	0.21	10.56	6.11	000
45382	A	Colonoscopy/control bleeding	5.69	9.73	2.23	0.27	15.69	8.19	000
45383	A	Lesion removal colonoscopy	5.87	9.34	2.50	0.32	15.53	8.69	000
45384	A	Lesion remove colonoscopy	4.70	9.07	2.09	0.24	14.01	7.03	000
45385	A	Lesion removal colonoscopy	5.31	9.24	2.31	0.28	14.83	7.90	000
45386	A	Colonoscope dilate stricture	4.58	15.29	1.84	0.21	20.08	6.63	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
45387	A	Colonoscopy w/stent	5.91	NA	2.52	0.33	NA	8.76	000
45500	A	Repair of rectum	7.29	NA	4.14	0.56	NA	11.99	090
45505	A	Repair of rectum	7.58	NA	3.70	0.50	NA	11.78	090
45520	A	Treatment of rectal prolapse	0.55	0.77	0.19	0.04	1.36	0.78	000
45540	A	Correct rectal prolapse	16.27	NA	7.90	1.17	NA	25.34	090
45541	A	Correct rectal prolapse	13.40	NA	6.78	0.88	NA	21.06	090
45550	A	Repair rectum/remove sigmoid	23.00	NA	10.15	1.58	NA	34.73	090
45560	A	Repair of rectocele	10.58	NA	5.89	0.73	NA	17.20	090
45562	A	Exploration/repair of rectum	15.38	NA	7.30	1.15	NA	23.83	090
45563	A	Exploration/repair of rectum	23.47	NA	10.90	1.84	NA	36.21	090
45800	A	Repair rect/bladder fistula	17.77	NA	7.91	1.14	NA	26.82	090
45805	A	Repair fistula w/colostomy	20.78	NA	9.91	1.47	NA	32.16	090
45820	A	Repair rectourethral fistula	18.48	NA	8.15	1.17	NA	27.80	090
45825	A	Repair fistula w/colostomy	21.25	NA	10.13	0.97	NA	32.35	090
45900	A	Reduction of rectal prolapse	2.61	NA	1.02	0.17	NA	3.80	010
45905	A	Dilation of anal sphincter	2.30	11.46	0.94	0.14	13.90	3.38	010
45910	A	Dilation of rectal narrowing	2.80	15.87	1.12	0.14	18.81	4.06	010
45915	A	Remove rectal obstruction	3.14	4.65	1.10	0.17	7.96	4.41	010
45999	C	Rectum surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
46020	A	Placement of seton	2.90	3.12	2.38	0.22	6.24	5.50	010
46030	A	Removal of rectal marker	1.23	3.00	1.19	0.11	4.34	2.53	010
46040	A	Incision of rectal abscess	4.96	5.34	3.05	0.48	10.78	8.49	090
46045	A	Incision of rectal abscess	4.32	NA	2.77	0.40	NA	7.49	090
46050	A	Incision of anal abscess	1.19	3.52	1.32	0.11	4.82	2.62	010
46060	A	Incision of rectal abscess	5.69	NA	3.71	0.52	NA	9.92	090
46070	A	Incision of anal septum	2.71	NA	2.40	0.27	NA	5.38	090
46080	A	Incision of anal sphincter	2.49	3.61	1.60	0.23	6.33	4.32	010
46083	A	Incise external hemorrhoid	1.40	4.66	1.53	0.12	6.18	3.05	010
46200	A	Removal of anal fissure	3.42	3.84	2.35	0.30	7.56	6.07	090
46210	A	Removal of anal crypt	2.67	5.08	2.17	0.26	8.01	5.10	090
46211	A	Removal of anal crypts	4.25	5.20	2.88	0.37	9.82	7.50	090
46220	A	Removal of anal tag	1.56	1.26	0.55	0.14	2.96	2.25	010
46221	A	Ligation of hemorrhoid(s)	2.04	1.71	1.07	0.12	3.87	3.23	010
46230	A	Removal of anal tags	2.57	4.26	1.65	0.22	7.05	4.44	010
46250	A	Hemorrhoidectomy	3.89	5.32	2.65	0.43	9.64	6.97	090
46255	A	Hemorrhoidectomy	4.60	6.00	2.87	0.51	11.11	7.98	090
46257	A	Remove hemorrhoids & fissure	5.40	NA	3.05	0.59	NA	9.04	090
46258	A	Remove hemorrhoids & fistula	5.73	NA	3.19	0.64	NA	9.56	090
46260	A	Hemorrhoidectomy	6.37	NA	3.92	0.68	NA	10.97	090
46261	A	Remove hemorrhoids & fissure	7.08	NA	4.04	0.70	NA	11.82	090
46262	A	Remove hemorrhoids & fistula	7.50	NA	4.26	0.76	NA	12.52	090
46270	A	Removal of anal fistula	3.72	5.01	2.56	0.36	9.09	6.64	090
46275	A	Removal of anal fistula	4.56	4.66	2.76	0.40	9.62	7.72	090
46280	A	Removal of anal fistula	5.98	NA	3.69	0.50	NA	10.17	090
46285	A	Removal of anal fistula	4.09	4.07	2.60	0.34	8.50	7.03	090
46288	A	Repair anal fistula	7.13	NA	4.19	0.60	NA	11.92	090
46320	A	Removal of hemorrhoid clot	1.61	3.86	1.54	0.14	5.61	3.29	010
46500	A	Injection into hemorrhoid(s)	1.61	2.71	0.57	0.12	4.44	2.30	010
46600	A	Diagnostic anoscopy	0.50	0.80	0.15	0.04	1.34	0.69	000
46604	A	Anoscopy and dilation	1.31	0.96	0.46	0.09	2.36	1.86	000
46606	A	Anoscopy and biopsy	0.81	0.87	0.28	0.07	1.75	1.16	000
46608	A	Anoscopy, remove for body	1.51	1.83	0.47	0.13	3.47	2.11	000
46610	A	Anoscopy, remove lesion	1.32	1.42	0.47	0.12	2.86	1.91	000
46611	A	Anoscopy	1.81	2.00	0.64	0.15	3.96	2.60	000
46612	A	Anoscopy, remove lesions	2.34	2.45	0.84	0.18	4.97	3.36	000
46614	A	Anoscopy, control bleeding	2.01	1.79	0.69	0.14	3.94	2.84	000
46615	A	Anoscopy	2.68	1.73	0.94	0.23	4.64	3.85	000
46700	A	Repair of anal stricture	9.13	NA	4.64	0.56	NA	14.33	090
46705	A	Repair of anal stricture	6.90	NA	4.06	0.73	NA	11.69	090
46706	A	Repr of anal fistula w/glue	2.39	NA	1.24	0.17	NA	3.80	010
46715	A	Repair of anovaginal fistula	7.20	NA	4.23	0.76	NA	12.19	090
46716	A	Repair of anovaginal fistula	15.07	NA	7.38	1.30	NA	23.75	090
46730	A	Construction of absent anus	26.75	NA	12.23	2.03	NA	41.01	090
46735	A	Construction of absent anus	32.17	NA	14.08	2.64	NA	48.89	090
46740	A	Construction of absent anus	30.00	NA	12.54	1.99	NA	44.53	090
46742	A	Repair of imperforated anus	35.80	NA	18.00	2.63	NA	56.43	090
46744	A	Repair of cloacal anomaly	52.63	NA	21.43	2.27	NA	76.33	090
46746	A	Repair of cloacal anomaly	58.22	NA	25.90	2.51	NA	86.63	090
46748	A	Repair of cloacal anomaly	64.21	NA	25.75	2.77	NA	92.73	090
46750	A	Repair of anal sphincter	10.25	NA	5.63	0.69	NA	16.57	090
46751	A	Repair of anal sphincter	8.77	NA	6.38	0.78	NA	15.93	090
46753	A	Reconstruction of anus	8.29	NA	4.01	0.58	NA	12.88	090
46754	A	Removal of suture from anus	2.20	5.44	1.36	0.12	7.76	3.68	010
46760	A	Repair of anal sphincter	14.43	NA	7.07	0.86	NA	22.36	090
46761	A	Repair of anal sphincter	13.84	NA	6.57	0.84	NA	21.25	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
46762	A	Implant artificial sphincter	12.71	NA	5.72	0.71	NA	19.14	090
46900	A	Destruction, anal lesion(s)	1.91	3.44	0.75	0.13	5.48	2.79	010
46910	A	Destruction, anal lesion(s)	1.86	3.74	1.46	0.14	5.74	3.46	010
46916	A	Cryosurgery, anal lesion(s)	1.86	3.36	1.67	0.09	5.31	3.62	010
46917	A	Laser surgery, anal lesions	1.86	4.72	1.52	0.16	6.74	3.54	010
46922	A	Excision of anal lesion(s)	1.86	3.86	1.43	0.17	5.89	3.46	010
46924	A	Destruction, anal lesion(s)	2.76	5.09	1.69	0.20	8.05	4.65	010
46934	A	Destruction of hemorrhoids	3.51	6.23	3.58	0.26	10.00	7.35	090
46935	A	Destruction of hemorrhoids	2.43	4.23	0.86	0.17	6.83	3.46	010
46936	A	Destruction of hemorrhoids	3.69	5.91	3.43	0.30	9.90	7.42	090
46937	A	Cryotherapy of rectal lesion	2.69	4.41	1.77	0.12	7.22	4.58	010
46938	A	Cryotherapy of rectal lesion	4.66	5.03	3.25	0.40	10.09	8.31	090
46940	A	Treatment of anal fissure	2.32	3.14	0.81	0.17	5.63	3.30	010
46942	A	Treatment of anal fissure	2.04	2.86	0.69	0.14	5.04	2.87	010
46945	A	Ligation of hemorrhoids	1.84	3.93	2.15	0.17	5.94	4.16	090
46946	A	Ligation of hemorrhoids	2.58	4.99	2.45	0.22	7.79	5.25	090
46999	C	Anus surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47000	A	Needle biopsy of liver	1.90	8.24	0.65	0.09	10.23	2.64	000
47001	A	Needle biopsy, liver add-on	1.90	NA	0.67	0.18	NA	2.75	ZZZ
47010	A	Open drainage, liver lesion	16.01	NA	9.66	0.65	NA	26.32	090
47011	A	Percut drain, liver lesion	3.70	NA	4.38	0.17	NA	8.25	000
47015	A	Inject/aspirate liver cyst	15.11	NA	7.84	0.86	NA	23.81	090
47100	A	Wedge biopsy of liver	11.67	NA	6.30	0.75	NA	18.72	090
47120	A	Partial removal of liver	35.50	NA	16.55	2.29	NA	54.34	090
47122	A	Extensive removal of liver	55.13	NA	23.43	3.60	NA	82.16	090
47125	A	Partial removal of liver	49.19	NA	21.42	3.18	NA	73.79	090
47130	A	Partial removal of liver	53.35	NA	22.88	3.47	NA	79.70	090
47133	X	Removal of donor liver	0.00	0.00	0.00	0.00	0.00	0.00	XXX
47134	R	Partial removal, donor liver	39.15	NA	13.56	3.98	NA	56.69	XXX
47135	R	Transplantation of liver	81.52	NA	42.52	8.13	NA	132.17	090
47136	R	Transplantation of liver	68.60	NA	41.83	6.93	NA	117.36	090
47300	A	Surgery for liver lesion	15.08	NA	7.53	0.97	NA	23.58	090
47350	A	Repair liver wound	19.56	NA	9.21	1.25	NA	30.02	090
47360	A	Repair liver wound	26.92	NA	12.51	1.71	NA	41.14	090
47361	A	Repair liver wound	47.12	NA	19.57	3.11	NA	69.80	090
47362	A	Repair liver wound	18.51	NA	9.54	1.22	NA	29.27	090
47370	A	Laparo ablate liver tumor rf	19.69	NA	9.72	0.85	NA	30.26	090
47371	A	Laparo ablate liver cryosurg	19.69	NA	9.72	0.85	NA	30.26	090
47379	C	Laparoscope procedure, liver	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47380	A	Open ablate liver tumor rf	23.00	NA	11.01	0.85	NA	34.86	090
47381	A	Open ablate liver tumor cryo	23.27	NA	11.12	0.85	NA	35.24	090
47382	A	Percut ablate liver rf	15.19	NA	6.25	1.14	NA	22.58	010
47399	C	Liver surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47400	A	Incision of liver duct	32.49	NA	14.44	1.82	NA	48.75	090
47420	A	Incision of bile duct	19.88	NA	9.15	1.70	NA	30.73	090
47425	A	Incision of bile duct	19.83	NA	9.22	1.60	NA	30.65	090
47460	A	Incise bile duct sphincter	18.04	NA	8.96	1.24	NA	28.24	090
47480	A	Incision of gallbladder	10.82	NA	6.58	0.85	NA	18.25	090
47490	A	Incision of gallbladder	7.23	NA	7.49	0.33	NA	15.05	090
47500	A	Injection for liver x-rays	1.96	NA	0.66	0.09	NA	2.71	000
47505	A	Injection for liver x-rays	0.76	2.65	0.26	0.03	3.44	1.05	000
47510	A	Insert catheter, bile duct	7.83	NA	4.69	0.36	NA	12.88	090
47511	A	Insert bile duct drain	10.50	NA	10.37	0.47	NA	21.34	090
47525	A	Change bile duct catheter	5.55	NA	3.25	0.24	NA	9.04	010
47530	A	Revise/reinsert bile tube	5.85	NA	4.93	0.29	NA	11.07	090
47550	A	Bile duct endoscopy add-on	3.02	NA	1.04	0.30	NA	4.36	ZZZ
47552	A	Biliary endoscopy thru skin	6.04	NA	2.44	0.42	NA	8.90	000
47553	A	Biliary endoscopy thru skin	6.35	NA	2.64	0.30	NA	9.29	000
47554	A	Biliary endoscopy thru skin	9.06	NA	3.44	0.74	NA	13.24	000
47555	A	Biliary endoscopy thru skin	7.56	NA	3.05	0.35	NA	10.96	000
47556	A	Biliary endoscopy thru skin	8.56	NA	3.39	0.38	NA	12.33	000
47560	A	Laparoscopy w/cholangio	4.89	NA	1.84	0.49	NA	7.22	000
47561	A	Laparo w/cholangio/biopsy	5.18	NA	2.13	0.49	NA	7.80	000
47562	A	Laparoscopic cholecystectomy	11.09	NA	5.01	1.13	NA	17.23	090
47563	A	Laparo cholecystectomy/graph	11.94	NA	5.27	1.21	NA	18.42	090
47564	A	Laparo cholecystectomy/explr	14.23	NA	6.08	1.44	NA	21.75	090
47570	A	Laparo cholecystoenterostomy	12.58	NA	5.50	1.28	NA	19.36	090
47579	C	Laparoscope proc, biliary	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47600	A	Removal of gallbladder	13.58	NA	6.67	1.16	NA	21.41	090
47605	A	Removal of gallbladder	14.69	NA	7.03	1.25	NA	22.97	090
47610	A	Removal of gallbladder	18.82	NA	8.59	1.61	NA	29.02	090
47612	A	Removal of gallbladder	18.78	NA	8.45	1.60	NA	28.83	090
47620	A	Removal of gallbladder	20.64	NA	9.12	1.77	NA	31.53	090
47630	A	Remove bile duct stone	9.11	NA	3.08	0.46	NA	12.65	090
47700	A	Exploration of bile ducts	15.62	NA	8.51	1.40	NA	25.53	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
47701	A	Bile duct revision	27.81	NA	13.06	3.00	NA	43.87	090
47711	A	Excision of bile duct tumor	23.03	NA	11.02	1.98	NA	36.03	090
47712	A	Excision of bile duct tumor	30.24	NA	13.63	2.67	NA	46.54	090
47715	A	Excision of bile duct cyst	18.80	NA	8.75	1.59	NA	29.14	090
47716	A	Fusion of bile duct cyst	16.44	NA	8.20	1.41	NA	26.05	090
47720	A	Fuse gallbladder & bowel	15.91	NA	8.48	1.37	NA	25.76	090
47721	A	Fuse upper gi structures	19.12	NA	9.60	1.63	NA	30.35	090
47740	A	Fuse gallbladder & bowel	18.48	NA	9.40	1.59	NA	29.47	090
47741	A	Fuse gallbladder & bowel	21.34	NA	10.33	1.82	NA	33.49	090
47760	A	Fuse bile ducts and bowel	25.85	NA	11.93	2.21	NA	39.99	090
47765	A	Fuse liver ducts & bowel	24.88	NA	12.37	2.18	NA	39.43	090
47780	A	Fuse bile ducts and bowel	26.50	NA	12.17	2.27	NA	40.94	090
47785	A	Fuse bile ducts and bowel	31.18	NA	14.49	2.69	NA	48.36	090
47800	A	Reconstruction of bile ducts	23.30	NA	11.15	1.95	NA	36.40	090
47801	A	Placement, bile duct support	15.17	NA	10.03	0.69	NA	25.89	090
47802	A	Fuse liver duct & intestine	21.55	NA	11.13	1.84	NA	34.52	090
47900	A	Suture bile duct injury	19.90	NA	9.91	1.65	NA	31.46	090
47999	C	Bile tract surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
48000	A	Drainage of abdomen	28.07	NA	12.40	1.32	NA	41.79	090
48001	A	Placement of drain, pancreas	35.45	NA	14.70	1.90	NA	52.05	090
48005	A	Resect/debride pancreas	42.17	NA	16.99	2.26	NA	61.42	090
48020	A	Removal of pancreatic stone	15.70	NA	7.38	1.36	NA	24.44	090
48100	A	Biopsy of pancreas, open	12.23	NA	6.83	1.08	NA	20.14	090
48102	A	Needle biopsy, pancreas	4.68	8.84	2.38	0.20	13.72	7.26	010
48120	A	Removal of pancreas lesion	15.85	NA	7.36	1.35	NA	24.56	090
48140	A	Partial removal of pancreas	22.94	NA	10.51	2.12	NA	35.57	090
48145	A	Partial removal of pancreas	24.02	NA	11.18	2.25	NA	37.45	090
48146	A	Pancreatotomy	26.40	NA	13.29	2.43	NA	42.12	090
48148	A	Removal of pancreatic duct	17.34	NA	8.98	1.61	NA	27.93	090
48150	A	Partial removal of pancreas	48.00	NA	21.38	4.43	NA	73.81	090
48152	A	Pancreatotomy	43.75	NA	20.25	4.07	NA	68.07	090
48153	A	Pancreatotomy	47.89	NA	21.58	4.40	NA	73.87	090
48154	A	Pancreatotomy	44.10	NA	20.13	4.10	NA	68.33	090
48155	A	Removal of pancreas	24.64	NA	13.48	2.30	NA	40.42	090
48160	N	Pancreas removal/transplant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
48180	A	Fuse pancreas and bowel	24.72	NA	10.85	2.24	NA	37.81	090
48400	A	Injection, intraop add-on	1.95	NA	0.67	0.10	NA	2.72	ZZZ
48500	A	Surgery of pancreatic cyst	15.28	NA	7.24	1.35	NA	23.87	090
48510	A	Drain pancreatic pseudocyst	14.31	NA	7.49	1.07	NA	22.87	090
48511	A	Drain pancreatic pseudocyst	4.00	NA	3.72	0.17	NA	7.89	000
48520	A	Fuse pancreas cyst and bowel	15.59	NA	7.21	1.41	NA	24.21	090
48540	A	Fuse pancreas cyst and bowel	19.72	NA	8.62	1.82	NA	30.16	090
48545	A	Pancreatorrhaphy	18.18	NA	8.68	1.61	NA	28.47	090
48547	A	Duodenal exclusion	25.83	NA	10.79	2.30	NA	38.92	090
48550	X	Donor pancreatotomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
48554	R	Transpl allograft pancreas	34.17	NA	11.94	3.30	NA	49.41	090
48556	A	Removal, allograft pancreas	15.71	NA	8.46	1.52	NA	25.69	090
48999	C	Pancreas surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49000	A	Exploration of abdomen	11.68	NA	6.06	1.17	NA	18.91	090
49002	A	Reopening of abdomen	10.49	NA	5.96	1.06	NA	17.51	090
49010	A	Exploration behind abdomen	12.28	NA	6.93	1.22	NA	20.43	090
49020	A	Drain abdominal abscess	22.84	NA	11.41	1.31	NA	35.56	090
49021	A	Drain abdominal abscess	3.38	NA	5.28	0.16	NA	8.82	000
49040	A	Drain, open, abdom abscess	13.52	NA	8.19	0.84	NA	22.55	090
49041	A	Drain, percut, abdom abscess	4.00	NA	5.61	0.18	NA	9.79	000
49060	A	Drain, open, retroper abscess	15.86	NA	9.58	0.77	NA	26.21	090
49061	A	Drain, percut, retroper abscess	3.70	NA	5.62	0.17	NA	9.49	000
49062	A	Drain to peritoneal cavity	11.36	NA	7.07	1.08	NA	19.51	090
49080	A	Puncture, peritoneal cavity	1.35	4.39	0.47	0.07	5.81	1.89	000
49081	A	Removal of abdominal fluid	1.26	3.07	0.58	0.06	4.39	1.90	000
49085	A	Remove abdomen foreign body	12.14	NA	6.56	0.88	NA	19.58	090
49180	A	Biopsy, abdominal mass	1.73	8.22	0.59	0.08	10.03	2.40	000
49200	A	Removal of abdominal lesion	10.25	NA	6.27	0.92	NA	17.44	090
49201	A	Remove abdom lesion, complex	14.84	NA	8.56	1.47	NA	24.87	090
49215	A	Excise sacral spine tumor	33.50	NA	14.74	2.48	NA	50.72	090
49220	A	Multiple surgery, abdomen	14.88	NA	7.63	1.51	NA	24.02	090
49250	A	Excision of umbilicus	8.35	NA	5.08	0.84	NA	14.27	090
49255	A	Removal of omentum	11.14	NA	6.49	1.12	NA	18.75	090
49320	A	Diag laparo separate proc	5.10	NA	3.01	0.50	NA	8.61	010
49321	A	Laparoscopy, biopsy	5.40	NA	2.99	0.53	NA	8.92	010
49322	A	Laparoscopy, aspiration	5.70	NA	3.42	0.57	NA	9.69	010
49323	A	Laparo drain lymphocele	9.48	NA	4.03	0.88	NA	14.39	090
49329	C	Laparo proc, abdm/per/oment	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49400	A	Air injection into abdomen	1.88	NA	0.80	0.11	NA	2.79	000
49419	A	Insrt abdom cath for chemotx	6.65	NA	3.81	0.55	NA	11.01	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
49420	A	Insert abdom drain, temp	2.22	NA	0.97	0.13	NA	3.32	000
49421	A	Insert abdom drain, perm	5.54	NA	4.06	0.55	NA	10.15	090
49422	A	Remove perm cannula/catheter	6.25	NA	2.93	0.63	NA	9.81	010
49423	A	Exchange drainage catheter	1.46	NA	0.68	0.07	NA	2.21	000
49424	A	Assess cyst, contrast inject	0.76	NA	0.44	0.03	NA	1.23	000
49425	A	Insert abdomen-venous drain	11.37	NA	6.69	1.21	NA	19.27	090
49426	A	Revise abdomen-venous shunt	9.63	NA	6.07	0.93	NA	16.63	090
49427	A	Injection, abdominal shunt	0.89	NA	0.48	0.05	NA	1.42	000
49428	A	Ligation of shunt	6.06	NA	3.16	0.31	NA	9.53	010
49429	A	Removal of shunt	7.40	NA	3.44	0.81	NA	11.65	010
49491	A	Rpr hern preemie reduc	11.13	NA	5.51	1.10	NA	17.74	090
49492	A	Rpr ing hern premie, blocked	14.03	NA	6.28	1.47	NA	21.78	090
49495	A	Rpr ing hernia baby, reduc	5.89	NA	3.48	0.58	NA	9.95	090
49496	A	Rpr ing hernia baby, blocked	8.79	NA	6.11	0.92	NA	15.82	090
49500	A	Rpr ing hernia, init, reduce	5.48	NA	3.34	0.46	NA	9.28	090
49501	A	Rpr ing hernia, init blocked	8.88	NA	4.43	0.76	NA	14.07	090
49505	A	Prp i/hern init reduc>5 yr	7.60	4.48	4.01	0.65	12.73	12.26	090
49507	A	Prp i/hern init block>5 yr	9.57	NA	6.01	0.83	NA	16.41	090
49520	A	Rerepair ing hernia, reduce	9.63	NA	5.34	0.84	NA	15.81	090
49521	A	Rerepair ing hernia, blocked	11.97	NA	5.68	1.04	NA	18.69	090
49525	A	Repair ing hernia, sliding	8.57	NA	4.83	0.74	NA	14.14	090
49540	A	Repair lumbar hernia	10.39	NA	5.51	0.90	NA	16.80	090
49550	A	Rpr rem hernia, init, reduce	8.63	NA	4.42	0.75	NA	13.80	090
49553	A	Rpr fem hernia, init blocked	9.44	NA	4.84	0.83	NA	15.11	090
49555	A	Rerepair fem hernia, reduce	9.03	NA	5.17	0.79	NA	14.99	090
49557	A	Rerepair fem hernia, blocked	11.15	NA	5.42	0.97	NA	17.54	090
49560	A	Rpr ventral hern init, reduc	11.57	NA	5.95	1.00	NA	18.52	090
49561	A	Rpr ventral hern init, block	14.25	NA	6.53	1.23	NA	22.01	090
49565	A	Rerepair ventrl hern, reduce	11.57	NA	6.11	1.00	NA	18.68	090
49566	A	Rerepair ventrl hern, block	14.40	NA	6.60	1.24	NA	22.24	090
49568	A	Hernia repair w/mesh	4.89	NA	1.71	0.50	NA	7.10	ZZZ
49570	A	Rpr epigastric hern, reduce	5.69	NA	3.43	0.50	NA	9.62	090
49572	A	Rpr epigastric hern, blocked	6.73	NA	3.91	0.58	NA	11.22	090
49580	A	Rpr umbil hern, reduc < 5 yr	4.11	NA	2.92	0.34	NA	7.37	090
49582	A	Rpr umbil hern, block < 5 yr	6.65	NA	4.86	0.57	NA	12.08	090
49585	A	Rpr umbil hern, reduc > 5 yr	6.23	NA	4.04	0.53	NA	10.80	090
49587	A	Rpr umbil hern, block > 5 yr	7.56	NA	4.15	0.65	NA	12.36	090
49590	A	Repair spigilian hernia	8.54	NA	4.85	0.74	NA	14.13	090
49600	A	Repair umbilical lesion	10.96	NA	6.07	1.13	NA	18.16	090
49605	A	Repair umbilical lesion	76.00	NA	29.89	2.57	NA	108.46	090
49606	A	Repair umbilical lesion	18.60	NA	9.06	2.22	NA	29.88	090
49610	A	Repair umbilical lesion	10.50	NA	6.77	0.77	NA	18.04	090
49611	A	Repair umbilical lesion	8.92	NA	9.64	0.65	NA	19.21	090
49650	A	Laparo hernia repair initial	6.27	NA	3.23	0.64	NA	10.14	090
49651	A	Laparo hernia repair recur	8.24	NA	4.28	0.84	NA	13.36	090
49659	C	Laparo proc, hernia repair	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49900	A	Repair of abdominal wall	12.28	NA	6.65	1.23	NA	20.16	090
49904	A	Omental flap, extra-abdom	20.00	NA	15.98	1.91	NA	37.89	090
49905	A	Omental flap, intra-abdom	6.55	NA	2.34	0.61	NA	9.50	ZZZ
49906	C	Free omental flap, microvasc	0.00	0.00	0.00	0.00	0.00	0.00	090
49999	C	Abdomen surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50010	A	Exploration of kidney	10.98	NA	6.48	0.79	NA	18.25	090
50020	A	Renal abscess, open drain	14.66	NA	13.74	0.80	NA	29.20	090
50021	A	Renal abscess, percut drain	3.38	NA	9.98	0.15	NA	13.51	000
50040	A	Drainage of kidney	14.94	NA	10.83	0.82	NA	26.59	090
50045	A	Exploration of kidney	15.46	NA	7.88	1.06	NA	24.40	090
50060	A	Removal of kidney stone	19.30	NA	9.13	1.14	NA	29.57	090
50065	A	Incision of kidney	20.79	NA	8.01	1.13	NA	29.93	090
50070	A	Incision of kidney	20.32	NA	9.53	1.20	NA	31.05	090
50075	A	Removal of kidney stone	25.34	NA	11.61	1.51	NA	38.46	090
50080	A	Removal of kidney stone	14.71	NA	9.63	0.86	NA	25.20	090
50081	A	Removal of kidney stone	21.80	NA	11.66	1.30	NA	34.76	090
50100	A	Revise kidney blood vessels	16.09	NA	9.66	1.64	NA	27.39	090
50120	A	Exploration of kidney	15.91	NA	8.08	1.04	NA	25.03	090
50125	A	Explore and drain kidney	16.52	NA	8.36	1.07	NA	25.95	090
50130	A	Removal of kidney stone	17.29	NA	8.41	1.04	NA	26.74	090
50135	A	Exploration of kidney	19.18	NA	9.05	1.18	NA	29.41	090
50200	A	Biopsy of kidney	2.63	NA	0.93	0.12	NA	3.68	000
50205	A	Biopsy of kidney	11.31	NA	6.20	0.94	NA	18.45	090
50220	A	Remove kidney, open	17.15	NA	8.57	1.16	NA	26.88	090
50225	A	Removal kidney open, complex	20.23	NA	9.46	1.26	NA	30.95	090
50230	A	Removal kidney open, radical	22.07	NA	10.04	1.35	NA	33.46	090
50234	A	Removal of kidney & ureter	22.40	NA	10.14	1.37	NA	33.91	090
50236	A	Removal of kidney & ureter	24.86	NA	12.69	1.50	NA	39.05	090
50240	A	Partial removal of kidney	22.00	NA	11.82	1.36	NA	35.18	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
50280	A	Removal of kidney lesion	15.67	NA	7.95	0.99	NA	24.61	090
50290	A	Removal of kidney lesion	14.73	NA	7.80	1.11	NA	23.64	090
50300	X	Removal of donor kidney	0.00	0.00	0.00	0.00	0.00	0.00	XXX
50320	A	Removal of donor kidney	22.21	NA	10.24	1.78	NA	34.23	090
50340	A	Removal of kidney	12.15	NA	9.07	1.15	NA	22.37	090
50360	A	Transplantation of kidney	31.53	NA	17.43	2.97	NA	51.93	090
50365	A	Transplantation of kidney	36.81	NA	21.07	3.51	NA	61.39	090
50370	A	Remove transplanted kidney	13.72	NA	9.47	1.26	NA	24.45	090
50380	A	Reimplantation of kidney	20.76	NA	13.49	1.80	NA	36.05	090
50390	A	Drainage of kidney lesion	1.96	NA	0.66	0.09	NA	2.71	000
50392	A	Insert kidney drain	3.38	NA	1.13	0.15	NA	4.66	000
50393	A	Insert ureteral tube	4.16	NA	1.39	0.18	NA	5.73	000
50394	A	Injection for kidney x-ray	0.76	2.44	0.26	0.04	3.24	1.06	000
50395	A	Create passage to kidney	3.38	NA	1.13	0.16	NA	4.67	000
50396	A	Measure kidney pressure	2.09	NA	0.87	0.10	NA	3.06	000
50398	A	Change kidney tube	1.46	1.19	0.49	0.07	2.72	2.02	000
50400	A	Revision of kidney/ureter	19.50	NA	9.19	1.21	NA	29.90	090
50405	A	Revision of kidney/ureter	23.93	NA	11.44	1.45	NA	36.82	090
50500	A	Repair of kidney wound	19.57	NA	10.59	1.45	NA	31.61	090
50520	A	Close kidney-skin fistula	17.23	NA	10.04	1.26	NA	28.53	090
50525	A	Repair renal-abdomen fistula	22.27	NA	11.99	1.51	NA	35.77	090
50526	A	Repair renal-abdomen fistula	24.02	NA	13.43	1.62	NA	39.07	090
50540	A	Revision of horseshoe kidney	19.93	NA	9.97	1.28	NA	31.18	090
50541	A	Laparo ablate renal cyst	16.00	NA	6.37	0.99	NA	23.36	090
50542	A	Laparo ablate renal mass	20.00	NA	8.34	1.36	NA	29.70	090
50543	A	Laparo partial nephrectomy	25.50	NA	10.48	1.36	NA	37.34	090
50544	A	Laparoscopy, pyeloplasty	22.40	NA	8.56	1.41	NA	32.37	090
50545	A	Laparo radical nephrectomy	24.00	NA	9.14	1.53	NA	34.67	090
50546	A	Laparoscopic nephrectomy	20.48	NA	7.95	1.37	NA	29.80	090
50547	A	Laparo removal donor kidney	25.50	NA	10.79	2.04	NA	38.33	090
50548	A	Laparo remove k/ureter	24.40	NA	9.18	1.49	NA	35.07	090
50549	C	Laparoscope proc, renal	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50551	A	Kidney endoscopy	5.60	4.06	1.84	0.33	9.99	7.77	000
50553	A	Kidney endoscopy	5.99	11.31	2.00	0.35	17.65	8.34	000
50555	A	Kidney endoscopy & biopsy	6.53	13.90	2.17	0.38	20.81	9.08	000
50557	A	Kidney endoscopy & treatment	6.62	11.67	2.18	0.39	18.68	9.19	000
50559	A	Renal endoscopy/radiotracer	6.78	NA	2.31	0.27	NA	9.36	000
50561	A	Kidney endoscopy & treatment	7.59	11.94	2.51	0.44	19.97	10.54	000
50562	A	Renal scope w/tumor resect	10.92	NA	4.02	0.84	NA	15.78	090
50570	A	Kidney endoscopy	9.54	NA	3.13	0.56	NA	13.23	000
50572	A	Kidney endoscopy	10.35	NA	3.41	0.64	NA	14.40	000
50574	A	Kidney endoscopy & biopsy	11.02	NA	3.64	0.65	NA	15.31	000
50575	A	Kidney endoscopy	13.98	NA	4.60	0.84	NA	19.42	000
50576	A	Kidney endoscopy & treatment	10.99	NA	3.60	0.66	NA	15.25	000
50578	A	Renal endoscopy/radiotracer	11.35	NA	3.73	0.67	NA	15.75	000
50580	A	Kidney endoscopy & treatment	11.86	NA	3.90	0.70	NA	16.46	000
50590	A	Fragmenting of kidney stone	9.09	10.73	4.94	0.54	20.36	14.57	090
50600	A	Exploration of ureter	15.84	NA	8.11	0.99	NA	24.94	090
50605	A	Insert ureteral support	15.46	NA	8.26	1.13	NA	24.85	090
50610	A	Removal of ureter stone	15.92	NA	8.44	1.08	NA	25.44	090
50620	A	Removal of ureter stone	15.16	NA	7.64	0.91	NA	23.71	090
50630	A	Removal of ureter stone	14.94	NA	7.60	0.90	NA	23.44	090
50650	A	Removal of ureter	17.41	NA	8.83	1.07	NA	27.31	090
50660	A	Removal of ureter	19.55	NA	9.57	1.19	NA	30.31	090
50684	A	Injection for ureter x-ray	0.76	11.21	0.25	0.04	12.01	1.05	000
50686	A	Measure ureter pressure	1.51	2.45	0.67	0.09	4.05	2.27	000
50688	A	Change of ureter tube	1.17	NA	1.69	0.06	NA	2.92	010
50690	A	Injection for ureter x-ray	1.16	11.17	0.39	0.06	12.39	1.61	000
50700	A	Revision of ureter	15.21	NA	8.75	0.86	NA	24.82	090
50715	A	Release of ureter	18.90	NA	11.71	1.68	NA	32.29	090
50722	A	Release of ureter	16.35	NA	9.56	1.41	NA	27.32	090
50725	A	Release/revise ureter	18.49	NA	9.86	1.44	NA	29.79	090
50727	A	Revise ureter	8.18	NA	5.79	0.51	NA	14.48	090
50728	A	Revise ureter	12.02	NA	7.55	0.88	NA	20.45	090
50740	A	Fusion of ureter & kidney	18.42	NA	9.09	1.49	NA	29.00	090
50750	A	Fusion of ureter & kidney	19.51	NA	9.63	1.24	NA	30.38	090
50760	A	Fusion of ureters	18.42	NA	9.37	1.25	NA	29.04	090
50770	A	Splicing of ureters	19.51	NA	9.55	1.25	NA	30.31	090
50780	A	Reimplant ureter in bladder	18.36	NA	9.22	1.20	NA	28.78	090
50782	A	Reimplant ureter in bladder	19.54	NA	11.06	1.13	NA	31.73	090
50783	A	Reimplant ureter in bladder	20.55	NA	10.18	1.35	NA	32.08	090
50785	A	Reimplant ureter in bladder	20.52	NA	9.96	1.30	NA	31.78	090
50800	A	Implant ureter in bowel	14.52	NA	8.99	0.92	NA	24.43	090
50810	A	Fusion of ureter & bowel	20.05	NA	12.28	1.78	NA	34.11	090
50815	A	Urine shunt to intestine	19.93	NA	10.98	1.31	NA	32.22	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
50820	A	Construct bowel bladder	21.89	NA	11.33	1.38	NA	34.60	090
50825	A	Construct bowel bladder	28.18	NA	14.12	1.81	NA	44.11	090
50830	A	Revise urine flow	31.28	NA	14.80	2.20	NA	48.28	090
50840	A	Replace ureter by bowel	20.00	NA	10.92	1.26	NA	32.18	090
50845	A	Appendico-vesicostomy	20.89	NA	9.62	1.26	NA	31.77	090
50860	A	Transplant ureter to skin	15.36	NA	8.23	1.01	NA	24.60	090
50900	A	Repair of ureter	13.62	NA	7.40	0.98	NA	22.00	090
50920	A	Closure ureter/skin fistula	14.33	NA	7.95	0.84	NA	23.12	090
50930	A	Closure ureter/bowel fistula	18.72	NA	9.48	1.57	NA	29.77	090
50940	A	Release of ureter	14.51	NA	7.65	1.04	NA	23.20	090
50945	A	Laparoscopy ureterolithotomy	17.00	NA	6.99	1.15	NA	25.14	090
50947	A	Laparo new ureter/bladder	24.50	NA	9.90	1.99	NA	36.39	090
50948	A	Laparo new ureter/bladder	22.50	NA	8.85	1.83	NA	33.18	090
50949	C	Laparoscopy proc, ureter	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50951	A	Endoscopy of ureter	5.84	4.50	1.92	0.35	10.69	8.11	000
50953	A	Endoscopy of ureter	6.24	11.22	2.06	0.37	17.83	8.67	000
50955	A	Ureter endoscopy & biopsy	6.75	16.74	2.26	0.38	23.87	9.39	000
50957	A	Ureter endoscopy & treatment	6.79	11.23	2.24	0.40	18.42	9.43	000
50959	A	Ureter endoscopy & tracer	4.40	NA	1.45	0.18	NA	6.03	000
50961	A	Ureter endoscopy & treatment	6.05	13.85	1.99	0.35	20.25	8.39	000
50970	A	Ureter endoscopy	7.14	NA	2.36	0.43	NA	9.93	000
50972	A	Ureter endoscopy & catheter	6.89	NA	2.32	0.39	NA	9.60	000
50974	A	Ureter endoscopy & biopsy	9.17	NA	3.01	0.53	NA	12.71	000
50976	A	Ureter endoscopy & treatment	9.04	NA	2.99	0.53	NA	12.56	000
50978	A	Ureter endoscopy & tracer	5.10	NA	1.74	0.30	NA	7.14	000
50980	A	Ureter endoscopy & treatment	6.85	NA	2.26	0.41	NA	9.52	000
51000	A	Drainage of bladder	0.78	1.87	0.25	0.05	2.70	1.08	000
51005	A	Drainage of bladder	1.02	3.05	0.35	0.08	4.15	1.45	000
51010	A	Drainage of bladder	3.53	4.87	1.93	0.23	8.63	5.69	010
51020	A	Incise & treat bladder	6.71	NA	5.08	0.42	NA	12.21	090
51030	A	Incise & treat bladder	6.77	NA	5.36	0.42	NA	12.55	090
51040	A	Incise & drain bladder	4.40	NA	3.80	0.27	NA	8.47	090
51045	A	Incise bladder/drain ureter	6.77	NA	5.46	0.47	NA	12.70	090
51050	A	Removal of bladder stone	6.92	NA	4.53	0.42	NA	11.87	090
51060	A	Removal of ureter stone	8.85	NA	5.65	0.54	NA	15.04	090
51065	A	Remove ureter calculus	8.85	NA	5.50	0.53	NA	14.88	090
51080	A	Drainage of bladder abscess	5.96	NA	5.14	0.35	NA	11.45	090
51500	A	Removal of bladder cyst	10.14	NA	5.85	0.88	NA	16.87	090
51520	A	Removal of bladder lesion	9.29	NA	5.87	0.58	NA	15.74	090
51525	A	Removal of bladder lesion	13.97	NA	7.28	0.85	NA	22.10	090
51530	A	Removal of bladder lesion	12.38	NA	7.08	0.82	NA	20.28	090
51535	A	Repair of ureter lesion	12.57	NA	7.63	0.90	NA	21.10	090
51550	A	Partial removal of bladder	15.66	NA	7.97	1.05	NA	24.68	090
51555	A	Partial removal of bladder	21.23	NA	10.19	1.37	NA	32.79	090
51565	A	Revise bladder & ureter(s)	21.62	NA	10.66	1.40	NA	33.68	090
51570	A	Removal of bladder	24.24	NA	11.71	1.59	NA	37.54	090
51575	A	Removal of bladder & nodes	30.45	NA	14.33	1.88	NA	46.66	090
51580	A	Remove bladder/revise tract	31.08	NA	14.97	1.94	NA	47.99	090
51585	A	Removal of bladder & nodes	35.23	NA	16.07	2.18	NA	53.48	090
51590	A	Remove bladder/revise tract	32.66	NA	14.90	2.01	NA	49.57	090
51595	A	Remove bladder/revise tract	37.14	NA	16.33	2.23	NA	55.70	090
51596	A	Remove bladder/create pouch	39.52	NA	17.60	2.39	NA	59.51	090
51597	A	Removal of pelvic structures	38.35	NA	17.28	2.49	NA	58.12	090
51600	A	Injection for bladder x-ray	0.88	4.76	0.30	0.04	5.68	1.22	000
51605	A	Preparation for bladder xray	0.64	12.01	0.22	0.04	12.69	0.90	000
51610	A	Injection for bladder x-ray	1.05	12.17	0.35	0.05	13.27	1.45	000
51700	A	Irrigation of bladder	0.88	1.16	0.29	0.05	2.09	1.22	000
51701	A	Insert bladder catheter	0.50	1.06	0.20	0.03	1.59	0.73	000
51702	A	Insert temp bladder cath	0.50	1.97	0.27	0.03	2.50	0.80	000
51703	A	Insert bladder cath, complex	1.47	1.91	0.59	0.09	3.47	2.15	000
51705	A	Change of bladder tube	1.02	1.40	0.54	0.06	2.48	1.62	010
51710	A	Change of bladder tube	1.49	3.24	1.21	0.09	4.82	2.79	010
51715	A	Endoscopic injection/implant	3.74	3.64	1.24	0.24	7.62	5.22	000
51720	A	Treatment of bladder lesion	1.96	1.41	0.73	0.12	3.49	2.81	000
51725	A	Simple cystometrogram	1.51	7.29	NA	0.13	8.93	NA	000
51725	26	Simple cystometrogram	1.51	0.51	0.51	0.10	2.12	2.12	000
51725	TC	Simple cystometrogram	0.00	6.78	NA	0.03	6.81	NA	000
51726	A	Complex cystometrogram	1.71	9.35	NA	0.15	11.21	NA	000
51726	26	Complex cystometrogram	1.71	0.58	0.58	0.11	2.40	2.40	000
51726	TC	Complex cystometrogram	0.00	8.77	NA	0.04	8.81	NA	000
51736	A	Urine flow measurement	0.61	0.55	NA	0.05	1.21	NA	000
51736	26	Urine flow measurement	0.61	0.21	0.21	0.04	0.86	0.86	000
51736	TC	Urine flow measurement	0.00	0.34	NA	0.01	0.35	NA	000
51741	A	Electro-uflowmetry, first	1.14	0.79	NA	0.09	2.02	NA	000
51741	26	Electro-uflowmetry, first	1.14	0.38	0.38	0.07	1.59	1.59	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
51741	TC	A	Electro-uroflowmetry, first	0.00	0.41	NA	0.02	0.43	NA	000
51772		A	Urethra pressure profile	1.61	8.81	NA	0.16	10.58	NA	000
51772	26	A	Urethra pressure profile	1.61	0.57	0.57	0.12	2.30	2.30	000
51772	TC	A	Urethra pressure profile	0.00	8.24	NA	0.04	8.28	NA	000
51784		A	Anal/urinary muscle study	1.53	4.56	NA	0.13	6.22	NA	000
51784	26	A	Anal/urinary muscle study	1.53	0.52	0.52	0.10	2.15	2.15	000
51784	TC	A	Anal/urinary muscle study	0.00	4.04	NA	0.03	4.07	NA	000
51785		A	Anal/urinary muscle study	1.53	4.68	NA	0.12	6.33	NA	000
51785	26	A	Anal/urinary muscle study	1.53	0.52	0.52	0.09	2.14	2.14	000
51785	TC	A	Anal/urinary muscle study	0.00	4.16	NA	0.03	4.19	NA	000
51792		A	Urinary reflex study	1.10	23.28	NA	0.20	24.58	NA	000
51792	26	A	Urinary reflex study	1.10	0.43	0.43	0.09	1.62	1.62	000
51792	TC	A	Urinary reflex study	0.00	22.85	NA	0.11	22.96	NA	000
51795		A	Urine voiding pressure study	1.53	8.93	NA	0.18	10.64	NA	000
51795	26	A	Urine voiding pressure study	1.53	0.52	0.52	0.10	2.15	2.15	000
51795	TC	A	Urine voiding pressure study	0.00	8.41	NA	0.08	8.49	NA	000
51797		A	Intraabdominal pressure test	1.60	4.31	NA	0.14	6.05	NA	000
51797	26	A	Intraabdominal pressure test	1.60	0.54	0.54	0.10	2.24	2.24	000
51797	TC	A	Intraabdominal pressure test	0.00	3.77	NA	0.04	3.81	NA	000
51798		A	Us urine capacity measure	0.00	0.48	NA	0.07	0.55	NA	XXX
51800		A	Revision of bladder/urethra	17.42	NA	8.79	1.17	NA	27.38	090
51820		A	Revision of urinary tract	17.89	NA	10.56	1.45	NA	29.90	090
51840		A	Attach bladder/urethra	10.71	NA	6.31	0.87	NA	17.89	090
51841		A	Attach bladder/urethra	13.03	NA	7.98	1.04	NA	22.05	090
51845		A	Repair bladder neck	9.73	NA	6.13	0.62	NA	16.48	090
51860		A	Repair of bladder wound	12.02	NA	7.34	0.89	NA	20.25	090
51865		A	Repair of bladder wound	15.04	NA	8.18	1.01	NA	24.23	090
51880		A	Repair of bladder opening	7.66	NA	5.30	0.54	NA	13.50	090
51900		A	Repair bladder/vagina lesion	12.97	NA	7.62	0.87	NA	21.46	090
51920		A	Close bladder-uterus fistula	11.81	NA	6.82	0.86	NA	19.49	090
51925		A	Hysterectomy/bladder repair	15.58	NA	9.31	1.48	NA	26.37	090
51940		A	Correction of bladder defect	28.43	NA	15.43	1.97	NA	45.83	090
51960		A	Revision of bladder & bowel	23.01	NA	12.19	1.41	NA	36.61	090
51980		A	Construct bladder opening	11.36	NA	6.56	0.74	NA	18.66	090
51990		A	Laparo urethral suspension	12.50	NA	6.53	1.02	NA	20.05	090
51992		A	Laparo sling operation	14.01	NA	6.44	0.93	NA	21.38	090
52000		A	Cystoscopy	2.01	5.22	0.78	0.12	7.35	2.91	000
52001		A	Cystoscopy, removal of clots	5.45	7.89	2.33	0.32	13.66	8.10	000
52005		A	Cystoscopy & ureter catheter	2.37	9.91	0.92	0.15	12.43	3.44	000
52007		A	Cystoscopy and biopsy	3.02	NA	1.17	0.18	NA	4.37	000
52010		A	Cystoscopy & duct catheter	3.02	11.79	1.14	0.18	14.99	4.34	000
52204		A	Cystoscopy	2.37	15.85	0.93	0.15	18.37	3.45	000
52214		A	Cystoscopy and treatment	3.71	46.64	1.36	0.22	50.57	5.29	000
52224		A	Cystoscopy and treatment	3.14	46.25	1.18	0.18	49.57	4.50	000
52234		A	Cystoscopy and treatment	4.63	NA	1.67	0.27	NA	6.57	000
52235		A	Cystoscopy and treatment	5.45	NA	1.95	0.32	NA	7.72	000
52240		A	Cystoscopy and treatment	9.72	NA	3.37	0.58	NA	13.67	000
52250		A	Cystoscopy and radiotracer	4.50	NA	1.70	0.27	NA	6.47	000
52260		A	Cystoscopy and treatment	3.92	NA	1.46	0.23	NA	5.61	000
52265		A	Cystoscopy and treatment	2.94	16.04	1.14	0.18	19.16	4.26	000
52270		A	Cystoscopy & revise urethra	3.37	23.02	1.32	0.20	26.59	4.89	000
52275		A	Cystoscopy & revise urethra	4.70	17.12	1.76	0.28	22.10	6.74	000
52276		A	Cystoscopy and treatment	5.00	23.83	1.88	0.30	29.13	7.18	000
52277		A	Cystoscopy and treatment	6.17	NA	2.31	0.38	NA	8.86	000
52281		A	Cystoscopy and treatment	2.80	8.59	1.10	0.17	11.56	4.07	000
52282		A	Cystoscopy, implant stent	6.40	81.32	2.29	0.38	88.10	9.07	000
52283		A	Cystoscopy and treatment	3.74	13.84	1.41	0.22	17.80	5.37	000
52285		A	Cystoscopy and treatment	3.61	9.79	1.37	0.22	13.62	5.20	000
52290		A	Cystoscopy and treatment	4.59	NA	1.69	0.27	NA	6.55	000
52300		A	Cystoscopy and treatment	5.31	NA	1.95	0.32	NA	7.58	000
52301		A	Cystoscopy and treatment	5.51	NA	2.04	0.39	NA	7.94	000
52305		A	Cystoscopy and treatment	5.31	NA	1.90	0.31	NA	7.52	000
52310		A	Cystoscopy and treatment	2.81	5.38	1.05	0.17	8.36	4.03	000
52315		A	Cystoscopy and treatment	5.21	7.67	1.88	0.31	13.19	7.40	000
52317		A	Remove bladder stone	6.72	37.82	2.34	0.40	44.94	9.46	000
52318		A	Remove bladder stone	9.19	NA	3.17	0.54	NA	12.90	000
52320		A	Cystoscopy and treatment	4.70	NA	1.68	0.28	NA	6.66	000
52325		A	Cystoscopy, stone removal	6.16	NA	2.17	0.37	NA	8.70	000
52327		A	Cystoscopy, inject material	5.19	NA	1.87	0.32	NA	7.38	000
52330		A	Cystoscopy and treatment	5.04	18.51	1.79	0.30	23.85	7.13	000
52332		A	Cystoscopy and treatment	2.83	14.97	1.07	0.17	17.97	4.07	000
52334		A	Create passage to kidney	4.83	NA	1.80	0.28	NA	6.91	000
52341		A	Cysto w/ureter stricture tx	6.00	NA	2.26	0.37	NA	8.63	000
52342		A	Cysto w/up stricture tx	6.50	NA	2.41	0.40	NA	9.31	000
52343		A	Cysto w/renal stricture tx	7.20	NA	2.69	0.44	NA	10.33	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
52344	A	Cysto/uretero, stone remove	7.70	NA	2.87	0.47	NA	11.04	000
52345	A	Cysto/uretero w/up stricture	8.20	NA	3.03	0.50	NA	11.73	000
52346	A	Cystouretero w/renal strict	9.23	NA	3.38	0.57	NA	13.18	000
52347	A	Cystoscopy, resect ducts	5.28	NA	2.09	0.33	NA	7.70	000
52351	A	Cystouretero & or pyeloscope	5.86	NA	2.19	0.36	NA	8.41	000
52352	A	Cystouretero w/stone remove	6.88	NA	2.57	0.42	NA	9.87	000
52353	A	Cystouretero w/lithotripsy	7.97	NA	2.93	0.49	NA	11.39	000
52354	A	Cystouretero w/biopsy	7.34	NA	2.74	0.45	NA	10.53	000
52355	A	Cystouretero w/excise tumor	8.82	NA	3.22	0.55	NA	12.59	000
52400	A	Cystouretero w/congen repr	9.68	NA	4.31	0.60	NA	14.59	090
52450	A	Incision of prostate	7.64	NA	3.65	0.46	NA	11.75	090
52500	A	Revision of bladder neck	8.47	NA	3.91	0.50	NA	12.88	090
52510	A	Dilation prostatic urethra	6.72	NA	3.24	0.40	NA	10.36	090
52601	A	Prostatectomy (TURP)	12.37	NA	5.23	0.74	NA	18.34	090
52606	A	Control postop bleeding	8.13	NA	3.56	0.49	NA	12.18	090
52612	A	Prostatectomy, first stage	7.98	NA	3.83	0.48	NA	12.29	090
52614	A	Prostatectomy, second stage	6.84	NA	3.42	0.41	NA	10.67	090
52620	A	Remove residual prostate	6.61	NA	3.08	0.39	NA	10.08	090
52630	A	Remove prostate regrowth	7.26	NA	3.20	0.43	NA	10.89	090
52640	A	Relieve bladder contracture	6.62	NA	3.10	0.39	NA	10.11	090
52647	A	Laser surgery of prostate	10.36	33.41	4.66	0.61	44.38	15.63	090
52648	A	Laser surgery of prostate	11.21	NA	4.78	0.66	NA	16.65	090
52700	A	Drainage of prostate abscess	6.80	NA	3.24	0.41	NA	10.45	090
53000	A	Incision of urethra	2.28	7.31	2.23	0.13	9.72	4.64	010
53010	A	Incision of urethra	3.64	NA	4.08	0.20	NA	7.92	090
53020	A	Incision of urethra	1.77	3.05	0.66	0.11	4.93	2.54	000
53025	A	Incision of urethra	1.13	3.04	0.45	0.07	4.24	1.65	000
53040	A	Drainage of urethra abscess	6.40	10.66	6.47	0.41	17.47	13.28	090
53060	A	Drainage of urethra abscess	2.63	5.91	2.67	0.23	8.77	5.53	010
53080	A	Drainage of urinary leakage	6.29	NA	6.48	0.42	NA	13.19	090
53085	A	Drainage of urinary leakage	10.27	NA	7.86	0.67	NA	18.80	090
53200	A	Biopsy of urethra	2.59	4.18	0.95	0.17	6.94	3.71	000
53210	A	Removal of urethra	12.57	NA	7.49	0.81	NA	20.87	090
53215	A	Removal of urethra	15.58	NA	8.08	0.93	NA	24.59	090
53220	A	Treatment of urethra lesion	7.00	NA	5.08	0.44	NA	12.52	090
53230	A	Removal of urethra lesion	9.58	NA	5.80	0.60	NA	15.98	090
53235	A	Removal of urethra lesion	10.14	NA	6.00	0.60	NA	16.74	090
53240	A	Surgery for urethra pouch	6.45	NA	4.85	0.42	NA	11.72	090
53250	A	Removal of urethra gland	5.89	NA	4.24	0.35	NA	10.48	090
53260	A	Treatment of urethra lesion	2.98	5.30	2.24	0.23	8.51	5.45	010
53265	A	Treatment of urethra lesion	3.12	5.13	2.19	0.20	8.45	5.51	010
53270	A	Removal of urethra gland	3.09	5.05	2.45	0.21	8.35	5.75	010
53275	A	Repair of urethra defect	4.53	NA	3.04	0.28	NA	7.85	010
53400	A	Revise urethra, stage 1	12.77	NA	7.42	0.85	NA	21.04	090
53405	A	Revise urethra, stage 2	14.48	NA	7.70	0.91	NA	23.09	090
53410	A	Reconstruction of urethra	16.44	NA	8.43	0.99	NA	25.86	090
53415	A	Reconstruction of urethra	19.41	NA	8.99	1.16	NA	29.56	090
53420	A	Reconstruct urethra, stage 1	14.08	NA	8.53	0.90	NA	23.51	090
53425	A	Reconstruct urethra, stage 2	15.98	NA	8.49	0.97	NA	25.44	090
53430	A	Reconstruction of urethra	16.34	NA	8.62	1.01	NA	25.97	090
53431	A	Reconstruct urethra/bladder	19.89	NA	9.04	1.30	NA	30.23	090
53440	A	Male sling procedure	13.62	NA	6.33	0.73	NA	20.68	090
53442	A	Remove/revise male sling	11.57	NA	5.93	0.55	NA	18.05	090
53444	A	Insert tandem cuff	13.40	NA	6.14	0.88	NA	20.42	090
53445	A	Insert uro/ves nck sphincter	14.06	NA	7.76	0.84	NA	22.66	090
53446	A	Remove uro sphincter	10.23	NA	5.82	0.67	NA	16.72	090
53447	A	Remove/replace ur sphincter	13.49	NA	6.55	0.79	NA	20.83	090
53448	A	Remov/replc ur sphinctr comp	21.15	NA	9.85	1.39	NA	32.39	090
53449	A	Repair uro sphincter	9.70	NA	5.90	0.57	NA	16.17	090
53450	A	Revision of urethra	6.14	NA	4.53	0.37	NA	11.04	090
53460	A	Revision of urethra	7.12	NA	4.90	0.43	NA	12.45	090
53502	A	Repair of urethra injury	7.63	NA	5.32	0.50	NA	13.45	090
53505	A	Repair of urethra injury	7.63	NA	5.04	0.46	NA	13.13	090
53510	A	Repair of urethra injury	10.11	NA	6.43	0.60	NA	17.14	090
53515	A	Repair of urethra injury	13.31	NA	7.05	0.83	NA	21.19	090
53520	A	Repair of urethra defect	8.68	NA	5.50	0.53	NA	14.71	090
53600	A	Dilate urethra stricture	1.21	0.87	0.45	0.07	2.15	1.73	000
53601	A	Dilate urethra stricture	0.98	0.95	0.39	0.06	1.99	1.43	000
53605	A	Dilate urethra stricture	1.28	NA	0.42	0.08	NA	1.78	000
53620	A	Dilate urethra stricture	1.62	1.30	0.62	0.10	3.02	2.34	000
53621	A	Dilate urethra stricture	1.35	1.33	0.51	0.08	2.76	1.94	000
53660	A	Dilation of urethra	0.71	1.01	0.33	0.04	1.76	1.08	000
53661	A	Dilation of urethra	0.72	0.97	0.31	0.04	1.73	1.07	000
53665	A	Dilation of urethra	0.76	NA	0.26	0.05	NA	1.07	000
53670	D	Insert urinary catheter	0.00	0.00	0.00	0.00	0.00	0.00	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
53675	D	Insert urinary catheter	0.00	0.00	0.00	0.00	0.00	0.00	000
53850	A	Prostatic microwave thermotx	9.45	52.02	4.16	0.56	62.03	14.17	090
53852	A	Prostatic rf thermotx	9.88	40.46	4.32	0.58	50.92	14.78	090
53853	A	Prostatic water thermother	4.14	29.01	3.22	0.27	33.42	7.63	090
53899	C	Urology surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
54000	A	Slitting of prepuce	1.54	4.11	1.34	0.10	5.75	2.98	010
54001	A	Slitting of prepuce	2.19	4.67	1.92	0.14	7.00	4.25	010
54015	A	Drain penis lesion	5.32	5.91	2.97	0.33	11.56	8.62	010
54050	A	Destruction, penis lesion(s)	1.24	2.78	0.50	0.07	4.09	1.81	010
54055	A	Destruction, penis lesion(s)	1.22	4.91	1.34	0.07	6.20	2.63	010
54056	A	Cryosurgery, penis lesion(s)	1.24	3.12	0.54	0.06	4.42	1.84	010
54057	A	Laser surg, penis lesion(s)	1.24	3.09	1.24	0.08	4.41	2.56	010
54060	A	Excision of penis lesion(s)	1.93	4.38	1.49	0.12	6.43	3.54	010
54065	A	Destruction, penis lesion(s)	2.42	5.24	2.02	0.13	7.79	4.57	010
54100	A	Biopsy of penis	1.90	3.32	0.76	0.10	5.32	2.76	000
54105	A	Biopsy of penis	3.50	4.86	2.00	0.21	8.57	5.71	010
54110	A	Treatment of penis lesion	10.13	NA	6.86	0.60	NA	17.59	090
54111	A	Treat penis lesion, graft	13.57	NA	7.86	0.79	NA	22.22	090
54112	A	Treat penis lesion, graft	15.86	NA	8.86	0.94	NA	25.66	090
54115	A	Treatment of penis lesion	6.15	8.40	5.58	0.39	14.94	12.12	090
54120	A	Partial removal of penis	9.97	NA	6.73	0.60	NA	17.30	090
54125	A	Removal of penis	13.53	NA	7.92	0.81	NA	22.26	090
54130	A	Remove penis & nodes	20.14	NA	10.42	1.19	NA	31.75	090
54135	A	Remove penis & nodes	26.36	NA	12.50	1.58	NA	40.44	090
54150	A	Circumcision	1.81	5.45	1.88	0.17	7.43	3.86	010
54152	A	Circumcision	2.31	NA	1.65	0.16	NA	4.12	010
54160	A	Circumcision	2.48	4.40	1.70	0.16	7.04	4.34	010
54161	A	Circumcision	3.27	NA	1.92	0.20	NA	5.39	010
54162	A	Lysis penil circumic lesion	3.00	NA	2.30	0.20	NA	5.50	010
54163	A	Repair of circumcision	3.00	NA	2.07	0.20	NA	5.27	010
54164	A	Frenulotomy of penis	2.50	NA	1.90	0.16	NA	4.56	010
54200	A	Treatment of penis lesion	1.06	2.40	0.37	0.06	3.52	1.49	010
54205	A	Treatment of penis lesion	7.93	NA	5.95	0.47	NA	14.35	090
54220	A	Treatment of penis lesion	2.42	1.89	1.02	0.15	4.46	3.59	000
54230	A	Prepare penis study	1.34	NA	0.44	0.08	NA	1.86	000
54231	A	Dynamic cavernosometry	2.04	2.14	0.81	0.14	4.32	2.99	000
54235	A	Penile injection	1.19	1.12	0.40	0.07	2.38	1.66	000
54240	A	Penis study	1.31	1.85	NA	0.13	3.29	NA	000
54240	26	A	Penis study	1.31	0.44	0.44	0.08	1.83	1.83	000
54240	TC	A	Penis study	0.00	1.41	NA	0.05	1.46	NA	000
54250	A	Penis study	2.22	2.85	NA	0.16	5.23	NA	000
54250	26	A	Penis study	2.22	0.73	0.73	0.14	3.09	3.09	000
54250	TC	A	Penis study	0.00	2.12	NA	0.02	2.14	NA	000
54300	A	Revision of penis	10.41	NA	7.53	0.64	NA	18.58	090
54304	A	Revision of penis	12.49	NA	8.72	0.74	NA	21.95	090
54308	A	Reconstruction of urethra	11.83	NA	8.29	0.70	NA	20.82	090
54312	A	Reconstruction of urethra	13.57	NA	9.35	0.81	NA	23.73	090
54316	A	Reconstruction of urethra	16.82	NA	10.83	1.00	NA	28.65	090
54318	A	Reconstruction of urethra	11.25	NA	8.64	1.15	NA	21.04	090
54322	A	Reconstruction of urethra	13.01	NA	8.06	0.77	NA	21.84	090
54324	A	Reconstruction of urethra	16.31	NA	10.56	1.03	NA	27.90	090
54326	A	Reconstruction of urethra	15.72	NA	10.15	0.93	NA	26.80	090
54328	A	Revise penis/urethra	15.65	NA	9.53	0.92	NA	26.10	090
54332	A	Revise penis/urethra	17.08	NA	10.06	1.01	NA	28.15	090
54336	A	Revise penis/urethra	20.04	NA	14.12	1.90	NA	36.06	090
54340	A	Secondary urethral surgery	8.91	NA	7.34	0.72	NA	16.97	090
54344	A	Secondary urethral surgery	15.94	NA	9.83	1.10	NA	26.87	090
54348	A	Secondary urethral surgery	17.15	NA	11.25	1.02	NA	29.42	090
54352	A	Reconstruct urethra/penis	24.74	NA	14.53	1.62	NA	40.89	090
54360	A	Penis plastic surgery	11.93	NA	7.33	0.72	NA	19.98	090
54380	A	Repair penis	13.18	NA	9.50	1.16	NA	23.84	090
54385	A	Repair penis	15.39	NA	12.19	0.71	NA	28.29	090
54390	A	Repair penis and bladder	21.61	NA	13.02	1.28	NA	35.91	090
54400	A	Insert semi-rigid prosthesis	8.99	NA	5.68	0.53	NA	15.20	090
54401	A	Insert self-contd prosthesis	10.28	NA	6.46	0.61	NA	17.35	090
54405	A	Insert multi-comp penis pros	13.43	NA	7.53	0.80	NA	21.76	090
54406	A	Remove multi-comp penis pros	12.10	NA	5.50	0.75	NA	18.35	090
54408	A	Repair multi-comp penis pros	12.75	NA	5.86	0.79	NA	19.40	090
54410	A	Remove/replace penis prosth	15.50	NA	6.77	0.96	NA	23.23	090
54411	A	Remov/replc penis pros, comp	16.00	NA	8.90	0.80	NA	25.70	090
54415	A	Remove self-contd penis pros	8.20	NA	4.61	0.54	NA	13.35	090
54416	A	Remv/repl penis contain pros	10.87	NA	6.91	0.55	NA	18.33	090
54417	A	Remv/replc penis pros, compl	14.19	NA	7.81	0.55	NA	22.55	090
54420	A	Revision of penis	11.42	NA	7.47	0.72	NA	19.61	090
54430	A	Revision of penis	10.15	NA	6.77	0.60	NA	17.52	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
54435	A	Revision of penis	6.12	NA	5.01	0.36	NA	11.49	090
54440	C	Repair of penis	0.00	0.00	0.00	0.00	0.00	0.00	090
54450	A	Preputial stretching	1.12	1.00	0.48	0.07	2.19	1.67	000
54500	A	Biopsy of testis	1.31	4.86	0.44	0.08	6.25	1.83	000
54505	A	Biopsy of testis	3.46	NA	2.28	0.21	NA	5.95	010
54512	A	Excise lesion testis	8.58	NA	4.50	0.56	NA	13.64	090
54520	A	Removal of testis	5.23	NA	3.24	0.33	NA	8.80	090
54522	A	Orchiectomy, partial	9.50	NA	5.12	0.62	NA	15.24	090
54530	A	Removal of testis	8.58	NA	4.86	0.53	NA	13.97	090
54535	A	Extensive testis surgery	12.16	NA	6.72	0.83	NA	19.71	090
54550	A	Exploration for testis	7.78	NA	4.38	0.49	NA	12.65	090
54560	A	Exploration for testis	11.13	NA	6.34	0.79	NA	18.26	090
54600	A	Reduce testis torsion	7.01	NA	3.88	0.45	NA	11.34	090
54620	A	Suspension of testis	4.90	NA	2.77	0.31	NA	7.98	010
54640	A	Suspension of testis	6.90	NA	3.94	0.49	NA	11.33	090
54650	A	Orchiopexy (Fowler-Stephens)	11.45	NA	6.59	0.81	NA	18.85	090
54660	A	Revision of testis	5.11	NA	3.11	0.35	NA	8.57	090
54670	A	Repair testis injury	6.41	NA	3.83	0.41	NA	10.65	090
54680	A	Relocation of testis(es)	12.65	NA	7.06	0.94	NA	20.65	090
54690	A	Laparoscopy, orchiectomy	10.96	NA	6.32	0.99	NA	18.27	090
54692	A	Laparoscopy, orchiopexy	12.88	NA	5.47	0.87	NA	19.22	090
54699	C	Laparoscope proc, testis	0.00	0.00	0.00	0.00	0.00	0.00	YYY
54700	A	Drainage of scrotum	3.43	6.06	2.82	0.23	9.72	6.48	010
54800	A	Biopsy of epididymis	2.33	4.98	0.79	0.14	7.45	3.26	000
54820	A	Exploration of epididymis	5.14	NA	3.26	0.33	NA	8.73	090
54830	A	Remove epididymis lesion	5.38	NA	3.33	0.34	NA	9.05	090
54840	A	Remove epididymis lesion	5.20	NA	3.24	0.31	NA	8.75	090
54860	A	Removal of epididymis	6.32	NA	3.80	0.38	NA	10.50	090
54861	A	Removal of epididymis	8.90	NA	4.64	0.52	NA	14.06	090
54900	A	Fusion of spermatic ducts	13.20	NA	6.22	1.34	NA	20.76	090
54901	A	Fusion of spermatic ducts	17.94	NA	8.49	1.83	NA	28.26	090
55000	A	Drainage of hydrocele	1.43	2.17	0.48	0.10	3.70	2.01	000
55040	A	Removal of hydrocele	5.36	NA	3.10	0.35	NA	8.81	090
55041	A	Removal of hydroceles	7.74	NA	4.11	0.50	NA	12.35	090
55060	A	Repair of hydrocele	5.52	NA	3.19	0.37	NA	9.08	090
55100	A	Drainage of scrotum abscess	2.13	6.59	2.91	0.15	8.87	5.19	010
55110	A	Explore scrotum	5.70	NA	3.22	0.36	NA	9.28	090
55120	A	Removal of scrotum lesion	5.09	NA	3.05	0.33	NA	8.47	090
55150	A	Removal of scrotum	7.22	NA	4.22	0.47	NA	11.91	090
55175	A	Revision of scrotum	5.24	NA	3.31	0.33	NA	8.88	090
55180	A	Revision of scrotum	10.72	NA	5.99	0.72	NA	17.43	090
55200	A	Incision of sperm duct	4.24	NA	2.79	0.25	NA	7.28	090
55250	A	Removal of sperm duct(s)	3.29	6.56	2.74	0.21	10.06	6.24	090
55300	A	Prepare, sperm duct x-ray	3.51	NA	1.54	0.20	NA	5.25	000
55400	A	Repair of sperm duct	8.49	NA	4.80	0.50	NA	13.79	090
55450	A	Ligation of sperm duct	4.12	5.09	2.36	0.24	9.45	6.72	010
55500	A	Removal of hydrocele	5.59	NA	3.44	0.43	NA	9.46	090
55520	A	Removal of sperm cord lesion	6.03	NA	3.64	0.56	NA	10.23	090
55530	A	Revise spermatic cord veins	5.66	NA	3.43	0.36	NA	9.45	090
55535	A	Revise spermatic cord veins	6.56	NA	3.71	0.42	NA	10.69	090
55540	A	Revise hernia & sperm veins	7.67	NA	4.20	0.74	NA	12.61	090
55550	A	Laparo ligate spermatic vein	6.57	NA	3.50	0.47	NA	10.54	090
55559	C	Laparo proc, spermatic cord	0.00	0.00	0.00	0.00	0.00	0.00	YYY
55600	A	Incise sperm duct pouch	6.38	NA	3.82	0.38	NA	10.58	090
55605	A	Incise sperm duct pouch	7.96	NA	4.90	0.54	NA	13.40	090
55650	A	Remove sperm duct pouch	11.80	NA	5.81	0.72	NA	18.33	090
55680	A	Remove sperm pouch lesion	5.19	NA	3.48	0.31	NA	8.98	090
55700	A	Biopsy of prostate	1.57	2.83	0.73	0.10	4.50	2.40	000
55705	A	Biopsy of prostate	4.57	NA	3.30	0.26	NA	8.13	010
55720	A	Drainage of prostate abscess	7.64	NA	5.30	0.44	NA	13.38	090
55725	A	Drainage of prostate abscess	8.68	NA	5.85	0.51	NA	15.04	090
55801	A	Removal of prostate	17.80	NA	8.82	1.08	NA	27.70	090
55810	A	Extensive prostate surgery	22.58	NA	10.79	1.35	NA	34.72	090
55812	A	Extensive prostate surgery	27.51	NA	12.97	1.69	NA	42.17	090
55815	A	Extensive prostate surgery	30.46	NA	13.85	1.84	NA	46.15	090
55821	A	Removal of prostate	14.25	NA	7.33	0.85	NA	22.43	090
55831	A	Removal of prostate	15.62	NA	7.81	0.94	NA	24.37	090
55840	A	Extensive prostate surgery	22.69	NA	11.27	1.37	NA	35.33	090
55842	A	Extensive prostate surgery	24.38	NA	11.85	1.48	NA	37.71	090
55845	A	Extensive prostate surgery	28.55	NA	13.14	1.71	NA	43.40	090
55859	A	Percut/needle insert, pros	12.52	NA	6.86	0.74	NA	20.12	090
55860	A	Surgical exposure, prostate	14.45	NA	7.58	0.82	NA	22.85	090
55862	A	Extensive prostate surgery	18.39	NA	9.19	1.14	NA	28.72	090
55865	A	Extensive prostate surgery	22.87	NA	10.50	1.37	NA	34.74	090
55866	A	Laparo radical prostatectomy	30.74	NA	11.79	1.37	NA	43.90	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
55870	A	Vag hyst w/enterocele repair	2.58	1.94	1.04	0.14	4.66	3.76	000
55873	A	Cryoablate prostate	19.47	NA	8.91	1.02	NA	29.40	090
55899	C	Genital surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
55970	N	Sex transformation, M to F	0.00	0.00	0.00	0.00	0.00	0.00	XXX
55980	N	Sex transformation, F to M	0.00	0.00	0.00	0.00	0.00	0.00	XXX
56405	A	I & D of vulva/perineum	1.44	2.29	1.23	0.14	3.87	2.81	010
56420	A	Drainage of gland abscess	1.39	2.29	1.24	0.13	3.81	2.76	010
56440	A	Surgery for vulva lesion	2.84	3.45	2.22	0.28	6.57	5.34	010
56441	A	Lysis of labial lesion(s)	1.97	2.33	1.81	0.17	4.47	3.95	010
56501	A	Destroy, vulva lesions, sim	1.53	2.24	1.29	0.15	3.92	2.97	010
56515	A	Destroy vulva lesion/s compl	2.76	3.01	2.24	0.18	5.95	5.18	010
56605	A	Biopsy of vulva/perineum	1.10	1.09	0.47	0.11	2.30	1.68	000
56606	A	Biopsy of vulva/perineum	0.55	0.51	0.22	0.06	1.12	0.83	ZZZ
56620	A	Partial removal of vulva	7.47	NA	4.85	0.76	NA	13.08	090
56625	A	Complete removal of vulva	8.40	NA	5.78	0.84	NA	15.02	090
56630	A	Extensive vulva surgery	12.36	NA	7.60	1.23	NA	21.19	090
56631	A	Extensive vulva surgery	16.20	NA	10.27	1.63	NA	28.10	090
56632	A	Extensive vulva surgery	20.29	NA	10.23	2.03	NA	32.55	090
56633	A	Extensive vulva surgery	16.47	NA	9.27	1.66	NA	27.40	090
56634	A	Extensive vulva surgery	17.88	NA	10.95	1.78	NA	30.61	090
56637	A	Extensive vulva surgery	21.97	NA	12.64	2.18	NA	36.79	090
56640	A	Extensive vulva surgery	22.17	NA	12.24	2.26	NA	36.67	090
56700	A	Partial removal of hymen	2.52	NA	1.70	0.24	NA	4.46	010
56720	A	Incision of hymen	0.68	NA	0.41	0.07	NA	1.16	000
56740	A	Remove vagina gland lesion	4.57	NA	2.58	0.37	NA	7.52	010
56800	A	Repair of vagina	3.89	NA	2.61	0.37	NA	6.87	010
56805	A	Repair clitoris	18.86	NA	9.12	1.82	NA	29.80	090
56810	A	Repair of perineum	4.13	NA	2.72	0.41	NA	7.26	010
56820	A	Exam of vulva w/scope	1.50	1.64	0.65	0.10	3.24	2.25	000
56821	A	Exam/biopsy of vulva w/scope	2.05	2.02	0.92	0.13	4.20	3.10	000
57000	A	Exploration of vagina	2.97	NA	2.19	0.28	NA	5.44	010
57010	A	Drainage of pelvic abscess	6.03	NA	3.79	0.57	NA	10.39	090
57020	A	Drainage of pelvic fluid	1.50	1.56	0.63	0.15	3.21	2.28	000
57022	A	I & d vaginal hematoma, pp	2.56	NA	2.03	0.24	NA	4.83	010
57023	A	I & d vag hematoma, non-ob	4.75	NA	2.89	0.24	NA	7.88	010
57061	A	Destroy vag lesions, simple	1.25	2.16	1.16	0.13	3.54	2.54	010
57065	A	Destroy vag lesions, complex	2.61	2.88	2.23	0.26	5.75	5.10	010
57100	A	Biopsy of vagina	1.20	1.11	0.50	0.10	2.41	1.80	000
57105	A	Biopsy of vagina	1.69	2.00	1.31	0.17	3.86	3.17	010
57106	A	Remove vagina wall, partial	6.36	NA	3.87	0.58	NA	10.81	090
57107	A	Remove vagina tissue, part	23.00	NA	10.28	2.17	NA	35.45	090
57109	A	Vaginectomy partial w/nodes	27.00	NA	11.53	1.97	NA	40.50	090
57110	A	Remove vagina wall, complete	14.29	NA	7.21	1.43	NA	22.93	090
57111	A	Remove vagina tissue, compl	27.00	NA	12.30	2.71	NA	42.01	090
57112	A	Vaginectomy w/nodes, compl	29.00	NA	12.39	2.19	NA	43.58	090
57120	A	Closure of vagina	7.41	NA	4.59	0.75	NA	12.75	090
57130	A	Remove vagina lesion	2.43	NA	2.03	0.23	NA	4.69	010
57135	A	Remove vagina lesion	2.67	2.87	2.13	0.26	5.80	5.06	010
57150	A	Treat vagina infection	0.55	0.99	0.22	0.06	1.60	0.83	000
57155	A	Insert uteri tandems/ovoids	6.27	NA	3.68	0.59	NA	10.54	090
57160	A	Insert pessary/other device	0.89	1.10	0.40	0.09	2.08	1.38	000
57170	A	Fitting of diaphragm/cap	0.91	1.38	0.34	0.09	2.38	1.34	000
57180	A	Treat vaginal bleeding	1.58	2.22	1.41	0.16	3.96	3.15	010
57200	A	Repair of vagina	3.94	NA	3.11	0.38	NA	7.43	090
57210	A	Repair vagina/perineum	5.17	NA	3.67	0.50	NA	9.34	090
57220	A	Revision of urethra	4.31	NA	3.34	0.42	NA	8.07	090
57230	A	Repair of urethral lesion	5.64	NA	3.54	0.50	NA	9.68	090
57240	A	Repair bladder & vagina	6.07	NA	3.90	0.53	NA	10.50	090
57250	A	Repair rectum & vagina	5.53	NA	3.81	0.54	NA	9.88	090
57260	A	Repair of vagina	8.27	NA	5.14	0.83	NA	14.24	090
57265	A	Extensive repair of vagina	11.34	NA	6.38	1.14	NA	18.86	090
57268	A	Repair of bowel bulge	6.76	NA	4.48	0.66	NA	11.90	090
57270	A	Repair of bowel pouch	12.11	NA	6.60	1.17	NA	19.88	090
57280	A	Suspension of vagina	15.04	NA	7.73	1.44	NA	24.21	090
57282	A	Repair of vaginal prolapse	8.86	NA	5.58	0.86	NA	15.30	090
57284	A	Repair paravaginal defect	12.70	NA	7.12	1.17	NA	20.99	090
57287	A	Revise/remove sling repair	10.71	NA	5.60	0.74	NA	17.05	090
57288	A	Repair bladder defect	13.02	NA	6.05	0.86	NA	19.93	090
57289	A	Repair bladder & vagina	11.58	NA	6.26	0.95	NA	18.79	090
57291	A	Construction of vagina	7.95	NA	5.29	0.78	NA	14.02	090
57292	A	Construct vagina with graft	13.09	NA	7.38	1.29	NA	21.76	090
57300	A	Repair rectum-vagina fistula	7.61	NA	4.85	0.70	NA	13.16	090
57305	A	Repair rectum-vagina fistula	13.77	NA	6.49	1.33	NA	21.59	090
57307	A	Fistula repair & colostomy	15.93	NA	7.55	1.59	NA	25.07	090
57308	A	Fistula repair, transperine	9.94	NA	5.89	0.91	NA	16.74	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
57310	A	Repair urethrovaginal lesion	6.78	NA	4.29	0.45	NA	11.52	090
57311	A	Repair urethrovaginal lesion	7.98	NA	4.85	0.51	NA	13.34	090
57320	A	Repair bladder-vagina lesion	8.01	NA	4.95	0.60	NA	13.56	090
57330	A	Repair bladder-vagina lesion	12.35	NA	6.29	0.86	NA	19.50	090
57335	A	Repair vagina	18.73	NA	8.97	1.66	NA	29.36	090
57400	A	Dilation of vagina	2.27	NA	1.14	0.22	NA	3.63	000
57410	A	Pelvic examination	1.75	2.55	1.03	0.14	4.44	2.92	000
57415	A	Remove vaginal foreign body	2.17	3.21	1.87	0.19	5.57	4.23	010
57420	A	Exam of vagina w/scope	1.60	1.68	0.69	0.10	3.38	2.39	000
57421	A	Exam/biopsy of vag w/scope	2.20	2.08	0.98	0.13	4.41	3.31	000
57452	A	Exam of cervix w/scope	1.50	1.70	0.65	0.10	3.30	2.25	000
57454	A	Bx/curett of cervix w/scope	2.33	2.05	1.02	0.13	4.51	3.48	000
57455	A	Biopsy of cervix w/scope	1.99	1.94	0.89	0.13	4.06	3.01	000
57456	A	Endocerv curettage w/scope	1.85	1.86	0.84	0.13	3.84	2.82	000
57460	A	Bx of cervix w/scope, leep	2.83	5.01	1.25	0.28	8.12	4.36	000
57461	A	Conz of cervix w/scope, leep	3.44	5.32	1.50	0.28	9.04	5.22	000
57500	A	Biopsy of cervix	0.97	2.02	0.49	0.10	3.09	1.56	000
57505	A	Endocervical curettage	1.14	1.90	1.21	0.12	3.16	2.47	010
57510	A	Cauterization of cervix	1.90	3.01	1.51	0.18	5.09	3.59	010
57511	A	Cryocautery of cervix	1.90	2.36	0.75	0.18	4.44	2.83	010
57513	A	Laser surgery of cervix	1.90	2.57	1.50	0.19	4.66	3.59	010
57520	A	Conization of cervix	4.04	4.13	2.76	0.41	8.58	7.21	090
57522	A	Conization of cervix	3.36	3.66	2.49	0.34	7.36	6.19	090
57530	A	Removal of cervix	4.79	NA	3.53	0.48	NA	8.80	090
57531	A	Removal of cervix, radical	28.00	NA	13.53	2.46	NA	43.99	090
57540	A	Removal of residual cervix	12.22	NA	6.14	1.21	NA	19.57	090
57545	A	Remove cervix/repair pelvis	13.03	NA	6.59	1.30	NA	20.92	090
57550	A	Removal of residual cervix	5.53	NA	3.78	0.55	NA	9.86	090
57555	A	Remove cervix/repair vagina	8.95	NA	5.60	0.89	NA	15.44	090
57556	A	Remove cervix, repair bowel	8.37	NA	4.83	0.80	NA	14.00	090
57700	A	Revision of cervix	3.55	NA	2.44	0.33	NA	6.32	090
57720	A	Revision of cervix	4.13	NA	3.20	0.41	NA	7.74	090
57800	A	Dilation of cervical canal	0.77	0.77	0.48	0.08	1.62	1.33	000
57820	A	D & c of residual cervix	1.67	1.51	1.11	0.17	3.35	2.95	010
58100	A	Biopsy of uterus lining	1.53	1.45	0.75	0.07	3.05	2.35	000
58120	A	Dilation and curettage	3.27	2.35	1.97	0.33	5.95	5.57	010
58140	A	Myomectomy abdom method	14.60	NA	7.01	1.46	NA	23.07	090
58145	A	Myomectomy vag method	8.04	NA	4.84	0.80	NA	13.68	090
58146	A	Myomectomy abdom complex	19.00	NA	9.15	1.46	NA	29.61	090
58150	A	Total hysterectomy	15.24	NA	7.89	1.57	NA	24.70	090
58152	A	Total hysterectomy	20.60	NA	10.28	1.52	NA	32.40	090
58180	A	Partial hysterectomy	15.29	NA	7.85	1.54	NA	24.68	090
58200	A	Extensive hysterectomy	21.59	NA	10.60	2.15	NA	34.34	090
58210	A	Extensive hysterectomy	28.85	NA	13.96	2.91	NA	45.72	090
58240	A	Removal of pelvis contents	38.39	NA	18.48	3.76	NA	60.63	090
58260	A	Vaginal hysterectomy	12.98	NA	6.68	1.23	NA	20.89	090
58262	A	Vag hyst including t/o	14.77	NA	7.43	1.42	NA	23.62	090
58263	A	Vag hyst w/t/o & vag repair	16.06	NA	7.95	1.55	NA	25.56	090
58267	A	Vag hyst w/urinary repair	17.04	NA	8.52	1.51	NA	27.07	090
58270	A	Vag hyst w/enterocele repair	14.26	NA	7.19	1.37	NA	22.82	090
58275	A	Hysterectomy/revise vagina	15.76	NA	7.72	1.51	NA	24.99	090
58280	A	Hysterectomy/revise vagina	17.01	NA	8.21	1.54	NA	26.76	090
58285	A	Extensive hysterectomy	22.26	NA	10.85	1.88	NA	34.99	090
58290	A	Vag hyst complex	19.00	NA	9.37	1.23	NA	29.60	090
58291	A	Vag hyst incl t/o, complex	20.79	NA	10.34	1.42	NA	32.55	090
58292	A	Vag hyst t/o & repair, compl	22.08	NA	10.85	1.55	NA	34.48	090
58293	A	Vag hyst w/uro repair, compl	23.06	NA	11.25	1.51	NA	35.82	090
58294	A	Vag hyst w/enterocele, compl	20.28	NA	10.10	1.37	NA	31.75	090
58300	N	Insert intrauterine device	+1.01	1.44	0.39	0.10	2.55	1.50	XXX
58301	A	Remove intrauterine device	1.27	1.54	0.50	0.13	2.94	1.90	000
58321	A	Artificial insemination	0.92	0.94	0.38	0.10	1.96	1.40	000
58322	A	Artificial insemination	1.10	1.00	0.43	0.11	2.21	1.64	000
58323	A	Sperm washing	0.23	0.54	0.10	0.02	0.79	0.35	000
58340	A	Catheter for hystero-graphy	0.88	12.10	0.33	0.08	13.06	1.29	000
58345	A	Reopen fallopian tube	4.66	NA	1.73	0.36	NA	6.75	010
58346	A	Insert heyman uteri capsule	6.75	NA	3.87	0.64	NA	11.26	090
58350	A	Reopen fallopian tube	1.01	1.93	1.05	0.10	3.04	2.16	010
58353	A	Endometr ablate, thermal	3.56	NA	2.23	0.37	NA	6.16	010
58400	A	Suspension of uterus	6.36	NA	3.93	0.62	NA	10.91	090
58410	A	Suspension of uterus	12.73	NA	6.55	1.09	NA	20.37	090
58520	A	Repair of ruptured uterus	11.92	NA	5.93	1.17	NA	19.02	090
58540	A	Revision of uterus	14.64	NA	6.90	1.28	NA	22.82	090
58545	A	Laparoscopic myomectomy	14.60	NA	7.76	1.45	NA	23.81	090
58546	A	Laparo-myomectomy, complex	19.00	NA	9.55	1.45	NA	30.00	090
58550	A	Laparo-asst vag hysterectomy	14.19	NA	7.21	1.44	NA	22.84	010

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
58551	D	Laparoscopy, remove myoma	0.00	0.00	0.00	0.00	0.00	0.00	010
58552	A	Laparo-vag hyst incl t/o	14.19	NA	7.56	1.44	NA	23.19	090
58553	A	Laparo-vag hyst, complex	19.00	NA	9.57	1.23	NA	29.80	090
58554	A	Laparo-vag hyst w/t/o, compl	19.00	NA	9.26	1.23	NA	29.49	090
58555	A	Hysteroscopy, dx, sep proc	3.33	2.10	1.49	0.34	5.77	5.16	000
58558	A	Hysteroscopy, biopsy	4.75	NA	2.12	0.49	NA	7.36	000
58559	A	Hysteroscopy, lysis	6.17	NA	2.69	0.62	NA	9.48	000
58560	A	Hysteroscopy, resect septum	7.00	NA	3.05	0.71	NA	10.76	000
58561	A	Hysteroscopy, remove myoma	10.00	NA	4.28	1.02	NA	15.30	000
58562	A	Hysteroscopy, remove fb	5.21	NA	2.27	0.52	NA	8.00	000
58563	A	Hysteroscopy, ablation	6.17	NA	2.71	0.62	NA	9.50	000
58578	C	Laparo proc, uterus	0.00	0.00	0.00	0.00	0.00	0.00	YYY
58579	C	Hysteroscope procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
58600	A	Division of fallopian tube	5.00	NA	3.28	0.39	NA	9.27	090
58605	A	Division of fallopian tube	5.00	NA	3.12	0.33	NA	8.45	090
58611	A	Ligate oviduct(s) add-on	1.45	NA	0.59	0.07	NA	2.11	ZZZ
58615	A	Occlude fallopian tube(s)	3.90	NA	3.11	0.40	NA	7.41	010
58660	A	Laparoscopy, lysis	11.29	NA	5.60	1.14	NA	18.03	090
58661	A	Laparoscopy, remove adnexa	11.05	NA	5.27	1.12	NA	17.44	010
58662	A	Laparoscopy, excise lesions	11.79	NA	5.54	1.18	NA	18.51	090
58670	A	Laparoscopy, tubal cautery	5.60	NA	3.62	0.55	NA	9.77	090
58671	A	Laparoscopy, tubal block	5.60	NA	3.63	0.56	NA	9.79	090
58672	A	Laparoscopy, fimbrioplasty	12.88	NA	6.52	1.22	NA	20.62	090
58673	A	Laparoscopy, salpingostomy	13.74	NA	6.86	1.40	NA	22.00	090
58679	C	Laparo proc, oviduct-ovary	0.00	0.00	0.00	0.00	0.00	0.00	YYY
58700	A	Removal of fallopian tube	12.05	NA	5.80	0.64	NA	18.49	090
58720	A	Removal of ovary/tube(s)	11.36	NA	5.75	1.14	NA	18.25	090
58740	A	Revise fallopian tube(s)	14.00	NA	6.99	0.59	NA	21.58	090
58750	A	Repair oviduct	14.84	NA	7.37	1.52	NA	23.73	090
58752	A	Revise ovarian tube(s)	14.84	NA	7.06	1.51	NA	23.41	090
58760	A	Remove tubal obstruction	13.13	NA	6.67	1.34	NA	21.14	090
58770	A	Create new tubal opening	13.97	NA	6.97	1.42	NA	22.36	090
58800	A	Drainage of ovarian cyst(s)	4.14	4.39	4.36	0.36	8.89	8.86	090
58805	A	Drainage of ovarian cyst(s)	5.88	NA	3.47	0.56	NA	9.91	090
58820	A	Drain ovary abscess, open	4.22	NA	3.34	0.29	NA	7.85	090
58822	A	Drain ovary abscess, percut	10.13	NA	5.04	0.92	NA	16.09	090
58823	A	Drain pelvic abscess, percut	3.38	NA	2.32	0.18	NA	5.88	000
58825	A	Transposition, ovary(s)	10.98	NA	5.74	0.62	NA	17.34	090
58900	A	Biopsy of ovary(s)	5.99	NA	3.53	0.56	NA	10.08	090
58920	A	Partial removal of ovary(s)	11.36	NA	5.58	0.68	NA	17.62	090
58925	A	Removal of ovarian cyst(s)	11.36	NA	5.54	1.14	NA	18.04	090
58940	A	Removal of ovary(s)	7.29	NA	3.94	0.73	NA	11.96	090
58943	A	Removal of ovary(s)	18.43	NA	9.44	1.86	NA	29.73	090
58950	A	Resect ovarian malignancy	16.93	NA	9.00	1.55	NA	27.48	090
58951	A	Resect ovarian malignancy	22.38	NA	11.32	2.20	NA	35.90	090
58952	A	Resect ovarian malignancy	25.01	NA	12.41	2.57	NA	39.99	090
58953	A	Tah, rad dissect for debulk	32.00	NA	15.08	3.30	NA	50.38	090
58954	A	Tah rad debulk/lymph remove	35.00	NA	16.15	3.56	NA	54.71	090
58960	A	Exploration of abdomen	14.65	NA	8.12	1.47	NA	24.24	090
58970	A	Retrieval of oocyte	3.53	8.36	1.67	0.36	12.25	5.56	000
58974	C	Transfer of embryo	0.00	0.00	0.00	0.00	0.00	0.00	000
58976	A	Transfer of embryo	3.83	2.29	1.59	0.39	6.51	5.81	000
58999	C	Genital surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
59000	A	Amniocentesis, diagnostic	1.30	1.88	0.71	0.23	3.41	2.24	000
59001	A	Amniocentesis, therapeutic	3.00	NA	1.35	0.23	NA	4.58	000
59012	A	Fetal cord puncture, prenatal	3.45	NA	1.60	0.62	NA	5.67	000
59015	A	Chorion biopsy	2.20	1.59	1.08	0.40	4.19	3.68	000
59020	A	Fetal contract stress test	0.66	0.79	NA	0.20	1.65	NA	000
59020	26	A	Fetal contract stress test	0.66	0.27	0.27	0.12	1.05	1.05	000
59020	TC	A	Fetal contract stress test	0.00	0.52	NA	0.08	0.60	NA	000
59025	A	Fetal non-stress test	0.53	0.45	NA	0.12	1.10	NA	000
59025	26	A	Fetal non-stress test	0.53	0.22	0.22	0.10	0.85	0.85	000
59025	TC	A	Fetal non-stress test	0.00	0.23	NA	0.02	0.25	NA	000
59030	A	Fetal scalp blood sample	1.99	NA	1.06	0.36	NA	3.41	000
59050	A	Fetal monitor w/report	0.89	NA	0.36	0.16	NA	1.41	XXX
59051	A	Fetal monitor/interpret only	0.74	NA	0.30	0.14	NA	1.18	XXX
59100	A	Remove uterus lesion	12.35	NA	6.29	2.21	NA	20.85	090
59120	A	Treat ectopic pregnancy	11.49	NA	6.06	2.06	NA	19.61	090
59121	A	Treat ectopic pregnancy	11.67	NA	6.19	2.09	NA	19.95	090
59130	A	Treat ectopic pregnancy	14.22	NA	5.81	2.54	NA	22.57	090
59135	A	Treat ectopic pregnancy	13.88	NA	7.04	2.49	NA	23.41	090
59136	A	Treat ectopic pregnancy	13.18	NA	6.61	2.36	NA	22.15	090
59140	A	Treat ectopic pregnancy	5.46	NA	3.36	0.98	NA	9.80	090
59150	A	Treat ectopic pregnancy	11.67	NA	6.40	1.23	NA	19.30	090
59151	A	Treat ectopic pregnancy	11.49	NA	5.84	1.41	NA	18.74	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
59160	A	D & c after delivery	2.71	3.48	2.15	0.49	6.68	5.35	010
59200	A	Insert cervical dilator	0.79	1.32	0.31	0.15	2.26	1.25	000
59300	A	Episiotomy or vaginal repair	2.41	2.08	0.99	0.43	4.92	3.83	000
59320	A	Revision of cervix	2.48	NA	1.29	0.45	NA	4.22	000
59325	A	Revision of cervix	4.07	NA	1.96	0.73	NA	6.76	000
59350	A	Repair of uterus	4.95	NA	2.00	0.88	NA	7.83	000
59400	A	Obstetrical care	23.06	NA	16.09	4.14	NA	43.29	MMM
59409	A	Obstetrical care	13.50	NA	5.44	2.42	NA	21.36	MMM
59410	A	Obstetrical care	14.78	NA	6.48	2.65	NA	23.91	MMM
59412	A	Antepartum manipulation	1.71	NA	0.84	0.31	NA	2.86	MMM
59414	A	Deliver placenta	1.61	NA	0.65	0.29	NA	2.55	MMM
59425	A	Antepartum care only	4.81	4.46	1.90	0.86	10.13	7.57	MMM
59426	A	Antepartum care only	8.28	8.04	3.30	1.49	17.81	13.07	MMM
59430	A	Care after delivery	2.13	NA	0.98	0.38	NA	3.49	MMM
59510	A	Cesarean delivery	26.22	NA	18.21	4.70	NA	49.13	MMM
59514	A	Cesarean delivery only	15.97	NA	6.38	2.86	NA	25.21	MMM
59515	A	Cesarean delivery	17.37	NA	8.05	3.12	NA	28.54	MMM
59525	A	Remove uterus after cesarean	8.54	NA	3.39	1.53	NA	13.46	ZZZ
59610	A	Vbac delivery	24.62	NA	16.66	4.41	NA	45.69	MMM
59612	A	Vbac delivery only	15.06	NA	6.21	2.70	NA	23.97	MMM
59614	A	Vbac care after delivery	16.34	NA	7.12	2.93	NA	26.39	MMM
59618	A	Attempted vbac delivery	27.78	NA	19.52	4.98	NA	52.28	MMM
59620	A	Attempted vbac delivery only	17.53	NA	6.94	3.15	NA	27.62	MMM
59622	A	Attempted vbac after care	18.93	NA	8.87	3.39	NA	31.19	MMM
59812	A	Treatment of miscarriage	4.01	3.60	2.53	0.58	8.19	7.12	090
59820	A	Care of miscarriage	4.01	3.62	2.66	0.72	8.35	7.39	090
59821	A	Treatment of miscarriage	4.47	3.79	2.85	0.80	9.06	8.12	090
59830	A	Treat uterus infection	6.11	NA	3.94	1.10	NA	11.15	090
59840	R	Abortion	3.01	3.98	2.24	0.54	7.53	5.79	010
59841	R	Abortion	5.24	5.60	3.55	0.94	11.78	9.73	010
59850	R	Abortion	5.91	NA	2.73	1.06	NA	9.70	090
59851	R	Abortion	5.93	NA	3.13	1.06	NA	10.12	090
59852	R	Abortion	8.24	NA	4.57	1.48	NA	14.29	090
59855	R	Abortion	6.12	NA	3.24	1.10	NA	10.46	090
59856	R	Abortion	7.48	NA	3.83	1.34	NA	12.65	090
59857	R	Abortion	9.29	NA	4.39	1.66	NA	15.34	090
59866	R	Abortion (mpr)	4.00	NA	1.55	0.72	NA	6.27	000
59870	A	Evacuate mole of uterus	6.01	NA	3.78	0.77	NA	10.56	090
59871	A	Remove cerclage suture	2.13	2.00	0.90	0.38	4.51	3.41	000
59898	C	Laparo proc, ob care/deliver	0.00	0.00	0.00	0.00	0.00	0.00	YYY
59899	C	Maternity care procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
60000	A	Drain thyroid/tongue cyst	1.76	2.36	2.15	0.14	4.26	4.05	010
60001	A	Aspirate/inject thyroid cyst	0.97	1.64	0.35	0.06	2.67	1.38	000
60100	A	Biopsy of thyroid	1.56	1.86	0.55	0.05	3.47	2.16	000
60200	A	Remove thyroid lesion	9.55	NA	6.57	0.84	NA	16.96	090
60210	A	Partial thyroid excision	10.88	NA	6.45	1.01	NA	18.34	090
60212	A	Partial thyroid excision	16.03	NA	8.23	1.51	NA	25.77	090
60220	A	Partial removal of thyroid	11.90	NA	6.99	0.97	NA	19.86	090
60225	A	Partial removal of thyroid	14.19	NA	7.82	1.31	NA	23.32	090
60240	A	Removal of thyroid	16.06	NA	9.05	1.50	NA	26.61	090
60252	A	Removal of thyroid	20.57	NA	11.39	1.63	NA	33.59	090
60254	A	Extensive thyroid surgery	26.99	NA	15.79	1.96	NA	44.74	090
60260	A	Repeat thyroid surgery	17.47	NA	10.30	1.39	NA	29.16	090
60270	A	Removal of thyroid	20.27	NA	11.50	1.78	NA	33.55	090
60271	A	Removal of thyroid	16.83	NA	9.82	1.35	NA	28.00	090
60280	A	Remove thyroid duct lesion	5.87	NA	5.16	0.45	NA	11.48	090
60281	A	Remove thyroid duct lesion	8.53	NA	6.35	0.67	NA	15.55	090
60500	A	Explore parathyroid glands	16.23	NA	7.75	1.61	NA	25.59	090
60502	A	Re-explore parathyroids	20.35	NA	9.59	2.00	NA	31.94	090
60505	A	Explore parathyroid glands	21.49	NA	11.42	2.14	NA	35.05	090
60512	A	Autotransplant parathyroid	4.45	NA	1.66	0.44	NA	6.55	ZZZ
60520	A	Removal of thymus gland	16.81	NA	9.84	1.84	NA	28.49	090
60521	A	Removal of thymus gland	18.87	NA	11.77	2.34	NA	32.98	090
60522	A	Removal of thymus gland	23.09	NA	13.01	2.83	NA	38.93	090
60540	A	Explore adrenal gland	17.03	NA	7.64	1.42	NA	26.09	090
60545	A	Explore adrenal gland	19.88	NA	9.33	1.75	NA	30.96	090
60600	A	Remove carotid body lesion	17.93	NA	13.24	1.87	NA	33.04	090
60605	A	Remove carotid body lesion	20.24	NA	18.11	2.28	NA	40.63	090
60650	A	Laparoscopy adrenalectomy	20.00	NA	8.06	1.98	NA	30.04	090
60659	C	Laparo proc, endocrine	0.00	0.00	0.00	0.00	0.00	0.00	YYY
60699	C	Endocrine surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
61000	A	Remove cranial cavity fluid	1.58	NA	0.98	0.13	NA	2.69	000
61001	A	Remove cranial cavity fluid	1.49	NA	1.08	0.15	NA	2.72	000
61020	A	Remove brain cavity fluid	1.51	NA	1.38	0.26	NA	3.15	000
61026	A	Injection into brain canal	1.69	NA	1.45	0.21	NA	3.35	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
61050	A	Remove brain canal fluid	1.51	NA	1.27	0.13	NA	2.91	000
61055	A	Injection into brain canal	2.10	NA	1.42	0.13	NA	3.65	000
61070	A	Brain canal shunt procedure	0.89	NA	1.04	0.09	NA	2.02	000
61105	A	Twist drill hole	5.14	NA	4.04	1.05	NA	10.23	090
61107	A	Drill skull for implantation	5.00	NA	3.38	1.02	NA	9.40	000
61108	A	Drill skull for drainage	10.19	NA	7.29	2.04	NA	19.52	090
61120	A	Burr hole for puncture	8.76	NA	6.12	1.81	NA	16.69	090
61140	A	Pierce skull for biopsy	15.90	NA	10.11	3.15	NA	29.16	090
61150	A	Pierce skull for drainage	17.57	NA	10.66	3.52	NA	31.75	090
61151	A	Pierce skull for drainage	12.42	NA	8.01	2.45	NA	22.88	090
61154	A	Pierce skull & remove clot	14.99	NA	9.70	3.05	NA	27.74	090
61156	A	Pierce skull for drainage	16.32	NA	10.07	3.42	NA	29.81	090
61210	A	Pierce skull, implant device	5.84	NA	3.78	1.16	NA	10.78	000
61215	A	Insert brain-fluid device	4.89	NA	4.09	0.99	NA	9.97	090
61250	A	Pierce skull & explore	10.42	NA	7.01	2.02	NA	19.45	090
61253	A	Pierce skull & explore	12.36	NA	7.87	2.26	NA	22.49	090
61304	A	Open skull for exploration	21.96	NA	13.18	4.33	NA	39.47	090
61305	A	Open skull for exploration	26.61	NA	15.70	5.25	NA	47.56	090
61312	A	Open skull for drainage	24.57	NA	15.42	4.99	NA	44.98	090
61313	A	Open skull for drainage	24.93	NA	15.20	5.07	NA	45.20	090
61314	A	Open skull for drainage	24.23	NA	13.34	4.00	NA	41.57	090
61315	A	Open skull for drainage	27.68	NA	16.42	5.62	NA	49.72	090
61316	A	Implt cran bone flap to abdo	1.39	NA	0.57	0.43	NA	2.39	ZZZ
61320	A	Open skull for drainage	25.62	NA	15.16	5.20	NA	45.98	090
61321	A	Open skull for drainage	28.50	NA	16.55	5.35	NA	50.40	090
61322	A	Decompressive craniotomy	29.50	NA	13.88	4.99	NA	48.37	090
61323	A	Decompressive lobectomy	31.00	NA	14.08	4.99	NA	50.07	090
61330	A	Decompress eye socket	23.32	NA	14.10	2.58	NA	40.00	090
61332	A	Explore/biopsy eye socket	27.28	NA	15.97	4.15	NA	47.40	090
61333	A	Explore orbit/remove lesion	27.95	NA	16.02	2.24	NA	46.21	090
61334	A	Explore orbit/remove object	18.27	NA	10.93	3.02	NA	32.22	090
61340	A	Subtemporal decompression	18.66	NA	11.41	3.66	NA	33.73	090
61343	A	Incise skull (press relief)	29.77	NA	17.97	6.04	NA	53.78	090
61345	A	Relieve cranial pressure	27.20	NA	16.51	5.23	NA	48.94	090
61440	A	Incise skull for surgery	26.63	NA	15.30	5.57	NA	47.50	090
61450	A	Incise skull for surgery	25.95	NA	15.53	5.11	NA	46.59	090
61458	A	Incise skull for brain wound	27.29	NA	16.59	5.28	NA	49.16	090
61460	A	Incise skull for surgery	28.39	NA	17.53	5.13	NA	51.05	090
61470	A	Incise skull for surgery	26.06	NA	15.06	4.65	NA	45.77	090
61480	A	Incise skull for surgery	26.49	NA	15.99	5.54	NA	48.02	090
61490	A	Incise skull for surgery	25.66	NA	15.56	5.37	NA	46.59	090
61500	A	Removal of skull lesion	17.92	NA	11.76	3.26	NA	32.94	090
61501	A	Remove infected skull bone	14.84	NA	9.97	2.63	NA	27.44	090
61510	A	Removal of brain lesion	28.45	NA	17.22	5.77	NA	51.44	090
61512	A	Remove brain lining lesion	35.09	NA	20.72	7.14	NA	62.95	090
61514	A	Removal of brain abscess	25.26	NA	15.47	5.12	NA	45.85	090
61516	A	Removal of brain lesion	24.61	NA	14.92	4.94	NA	44.47	090
61517	A	Implt brain chemotx add-on	1.38	NA	0.56	0.08	NA	2.02	ZZZ
61518	A	Removal of brain lesion	37.32	NA	22.22	7.53	NA	67.07	090
61519	A	Remove brain lining lesion	41.39	NA	24.21	8.15	NA	73.75	090
61520	A	Removal of brain lesion	54.84	NA	31.73	10.10	NA	96.67	090
61521	A	Removal of brain lesion	44.48	NA	25.76	8.85	NA	79.09	090
61522	A	Removal of brain abscess	29.45	NA	17.56	5.30	NA	52.31	090
61524	A	Removal of brain lesion	27.86	NA	16.79	5.01	NA	49.66	090
61526	A	Removal of brain lesion	52.17	NA	30.71	6.72	NA	89.60	090
61530	A	Removal of brain lesion	43.86	NA	26.94	6.17	NA	76.97	090
61531	A	Implant brain electrodes	14.63	NA	9.66	2.84	NA	27.13	090
61533	A	Implant brain electrodes	19.71	NA	12.32	3.80	NA	35.83	090
61534	A	Removal of brain lesion	20.97	NA	13.13	4.15	NA	38.25	090
61535	A	Remove brain electrodes	11.63	NA	8.10	2.29	NA	22.02	090
61536	A	Removal of brain lesion	35.52	NA	21.02	6.68	NA	63.22	090
61538	A	Removal of brain tissue	26.81	NA	16.32	5.38	NA	48.51	090
61539	A	Removal of brain tissue	32.08	NA	18.97	6.62	NA	57.67	090
61541	A	Incision of brain tissue	28.85	NA	16.91	5.50	NA	51.26	090
61542	A	Removal of brain tissue	31.02	NA	19.07	6.49	NA	56.58	090
61543	A	Removal of brain tissue	29.22	NA	17.52	6.11	NA	52.85	090
61544	A	Remove & treat brain lesion	25.50	NA	14.52	4.91	NA	44.93	090
61545	A	Excision of brain tumor	43.80	NA	25.02	8.88	NA	77.70	090
61546	A	Removal of pituitary gland	31.30	NA	18.68	6.06	NA	56.04	090
61548	A	Removal of pituitary gland	21.53	NA	13.64	3.63	NA	38.80	090
61550	A	Release of skull seams	14.65	NA	7.34	1.14	NA	23.13	090
61552	A	Release of skull seams	19.56	NA	9.84	0.88	NA	30.28	090
61556	A	Incise skull/sutures	22.26	NA	12.01	3.57	NA	37.84	090
61557	A	Incise skull/sutures	22.38	NA	13.86	4.68	NA	40.92	090
61558	A	Excision of skull/sutures	25.58	NA	15.13	2.61	NA	43.32	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
61559	A	Excision of skull/sutures	32.79	NA	19.67	6.86	NA	59.32	090
61563	A	Excision of skull tumor	26.83	NA	16.07	4.46	NA	47.36	090
61564	A	Excision of skull tumor	33.83	NA	18.72	7.08	NA	59.63	090
61570	A	Remove foreign body, brain	24.60	NA	14.37	4.60	NA	43.57	090
61571	A	Incise skull for brain wound	26.39	NA	15.70	5.23	NA	47.32	090
61575	A	Skull base/brainstem surgery	34.36	NA	21.20	5.02	NA	60.58	090
61576	A	Skull base/brainstem surgery	52.43	NA	30.80	4.68	NA	87.91	090
61580	A	Craniofacial approach, skull	30.35	NA	19.15	2.75	NA	52.25	090
61581	A	Craniofacial approach, skull	34.60	NA	15.39	3.37	NA	53.36	090
61582	A	Craniofacial approach, skull	31.66	NA	19.26	6.30	NA	57.22	090
61583	A	Craniofacial approach, skull	36.21	NA	22.62	6.94	NA	65.77	090
61584	A	Orbitocranial approach/skull	34.65	NA	20.92	6.53	NA	62.10	090
61585	A	Orbitocranial approach/skull	38.61	NA	22.58	6.19	NA	67.38	090
61586	A	Resect nasopharynx, skull	25.10	NA	16.22	3.52	NA	44.84	090
61590	A	Infratemporal approach/skull	41.78	NA	25.53	4.28	NA	71.59	090
61591	A	Infratemporal approach/skull	43.68	NA	26.34	5.26	NA	75.28	090
61592	A	Orbitocranial approach/skull	39.64	NA	23.61	7.55	NA	70.80	090
61595	A	Transtemporal approach/skull	29.57	NA	19.32	3.05	NA	51.94	090
61596	A	Transcochlear approach/skull	35.63	NA	22.01	4.25	NA	61.89	090
61597	A	Transcondylar approach/skull	37.96	NA	21.20	6.65	NA	65.81	090
61598	A	Transpetrosal approach/skull	33.41	NA	20.65	4.60	NA	58.66	090
61600	A	Resect/excise cranial lesion	25.85	NA	15.96	3.12	NA	44.93	090
61601	A	Resect/excise cranial lesion	27.89	NA	17.32	5.29	NA	50.50	090
61605	A	Resect/excise cranial lesion	29.33	NA	18.50	2.51	NA	50.34	090
61606	A	Resect/excise cranial lesion	38.83	NA	23.37	6.81	NA	69.01	090
61607	A	Resect/excise cranial lesion	36.27	NA	22.05	5.69	NA	64.01	090
61608	A	Resect/excise cranial lesion	42.10	NA	24.77	8.31	NA	75.18	090
61609	A	Transect artery, sinus	9.89	NA	4.91	2.07	NA	16.87	ZZZ
61610	A	Transect artery, sinus	29.67	NA	13.48	3.52	NA	46.67	ZZZ
61611	A	Transect artery, sinus	7.42	NA	3.40	1.55	NA	12.37	ZZZ
61612	A	Transect artery, sinus	27.88	NA	13.67	3.55	NA	45.10	ZZZ
61613	A	Remove aneurysm, sinus	40.86	NA	23.95	8.32	NA	73.13	090
61615	A	Resect/excise lesion, skull	32.07	NA	20.58	4.64	NA	57.29	090
61616	A	Resect/excise lesion, skull	43.33	NA	26.87	7.02	NA	77.22	090
61618	A	Repair dura	16.99	NA	11.45	2.92	NA	31.36	090
61619	A	Repair dura	20.71	NA	13.38	3.42	NA	37.51	090
61623	A	Endovasc tempory vessel occl	9.96	NA	4.23	0.50	NA	14.69	000
61624	A	Transcath occlusion, cns	20.15	NA	7.13	1.15	NA	28.43	000
61626	A	Transcath occlusion, non-cns	16.62	NA	5.70	0.84	NA	23.16	000
61680	A	Intracranial vessel surgery	30.71	NA	18.44	6.04	NA	55.19	090
61682	A	Intracranial vessel surgery	61.57	NA	34.01	12.69	NA	108.27	090
61684	A	Intracranial vessel surgery	39.81	NA	23.12	7.87	NA	70.80	090
61686	A	Intracranial vessel surgery	64.49	NA	36.02	13.20	NA	113.71	090
61690	A	Intracranial vessel surgery	29.31	NA	17.76	5.51	NA	52.58	090
61692	A	Intracranial vessel surgery	51.87	NA	28.84	10.17	NA	90.88	090
61697	A	Brain aneurysm repr, complx	50.52	NA	28.73	10.31	NA	89.56	090
61698	A	Brain aneurysm repr, complx	48.41	NA	27.36	9.99	NA	85.76	090
61700	A	Brain aneurysm repr, simple	50.52	NA	28.68	10.18	NA	89.38	090
61702	A	Inner skull vessel surgery	48.41	NA	27.66	9.75	NA	85.82	090
61703	A	Clamp neck artery	17.47	NA	11.24	3.62	NA	32.33	090
61705	A	Revise circulation to head	36.20	NA	20.05	6.67	NA	62.92	090
61708	A	Revise circulation to head	35.30	NA	15.87	2.18	NA	53.35	090
61710	A	Revise circulation to head	29.67	NA	14.53	2.42	NA	46.62	090
61711	A	Fusion of skull arteries	36.33	NA	20.63	7.39	NA	64.35	090
61720	A	Incise skull/brain surgery	16.77	NA	10.74	3.51	NA	31.02	090
61735	A	Incise skull/brain surgery	20.43	NA	12.76	4.16	NA	37.35	090
61750	A	Incise skull/brain biopsy	18.20	NA	10.96	3.71	NA	32.87	090
61751	A	Brain biopsy w/ct/mr guide	17.62	NA	10.77	3.57	NA	31.96	090
61760	A	Implant brain electrodes	22.27	NA	8.83	4.59	NA	35.69	090
61770	A	Incise skull for treatment	21.44	NA	13.05	4.09	NA	38.58	090
61790	A	Treat trigeminal nerve	10.86	NA	6.02	1.82	NA	18.70	090
61791	A	Treat trigeminal tract	14.61	NA	9.26	3.03	NA	26.90	090
61793	A	Focus radiation beam	17.24	NA	10.93	3.51	NA	31.68	090
61795	A	Brain surgery using computer	4.04	NA	2.09	0.81	NA	6.94	ZZZ
61850	A	Implant neuroelectrodes	12.39	NA	8.08	2.23	NA	22.70	090
61860	A	Implant neuroelectrodes	20.87	NA	12.88	4.04	NA	37.79	090
61862	A	Implant neurostimul, subcort	19.34	NA	12.08	3.97	NA	35.39	090
61870	A	Implant neuroelectrodes	14.94	NA	10.85	1.70	NA	27.49	090
61875	A	Implant neuroelectrodes	15.06	NA	9.28	2.42	NA	26.76	090
61880	A	Revise/remove neuroelectrode	6.29	NA	5.34	1.31	NA	12.94	090
61885	A	Implant neurostim one array	5.85	NA	5.09	1.22	NA	12.16	090
61886	A	Implant neurostim arrays	8.00	NA	6.15	1.64	NA	15.79	090
61888	A	Revise/remove neuroreceiver	5.07	NA	3.90	1.04	NA	10.01	010
62000	A	Treat skull fracture	12.53	NA	5.65	0.87	NA	19.05	090
62005	A	Treat skull fracture	16.17	NA	9.46	2.33	NA	27.96	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
62010	A	Treatment of head injury	19.81	NA	12.28	4.05	NA	36.14	090
62100	A	Repair brain fluid leakage	22.03	NA	13.85	4.07	NA	39.95	090
62115	A	Reduction of skull defect	21.66	NA	11.69	4.53	NA	37.88	090
62116	A	Reduction of skull defect	23.59	NA	13.79	4.85	NA	42.23	090
62117	A	Reduction of skull defect	26.60	NA	15.87	5.56	NA	48.03	090
62120	A	Repair skull cavity lesion	23.35	NA	14.38	3.07	NA	40.80	090
62121	A	Incise skull repair	21.58	NA	13.55	2.47	NA	37.60	090
62140	A	Repair of skull defect	13.51	NA	8.61	2.60	NA	24.72	090
62141	A	Repair of skull defect	14.91	NA	9.78	2.85	NA	27.54	090
62142	A	Remove skull plate/flap	10.79	NA	7.24	2.10	NA	20.13	090
62143	A	Replace skull plate/flap	13.05	NA	8.75	2.55	NA	24.35	090
62145	A	Repair of skull & brain	18.82	NA	11.69	3.81	NA	34.32	090
62146	A	Repair of skull with graft	16.12	NA	10.40	2.94	NA	29.46	090
62147	A	Repair of skull with graft	19.34	NA	12.14	3.64	NA	35.12	090
62148	A	Retr bone flap to fix skull	2.00	NA	0.82	0.43	NA	3.25	ZZZ
62160	A	Neuroendoscopy add-on	3.00	NA	1.16	0.52	NA	4.68	ZZZ
62161	A	Dissect brain w/scope	20.00	NA	9.71	3.70	NA	33.41	090
62162	A	Remove colloid cyst w/scope	25.25	NA	11.89	5.77	NA	42.91	090
62163	A	Neuroendoscopy w/fb removal	15.50	NA	7.97	3.70	NA	27.17	090
62164	A	Remove brain tumor w/scope	27.50	NA	13.12	5.77	NA	46.39	090
62165	A	Remove pituit tumor w/scope	22.00	NA	10.68	3.63	NA	36.31	090
62180	A	Establish brain cavity shunt	21.06	NA	12.90	4.32	NA	38.28	090
62190	A	Establish brain cavity shunt	11.07	NA	7.73	2.18	NA	20.98	090
62192	A	Establish brain cavity shunt	12.25	NA	8.27	2.46	NA	22.98	090
62194	A	Replace/irrigate catheter	5.03	NA	2.77	0.50	NA	8.30	010
62200	A	Establish brain cavity shunt	18.32	NA	11.59	3.70	NA	33.61	090
62201	A	Brain cavity shunt w/scope	14.86	NA	9.77	2.52	NA	27.15	090
62220	A	Establish brain cavity shunt	13.00	NA	8.65	2.53	NA	24.18	090
62223	A	Establish brain cavity shunt	12.87	NA	8.51	2.58	NA	23.96	090
62225	A	Replace/irrigate catheter	5.41	NA	4.81	1.09	NA	11.31	090
62230	A	Replace/revise brain shunt	10.54	NA	7.23	2.10	NA	19.87	090
62252	A	Csf shunt reprogram	0.74	1.47	NA	0.18	2.39	NA	XXX
62252	26	A	Csf shunt reprogram	0.74	0.38	0.38	0.16	1.28	1.28	XXX
62252	TC	A	Csf shunt reprogram	0.00	1.09	NA	0.02	1.11	NA	XXX
62256	A	Remove brain cavity shunt	6.60	NA	5.45	1.34	NA	13.39	090
62258	A	Replace brain cavity shunt	14.54	NA	9.34	2.91	NA	26.79	090
62263	A	Epidural lysis mult sessions	6.14	13.45	2.43	0.42	20.01	8.99	010
62264	A	Epidural lysis on single day	4.43	11.38	1.32	0.30	16.11	6.05	010
62268	A	Drain spinal cord cyst	4.74	NA	2.71	0.29	NA	7.74	000
62269	A	Needle biopsy, spinal cord	5.02	NA	2.37	0.29	NA	7.68	000
62270	A	Spinal fluid tap, diagnostic	1.13	3.78	0.50	0.06	4.97	1.69	000
62272	A	Drain cerebro spinal fluid	1.35	4.85	0.65	0.13	6.33	2.13	000
62273	A	Treat epidural spine lesion	2.15	2.79	0.58	0.14	5.08	2.87	000
62280	A	Treat spinal cord lesion	2.63	9.34	0.82	0.17	12.14	3.62	010
62281	A	Treat spinal cord lesion	2.66	7.92	0.72	0.16	10.74	3.54	010
62282	A	Treat spinal canal lesion	2.33	11.43	0.73	0.14	13.90	3.20	010
62284	A	Injection for myelogram	1.54	5.07	0.61	0.10	6.71	2.25	000
62287	A	Percutaneous diskectomy	8.08	NA	5.04	0.66	NA	13.78	090
62290	A	Inject for spine disk x-ray	3.00	8.54	1.29	0.20	11.74	4.49	000
62291	A	Inject for spine disk x-ray	2.91	7.28	1.15	0.17	10.36	4.23	000
62292	A	Injection into disk lesion	7.86	NA	5.04	0.65	NA	13.55	090
62294	A	Injection into spinal artery	11.83	NA	6.68	0.85	NA	19.36	090
62310	A	Inject spine c/t	1.91	4.91	0.51	0.11	6.93	2.53	000
62311	A	Inject spine l/s (cd)	1.54	5.02	0.45	0.09	6.65	2.08	000
62318	A	Inject spine w/cath, c/t	2.04	5.53	0.52	0.12	7.69	2.68	000
62319	A	Inject spine w/cath l/s (cd)	1.87	4.90	0.48	0.11	6.88	2.46	000
62350	A	Implant spinal canal cath	6.87	NA	3.64	0.64	NA	11.15	090
62351	A	Implant spinal canal cath	10.00	NA	6.72	1.79	NA	18.51	090
62355	A	Remove spinal canal catheter	5.45	NA	2.82	0.47	NA	8.74	090
62360	A	Insert spine infusion device	2.62	NA	2.28	0.21	NA	5.11	090
62361	A	Implant spine infusion pump	5.42	NA	3.50	0.50	NA	9.42	090
62362	A	Implant spine infusion pump	7.04	NA	4.06	0.86	NA	11.96	090
62365	A	Remove spine infusion device	5.42	NA	4.09	0.58	NA	10.09	090
62367	C	Analyze spine infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	XXX
62367	26	A	Analyze spine infusion pump	0.48	0.13	0.13	0.03	0.64	0.64	XXX
62367	TC	C	Analyze spine infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	XXX
62368	C	Analyze spine infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	XXX
62368	26	A	Analyze spine infusion pump	0.75	0.19	0.19	0.05	0.99	0.99	XXX
62368	TC	C	Analyze spine infusion pump	0.00	0.00	0.00	0.00	0.00	0.00	XXX
63001	A	Removal of spinal lamina	15.82	NA	9.93	3.03	NA	28.78	090
63003	A	Removal of spinal lamina	15.95	NA	10.28	2.98	NA	29.21	090
63005	A	Removal of spinal lamina	14.92	NA	10.31	2.62	NA	27.85	090
63011	A	Removal of spinal lamina	14.52	NA	8.60	1.43	NA	24.55	090
63012	A	Removal of spinal lamina	15.40	NA	10.45	2.71	NA	28.56	090
63015	A	Removal of spinal lamina	19.35	NA	12.36	3.84	NA	35.55	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
63016	A	Removal of spinal lamina	19.20	NA	12.22	3.62	NA	35.04	090
63017	A	Removal of spinal lamina	15.94	NA	10.77	2.91	NA	29.62	090
63020	A	Neck spine disk surgery	14.81	NA	10.08	2.89	NA	27.78	090
63030	A	Low back disk surgery	12.00	NA	8.75	2.21	NA	22.96	090
63035	A	Spinal disk surgery add-on	3.15	NA	1.63	0.57	NA	5.35	ZZZ
63040	A	Laminotomy, single cervical	18.81	NA	11.91	3.36	NA	34.08	090
63042	A	Laminotomy, single lumbar	17.47	NA	11.71	3.11	NA	32.29	090
63043	C	Laminotomy, addl cervical	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
63044	C	Laminotomy, addl lumbar	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
63045	A	Removal of spinal lamina	16.50	NA	10.76	3.19	NA	30.45	090
63046	A	Removal of spinal lamina	15.80	NA	10.54	2.89	NA	29.23	090
63047	A	Removal of spinal lamina	14.61	NA	10.23	2.61	NA	27.45	090
63048	A	Remove spinal lamina add-on	3.26	NA	1.71	0.58	NA	5.55	ZZZ
63055	A	Decompress spinal cord	21.99	NA	13.60	4.09	NA	39.68	090
63056	A	Decompress spinal cord	20.36	NA	12.98	3.34	NA	36.68	090
63057	A	Decompress spine cord add-on	5.26	NA	2.71	0.81	NA	8.78	ZZZ
63064	A	Decompress spinal cord	24.61	NA	14.93	4.72	NA	44.26	090
63066	A	Decompress spine cord add-on	3.26	NA	1.71	0.63	NA	5.60	ZZZ
63075	A	Neck spine disk surgery	19.41	NA	12.53	3.73	NA	35.67	090
63076	A	Neck spine disk surgery	4.05	NA	2.11	0.78	NA	6.94	ZZZ
63077	A	Spine disk surgery, thorax	21.44	NA	13.08	3.44	NA	37.96	090
63078	A	Spine disk surgery, thorax	3.28	NA	1.67	0.50	NA	5.45	ZZZ
63081	A	Removal of vertebral body	23.73	NA	14.80	4.46	NA	42.99	090
63082	A	Remove vertebral body add-on	4.37	NA	2.29	0.82	NA	7.48	ZZZ
63085	A	Removal of vertebral body	26.92	NA	15.83	4.70	NA	47.45	090
63086	A	Remove vertebral body add-on	3.19	NA	1.63	0.55	NA	5.37	ZZZ
63087	A	Removal of vertebral body	35.57	NA	19.93	5.87	NA	61.37	090
63088	A	Remove vertebral body add-on	4.33	NA	2.23	0.77	NA	7.33	ZZZ
63090	A	Removal of vertebral body	28.16	NA	16.40	4.27	NA	48.83	090
63091	A	Remove vertebral body add-on	3.03	NA	1.49	0.45	NA	4.97	ZZZ
63170	A	Incise spinal cord tract(s)	19.83	NA	13.69	3.89	NA	37.41	090
63172	A	Drainage of spinal cyst	17.66	NA	13.21	3.46	NA	34.33	090
63173	A	Drainage of spinal cyst	21.99	NA	15.22	4.14	NA	41.35	090
63180	A	Revise spinal cord ligaments	18.27	NA	13.27	3.83	NA	35.37	090
63182	A	Revise spinal cord ligaments	20.50	NA	12.93	3.48	NA	36.91	090
63185	A	Incise spinal column/nerves	15.04	NA	9.82	2.08	NA	26.94	090
63190	A	Incise spinal column/nerves	17.45	NA	11.92	2.88	NA	32.25	090
63191	A	Incise spinal column/nerves	17.54	NA	12.31	3.50	NA	33.35	090
63194	A	Incise spinal column & cord	19.19	NA	13.35	4.01	NA	36.55	090
63195	A	Incise spinal column & cord	18.84	NA	12.97	3.44	NA	35.25	090
63196	A	Incise spinal column & cord	22.30	NA	13.65	4.66	NA	40.61	090
63197	A	Incise spinal column & cord	21.11	NA	13.85	4.42	NA	39.38	090
63198	A	Incise spinal column & cord	25.38	NA	10.80	5.31	NA	41.49	090
63199	A	Incise spinal column & cord	26.89	NA	16.29	5.62	NA	48.80	090
63200	A	Release of spinal cord	19.18	NA	13.10	3.61	NA	35.89	090
63250	A	Revise spinal cord vessels	40.76	NA	20.69	7.65	NA	69.10	090
63251	A	Revise spinal cord vessels	41.20	NA	23.26	7.98	NA	72.44	090
63252	A	Revise spinal cord vessels	41.19	NA	22.90	7.75	NA	71.84	090
63265	A	Excise intraspinal lesion	21.56	NA	13.30	4.29	NA	39.15	090
63266	A	Excise intraspinal lesion	22.30	NA	13.73	4.47	NA	40.50	090
63267	A	Excise intraspinal lesion	17.95	NA	11.53	3.50	NA	32.98	090
63268	A	Excise intraspinal lesion	18.52	NA	10.86	3.18	NA	32.56	090
63270	A	Excise intraspinal lesion	26.80	NA	16.10	5.41	NA	48.31	090
63271	A	Excise intraspinal lesion	26.92	NA	16.20	5.56	NA	48.68	090
63272	A	Excise intraspinal lesion	25.32	NA	15.27	5.07	NA	45.66	090
63273	A	Excise intraspinal lesion	24.29	NA	14.89	5.08	NA	44.26	090
63275	A	Biopsy/excise spinal tumor	23.68	NA	14.35	4.68	NA	42.71	090
63276	A	Biopsy/excise spinal tumor	23.45	NA	14.23	4.63	NA	42.31	090
63277	A	Biopsy/excise spinal tumor	20.83	NA	13.01	4.03	NA	37.87	090
63278	A	Biopsy/excise spinal tumor	20.56	NA	12.84	4.02	NA	37.42	090
63280	A	Biopsy/excise spinal tumor	28.35	NA	16.80	5.80	NA	50.95	090
63281	A	Biopsy/excise spinal tumor	28.05	NA	16.64	5.67	NA	50.36	090
63282	A	Biopsy/excise spinal tumor	26.39	NA	15.77	5.33	NA	47.49	090
63283	A	Biopsy/excise spinal tumor	25.00	NA	15.09	5.12	NA	45.21	090
63285	A	Biopsy/excise spinal tumor	36.00	NA	20.53	7.31	NA	63.84	090
63286	A	Biopsy/excise spinal tumor	35.63	NA	20.47	7.07	NA	63.17	090
63287	A	Biopsy/excise spinal tumor	36.70	NA	21.04	7.48	NA	65.22	090
63290	A	Biopsy/excise spinal tumor	37.38	NA	21.18	7.65	NA	66.21	090
63300	A	Removal of vertebral body	24.43	NA	14.84	4.78	NA	44.05	090
63301	A	Removal of vertebral body	27.60	NA	15.84	5.03	NA	48.47	090
63302	A	Removal of vertebral body	27.81	NA	16.16	5.25	NA	49.22	090
63303	A	Removal of vertebral body	30.50	NA	17.39	5.21	NA	53.10	090
63304	A	Removal of vertebral body	30.33	NA	17.77	4.72	NA	52.82	090
63305	A	Removal of vertebral body	32.03	NA	18.30	5.39	NA	55.72	090
63306	A	Removal of vertebral body	32.22	NA	18.04	2.39	NA	52.65	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
63307	A	Removal of vertebral body	31.63	NA	17.33	4.23	NA	53.19	090
63308	A	Remove vertebral body add-on	5.25	NA	2.67	1.01	NA	8.93	ZZZ
63600	A	Remove spinal cord lesion	14.02	NA	6.03	1.22	NA	21.27	090
63610	A	Stimulation of spinal cord	8.73	NA	3.79	0.43	NA	12.95	000
63615	A	Remove lesion of spinal cord	16.28	NA	9.99	2.85	NA	29.12	090
63650	A	Implant neuroelectrodes	6.74	NA	2.96	0.48	NA	10.18	090
63655	A	Implant neuroelectrodes	10.29	NA	7.23	1.85	NA	19.37	090
63660	A	Revise/remove neuroelectrode	6.16	NA	3.74	0.65	NA	10.55	090
63685	A	Implant neuroreceiver	7.04	NA	4.28	0.96	NA	12.28	090
63688	A	Revise/remove neuroreceiver	5.39	NA	3.68	0.70	NA	9.77	090
63700	A	Repair of spinal herniation	16.53	NA	10.45	2.69	NA	29.67	090
63702	A	Repair of spinal herniation	18.48	NA	10.71	1.36	NA	30.55	090
63704	A	Repair of spinal herniation	21.18	NA	12.61	3.84	NA	37.63	090
63706	A	Repair of spinal herniation	24.11	NA	13.52	4.73	NA	42.36	090
63707	A	Repair spinal fluid leakage	11.26	NA	8.01	1.96	NA	21.23	090
63709	A	Repair spinal fluid leakage	14.32	NA	9.70	2.49	NA	26.51	090
63710	A	Graft repair of spine defect	14.07	NA	9.43	2.61	NA	26.11	090
63740	A	Install spinal shunt	11.36	NA	7.76	2.15	NA	21.27	090
63741	A	Install spinal shunt	8.25	NA	4.86	1.05	NA	14.16	090
63744	A	Revision of spinal shunt	8.10	NA	5.58	1.51	NA	15.19	090
63746	A	Removal of spinal shunt	6.43	NA	4.04	1.15	NA	11.62	090
64400	A	N block inj, trigeminal	1.11	1.96	0.36	0.06	3.13	1.53	000
64402	A	N block inj, facial	1.25	1.57	0.54	0.07	2.89	1.86	000
64405	A	N block inj, occipital	1.32	1.70	0.40	0.08	3.10	1.80	000
64408	A	N block inj, vagus	1.41	2.60	0.67	0.09	4.10	2.17	000
64410	A	N block inj, phrenic	1.43	2.48	0.40	0.08	3.99	1.91	000
64412	A	N block inj, spinal accessor	1.18	2.62	0.37	0.08	3.88	1.63	000
64413	A	N block inj, cervical plexus	1.40	1.99	0.44	0.09	3.48	1.93	000
64415	A	N block inj, brachial plexus	1.48	3.05	0.39	0.08	4.61	1.95	000
64416	A	N block cont infuse, b plex	3.50	NA	0.75	0.08	NA	4.33	010
64417	A	N block inj, axillary	1.44	3.25	0.43	0.09	4.78	1.96	000
64418	A	N block inj, suprascapular	1.32	2.67	0.37	0.07	4.06	1.76	000
64420	A	N block inj, intercost, sng	1.18	3.56	0.35	0.07	4.81	1.60	000
64421	A	N block inj, intercost, mlt	1.68	5.30	0.46	0.10	7.08	2.24	000
64425	A	N block inj ilio-ing/hypogi	1.75	1.60	0.48	0.11	3.46	2.34	000
64430	A	N block inj, pudendal	1.46	2.09	0.50	0.11	3.66	2.07	000
64435	A	N block inj, paracervical	1.45	2.24	0.65	0.15	3.84	2.25	000
64445	A	N block inj, sciatic, sng	1.48	2.78	0.38	0.08	4.34	1.94	000
64446	A	N blk inj, sciatic, cont inf	3.25	NA	1.15	0.08	NA	4.48	010
64447	A	N block inj fem, single	1.50	NA	0.52	0.08	NA	2.10	000
64448	A	N block inj fem, cont inf	3.00	NA	1.04	0.08	NA	4.12	010
64450	A	N block, other peripheral	1.27	1.30	0.42	0.08	2.65	1.77	000
64470	A	Inj paravertebral c/t	1.85	4.99	0.57	0.12	6.96	2.54	000
64472	A	Inj paravertebral c/t add-on	1.29	1.99	0.32	0.09	3.37	1.70	ZZZ
64475	A	Inj paravertebral l/s	1.41	4.65	0.48	0.09	6.15	1.98	000
64476	A	Inj paravertebral l/s add-on	0.98	1.86	0.25	0.06	2.90	1.29	ZZZ
64479	A	Inj foramen epidural c/t	2.20	7.32	0.73	0.14	9.66	3.07	000
64480	A	Inj foramen epidural add-on	1.54	2.36	0.48	0.09	3.99	2.11	ZZZ
64483	A	Inj foramen epidural l/s	1.90	7.75	0.67	0.12	9.77	2.69	000
64484	A	Inj foramen epidural add-on	1.33	2.70	0.38	0.08	4.11	1.79	ZZZ
64505	A	N block, sphenopalatine gangl	1.36	1.89	0.49	0.08	3.33	1.93	000
64508	A	N block, carotid sinus s/p	1.12	4.79	0.52	0.06	5.97	1.70	000
64510	A	N block, stellate ganglion	1.22	3.19	0.38	0.07	4.48	1.67	000
64520	A	N block, lumbar/thoracic	1.35	4.54	0.42	0.08	5.97	1.85	000
64530	A	N block inj, celiac pelus	1.58	5.83	0.48	0.09	7.50	2.15	000
64550	A	Apply neurostimulator	0.18	0.56	0.05	0.01	0.75	0.24	000
64553	A	Implant neuroelectrodes	2.31	1.89	1.27	0.17	4.37	3.75	010
64555	A	Implant neuroelectrodes	2.27	2.47	0.64	0.11	4.85	3.02	010
64560	A	Implant neuroelectrodes	2.36	2.43	0.71	0.17	4.96	3.24	010
64561	A	Implant neuroelectrodes	6.74	15.24	3.78	0.11	22.09	10.63	010
64565	A	Implant neuroelectrodes	1.76	3.26	0.66	0.08	5.10	2.50	010
64573	A	Implant neuroelectrodes	7.50	NA	5.40	1.48	NA	14.38	090
64575	A	Implant neuroelectrodes	4.35	NA	3.01	0.37	NA	7.73	090
64577	A	Implant neuroelectrodes	4.62	NA	3.63	0.50	NA	8.75	090
64580	A	Implant neuroelectrodes	4.12	NA	4.01	0.21	NA	8.34	090
64581	A	Implant neuroelectrodes	13.50	NA	6.61	0.37	NA	20.48	090
64585	A	Revise/remove neuroelectrode	2.06	3.38	2.09	0.29	5.73	4.44	010
64590	A	Implant neuroreceiver	2.40	NA	2.24	0.40	NA	5.04	010
64595	A	Revise/remove neuroreceiver	1.73	NA	1.91	0.22	NA	3.86	010
64600	A	Injection treatment of nerve	3.45	9.19	1.50	0.28	12.92	5.23	010
64605	A	Injection treatment of nerve	5.61	10.60	2.01	0.53	16.74	8.15	010
64610	A	Injection treatment of nerve	7.16	NA	3.58	1.12	NA	11.86	010
64612	A	Destroy nerve, face muscle	1.96	2.29	1.03	0.09	4.34	3.08	010
64613	A	Destroy nerve, spine muscle	1.96	2.96	0.96	0.10	5.02	3.02	010
64614	A	Destroy nerve, extrem musc	2.20	4.40	1.04	0.09	6.69	3.33	010

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
64620	A	Injection treatment of nerve	2.84	6.13	1.10	0.17	9.14	4.11	010
64622	A	Destr paravertebrl nerve l/s	3.00	8.53	1.17	0.17	11.70	4.34	010
64623	A	Destr paravertebral n add-on	0.99	2.49	0.23	0.06	3.54	1.28	ZZZ
64626	A	Destr paravertebrl nerve c/t	3.28	8.46	1.84	0.22	11.96	5.34	010
64627	A	Destr paravertebral n add-on	1.16	2.70	0.27	0.08	3.94	1.51	ZZZ
64630	A	Injection treatment of nerve	3.00	4.46	1.22	0.16	7.62	4.38	010
64640	A	Injection treatment of nerve	2.76	6.72	1.70	0.11	9.59	4.57	010
64680	A	Injection treatment of nerve	2.62	7.28	1.21	0.15	10.05	3.98	010
64702	A	Revise finger/toe nerve	4.23	NA	3.99	0.51	NA	8.73	090
64704	A	Revise hand/foot nerve	4.57	NA	3.22	0.59	NA	8.38	090
64708	A	Revise arm/leg nerve	6.12	NA	5.12	0.82	NA	12.06	090
64712	A	Revision of sciatic nerve	7.75	NA	5.27	0.54	NA	13.56	090
64713	A	Revision of arm nerve(s)	11.00	NA	5.80	1.01	NA	17.81	090
64714	A	Revise low back nerve(s)	10.33	NA	4.22	0.64	NA	15.19	090
64716	A	Revision of cranial nerve	6.31	NA	4.97	0.59	NA	11.87	090
64718	A	Revise ulnar nerve at elbow	5.99	NA	5.30	0.87	NA	12.16	090
64719	A	Revise ulnar nerve at wrist	4.85	NA	4.77	0.63	NA	10.25	090
64721	A	Carpal tunnel surgery	4.29	5.97	5.64	0.59	10.85	10.52	090
64722	A	Relieve pressure on nerve(s)	4.70	NA	3.33	0.32	NA	8.35	090
64726	A	Release foot/toe nerve	4.18	NA	3.09	0.57	NA	7.84	090
64727	A	Internal nerve revision	3.10	NA	1.54	0.40	NA	5.04	ZZZ
64732	A	Incision of brow nerve	4.41	NA	3.64	0.77	NA	8.82	090
64734	A	Incision of cheek nerve	4.92	NA	3.65	0.83	NA	9.40	090
64736	A	Incision of chin nerve	4.60	NA	2.95	0.71	NA	8.26	090
64738	A	Incision of jaw nerve	5.73	NA	3.65	0.84	NA	10.22	090
64740	A	Incision of tongue nerve	5.59	NA	3.82	0.43	NA	9.84	090
64742	A	Incision of facial nerve	6.22	NA	4.71	0.69	NA	11.62	090
64744	A	Incise nerve, back of head	5.24	NA	4.00	0.98	NA	10.22	090
64746	A	Incise diaphragm nerve	5.93	NA	4.49	0.75	NA	11.17	090
64752	A	Incision of vagus nerve	7.06	NA	4.70	0.83	NA	12.59	090
64755	A	Incision of stomach nerves	13.52	NA	6.17	1.16	NA	20.85	090
64760	A	Incision of vagus nerve	6.96	NA	4.02	0.51	NA	11.49	090
64761	A	Incision of pelvis nerve	6.41	NA	3.63	0.26	NA	10.30	090
64763	A	Incise hip/thigh nerve	6.93	NA	6.07	0.77	NA	13.77	090
64766	A	Incise hip/thigh nerve	8.67	NA	5.68	0.99	NA	15.34	090
64771	A	Sever cranial nerve	7.35	NA	5.62	1.32	NA	14.29	090
64772	A	Incision of spinal nerve	7.21	NA	4.89	1.20	NA	13.30	090
64774	A	Remove skin nerve lesion	5.17	NA	3.78	0.60	NA	9.55	090
64776	A	Remove digit nerve lesion	5.12	NA	3.84	0.63	NA	9.59	090
64778	A	Digit nerve surgery add-on	3.11	NA	1.54	0.38	NA	5.03	ZZZ
64782	A	Remove limb nerve lesion	6.23	NA	3.72	0.79	NA	10.74	090
64783	A	Limb nerve surgery add-on	3.72	NA	1.89	0.48	NA	6.09	ZZZ
64784	A	Remove nerve lesion	9.82	NA	6.68	1.17	NA	17.67	090
64786	A	Remove sciatic nerve lesion	15.46	NA	10.13	2.22	NA	27.81	090
64787	A	Implant nerve end	4.30	NA	2.18	0.56	NA	7.04	ZZZ
64788	A	Remove skin nerve lesion	4.61	NA	3.48	0.54	NA	8.63	090
64790	A	Removal of nerve lesion	11.31	NA	7.29	1.68	NA	20.28	090
64792	A	Removal of nerve lesion	14.92	NA	8.85	1.88	NA	25.65	090
64795	A	Biopsy of nerve	3.01	NA	1.80	0.40	NA	5.21	000
64802	A	Remove sympathetic nerves	9.15	NA	5.43	0.87	NA	15.45	090
64804	A	Remove sympathetic nerves	14.64	NA	7.42	1.79	NA	23.85	090
64809	A	Remove sympathetic nerves	13.67	NA	6.31	0.96	NA	20.94	090
64818	A	Remove sympathetic nerves	10.30	NA	5.77	1.08	NA	17.15	090
64820	A	Remove sympathetic nerves	10.37	NA	7.44	1.17	NA	18.98	090
64821	A	Remove sympathestic nerves	8.75	NA	9.23	0.99	NA	18.97	090
64822	A	Remove sympathetic nerves	8.75	NA	9.23	0.99	NA	18.97	090
64823	A	Remove sympathetic nerves	10.37	NA	10.03	1.17	NA	21.57	090
64831	A	Repair of digit nerve	9.44	NA	7.24	1.14	NA	17.82	090
64832	A	Repair nerve add-on	5.66	NA	3.02	0.68	NA	9.36	ZZZ
64834	A	Repair of hand or foot nerve	10.19	NA	7.18	1.23	NA	18.60	090
64835	A	Repair of hand or foot nerve	10.94	NA	7.86	1.36	NA	20.16	090
64836	A	Repair of hand or foot nerve	10.94	NA	7.83	1.32	NA	20.09	090
64837	A	Repair nerve add-on	6.26	NA	3.31	0.80	NA	10.37	ZZZ
64840	A	Repair of leg nerve	13.02	NA	8.34	0.86	NA	22.22	090
64856	A	Repair/transpose nerve	13.80	NA	9.40	1.71	NA	24.91	090
64857	A	Repair arm/leg nerve	14.49	NA	9.87	1.76	NA	26.12	090
64858	A	Repair sciatic nerve	16.49	NA	10.82	2.78	NA	30.09	090
64859	A	Nerve surgery	4.26	NA	2.25	0.50	NA	7.01	ZZZ
64861	A	Repair of arm nerves	19.24	NA	12.64	2.45	NA	34.33	090
64862	A	Repair of low back nerves	19.44	NA	12.26	2.47	NA	34.17	090
64864	A	Repair of facial nerve	12.55	NA	8.52	1.13	NA	22.20	090
64865	A	Repair of facial nerve	15.24	NA	10.09	1.37	NA	26.70	090
64866	A	Fusion of facial/other nerve	15.74	NA	9.99	1.06	NA	26.79	090
64868	A	Fusion of facial/other nerve	14.04	NA	9.32	1.40	NA	24.76	090
64870	A	Fusion of facial/other nerve	15.99	NA	9.09	1.08	NA	26.16	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
64872	A	Subsequent repair of nerve	1.99	NA	1.08	0.24	NA	3.31	ZZZ
64874	A	Repair & revise nerve add-on	2.98	NA	1.54	0.34	NA	4.86	ZZZ
64876	A	Repair nerve/shorten bone	3.38	NA	1.31	0.39	NA	5.08	ZZZ
64885	A	Nerve graft, head or neck	17.53	NA	11.16	1.51	NA	30.20	090
64886	A	Nerve graft, head or neck	20.75	NA	13.07	1.73	NA	35.55	090
64890	A	Nerve graft, hand or foot	15.15	NA	10.25	1.74	NA	27.14	090
64891	A	Nerve graft, hand or foot	16.14	NA	7.75	1.38	NA	25.27	090
64892	A	Nerve graft, arm or leg	14.65	NA	9.10	1.65	NA	25.40	090
64893	A	Nerve graft, arm or leg	15.60	NA	10.05	1.77	NA	27.42	090
64895	A	Nerve graft, hand or foot	19.25	NA	9.82	2.04	NA	31.11	090
64896	A	Nerve graft, hand or foot	20.49	NA	11.11	1.85	NA	33.45	090
64897	A	Nerve graft, arm or leg	18.24	NA	10.91	2.64	NA	31.79	090
64898	A	Nerve graft, arm or leg	19.50	NA	11.88	2.71	NA	34.09	090
64901	A	Nerve graft add-on	10.22	NA	5.41	0.99	NA	16.62	ZZZ
64902	A	Nerve graft add-on	11.83	NA	6.13	1.10	NA	19.06	ZZZ
64905	A	Nerve pedicle transfer	14.02	NA	8.94	1.52	NA	24.48	090
64907	A	Nerve pedicle transfer	18.83	NA	12.38	1.79	NA	33.00	090
64999	C	Nervous system surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
65091	A	Revise eye	6.46	NA	11.28	0.26	NA	18.00	090
65093	A	Revise eye with implant	6.87	NA	11.50	0.28	NA	18.65	090
65101	A	Removal of eye	7.03	NA	11.59	0.28	NA	18.90	090
65103	A	Remove eye/insert implant	7.57	NA	11.74	0.30	NA	19.61	090
65105	A	Remove eye/attach implant	8.49	NA	12.24	0.34	NA	21.07	090
65110	A	Removal of eye	13.95	NA	15.29	0.68	NA	29.92	090
65112	A	Remove eye/revise socket	16.38	NA	17.54	0.96	NA	34.88	090
65114	A	Remove eye/revise socket	17.53	NA	17.50	0.94	NA	35.97	090
65125	A	Revise ocular implant	3.12	5.96	1.45	0.15	9.23	4.72	090
65130	A	Insert ocular implant	7.15	NA	11.22	0.28	NA	18.65	090
65135	A	Insert ocular implant	7.33	NA	11.43	0.29	NA	19.05	090
65140	A	Attach ocular implant	8.02	NA	11.71	0.31	NA	20.04	090
65150	A	Revise ocular implant	6.26	NA	10.75	0.25	NA	17.26	090
65155	A	Reinsert ocular implant	8.66	NA	12.54	0.40	NA	21.60	090
65175	A	Removal of ocular implant	6.28	NA	10.82	0.26	NA	17.36	090
65205	A	Remove foreign body from eye	0.71	0.62	0.19	0.03	1.36	0.93	000
65210	A	Remove foreign body from eye	0.84	0.77	0.30	0.03	1.64	1.17	000
65220	A	Remove foreign body from eye	0.71	8.06	0.18	0.05	8.82	0.94	000
65222	A	Remove foreign body from eye	0.93	0.78	0.28	0.04	1.75	1.25	000
65235	A	Remove foreign body from eye	7.57	NA	6.84	0.30	NA	14.71	090
65260	A	Remove foreign body from eye	10.96	NA	12.38	0.43	NA	23.77	090
65265	A	Remove foreign body from eye	12.59	NA	13.88	0.50	NA	26.97	090
65270	A	Repair of eye wound	1.90	3.97	2.31	0.08	5.95	4.29	010
65272	A	Repair of eye wound	3.82	5.59	4.64	0.16	9.57	8.62	090
65273	A	Repair of eye wound	4.36	NA	4.98	0.17	NA	9.51	090
65275	A	Repair of eye wound	5.34	5.56	5.08	0.27	11.17	10.69	090
65280	A	Repair of eye wound	7.66	NA	7.64	0.30	NA	15.60	090
65285	A	Repair of eye wound	12.90	NA	13.46	0.51	NA	26.87	090
65286	A	Repair of eye wound	5.51	8.82	7.61	0.21	14.54	13.33	090
65290	A	Repair of eye socket wound	5.41	NA	6.27	0.26	NA	11.94	090
65400	A	Removal of eye lesion	6.06	8.38	6.91	0.24	14.68	13.21	090
65410	A	Biopsy of cornea	1.47	1.71	0.67	0.06	3.24	2.20	000
65420	A	Removal of eye lesion	4.17	8.08	6.97	0.17	12.42	11.31	090
65426	A	Removal of eye lesion	5.25	7.80	6.54	0.20	13.25	11.99	090
65430	A	Corneal smear	1.47	8.34	0.68	0.06	9.87	2.21	000
65435	A	Curette/treat cornea	0.92	1.33	0.40	0.04	2.29	1.36	000
65436	A	Curette/treat cornea	4.19	5.81	4.86	0.17	10.17	9.22	090
65450	A	Treatment of corneal lesion	3.27	7.76	6.57	0.13	11.16	9.97	090
65600	A	Revision of cornea	3.40	5.39	1.43	0.14	8.93	4.97	090
65710	A	Corneal transplant	12.35	NA	12.72	0.49	NA	25.56	090
65730	A	Corneal transplant	14.25	NA	11.77	0.56	NA	26.58	090
65750	A	Corneal transplant	15.00	NA	14.13	0.59	NA	29.72	090
65755	A	Corneal transplant	14.89	NA	14.04	0.58	NA	29.51	090
65760	N	Revision of cornea	0.00	0.00	0.00	0.00	0.00	0.00	XXX
65765	N	Revision of cornea	0.00	0.00	0.00	0.00	0.00	0.00	XXX
65767	N	Corneal tissue transplant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
65770	A	Revise cornea with implant	17.56	NA	15.06	0.69	NA	33.31	090
65771	N	Radial keratotomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
65772	A	Correction of astigmatism	4.29	7.24	6.24	0.17	11.70	10.70	090
65775	A	Correction of astigmatism	5.79	NA	8.38	0.22	NA	14.39	090
65800	A	Drainage of eye	1.91	2.26	1.40	0.08	4.25	3.39	000
65805	A	Drainage of eye	1.91	2.26	1.41	0.08	4.25	3.40	000
65810	A	Drainage of eye	4.87	NA	8.65	0.19	NA	13.71	090
65815	A	Drainage of eye	5.05	9.08	7.88	0.20	14.33	13.13	090
65820	A	Relieve inner eye pressure	8.13	NA	10.64	0.32	NA	19.09	090
65850	A	Incision of eye	10.52	NA	9.99	0.41	NA	20.92	090
65855	A	Laser surgery of eye	3.85	5.01	3.56	0.17	9.03	7.58	010

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
65860	A	Incise inner eye adhesions	3.55	4.01	3.07	0.14	7.70	6.76	090
65865	A	Incise inner eye adhesions	5.60	NA	6.69	0.22	NA	12.51	090
65870	A	Incise inner eye adhesions	6.27	NA	7.02	0.24	NA	13.53	090
65875	A	Incise inner eye adhesions	6.54	NA	7.12	0.25	NA	13.91	090
65880	A	Incise inner eye adhesions	7.09	NA	7.38	0.28	NA	14.75	090
65900	A	Remove eye lesion	10.93	NA	12.48	0.46	NA	23.87	090
65920	A	Remove implant of eye	8.40	NA	7.99	0.33	NA	16.72	090
65930	A	Remove blood clot from eye	7.44	NA	8.56	0.29	NA	16.29	090
66020	A	Injection treatment of eye	1.59	2.36	1.52	0.07	4.02	3.18	010
66030	A	Injection treatment of eye	1.25	2.20	1.35	0.05	3.50	2.65	010
66130	A	Remove eye lesion	7.69	7.39	6.48	0.31	15.39	14.48	090
66150	A	Glaucoma surgery	8.30	NA	10.61	0.33	NA	19.24	090
66155	A	Glaucoma surgery	8.29	NA	10.58	0.32	NA	19.19	090
66160	A	Glaucoma surgery	10.17	NA	11.44	0.41	NA	22.02	090
66165	A	Glaucoma surgery	8.01	NA	10.44	0.31	NA	18.76	090
66170	A	Glaucoma surgery	12.16	NA	16.52	0.48	NA	29.16	090
66172	A	Incision of eye	15.04	NA	15.12	0.59	NA	30.75	090
66180	A	Implant eye shunt	14.55	NA	12.04	0.57	NA	27.16	090
66185	A	Revise eye shunt	8.14	NA	8.23	0.32	NA	16.69	090
66220	A	Repair eye lesion	7.77	NA	9.93	0.32	NA	18.02	090
66225	A	Repair/graft eye lesion	11.05	NA	9.31	0.44	NA	20.80	090
66250	A	Follow-up surgery of eye	5.98	7.79	6.33	0.23	14.00	12.54	090
66500	A	Incision of iris	3.71	NA	4.65	0.15	NA	8.51	090
66505	A	Incision of iris	4.08	NA	4.80	0.17	NA	9.05	090
66600	A	Remove iris and lesion	8.68	NA	8.62	0.34	NA	17.64	090
66605	A	Removal of iris	12.79	NA	12.14	0.61	NA	25.54	090
66625	A	Removal of iris	5.13	7.62	6.59	0.20	12.95	11.92	090
66630	A	Removal of iris	6.16	NA	7.50	0.24	NA	13.90	090
66635	A	Removal of iris	6.25	NA	6.46	0.24	NA	12.95	090
66680	A	Repair iris & ciliary body	5.44	NA	6.06	0.21	NA	11.71	090
66682	A	Repair iris & ciliary body	6.21	NA	7.51	0.24	NA	13.96	090
66700	A	Destruction, ciliary body	4.78	5.44	4.27	0.19	10.41	9.24	090
66710	A	Destruction, ciliary body	4.78	5.14	3.81	0.18	10.11	8.76	090
66720	A	Destruction, ciliary body	4.78	5.45	4.49	0.19	10.42	9.34	090
66740	A	Destruction, ciliary body	4.78	NA	4.84	0.18	NA	10.76	090
66761	A	Revision of iris	4.07	5.25	3.98	0.16	10.48	9.18	090
66762	A	Revision of iris	4.58	5.33	3.97	0.18	9.99	9.70	090
66770	A	Removal of inner eye lesion	5.18	5.76	4.48	0.20	12.14	10.84	090
66820	A	Incision, secondary cataract	3.89	NA	8.19	0.16	NA	12.24	090
66821	A	After cataract laser surgery	2.35	3.78	3.34	0.10	6.23	5.79	090
66825	A	Reposition intraocular lens	8.23	NA	10.19	0.32	NA	18.74	090
66830	A	Removal of lens lesion	8.20	NA	6.83	0.32	NA	15.35	090
66840	A	Removal of lens material	7.91	NA	6.74	0.31	NA	14.96	090
66850	A	Removal of lens material	9.11	NA	7.26	0.36	NA	16.73	090
66852	A	Removal of lens material	9.97	NA	7.72	0.39	NA	18.08	090
66920	A	Extraction of lens	8.86	NA	7.19	0.35	NA	16.40	090
66930	A	Extraction of lens	10.18	NA	8.68	0.41	NA	19.27	090
66940	A	Extraction of lens	8.93	NA	8.12	0.35	NA	17.40	090
66982	A	Cataract surgery, complex	13.50	NA	9.09	0.56	NA	23.15	090
66983	A	Cataract surg w/iol, 1 stage	8.99	NA	5.88	0.37	NA	15.24	090
66984	A	Cataract surg w/iol, 1 stage	10.23	NA	7.59	0.41	NA	18.23	090
66985	A	Insert lens prosthesis	8.39	NA	6.82	0.33	NA	15.54	090
66986	A	Exchange lens prosthesis	12.28	NA	8.57	0.49	NA	21.34	090
66990	A	Ophthalmic endoscope add-on	1.51	NA	0.70	0.06	NA	2.27	ZZZ
66999	C	Eye surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67005	A	Partial removal of eye fluid	5.70	NA	2.65	0.22	NA	8.57	090
67010	A	Partial removal of eye fluid	6.87	NA	3.20	0.27	NA	10.34	090
67015	A	Release of eye fluid	6.92	NA	8.12	0.27	NA	15.31	090
67025	A	Replace eye fluid	6.84	16.76	7.51	0.27	23.87	14.62	090
67027	A	Implant eye drug system	10.85	14.10	8.71	0.46	25.41	20.02	090
67028	A	Injection eye drug	2.52	10.43	1.16	0.11	13.06	3.79	000
67030	A	Incise inner eye strands	4.84	NA	6.72	0.19	NA	11.75	090
67031	A	Laser surgery, eye strands	3.67	4.08	3.13	0.15	7.90	6.95	090
67036	A	Removal of inner eye fluid	11.89	NA	8.99	0.47	NA	21.35	090
67038	A	Strip retinal membrane	21.24	NA	15.45	0.84	NA	37.53	090
67039	A	Laser treatment of retina	14.52	NA	12.33	0.57	NA	27.42	090
67040	A	Laser treatment of retina	17.23	NA	13.59	0.68	NA	31.50	090
67101	A	Repair detached retina	7.53	10.94	8.87	0.29	18.76	16.69	090
67105	A	Repair detached retina	7.41	7.56	5.54	0.29	15.26	13.24	090
67107	A	Repair detached retina	14.84	NA	13.18	0.58	NA	28.60	090
67108	A	Repair detached retina	20.82	NA	17.69	0.82	NA	39.33	090
67110	A	Repair detached retina	8.81	20.18	10.29	0.35	29.34	19.45	090
67112	A	Rerepair detached retina	16.86	NA	15.69	0.66	NA	33.21	090
67115	A	Release encircling material	4.99	NA	6.81	0.19	NA	11.99	090
67120	A	Remove eye implant material	5.98	16.07	7.12	0.23	22.28	13.33	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
67121	A	Remove eye implant material	10.67	NA	12.10	0.42	NA	23.19	090
67141	A	Treatment of retina	5.20	8.03	6.95	0.20	13.43	12.35	090
67145	A	Treatment of retina	5.37	5.27	4.16	0.21	10.85	9.74	090
67208	A	Treatment of retinal lesion	6.70	8.36	7.13	0.26	15.32	14.09	090
67210	A	Treatment of retinal lesion	8.82	7.26	5.74	0.35	16.43	14.91	090
67218	A	Treatment of retinal lesion	18.53	NA	15.79	0.53	NA	34.85	090
67220	A	Treatment of choroid lesion	13.13	10.81	9.62	0.51	24.45	23.26	090
67221	A	Ocular photodynamic ther	4.01	4.63	1.88	0.16	8.80	6.05	000
67225	A	Eye photodynamic ther add-on	0.47	0.28	0.21	0.01	0.76	0.69	ZZZ
67227	A	Treatment of retinal lesion	6.58	9.10	7.15	0.26	15.94	13.99	090
67228	A	Treatment of retinal lesion	12.74	9.84	7.21	0.50	23.08	20.45	090
67250	A	Reinforce eye wall	8.66	NA	11.67	0.36	NA	20.69	090
67255	A	Reinforce/graft eye wall	8.90	NA	11.84	0.35	NA	21.09	090
67299	C	Eye surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67311	A	Revise eye muscle	6.65	NA	6.15	0.27	NA	13.07	090
67312	A	Revise two eye muscles	8.54	NA	7.20	0.35	NA	16.09	090
67314	A	Revise eye muscle	7.52	NA	6.72	0.30	NA	14.54	090
67316	A	Revise two eye muscles	9.66	NA	7.70	0.40	NA	17.76	090
67318	A	Revise eye muscle(s)	7.85	NA	7.11	0.31	NA	15.27	090
67320	A	Revise eye muscle(s) add-on	4.33	NA	2.01	0.17	NA	6.51	ZZZ
67331	A	Eye surgery follow-up add-on	4.06	NA	1.94	0.17	NA	6.17	ZZZ
67332	A	Rerevise eye muscles add-on	4.49	NA	2.08	0.18	NA	6.75	ZZZ
67334	A	Revise eye muscle w/suture	3.98	NA	1.84	0.16	NA	5.98	ZZZ
67335	A	Eye suture during surgery	2.49	NA	1.15	0.10	NA	3.74	ZZZ
67340	A	Revise eye muscle add-on	4.93	NA	2.28	0.19	NA	7.40	ZZZ
67343	A	Release eye tissue	7.35	NA	7.00	0.30	NA	14.65	090
67345	A	Destroy nerve of eye muscle	2.96	4.33	1.34	0.13	7.42	4.43	010
67350	A	Biopsy eye muscle	2.87	NA	1.93	0.13	NA	4.93	000
67399	C	Eye muscle surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67400	A	Explore/biopsy eye socket	9.76	NA	13.39	0.43	NA	23.58	090
67405	A	Explore/drain eye socket	7.93	NA	12.30	0.36	NA	20.59	090
67412	A	Explore/treat eye socket	9.50	NA	15.45	0.41	NA	25.36	090
67413	A	Explore/treat eye socket	10.00	NA	13.35	0.43	NA	23.78	090
67414	A	Explr/decompress eye socket	11.13	NA	16.37	0.48	NA	27.98	090
67415	A	Aspiration, orbital contents	1.76	NA	0.79	0.09	NA	2.64	000
67420	A	Explore/treat eye socket	20.06	NA	20.10	0.84	NA	41.00	090
67430	A	Explore/treat eye socket	13.39	NA	17.12	0.97	NA	31.48	090
67440	A	Explore/drain eye socket	13.09	NA	16.53	0.58	NA	30.20	090
67445	A	Explr/decompress eye socket	14.42	NA	17.65	0.63	NA	32.70	090
67450	A	Explore/biopsy eye socket	13.51	NA	16.68	0.56	NA	30.75	090
67500	A	Inject/treat eye socket	0.79	0.84	0.19	0.04	1.67	1.02	000
67505	A	Inject/treat eye socket	0.82	0.93	0.21	0.04	1.79	1.07	000
67515	A	Inject/treat eye socket	0.61	0.84	0.28	0.02	1.47	0.91	000
67550	A	Insert eye socket implant	10.19	NA	13.19	0.50	NA	23.88	090
67560	A	Revise eye socket implant	10.60	NA	13.05	0.47	NA	24.12	090
67570	A	Decompress optic nerve	13.58	NA	17.13	0.69	NA	31.40	090
67599	C	Orbit surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67700	A	Drainage of eyelid abscess	1.35	7.46	0.58	0.06	8.87	1.99	010
67710	A	Incision of eyelid	1.02	7.61	0.48	0.04	8.67	1.54	010
67715	A	Incision of eyelid fold	1.22	NA	0.57	0.05	NA	1.84	010
67800	A	Remove eyelid lesion	1.38	2.58	0.64	0.06	4.02	2.08	010
67801	A	Remove eyelid lesions	1.88	7.91	0.88	0.08	9.87	2.84	010
67805	A	Remove eyelid lesions	2.22	8.08	1.03	0.09	10.39	3.34	010
67808	A	Remove eyelid lesion(s)	3.80	NA	4.16	0.17	NA	8.13	090
67810	A	Biopsy of eyelid	1.48	5.52	0.70	0.06	7.06	2.24	000
67820	A	Revise eyelashes	0.89	1.96	0.38	0.04	2.89	1.31	000
67825	A	Revise eyelashes	1.38	5.49	1.03	0.06	6.93	2.47	010
67830	A	Revise eyelashes	1.70	11.06	2.11	0.07	12.83	3.88	010
67835	A	Revise eyelashes	5.56	NA	4.65	0.22	NA	10.43	090
67840	A	Remove eyelid lesion	2.04	7.87	0.96	0.08	9.99	3.08	010
67850	A	Treat eyelid lesion	1.69	9.04	2.06	0.07	10.80	3.82	010
67875	A	Closure of eyelid by suture	1.35	11.20	2.08	0.06	12.61	3.49	000
67880	A	Revision of eyelid	3.80	12.26	3.13	0.16	16.22	7.09	090
67882	A	Revision of eyelid	5.07	14.08	4.62	0.21	19.36	9.90	090
67900	A	Repair brow defect	6.14	10.96	6.46	0.30	17.40	12.90	090
67901	A	Repair eyelid defect	6.97	NA	6.80	0.32	NA	14.09	090
67902	A	Repair eyelid defect	7.03	NA	6.88	0.34	NA	14.25	090
67903	A	Repair eyelid defect	6.37	12.11	7.18	0.39	18.87	13.94	090
67904	A	Repair eyelid defect	6.26	14.38	8.10	0.26	20.90	14.62	090
67906	A	Repair eyelid defect	6.79	9.57	6.37	0.42	16.78	13.58	090
67908	A	Repair eyelid defect	5.13	9.32	6.10	0.20	14.65	11.43	090
67909	A	Revise eyelid defect	5.40	9.94	6.58	0.25	15.59	12.23	090
67911	A	Revise eyelid defect	5.27	NA	6.68	0.23	NA	12.18	090
67914	A	Repair eyelid defect	3.68	12.71	3.56	0.16	16.55	7.40	090
67915	A	Repair eyelid defect	3.18	11.26	1.48	0.13	14.57	4.79	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
67916	A	Repair eyelid defect	5.31	15.80	5.33	0.22	21.33	10.86	090
67917	A	Repair eyelid defect	6.02	10.26	6.60	0.25	16.53	12.87	090
67921	A	Repair eyelid defect	3.40	12.44	3.35	0.14	15.98	6.89	090
67922	A	Repair eyelid defect	3.06	11.23	3.16	0.13	14.42	6.35	090
67923	A	Repair eyelid defect	5.88	14.92	5.42	0.24	21.04	11.54	090
67924	A	Repair eyelid defect	5.79	9.60	5.96	0.23	15.62	11.98	090
67930	A	Repair eyelid wound	3.61	12.28	3.05	0.17	16.06	6.83	010
67935	A	Repair eyelid wound	6.22	15.02	5.40	0.29	21.53	11.91	090
67938	A	Remove eyelid foreign body	1.33	9.40	0.51	0.06	10.79	1.90	010
67950	A	Revision of eyelid	5.82	8.75	7.27	0.30	14.87	13.39	090
67961	A	Revision of eyelid	5.69	9.12	5.75	0.26	15.07	11.70	090
67966	A	Revision of eyelid	6.57	8.80	5.89	0.33	15.70	12.79	090
67971	A	Reconstruction of eyelid	9.79	NA	7.53	0.42	NA	17.74	090
67973	A	Reconstruction of eyelid	12.87	NA	9.54	0.59	NA	23.00	090
67974	A	Reconstruction of eyelid	12.84	NA	9.45	0.54	NA	22.83	090
67975	A	Reconstruction of eyelid	9.13	NA	7.20	0.38	NA	16.71	090
67999	C	Revision of eyelid	0.00	0.00	0.00	0.00	0.00	0.00	YYY
68020	A	Incise/drain eyelid lining	1.37	7.52	0.63	0.06	8.95	2.06	010
68040	A	Treatment of eyelid lesions	0.85	7.38	0.39	0.03	8.26	1.27	000
68100	A	Biopsy of eyelid lining	1.35	7.59	0.62	0.06	9.00	2.03	000
68110	A	Remove eyelid lining lesion	1.77	8.64	1.35	0.07	10.48	3.19	010
68115	A	Remove eyelid lining lesion	2.36	8.14	1.09	0.10	10.60	3.55	010
68130	A	Remove eyelid lining lesion	4.93	NA	2.30	0.19	NA	7.42	090
68135	A	Remove eyelid lining lesion	1.84	7.89	0.86	0.07	9.80	2.77	010
68200	A	Treat eyelid by injection	0.49	0.74	0.23	0.02	1.25	0.74	000
68320	A	Revise/graft eyelid lining	5.37	5.56	5.14	0.21	11.14	10.72	090
68325	A	Revise/graft eyelid lining	7.36	NA	6.16	0.30	NA	13.82	090
68326	A	Revise/graft eyelid lining	7.15	NA	6.03	0.30	NA	13.48	090
68328	A	Revise/graft eyelid lining	8.18	NA	6.79	0.40	NA	15.37	090
68330	A	Revise eyelid lining	4.83	7.04	5.53	0.19	12.06	10.55	090
68335	A	Revise/graft eyelid lining	7.19	NA	5.48	0.29	NA	12.96	090
68340	A	Separate eyelid adhesions	4.17	14.49	4.17	0.17	18.83	8.51	090
68360	A	Revise eyelid lining	4.37	6.58	5.23	0.17	11.12	9.77	090
68362	A	Revise eyelid lining	7.34	NA	7.82	0.29	NA	15.45	090
68399	C	Eyelid lining surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
68400	A	Incise/drain tear gland	1.69	11.17	2.13	0.07	12.93	3.89	010
68420	A	Incise/drain tear sac	2.30	11.50	2.44	0.10	13.90	4.84	010
68440	A	Incise tear duct opening	0.94	7.52	0.44	0.04	8.50	1.42	010
68500	A	Removal of tear gland	11.02	NA	9.59	0.60	NA	21.21	090
68505	A	Partial removal, tear gland	10.94	NA	10.69	0.57	NA	22.20	090
68510	A	Biopsy of tear gland	4.61	12.31	2.15	0.19	17.11	6.95	000
68520	A	Removal of tear sac	7.51	NA	7.17	0.33	NA	15.01	090
68525	A	Biopsy of tear sac	4.43	NA	2.07	0.18	NA	6.68	000
68530	A	Clearance of tear duct	3.66	13.81	3.00	0.16	17.63	6.82	010
68540	A	Remove tear gland lesion	10.60	NA	9.17	0.46	NA	20.23	090
68550	A	Remove tear gland lesion	13.26	NA	11.19	0.66	NA	25.11	090
68700	A	Repair tear ducts	6.60	NA	6.64	0.27	NA	13.51	090
68705	A	Revise tear duct opening	2.06	8.07	0.97	0.08	10.21	3.11	010
68720	A	Create tear sac drain	8.96	NA	7.78	0.38	NA	17.12	090
68745	A	Create tear duct drain	8.63	NA	7.66	0.38	NA	16.67	090
68750	A	Create tear duct drain	8.66	NA	8.17	0.37	NA	17.20	090
68760	A	Close tear duct opening	1.73	6.49	1.19	0.07	8.29	2.99	010
68761	A	Close tear duct opening	1.36	3.00	0.95	0.06	4.42	2.37	010
68770	A	Close tear system fistula	7.02	16.24	5.98	0.28	23.54	13.28	090
68801	A	Dilate tear duct opening	0.94	0.85	0.56	0.04	1.83	1.54	010
68810	A	Probe nasolacrimal duct	1.90	2.40	0.88	0.08	4.38	2.86	010
68811	A	Probe nasolacrimal duct	2.35	NA	2.39	0.10	NA	4.84	010
68815	A	Probe nasolacrimal duct	3.20	12.25	2.83	0.14	15.59	6.17	010
68840	A	Explore/irrigate tear ducts	1.25	1.56	0.93	0.05	2.86	2.23	010
68850	A	Injection for tear sac x-ray	0.80	14.94	0.31	0.03	15.77	1.14	000
68899	C	Tear duct system surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69000	A	Drain external ear lesion	1.45	2.10	0.55	0.10	3.65	2.10	010
69005	A	Drain external ear lesion	2.11	2.53	2.01	0.16	4.80	4.28	010
69020	A	Drain outer ear canal lesion	1.48	2.22	0.71	0.11	3.81	2.30	010
69090	N	Pierce earlobes	0.00	0.00	0.00	0.00	0.00	0.00	XXX
69100	A	Biopsy of external ear	0.81	1.59	0.41	0.04	2.44	1.26	000
69105	A	Biopsy of external ear canal	0.85	1.51	1.02	0.06	2.42	1.93	000
69110	A	Remove external ear, partial	3.44	3.53	2.78	0.24	7.21	6.46	090
69120	A	Removal of external ear	4.05	NA	4.45	0.31	NA	8.81	090
69140	A	Remove ear canal lesion(s)	7.97	NA	8.07	0.56	NA	16.60	090
69145	A	Remove ear canal lesion(s)	2.62	3.37	2.52	0.18	6.17	5.32	090
69150	A	Extensive ear canal surgery	13.43	NA	11.17	1.07	NA	25.67	090
69155	A	Extensive ear/neck surgery	20.80	NA	15.26	1.51	NA	37.57	090
69200	A	Clear outer ear canal	0.77	1.44	0.76	0.05	2.26	1.58	000
69205	A	Clear outer ear canal	1.20	NA	1.56	0.09	NA	2.85	010

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
69210	A	Remove impacted ear wax	0.61	0.58	0.24	0.04	1.23	0.89	000
69220	A	Clean out mastoid cavity	0.83	1.52	0.43	0.06	2.41	1.32	000
69222	A	Clean out mastoid cavity	1.40	2.23	1.70	0.10	3.73	3.20	010
69300	R	Revise external ear	6.36	NA	4.37	0.43	NA	11.16	YYY
69310	A	Rebuild outer ear canal	10.79	NA	9.71	0.77	NA	21.27	090
69320	A	Rebuild outer ear canal	16.96	NA	13.79	1.17	NA	31.92	090
69399	C	Outer ear surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69400	A	Inflate middle ear canal	0.83	1.51	0.40	0.06	2.40	1.29	000
69401	A	Inflate middle ear canal	0.63	1.41	0.35	0.04	2.08	1.02	000
69405	A	Catheterize middle ear canal	2.63	3.09	1.46	0.18	5.90	4.27	010
69410	A	Inset middle ear (baffle)	0.33	1.42	0.16	0.02	1.77	0.51	000
69420	A	Incision of eardrum	1.33	2.36	0.71	0.10	3.79	2.14	010
69421	A	Incision of eardrum	1.73	2.58	1.90	0.13	4.44	3.76	010
69424	A	Remove ventilating tube	0.85	1.69	0.90	0.06	2.60	1.81	000
69433	A	Create eardrum opening	1.52	2.31	0.85	0.11	3.94	2.48	010
69436	A	Create eardrum opening	1.96	NA	2.04	0.14	NA	4.14	010
69440	A	Exploration of middle ear	7.57	NA	7.30	0.53	NA	15.40	090
69450	A	Eardrum revision	5.57	NA	6.11	0.39	NA	12.07	090
69501	A	Mastoidectomy	9.07	NA	8.07	0.65	NA	17.79	090
69502	A	Mastoidectomy	12.38	NA	10.64	0.86	NA	23.88	090
69505	A	Remove mastoid structures	12.99	NA	10.89	0.92	NA	24.80	090
69511	A	Extensive mastoid surgery	13.52	NA	11.23	0.96	NA	25.71	090
69530	A	Extensive mastoid surgery	19.19	NA	14.75	1.32	NA	35.26	090
69535	A	Remove part of temporal bone	36.14	NA	24.17	2.59	NA	62.90	090
69540	A	Remove ear lesion	1.20	2.27	1.59	0.09	3.56	2.88	010
69550	A	Remove ear lesion	10.99	NA	9.75	0.80	NA	21.54	090
69552	A	Remove ear lesion	19.46	NA	14.32	1.36	NA	35.14	090
69554	A	Remove ear lesion	33.16	NA	21.82	2.32	NA	57.30	090
69601	A	Mastoid surgery revision	13.24	NA	11.82	0.92	NA	25.98	090
69602	A	Mastoid surgery revision	13.58	NA	11.36	0.94	NA	25.88	090
69603	A	Mastoid surgery revision	14.02	NA	11.55	1.00	NA	26.57	090
69604	A	Mastoid surgery revision	14.02	NA	11.48	0.98	NA	26.48	090
69605	A	Mastoid surgery revision	18.49	NA	14.48	1.29	NA	34.26	090
69610	A	Repair of eardrum	4.43	4.22	3.40	0.31	8.96	8.14	010
69620	A	Repair of eardrum	5.89	6.87	3.19	0.40	13.16	9.48	090
69631	A	Repair eardrum structures	9.86	NA	9.19	0.69	NA	19.74	090
69632	A	Rebuild eardrum structures	12.75	NA	11.54	0.89	NA	25.18	090
69633	A	Rebuild eardrum structures	12.10	NA	11.19	0.84	NA	24.13	090
69635	A	Repair eardrum structures	13.33	NA	10.74	0.87	NA	24.94	090
69636	A	Rebuild eardrum structures	15.22	NA	13.01	1.07	NA	29.30	090
69637	A	Rebuild eardrum structures	15.11	NA	12.92	1.06	NA	29.09	090
69641	A	Revise middle ear & mastoid	12.71	NA	10.87	0.89	NA	24.47	090
69642	A	Revise middle ear & mastoid	16.84	NA	13.86	1.18	NA	31.88	090
69643	A	Revise middle ear & mastoid	15.32	NA	13.01	1.08	NA	29.41	090
69644	A	Revise middle ear & mastoid	16.97	NA	13.94	1.19	NA	32.10	090
69645	A	Revise middle ear & mastoid	16.38	NA	13.57	1.16	NA	31.11	090
69646	A	Revise middle ear & mastoid	17.99	NA	14.53	1.26	NA	33.78	090
69650	A	Release middle ear bone	9.66	NA	8.43	0.68	NA	18.77	090
69660	A	Revise middle ear bone	11.90	NA	9.65	0.84	NA	22.39	090
69661	A	Revise middle ear bone	15.74	NA	12.44	1.10	NA	29.28	090
69662	A	Revise middle ear bone	15.44	NA	12.31	1.08	NA	28.83	090
69666	A	Repair middle ear structures	9.75	NA	8.51	0.68	NA	18.94	090
69667	A	Repair middle ear structures	9.76	NA	8.49	0.72	NA	18.97	090
69670	A	Remove mastoid air cells	11.51	NA	10.11	0.78	NA	22.40	090
69676	A	Remove middle ear nerve	9.52	NA	9.03	0.69	NA	19.24	090
69700	A	Close mastoid fistula	8.23	NA	5.53	0.55	NA	14.31	090
69710	N	Implant/replace hearing aid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
69711	A	Remove/repair hearing aid	10.44	NA	9.35	0.62	NA	20.41	090
69714	A	Implant temple bone w/stimul	14.00	NA	11.17	1.01	NA	26.18	090
69715	A	Temple bone implnt w/stimulat	18.25	NA	13.73	1.32	NA	33.30	090
69717	A	Temple bone implant revision	14.98	NA	10.55	1.08	NA	26.61	090
69718	A	Revise temple bone implant	18.50	NA	13.61	1.34	NA	33.45	090
69720	A	Release facial nerve	14.38	NA	12.47	1.03	NA	27.88	090
69725	A	Release facial nerve	25.38	NA	18.04	1.78	NA	45.20	090
69740	A	Repair facial nerve	15.96	NA	11.27	1.13	NA	28.36	090
69745	A	Repair facial nerve	16.69	NA	12.77	1.00	NA	30.46	090
69799	C	Middle ear surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69801	A	Incise inner ear	8.56	NA	7.84	0.60	NA	17.00	090
69802	A	Incise inner ear	13.10	NA	11.13	0.91	NA	25.14	090
69805	A	Explore inner ear	13.82	NA	10.80	0.97	NA	25.59	090
69806	A	Explore inner ear	12.35	NA	10.68	0.86	NA	23.89	090
69820	A	Establish inner ear window	10.34	NA	8.97	0.66	NA	19.97	090
69840	A	Revise inner ear window	10.26	NA	7.64	0.64	NA	18.54	090
69905	A	Remove inner ear	11.10	NA	9.73	0.77	NA	21.60	090
69910	A	Remove inner ear & mastoid	13.63	NA	11.19	0.94	NA	25.76	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
69915	....	A	Incise inner ear nerve	21.23	NA	15.65	1.54	NA	38.42	090
69930	....	A	Implant cochlear device	16.81	NA	12.70	1.19	NA	30.70	090
69949	....	C	Inner ear surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69950	....	A	Incise inner ear nerve	25.64	NA	16.46	2.90	NA	45.00	090
69955	....	A	Release facial nerve	27.04	NA	18.64	1.89	NA	47.57	090
69960	....	A	Release inner ear canal	27.04	NA	18.13	2.43	NA	47.60	090
69970	....	A	Remove inner ear lesion	30.04	NA	18.91	2.34	NA	51.29	090
69979	....	C	Temporal bone surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69990	....	R	Microsurgery add-on	3.47	NA	1.84	0.56	NA	5.87	ZZZ
70010	....	A	Contrast x-ray of brain	1.19	4.72	NA	0.24	6.15	NA	XXX
70010	26	A	Contrast x-ray of brain	1.19	0.41	0.41	0.06	1.66	1.66	XXX
70010	TC	A	Contrast x-ray of brain	0.00	4.31	NA	0.18	4.49	NA	XXX
70015	....	A	Contrast x-ray of brain	1.19	1.75	NA	0.12	3.06	NA	XXX
70015	26	A	Contrast x-ray of brain	1.19	0.41	0.41	0.05	1.65	1.65	XXX
70015	TC	A	Contrast x-ray of brain	0.00	1.34	NA	0.07	1.41	NA	XXX
70030	....	A	X-ray eye for foreign body	0.17	0.48	NA	0.03	0.68	NA	XXX
70030	26	A	X-ray eye for foreign body	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70030	TC	A	X-ray eye for foreign body	0.00	0.42	NA	0.02	0.44	NA	XXX
70100	....	A	X-ray exam of jaw	0.18	0.58	NA	0.03	0.79	NA	XXX
70100	26	A	X-ray exam of jaw	0.18	0.06	0.06	0.01	0.25	0.25	XXX
70100	TC	A	X-ray exam of jaw	0.00	0.52	NA	0.02	0.54	NA	XXX
70110	....	A	X-ray exam of jaw	0.25	0.70	NA	0.04	0.99	NA	XXX
70110	26	A	X-ray exam of jaw	0.25	0.08	0.08	0.01	0.34	0.34	XXX
70110	TC	A	X-ray exam of jaw	0.00	0.62	NA	0.03	0.65	NA	XXX
70120	....	A	X-ray exam of mastoids	0.18	0.68	NA	0.04	0.90	NA	XXX
70120	26	A	X-ray exam of mastoids	0.18	0.06	0.06	0.01	0.25	0.25	XXX
70120	TC	A	X-ray exam of mastoids	0.00	0.62	NA	0.03	0.65	NA	XXX
70130	....	A	X-ray exam of mastoids	0.34	0.90	NA	0.05	1.29	NA	XXX
70130	26	A	X-ray exam of mastoids	0.34	0.12	0.12	0.01	0.47	0.47	XXX
70130	TC	A	X-ray exam of mastoids	0.00	0.78	NA	0.04	0.82	NA	XXX
70134	....	A	X-ray exam of middle ear	0.34	0.86	NA	0.05	1.25	NA	XXX
70134	26	A	X-ray exam of middle ear	0.34	0.12	0.12	0.01	0.47	0.47	XXX
70134	TC	A	X-ray exam of middle ear	0.00	0.74	NA	0.04	0.78	NA	XXX
70140	....	A	X-ray exam of facial bones	0.19	0.68	NA	0.04	0.91	NA	XXX
70140	26	A	X-ray exam of facial bones	0.19	0.06	0.06	0.01	0.26	0.26	XXX
70140	TC	A	X-ray exam of facial bones	0.00	0.62	NA	0.03	0.65	NA	XXX
70150	....	A	X-ray exam of facial bones	0.26	0.87	NA	0.05	1.18	NA	XXX
70150	26	A	X-ray exam of facial bones	0.26	0.09	0.09	0.01	0.36	0.36	XXX
70150	TC	A	X-ray exam of facial bones	0.00	0.78	NA	0.04	0.82	NA	XXX
70160	....	A	X-ray exam of nasal bones	0.17	0.58	NA	0.03	0.78	NA	XXX
70160	26	A	X-ray exam of nasal bones	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70160	TC	A	X-ray exam of nasal bones	0.00	0.52	NA	0.02	0.54	NA	XXX
70170	....	A	X-ray exam of tear duct	0.30	1.05	NA	0.06	1.41	NA	XXX
70170	26	A	X-ray exam of tear duct	0.30	0.10	0.10	0.01	0.41	0.41	XXX
70170	TC	A	X-ray exam of tear duct	0.00	0.95	NA	0.05	1.00	NA	XXX
70190	....	A	X-ray exam of eye sockets	0.21	0.69	NA	0.04	0.94	NA	XXX
70190	26	A	X-ray exam of eye sockets	0.21	0.07	0.07	0.01	0.29	0.29	XXX
70190	TC	A	X-ray exam of eye sockets	0.00	0.62	NA	0.03	0.65	NA	XXX
70200	....	A	X-ray exam of eye sockets	0.28	0.88	NA	0.05	1.21	NA	XXX
70200	26	A	X-ray exam of eye sockets	0.28	0.10	0.10	0.01	0.39	0.39	XXX
70200	TC	A	X-ray exam of eye sockets	0.00	0.78	NA	0.04	0.82	NA	XXX
70210	....	A	X-ray exam of sinuses	0.17	0.68	NA	0.04	0.89	NA	XXX
70210	26	A	X-ray exam of sinuses	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70210	TC	A	X-ray exam of sinuses	0.00	0.62	NA	0.03	0.65	NA	XXX
70220	....	A	X-ray exam of sinuses	0.25	0.87	NA	0.05	1.17	NA	XXX
70220	26	A	X-ray exam of sinuses	0.25	0.09	0.09	0.01	0.35	0.35	XXX
70220	TC	A	X-ray exam of sinuses	0.00	0.78	NA	0.04	0.82	NA	XXX
70240	....	A	X-ray exam, pituitary saddle	0.19	0.48	NA	0.03	0.70	NA	XXX
70240	26	A	X-ray exam, pituitary saddle	0.19	0.06	0.06	0.01	0.26	0.26	XXX
70240	TC	A	X-ray exam, pituitary saddle	0.00	0.42	NA	0.02	0.44	NA	XXX
70250	....	A	X-ray exam of skull	0.24	0.70	NA	0.04	0.98	NA	XXX
70250	26	A	X-ray exam of skull	0.24	0.08	0.08	0.01	0.33	0.33	XXX
70250	TC	A	X-ray exam of skull	0.00	0.62	NA	0.03	0.65	NA	XXX
70260	....	A	X-ray exam of skull	0.34	1.01	NA	0.06	1.41	NA	XXX
70260	26	A	X-ray exam of skull	0.34	0.12	0.12	0.01	0.47	0.47	XXX
70260	TC	A	X-ray exam of skull	0.00	0.89	NA	0.05	0.94	NA	XXX
70300	....	A	X-ray exam of teeth	0.10	0.30	NA	0.03	0.43	NA	XXX
70300	26	A	X-ray exam of teeth	0.10	0.04	0.04	0.01	0.15	0.15	XXX
70300	TC	A	X-ray exam of teeth	0.00	0.26	NA	0.02	0.28	NA	XXX
70310	....	A	X-ray exam of teeth	0.16	0.48	NA	0.03	0.67	NA	XXX
70310	26	A	X-ray exam of teeth	0.16	0.06	0.06	0.01	0.23	0.23	XXX
70310	TC	A	X-ray exam of teeth	0.00	0.42	NA	0.02	0.44	NA	XXX
70320	....	A	Full mouth x-ray of teeth	0.22	0.86	NA	0.05	1.13	NA	XXX
70320	26	A	Full mouth x-ray of teeth	0.22	0.08	0.08	0.01	0.31	0.31	XXX
70320	TC	A	Full mouth x-ray of teeth	0.00	0.78	NA	0.04	0.82	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
70328	....	A	X-ray exam of jaw joint	0.18	0.55	NA	0.03	0.76	NA	XXX
70328	26	A	X-ray exam of jaw joint	0.18	0.06	0.06	0.01	0.25	0.25	XXX
70328	TC	A	X-ray exam of jaw joint	0.00	0.49	NA	0.02	0.51	NA	XXX
70330	....	A	X-ray exam of jaw joints	0.24	0.92	NA	0.05	1.21	NA	XXX
70330	26	A	X-ray exam of jaw joints	0.24	0.08	0.08	0.01	0.33	0.33	XXX
70330	TC	A	X-ray exam of jaw joints	0.00	0.84	NA	0.04	0.88	NA	XXX
70332	....	A	X-ray exam of jaw joint	0.54	2.28	NA	0.12	2.94	NA	XXX
70332	26	A	X-ray exam of jaw joint	0.54	0.19	0.19	0.02	0.75	0.75	XXX
70332	TC	A	X-ray exam of jaw joint	0.00	2.09	NA	0.10	2.19	NA	XXX
70336	....	A	Magnetic image, jaw joint	1.48	11.67	NA	0.56	13.71	NA	XXX
70336	26	A	Magnetic image, jaw joint	1.48	0.51	0.51	0.07	2.06	2.06	XXX
70336	TC	A	Magnetic image, jaw joint	0.00	11.16	NA	0.49	11.65	NA	XXX
70350	....	A	X-ray head for orthodontia	0.17	0.44	NA	0.03	0.64	NA	XXX
70350	26	A	X-ray head for orthodontia	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70350	TC	A	X-ray head for orthodontia	0.00	0.38	NA	0.02	0.40	NA	XXX
70355	....	A	Panoramic x-ray of jaws	0.20	0.64	NA	0.04	0.88	NA	XXX
70355	26	A	Panoramic x-ray of jaws	0.20	0.07	0.07	0.01	0.28	0.28	XXX
70355	TC	A	Panoramic x-ray of jaws	0.00	0.57	NA	0.03	0.60	NA	XXX
70360	....	A	X-ray exam of neck	0.17	0.48	NA	0.03	0.68	NA	XXX
70360	26	A	X-ray exam of neck	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70360	TC	A	X-ray exam of neck	0.00	0.42	NA	0.02	0.44	NA	XXX
70370	....	A	Throat x-ray & fluoroscopy	0.32	1.41	NA	0.07	1.80	NA	XXX
70370	26	A	Throat x-ray & fluoroscopy	0.32	0.11	0.11	0.01	0.44	0.44	XXX
70370	TC	A	Throat x-ray & fluoroscopy	0.00	1.30	NA	0.06	1.36	NA	XXX
70371	....	A	Speech evaluation, complex	0.84	2.38	NA	0.14	3.36	NA	XXX
70371	26	A	Speech evaluation, complex	0.84	0.29	0.29	0.04	1.17	1.17	XXX
70371	TC	A	Speech evaluation, complex	0.00	2.09	NA	0.10	2.19	NA	XXX
70373	....	A	Contrast x-ray of larynx	0.44	1.92	NA	0.11	2.47	NA	XXX
70373	26	A	Contrast x-ray of larynx	0.44	0.15	0.15	0.02	0.61	0.61	XXX
70373	TC	A	Contrast x-ray of larynx	0.00	1.77	NA	0.09	1.86	NA	XXX
70380	....	A	X-ray exam of salivary gland	0.17	0.73	NA	0.04	0.94	NA	XXX
70380	26	A	X-ray exam of salivary gland	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70380	TC	A	X-ray exam of salivary gland	0.00	0.67	NA	0.03	0.70	NA	XXX
70390	....	A	X-ray exam of salivary duct	0.38	1.90	NA	0.11	2.39	NA	XXX
70390	26	A	X-ray exam of salivary duct	0.38	0.13	0.13	0.02	0.53	0.53	XXX
70390	TC	A	X-ray exam of salivary duct	0.00	1.77	NA	0.09	1.86	NA	XXX
70450	....	A	Ct head/brain w/o dye	0.85	4.99	NA	0.25	6.09	NA	XXX
70450	26	A	Ct head/brain w/o dye	0.85	0.29	0.29	0.04	1.18	1.18	XXX
70450	TC	A	Ct head/brain w/o dye	0.00	4.70	NA	0.21	4.91	NA	XXX
70460	....	A	Ct head/brain w/dye	1.13	6.02	NA	0.30	7.45	NA	XXX
70460	26	A	Ct head/brain w/dye	1.13	0.39	0.39	0.05	1.57	1.57	XXX
70460	TC	A	Ct head/brain w/dye	0.00	5.63	NA	0.25	5.88	NA	XXX
70470	....	A	Ct head/brain w/o&w dye	1.27	7.47	NA	0.37	9.11	NA	XXX
70470	26	A	Ct head/brain w/o&w dye	1.27	0.43	0.43	0.06	1.76	1.76	XXX
70470	TC	A	Ct head/brain w/o&w dye	0.00	7.04	NA	0.31	7.35	NA	XXX
70480	....	A	Ct orbit/ear/fossa w/o dye	1.28	5.14	NA	0.27	6.69	NA	XXX
70480	26	A	Ct orbit/ear/fossa w/o dye	1.28	0.44	0.44	0.06	1.78	1.78	XXX
70480	TC	A	Ct orbit/ear/fossa w/o dye	0.00	4.70	NA	0.21	4.91	NA	XXX
70481	....	A	Ct orbit/ear/fossa w/dye	1.38	6.10	NA	0.31	7.79	NA	XXX
70481	26	A	Ct orbit/ear/fossa w/dye	1.38	0.47	0.47	0.06	1.91	1.91	XXX
70481	TC	A	Ct orbit/ear/fossa w/dye	0.00	5.63	NA	0.25	5.88	NA	XXX
70482	....	A	Ct orbit/ear/fossa w/o&w dye	1.45	7.53	NA	0.37	9.35	NA	XXX
70482	26	A	Ct orbit/ear/fossa w/o&w dye	1.45	0.49	0.49	0.06	2.00	2.00	XXX
70482	TC	A	Ct orbit/ear/fossa w/o&w dye	0.00	7.04	NA	0.31	7.35	NA	XXX
70486	....	A	Ct maxillofacial w/o dye	1.14	5.09	NA	0.26	6.49	NA	XXX
70486	26	A	Ct maxillofacial w/o dye	1.14	0.39	0.39	0.05	1.58	1.58	XXX
70486	TC	A	Ct maxillofacial w/o dye	0.00	4.70	NA	0.21	4.91	NA	XXX
70487	....	A	Ct maxillofacial w/dye	1.30	6.07	NA	0.31	7.68	NA	XXX
70487	26	A	Ct maxillofacial w/dye	1.30	0.44	0.44	0.06	1.80	1.80	XXX
70487	TC	A	Ct maxillofacial w/dye	0.00	5.63	NA	0.25	5.88	NA	XXX
70488	....	A	Ct maxillofacial w/o&w dye	1.42	7.52	NA	0.37	9.31	NA	XXX
70488	26	A	Ct maxillofacial w/o&w dye	1.42	0.48	0.48	0.06	1.96	1.96	XXX
70488	TC	A	Ct maxillofacial w/o&w dye	0.00	7.04	NA	0.31	7.35	NA	XXX
70490	....	A	Ct soft tissue neck w/o dye	1.28	5.13	NA	0.27	6.68	NA	XXX
70490	26	A	Ct soft tissue neck w/o dye	1.28	0.43	0.43	0.06	1.77	1.77	XXX
70490	TC	A	Ct soft tissue neck w/o dye	0.00	4.70	NA	0.21	4.91	NA	XXX
70491	....	A	Ct soft tissue neck w/dye	1.38	6.10	NA	0.31	7.79	NA	XXX
70491	26	A	Ct soft tissue neck w/dye	1.38	0.47	0.47	0.06	1.91	1.91	XXX
70491	TC	A	Ct soft tissue neck w/dye	0.00	5.63	NA	0.25	5.88	NA	XXX
70492	....	A	Ct sft tsue nck w/o & w/dye	1.45	7.53	NA	0.37	9.35	NA	XXX
70492	26	A	Ct sft tsue nck w/o & w/dye	1.45	0.49	0.49	0.06	2.00	2.00	XXX
70492	TC	A	Ct sft tsue nck w/o & w/dye	0.00	7.04	NA	0.31	7.35	NA	XXX
70496	....	A	Ct angiography, head	1.75	11.15	NA	0.56	13.46	NA	XXX
70496	26	A	Ct angiography, head	1.75	0.59	0.59	0.08	2.42	2.42	XXX
70496	TC	A	Ct angiography, head	0.00	10.56	NA	0.48	11.04	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
70498	....	A	Ct angiography, neck	1.75	11.16	NA	0.56	13.47	NA	XXX
70498	26	A	Ct angiography, neck	1.75	0.60	0.60	0.08	2.43	2.43	XXX
70498	TC	A	Ct angiography, neck	0.00	10.56	NA	0.48	11.04	NA	XXX
70540	....	A	Mri orbit/face/neck w/o dye	1.35	11.62	NA	0.36	13.33	NA	XXX
70540	26	A	Mri orbit/face/neck w/o dye	1.35	0.46	0.46	0.04	1.85	1.85	XXX
70540	TC	A	Mri orbit/face/neck w/o dye	0.00	11.16	NA	0.32	11.48	NA	XXX
70542	....	A	Mri orbit/face/neck w/dye	1.62	13.94	NA	0.44	16.00	NA	XXX
70542	26	A	Mri orbit/face/neck w/dye	1.62	0.56	0.56	0.05	2.23	2.23	XXX
70542	TC	A	Mri orbit/face/neck w/dye	0.00	13.38	NA	0.39	13.77	NA	XXX
70543	....	A	Mri orbit/fac/nck w/o&w dye	2.15	25.51	NA	0.77	28.43	NA	XXX
70543	26	A	Mri orbit/fac/nck w/o&w dye	2.15	0.73	0.73	0.07	2.95	2.95	XXX
70543	TC	A	Mri orbit/fac/nck w/o&w dye	0.00	24.78	NA	0.70	25.48	NA	XXX
70544	....	A	Mr angiography head w/o dye	1.20	11.57	NA	0.54	13.31	NA	XXX
70544	26	A	Mr angiography head w/o dye	1.20	0.41	0.41	0.05	1.66	1.66	XXX
70544	TC	A	Mr angiography head w/o dye	0.00	11.16	NA	0.49	11.65	NA	XXX
70545	....	A	Mr angiography head w/dye	1.20	11.57	NA	0.54	13.31	NA	XXX
70545	26	A	Mr angiography head w/dye	1.20	0.41	0.41	0.05	1.66	1.66	XXX
70545	TC	A	Mr angiography head w/dye	0.00	11.16	NA	0.49	11.65	NA	XXX
70546	....	A	Mr angiograph head w/o&w dye	1.80	22.93	NA	0.57	25.30	NA	XXX
70546	26	A	Mr angiograph head w/o&w dye	1.80	0.62	0.62	0.08	2.50	2.50	XXX
70546	TC	A	Mr angiograph head w/o&w dye	0.00	22.31	NA	0.49	22.80	NA	XXX
70547	....	A	Mr angiography neck w/o dye	1.20	11.57	NA	0.54	13.31	NA	XXX
70547	26	A	Mr angiography neck w/o dye	1.20	0.41	0.41	0.05	1.66	1.66	XXX
70547	TC	A	Mr angiography neck w/o dye	0.00	11.16	NA	0.49	11.65	NA	XXX
70548	....	A	Mr angiography neck w/dye	1.20	11.57	NA	0.54	13.31	NA	XXX
70548	26	A	Mr angiography neck w/dye	1.20	0.41	0.41	0.05	1.66	1.66	XXX
70548	TC	A	Mr angiography neck w/dye	0.00	11.16	NA	0.49	11.65	NA	XXX
70549	....	A	Mr angiograph neck w/o&w dye	1.80	22.93	NA	0.57	25.30	NA	XXX
70549	26	A	Mr angiograph neck w/o&w dye	1.80	0.62	0.62	0.08	2.50	2.50	XXX
70549	TC	A	Mr angiograph neck w/o&w dye	0.00	22.31	NA	0.49	22.80	NA	XXX
70551	....	A	Mri brain w/o dye	1.48	11.67	NA	0.56	13.71	NA	XXX
70551	26	A	Mri brain w/o dye	1.48	0.51	0.51	0.07	2.06	2.06	XXX
70551	TC	A	Mri brain w/o dye	0.00	11.16	NA	0.49	11.65	NA	XXX
70552	....	A	Mri brain w/dye	1.78	14.00	NA	0.66	16.44	NA	XXX
70552	26	A	Mri brain w/dye	1.78	0.62	0.62	0.08	2.48	2.48	XXX
70552	TC	A	Mri brain w/dye	0.00	13.38	NA	0.58	13.96	NA	XXX
70553	....	A	Mri brain w/o&w dye	2.36	25.59	NA	1.19	29.14	NA	XXX
70553	26	A	Mri brain w/o&w dye	2.36	0.81	0.81	0.10	3.27	3.27	XXX
70553	TC	A	Mri brain w/o&w dye	0.00	24.78	NA	1.09	25.87	NA	XXX
71010	....	A	Chest x-ray	0.18	0.53	NA	0.03	0.74	NA	XXX
71010	26	A	Chest x-ray	0.18	0.06	0.06	0.01	0.25	0.25	XXX
71010	TC	A	Chest x-ray	0.00	0.47	NA	0.02	0.49	NA	XXX
71015	....	A	Chest x-ray	0.21	0.59	NA	0.03	0.83	NA	XXX
71015	26	A	Chest x-ray	0.21	0.07	0.07	0.01	0.29	0.29	XXX
71015	TC	A	Chest x-ray	0.00	0.52	NA	0.02	0.54	NA	XXX
71020	....	A	Chest x-ray	0.22	0.69	NA	0.04	0.95	NA	XXX
71020	26	A	Chest x-ray	0.22	0.07	0.07	0.01	0.30	0.30	XXX
71020	TC	A	Chest x-ray	0.00	0.62	NA	0.03	0.65	NA	XXX
71021	....	A	Chest x-ray	0.27	0.83	NA	0.05	1.15	NA	XXX
71021	26	A	Chest x-ray	0.27	0.09	0.09	0.01	0.37	0.37	XXX
71021	TC	A	Chest x-ray	0.00	0.74	NA	0.04	0.78	NA	XXX
71022	....	A	Chest x-ray	0.31	0.85	NA	0.06	1.22	NA	XXX
71022	26	A	Chest x-ray	0.31	0.11	0.11	0.02	0.44	0.44	XXX
71022	TC	A	Chest x-ray	0.00	0.74	NA	0.04	0.78	NA	XXX
71023	....	A	Chest x-ray and fluoroscopy	0.38	0.92	NA	0.06	1.36	NA	XXX
71023	26	A	Chest x-ray and fluoroscopy	0.38	0.14	0.14	0.02	0.54	0.54	XXX
71023	TC	A	Chest x-ray and fluoroscopy	0.00	0.78	NA	0.04	0.82	NA	XXX
71030	....	A	Chest x-ray	0.31	0.88	NA	0.05	1.24	NA	XXX
71030	26	A	Chest x-ray	0.31	0.10	0.10	0.01	0.42	0.42	XXX
71030	TC	A	Chest x-ray	0.00	0.78	NA	0.04	0.82	NA	XXX
71034	....	A	Chest x-ray and fluoroscopy	0.46	1.60	NA	0.09	2.15	NA	XXX
71034	26	A	Chest x-ray and fluoroscopy	0.46	0.17	0.17	0.02	0.65	0.65	XXX
71034	TC	A	Chest x-ray and fluoroscopy	0.00	1.43	NA	0.07	1.50	NA	XXX
71035	....	A	Chest x-ray	0.18	0.58	NA	0.03	0.79	NA	XXX
71035	26	A	Chest x-ray	0.18	0.06	0.06	0.01	0.25	0.25	XXX
71035	TC	A	Chest x-ray	0.00	0.52	NA	0.02	0.54	NA	XXX
71040	....	A	Contrast x-ray of bronchi	0.58	1.65	NA	0.10	2.33	NA	XXX
71040	26	A	Contrast x-ray of bronchi	0.58	0.20	0.20	0.03	0.81	0.81	XXX
71040	TC	A	Contrast x-ray of bronchi	0.00	1.45	NA	0.07	1.52	NA	XXX
71060	....	A	Contrast x-ray of bronchi	0.74	2.45	NA	0.14	3.33	NA	XXX
71060	26	A	Contrast x-ray of bronchi	0.74	0.25	0.25	0.03	1.02	1.02	XXX
71060	TC	A	Contrast x-ray of bronchi	0.00	2.20	NA	0.11	2.31	NA	XXX
71090	....	A	X-ray & pacemaker insertion	0.54	1.88	NA	0.11	2.53	NA	XXX
71090	26	A	X-ray & pacemaker insertion	0.54	0.21	0.21	0.02	0.77	0.77	XXX
71090	TC	A	X-ray & pacemaker insertion	0.00	1.67	NA	0.09	1.76	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
71100	....	A	X-ray exam of ribs	0.22	0.64	NA	0.04	0.90	NA	XXX
71100	26	A	X-ray exam of ribs	0.22	0.07	0.07	0.01	0.30	0.30	XXX
71100	TC	A	X-ray exam of ribs	0.00	0.57	NA	0.03	0.60	NA	XXX
71101	....	A	X-ray exam of ribs/chest	0.27	0.76	NA	0.04	1.07	NA	XXX
71101	26	A	X-ray exam of ribs/chest	0.27	0.09	0.09	0.01	0.37	0.37	XXX
71101	TC	A	X-ray exam of ribs/chest	0.00	0.67	NA	0.03	0.70	NA	XXX
71110	....	A	X-ray exam of ribs	0.27	0.87	NA	0.05	1.19	NA	XXX
71110	26	A	X-ray exam of ribs	0.27	0.09	0.09	0.01	0.37	0.37	XXX
71110	TC	A	X-ray exam of ribs	0.00	0.78	NA	0.04	0.82	NA	XXX
71111	....	A	X-ray exam of ribs/ chest	0.32	1.00	NA	0.06	1.38	NA	XXX
71111	26	A	X-ray exam of ribs/ chest	0.32	0.11	0.11	0.01	0.44	0.44	XXX
71111	TC	A	X-ray exam of ribs/ chest	0.00	0.89	NA	0.05	0.94	NA	XXX
71120	....	A	X-ray exam of breastbone	0.20	0.72	NA	0.04	0.96	NA	XXX
71120	26	A	X-ray exam of breastbone	0.20	0.07	0.07	0.01	0.28	0.28	XXX
71120	TC	A	X-ray exam of breastbone	0.00	0.65	NA	0.03	0.68	NA	XXX
71130	....	A	X-ray exam of breastbone	0.22	0.78	NA	0.04	1.04	NA	XXX
71130	26	A	X-ray exam of breastbone	0.22	0.07	0.07	0.01	0.30	0.30	XXX
71130	TC	A	X-ray exam of breastbone	0.00	0.71	NA	0.03	0.74	NA	XXX
71250	....	A	Ct thorax w/o dye	1.16	6.27	NA	0.31	7.74	NA	XXX
71250	26	A	Ct thorax w/o dye	1.16	0.39	0.39	0.05	1.60	1.60	XXX
71250	TC	A	Ct thorax w/o dye	0.00	5.88	NA	0.26	6.14	NA	XXX
71260	....	A	Ct thorax w/dye	1.24	7.46	NA	0.36	9.06	NA	XXX
71260	26	A	Ct thorax w/dye	1.24	0.42	0.42	0.05	1.71	1.71	XXX
71260	TC	A	Ct thorax w/dye	0.00	7.04	NA	0.31	7.35	NA	XXX
71270	....	A	Ct thorax w/o&w dye	1.38	9.28	NA	0.44	11.10	NA	XXX
71270	26	A	Ct thorax w/o&w dye	1.38	0.47	0.47	0.06	1.91	1.91	XXX
71270	TC	A	Ct thorax w/o&w dye	0.00	8.81	NA	0.38	9.19	NA	XXX
71275	....	A	Ct angiography, chest	1.92	9.46	NA	0.38	11.76	NA	XXX
71275	26	A	Ct angiography, chest	1.92	0.65	0.65	0.06	2.63	2.63	XXX
71275	TC	A	Ct angiography, chest	0.00	8.81	NA	0.32	9.13	NA	XXX
71550	....	A	Mri chest w/o dye	1.46	11.66	NA	0.41	13.53	NA	XXX
71550	26	A	Mri chest w/o dye	1.46	0.50	0.50	0.04	2.00	2.00	XXX
71550	TC	A	Mri chest w/o dye	0.00	11.16	NA	0.37	11.53	NA	XXX
71551	....	A	Mri chest w/dye	1.73	13.97	NA	0.49	16.19	NA	XXX
71551	26	A	Mri chest w/dye	1.73	0.59	0.59	0.06	2.38	2.38	XXX
71551	TC	A	Mri chest w/dye	0.00	13.38	NA	0.43	13.81	NA	XXX
71552	....	A	Mri chest w/o&w/dye	2.26	25.55	NA	0.64	28.45	NA	XXX
71552	26	A	Mri chest w/o&w/dye	2.26	0.77	0.77	0.08	3.11	3.11	XXX
71552	TC	A	Mri chest w/o&w/dye	0.00	24.78	NA	0.56	25.34	NA	XXX
71555	....	R	Mri angio chest w or w/o dye	1.81	11.78	NA	0.57	14.16	NA	XXX
71555	26	R	Mri angio chest w or w/o dye	1.81	0.62	0.62	0.08	2.51	2.51	XXX
71555	TC	R	Mri angio chest w or w/o dye	0.00	11.16	NA	0.49	11.65	NA	XXX
72010	....	A	X-ray exam of spine	0.45	1.17	NA	0.08	1.70	NA	XXX
72010	26	A	X-ray exam of spine	0.45	0.15	0.15	0.03	0.63	0.63	XXX
72010	TC	A	X-ray exam of spine	0.00	1.02	NA	0.05	1.07	NA	XXX
72020	....	A	X-ray exam of spine	0.15	0.47	NA	0.03	0.65	NA	XXX
72020	26	A	X-ray exam of spine	0.15	0.05	0.05	0.01	0.21	0.21	XXX
72020	TC	A	X-ray exam of spine	0.00	0.42	NA	0.02	0.44	NA	XXX
72040	....	A	X-ray exam of neck spine	0.22	0.67	NA	0.04	0.93	NA	XXX
72040	26	A	X-ray exam of neck spine	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72040	TC	A	X-ray exam of neck spine	0.00	0.60	NA	0.03	0.63	NA	XXX
72050	....	A	X-ray exam of neck spine	0.31	1.00	NA	0.07	1.38	NA	XXX
72050	26	A	X-ray exam of neck spine	0.31	0.11	0.11	0.02	0.44	0.44	XXX
72050	TC	A	X-ray exam of neck spine	0.00	0.89	NA	0.05	0.94	NA	XXX
72052	....	A	X-ray exam of neck spine	0.36	1.24	NA	0.07	1.67	NA	XXX
72052	26	A	X-ray exam of neck spine	0.36	0.12	0.12	0.02	0.50	0.50	XXX
72052	TC	A	X-ray exam of neck spine	0.00	1.12	NA	0.05	1.17	NA	XXX
72069	....	A	X-ray exam of trunk spine	0.22	0.57	NA	0.04	0.83	NA	XXX
72069	26	A	X-ray exam of trunk spine	0.22	0.08	0.08	0.02	0.32	0.32	XXX
72069	TC	A	X-ray exam of trunk spine	0.00	0.49	NA	0.02	0.51	NA	XXX
72070	....	A	X-ray exam of thoracic spine	0.22	0.72	NA	0.04	0.98	NA	XXX
72070	26	A	X-ray exam of thoracic spine	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72070	TC	A	X-ray exam of thoracic spine	0.00	0.65	NA	0.03	0.68	NA	XXX
72072	....	A	X-ray exam of thoracic spine	0.22	0.81	NA	0.05	1.08	NA	XXX
72072	26	A	X-ray exam of thoracic spine	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72072	TC	A	X-ray exam of thoracic spine	0.00	0.74	NA	0.04	0.78	NA	XXX
72074	....	A	X-ray exam of thoracic spine	0.22	0.98	NA	0.06	1.26	NA	XXX
72074	26	A	X-ray exam of thoracic spine	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72074	TC	A	X-ray exam of thoracic spine	0.00	0.91	NA	0.05	0.96	NA	XXX
72080	....	A	X-ray exam of trunk spine	0.22	0.75	NA	0.05	1.02	NA	XXX
72080	26	A	X-ray exam of trunk spine	0.22	0.08	0.08	0.02	0.32	0.32	XXX
72080	TC	A	X-ray exam of trunk spine	0.00	0.67	NA	0.03	0.70	NA	XXX
72090	....	A	X-ray exam of trunk spine	0.28	0.77	NA	0.05	1.10	NA	XXX
72090	26	A	X-ray exam of trunk spine	0.28	0.10	0.10	0.02	0.40	0.40	XXX
72090	TC	A	X-ray exam of trunk spine	0.00	0.67	NA	0.03	0.70	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
72100	....	A	X-ray exam of lower spine	0.22	0.75	NA	0.05	1.02	NA	XXX
72100	26	A	X-ray exam of lower spine	0.22	0.08	0.08	0.02	0.32	0.32	XXX
72100	TC	A	X-ray exam of lower spine	0.00	0.67	NA	0.03	0.70	NA	XXX
72110	....	A	X-ray exam of lower spine	0.31	1.02	NA	0.07	1.40	NA	XXX
72110	26	A	X-ray exam of lower spine	0.31	0.11	0.11	0.02	0.44	0.44	XXX
72110	TC	A	X-ray exam of lower spine	0.00	0.91	NA	0.05	0.96	NA	XXX
72114	....	A	X-ray exam of lower spine	0.36	1.30	NA	0.08	1.74	NA	XXX
72114	26	A	X-ray exam of lower spine	0.36	0.12	0.12	0.03	0.51	0.51	XXX
72114	TC	A	X-ray exam of lower spine	0.00	1.18	NA	0.05	1.23	NA	XXX
72120	....	A	X-ray exam of lower spine	0.22	0.97	NA	0.07	1.26	NA	XXX
72120	26	A	X-ray exam of lower spine	0.22	0.08	0.08	0.02	0.32	0.32	XXX
72120	TC	A	X-ray exam of lower spine	0.00	0.89	NA	0.05	0.94	NA	XXX
72125	....	A	Ct neck spine w/o dye	1.16	6.27	NA	0.31	7.74	NA	XXX
72125	26	A	Ct neck spine w/o dye	1.16	0.39	0.39	0.05	1.60	1.60	XXX
72125	TC	A	Ct neck spine w/o dye	0.00	5.88	NA	0.26	6.14	NA	XXX
72126	....	A	Ct neck spine w/dye	1.22	7.45	NA	0.36	9.03	NA	XXX
72126	26	A	Ct neck spine w/dye	1.22	0.41	0.41	0.05	1.68	1.68	XXX
72126	TC	A	Ct neck spine w/dye	0.00	7.04	NA	0.31	7.35	NA	XXX
72127	....	A	Ct neck spine w/o&w/dye	1.27	9.24	NA	0.44	10.95	NA	XXX
72127	26	A	Ct neck spine w/o&w/dye	1.27	0.43	0.43	0.06	1.76	1.76	XXX
72127	TC	A	Ct neck spine w/o&w/dye	0.00	8.81	NA	0.38	9.19	NA	XXX
72128	....	A	Ct chest spine w/o dye	1.16	6.27	NA	0.31	7.74	NA	XXX
72128	26	A	Ct chest spine w/o dye	1.16	0.39	0.39	0.05	1.60	1.60	XXX
72128	TC	A	Ct chest spine w/o dye	0.00	5.88	NA	0.26	6.14	NA	XXX
72129	....	A	Ct chest spine w/dye	1.22	7.45	NA	0.36	9.03	NA	XXX
72129	26	A	Ct chest spine w/dye	1.22	0.41	0.41	0.05	1.68	1.68	XXX
72129	TC	A	Ct chest spine w/dye	0.00	7.04	NA	0.31	7.35	NA	XXX
72130	....	A	Ct chest spine w/o&w/dye	1.27	9.24	NA	0.44	10.95	NA	XXX
72130	26	A	Ct chest spine w/o&w/dye	1.27	0.43	0.43	0.06	1.76	1.76	XXX
72130	TC	A	Ct chest spine w/o&w/dye	0.00	8.81	NA	0.38	9.19	NA	XXX
72131	....	A	Ct lumbar spine w/o dye	1.16	6.28	NA	0.31	7.75	NA	XXX
72131	26	A	Ct lumbar spine w/o dye	1.16	0.40	0.40	0.05	1.61	1.61	XXX
72131	TC	A	Ct lumbar spine w/o dye	0.00	5.88	NA	0.26	6.14	NA	XXX
72132	....	A	Ct lumbar spine w/dye	1.22	7.45	NA	0.37	9.04	NA	XXX
72132	26	A	Ct lumbar spine w/dye	1.22	0.41	0.41	0.06	1.69	1.69	XXX
72132	TC	A	Ct lumbar spine w/dye	0.00	7.04	NA	0.31	7.35	NA	XXX
72133	....	A	Ct lumbar spine w/o&w/dye	1.27	9.25	NA	0.44	10.96	NA	XXX
72133	26	A	Ct lumbar spine w/o&w/dye	1.27	0.44	0.44	0.06	1.77	1.77	XXX
72133	TC	A	Ct lumbar spine w/o&w/dye	0.00	8.81	NA	0.38	9.19	NA	XXX
72141	....	A	Mri neck spine w/o dye	1.60	11.71	NA	0.56	13.87	NA	XXX
72141	26	A	Mri neck spine w/o dye	1.60	0.55	0.55	0.07	2.22	2.22	XXX
72141	TC	A	Mri neck spine w/o dye	0.00	11.16	NA	0.49	11.65	NA	XXX
72142	....	A	Mri neck spine w/dye	1.92	14.05	NA	0.67	16.64	NA	XXX
72142	26	A	Mri neck spine w/dye	1.92	0.67	0.67	0.09	2.68	2.68	XXX
72142	TC	A	Mri neck spine w/dye	0.00	13.38	NA	0.58	13.96	NA	XXX
72146	....	A	Mri chest spine w/o dye	1.60	12.94	NA	0.60	15.14	NA	XXX
72146	26	A	Mri chest spine w/o dye	1.60	0.55	0.55	0.07	2.22	2.22	XXX
72146	TC	A	Mri chest spine w/o dye	0.00	12.39	NA	0.53	12.92	NA	XXX
72147	....	A	Mri chest spine w/dye	1.92	14.04	NA	0.67	16.63	NA	XXX
72147	26	A	Mri chest spine w/dye	1.92	0.66	0.66	0.09	2.67	2.67	XXX
72147	TC	A	Mri chest spine w/dye	0.00	13.38	NA	0.58	13.96	NA	XXX
72148	....	A	Mri lumbar spine w/o dye	1.48	12.90	NA	0.60	14.98	NA	XXX
72148	26	A	Mri lumbar spine w/o dye	1.48	0.51	0.51	0.07	2.06	2.06	XXX
72148	TC	A	Mri lumbar spine w/o dye	0.00	12.39	NA	0.53	12.92	NA	XXX
72149	....	A	Mri lumbar spine w/dye	1.78	14.00	NA	0.67	16.45	NA	XXX
72149	26	A	Mri lumbar spine w/dye	1.78	0.62	0.62	0.09	2.49	2.49	XXX
72149	TC	A	Mri lumbar spine w/dye	0.00	13.38	NA	0.58	13.96	NA	XXX
72156	....	A	Mri neck spine w/o&w/dye	2.57	25.66	NA	1.20	29.43	NA	XXX
72156	26	A	Mri neck spine w/o&w/dye	2.57	0.88	0.88	0.11	3.56	3.56	XXX
72156	TC	A	Mri neck spine w/o&w/dye	0.00	24.78	NA	1.09	25.87	NA	XXX
72157	....	A	Mri chest spine w/o&w/dye	2.57	25.66	NA	1.20	29.43	NA	XXX
72157	26	A	Mri chest spine w/o&w/dye	2.57	0.88	0.88	0.11	3.56	3.56	XXX
72157	TC	A	Mri chest spine w/o&w/dye	0.00	24.78	NA	1.09	25.87	NA	XXX
72158	....	A	Mri lumbar spine w/o&w/dye	2.36	25.59	NA	1.20	29.15	NA	XXX
72158	26	A	Mri lumbar spine w/o&w/dye	2.36	0.81	0.81	0.11	3.28	3.28	XXX
72158	TC	A	Mri lumbar spine w/o&w/dye	0.00	24.78	NA	1.09	25.87	NA	XXX
72159	....	N	Mr angio spine w/o&w/dye	+1.80	13.09	NA	0.61	15.50	NA	XXX
72159	26	N	Mr angio spine w/o&w/dye	+1.80	0.70	0.70	0.08	2.58	2.58	XXX
72159	TC	N	Mr angio spine w/o&w/dye	+0.00	12.39	NA	0.53	12.92	NA	XXX
72170	....	A	X-ray exam of pelvis	0.17	0.58	NA	0.03	0.78	NA	XXX
72170	26	A	X-ray exam of pelvis	0.17	0.06	0.06	0.01	0.24	0.24	XXX
72170	TC	A	X-ray exam of pelvis	0.00	0.52	NA	0.02	0.54	NA	XXX
72190	....	A	X-ray exam of pelvis	0.21	0.74	NA	0.04	0.99	NA	XXX
72190	26	A	X-ray exam of pelvis	0.21	0.07	0.07	0.01	0.29	0.29	XXX
72190	TC	A	X-ray exam of pelvis	0.00	0.67	NA	0.03	0.70	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS ²	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
72191	....	A	Ct angiograph pelv w/o&w/dye	1.81	9.07	NA	0.38	11.26	NA	XXX
72191	26	A	Ct angiograph pelv w/o&w/dye	1.81	0.62	0.62	0.06	2.49	2.49	XXX
72191	TC	A	Ct angiograph pelv w/o&w/dye	0.00	8.45	NA	0.32	8.77	NA	XXX
72192	....	A	Ct pelvis w/o dye	1.09	6.25	NA	0.31	7.65	NA	XXX
72192	26	A	Ct pelvis w/o dye	1.09	0.37	0.37	0.05	1.51	1.51	XXX
72192	TC	A	Ct pelvis w/o dye	0.00	5.88	NA	0.26	6.14	NA	XXX
72193	....	A	Ct pelvis w/dye	1.16	7.21	NA	0.35	8.72	NA	XXX
72193	26	A	Ct pelvis w/dye	1.16	0.39	0.39	0.05	1.60	1.60	XXX
72193	TC	A	Ct pelvis w/dye	0.00	6.82	NA	0.30	7.12	NA	XXX
72194	....	A	Ct pelvis w/o&w/dye	1.22	8.86	NA	0.41	10.49	NA	XXX
72194	26	A	Ct pelvis w/o&w/dye	1.22	0.41	0.41	0.05	1.68	1.68	XXX
72194	TC	A	Ct pelvis w/o&w/dye	0.00	8.45	NA	0.36	8.81	NA	XXX
72195	....	A	Mri pelvis w/o dye	1.46	11.66	NA	0.42	13.54	NA	XXX
72195	26	A	Mri pelvis w/o dye	1.46	0.50	0.50	0.05	2.01	2.01	XXX
72195	TC	A	Mri pelvis w/o dye	0.00	11.16	NA	0.37	11.53	NA	XXX
72196	....	A	Mri pelvis w/dye	1.73	13.97	NA	0.48	16.18	NA	XXX
72196	26	A	Mri pelvis w/dye	1.73	0.59	0.59	0.05	2.37	2.37	XXX
72196	TC	A	Mri pelvis w/dye	0.00	13.38	NA	0.43	13.81	NA	XXX
72197	....	A	Mri pelvis w/o & w/dye	2.26	25.55	NA	0.84	28.65	NA	XXX
72197	26	A	Mri pelvis w/o & w/dye	2.26	0.77	0.77	0.08	3.11	3.11	XXX
72197	TC	A	Mri pelvis w/o & w/dye	0.00	24.78	NA	0.76	25.54	NA	XXX
72198	....	N	Mr angio pelvis w/o&w/dye	+1.80	11.86	NA	0.57	14.23	NA	XXX
72198	26	N	Mr angio pelvis w/o&w/dye	+1.80	0.70	0.70	0.08	2.58	2.58	XXX
72198	TC	N	Mr angio pelvis w/o&w/dye	+0.00	11.16	NA	0.49	11.65	NA	XXX
72200	....	A	X-ray exam sacroiliac joints	0.17	0.58	NA	0.03	0.78	NA	XXX
72200	26	A	X-ray exam sacroiliac joints	0.17	0.06	0.06	0.01	0.24	0.24	XXX
72200	TC	A	X-ray exam sacroiliac joints	0.00	0.52	NA	0.02	0.54	NA	XXX
72202	....	A	X-ray exam sacroiliac joints	0.19	0.68	NA	0.04	0.91	NA	XXX
72202	26	A	X-ray exam sacroiliac joints	0.19	0.06	0.06	0.01	0.26	0.26	XXX
72202	TC	A	X-ray exam sacroiliac joints	0.00	0.62	NA	0.03	0.65	NA	XXX
72220	....	A	X-ray exam of tailbone	0.17	0.63	NA	0.04	0.84	NA	XXX
72220	26	A	X-ray exam of tailbone	0.17	0.06	0.06	0.01	0.24	0.24	XXX
72220	TC	A	X-ray exam of tailbone	0.00	0.57	NA	0.03	0.60	NA	XXX
72240	....	A	Contrast x-ray of neck spine	0.91	5.03	NA	0.25	6.19	NA	XXX
72240	26	A	Contrast x-ray of neck spine	0.91	0.30	0.30	0.04	1.25	1.25	XXX
72240	TC	A	Contrast x-ray of neck spine	0.00	4.73	NA	0.21	4.94	NA	XXX
72255	....	A	Contrast x-ray, thorax spine	0.91	4.59	NA	0.22	5.72	NA	XXX
72255	26	A	Contrast x-ray, thorax spine	0.91	0.28	0.28	0.04	1.23	1.23	XXX
72255	TC	A	Contrast x-ray, thorax spine	0.00	4.31	NA	0.18	4.49	NA	XXX
72265	....	A	Contrast x-ray, lower spine	0.83	4.31	NA	0.22	5.36	NA	XXX
72265	26	A	Contrast x-ray, lower spine	0.83	0.26	0.26	0.04	1.13	1.13	XXX
72265	TC	A	Contrast x-ray, lower spine	0.00	4.05	NA	0.18	4.23	NA	XXX
72270	....	A	Contrast x-ray of spine	1.33	6.50	NA	0.34	8.17	NA	XXX
72270	26	A	Contrast x-ray of spine	1.33	0.43	0.43	0.07	1.83	1.83	XXX
72270	TC	A	Contrast x-ray of spine	0.00	6.07	NA	0.27	6.34	NA	XXX
72275	....	A	Epidurography	0.76	2.29	NA	0.21	3.26	NA	XXX
72275	26	A	Epidurography	0.76	0.20	0.20	0.03	0.99	0.99	XXX
72275	TC	A	Epidurography	0.00	2.09	NA	0.18	2.27	NA	XXX
72285	....	A	X-ray c/t spine disk	1.16	8.72	NA	0.42	10.30	NA	XXX
72285	26	A	X-ray c/t spine disk	1.16	0.37	0.37	0.06	1.59	1.59	XXX
72285	TC	A	X-ray c/t spine disk	0.00	8.35	NA	0.36	8.71	NA	XXX
72295	....	A	X-ray of lower spine disk	0.83	8.10	NA	0.37	9.30	NA	XXX
72295	26	A	X-ray of lower spine disk	0.83	0.28	0.28	0.04	1.15	1.15	XXX
72295	TC	A	X-ray of lower spine disk	0.00	7.82	NA	0.33	8.15	NA	XXX
73000	....	A	X-ray exam of collar bone	0.16	0.57	NA	0.03	0.76	NA	XXX
73000	26	A	X-ray exam of collar bone	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73000	TC	A	X-ray exam of collar bone	0.00	0.52	NA	0.02	0.54	NA	XXX
73010	....	A	X-ray exam of shoulder blade	0.17	0.58	NA	0.03	0.78	NA	XXX
73010	26	A	X-ray exam of shoulder blade	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73010	TC	A	X-ray exam of shoulder blade	0.00	0.52	NA	0.02	0.54	NA	XXX
73020	....	A	X-ray exam of shoulder	0.15	0.52	NA	0.03	0.70	NA	XXX
73020	26	A	X-ray exam of shoulder	0.15	0.05	0.05	0.01	0.21	0.21	XXX
73020	TC	A	X-ray exam of shoulder	0.00	0.47	NA	0.02	0.49	NA	XXX
73030	....	A	X-ray exam of shoulder	0.18	0.63	NA	0.04	0.85	NA	XXX
73030	26	A	X-ray exam of shoulder	0.18	0.06	0.06	0.01	0.25	0.25	XXX
73030	TC	A	X-ray exam of shoulder	0.00	0.57	NA	0.03	0.60	NA	XXX
73040	....	A	Contrast x-ray of shoulder	0.54	2.27	NA	0.13	2.94	NA	XXX
73040	26	A	Contrast x-ray of shoulder	0.54	0.18	0.18	0.03	0.75	0.75	XXX
73040	TC	A	Contrast x-ray of shoulder	0.00	2.09	NA	0.10	2.19	NA	XXX
73050	....	A	X-ray exam of shoulders	0.20	0.74	NA	0.05	0.99	NA	XXX
73050	26	A	X-ray exam of shoulders	0.20	0.07	0.07	0.02	0.29	0.29	XXX
73050	TC	A	X-ray exam of shoulders	0.00	0.67	NA	0.03	0.70	NA	XXX
73060	....	A	X-ray exam of humerus	0.17	0.63	NA	0.04	0.84	NA	XXX
73060	26	A	X-ray exam of humerus	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73060	TC	A	X-ray exam of humerus	0.00	0.57	NA	0.03	0.60	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
73070	....	A	X-ray exam of elbow	0.15	0.57	NA	0.03	0.75	NA	XXX
73070	26	A	X-ray exam of elbow	0.15	0.05	0.05	0.01	0.21	0.21	XXX
73070	TC	A	X-ray exam of elbow	0.00	0.52	NA	0.02	0.54	NA	XXX
73080	....	A	X-ray exam of elbow	0.17	0.63	NA	0.04	0.84	NA	XXX
73080	26	A	X-ray exam of elbow	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73080	TC	A	X-ray exam of elbow	0.00	0.57	NA	0.03	0.60	NA	XXX
73085	....	A	Contrast x-ray of elbow	0.54	2.28	NA	0.13	2.95	NA	XXX
73085	26	A	Contrast x-ray of elbow	0.54	0.19	0.19	0.03	0.76	0.76	XXX
73085	TC	A	Contrast x-ray of elbow	0.00	2.09	NA	0.10	2.19	NA	XXX
73090	....	A	X-ray exam of forearm	0.16	0.57	NA	0.03	0.76	NA	XXX
73090	26	A	X-ray exam of forearm	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73090	TC	A	X-ray exam of forearm	0.00	0.52	NA	0.02	0.54	NA	XXX
73092	....	A	X-ray exam of arm, infant	0.16	0.54	NA	0.03	0.73	NA	XXX
73092	26	A	X-ray exam of arm, infant	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73092	TC	A	X-ray exam of arm, infant	0.00	0.49	NA	0.02	0.51	NA	XXX
73100	....	A	X-ray exam of wrist	0.16	0.55	NA	0.04	0.75	NA	XXX
73100	26	A	X-ray exam of wrist	0.16	0.06	0.06	0.02	0.24	0.24	XXX
73100	TC	A	X-ray exam of wrist	0.00	0.49	NA	0.02	0.51	NA	XXX
73110	....	A	X-ray exam of wrist	0.17	0.59	NA	0.03	0.79	NA	XXX
73110	26	A	X-ray exam of wrist	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73110	TC	A	X-ray exam of wrist	0.00	0.53	NA	0.02	0.55	NA	XXX
73115	....	A	Contrast x-ray of wrist	0.54	1.76	NA	0.11	2.41	NA	XXX
73115	26	A	Contrast x-ray of wrist	0.54	0.19	0.19	0.03	0.76	0.76	XXX
73115	TC	A	Contrast x-ray of wrist	0.00	1.57	NA	0.08	1.65	NA	XXX
73120	....	A	X-ray exam of hand	0.16	0.55	NA	0.03	0.74	NA	XXX
73120	26	A	X-ray exam of hand	0.16	0.06	0.06	0.01	0.23	0.23	XXX
73120	TC	A	X-ray exam of hand	0.00	0.49	NA	0.02	0.51	NA	XXX
73130	....	A	X-ray exam of hand	0.17	0.59	NA	0.03	0.79	NA	XXX
73130	26	A	X-ray exam of hand	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73130	TC	A	X-ray exam of hand	0.00	0.53	NA	0.02	0.55	NA	XXX
73140	....	A	X-ray exam of finger(s)	0.13	0.46	NA	0.03	0.62	NA	XXX
73140	26	A	X-ray exam of finger(s)	0.13	0.04	0.04	0.01	0.18	0.18	XXX
73140	TC	A	X-ray exam of finger(s)	0.00	0.42	NA	0.02	0.44	NA	XXX
73200	....	A	Ct upper extremity w/o dye	1.09	5.31	NA	0.26	6.66	NA	XXX
73200	26	A	Ct upper extremity w/o dye	1.09	0.37	0.37	0.05	1.51	1.51	XXX
73200	TC	A	Ct upper extremity w/o dye	0.00	4.94	NA	0.21	5.15	NA	XXX
73201	....	A	Ct upper extremity w/dye	1.16	6.28	NA	0.31	7.75	NA	XXX
73201	26	A	Ct upper extremity w/dye	1.16	0.40	0.40	0.05	1.61	1.61	XXX
73201	TC	A	Ct upper extremity w/dye	0.00	5.88	NA	0.26	6.14	NA	XXX
73202	....	A	Ct uppr extremity w/o&w/dye	1.22	7.81	NA	0.38	9.41	NA	XXX
73202	26	A	Ct uppr extremity w/o&w/dye	1.22	0.42	0.42	0.06	1.70	1.70	XXX
73202	TC	A	Ct uppr extremity w/o&w/dye	0.00	7.39	NA	0.32	7.71	NA	XXX
73206	....	A	Ct angio upr extrm w/o&w/dye	1.81	8.01	NA	0.38	10.20	NA	XXX
73206	26	A	Ct angio upr extrm w/o&w/dye	1.81	0.62	0.62	0.06	2.49	2.49	XXX
73206	TC	A	Ct angio upr extrm w/o&w/dye	0.00	7.39	NA	0.32	7.71	NA	XXX
73218	....	A	Mri upper extremity w/o dye	1.35	11.62	NA	0.36	13.33	NA	XXX
73218	26	A	Mri upper extremity w/o dye	1.35	0.46	0.46	0.04	1.85	1.85	XXX
73218	TC	A	Mri upper extremity w/o dye	0.00	11.16	NA	0.32	11.48	NA	XXX
73219	....	A	Mri upper extremity w/dye	1.62	13.94	NA	0.44	16.00	NA	XXX
73219	26	A	Mri upper extremity w/dye	1.62	0.56	0.56	0.05	2.23	2.23	XXX
73219	TC	A	Mri upper extremity w/dye	0.00	13.38	NA	0.39	13.77	NA	XXX
73220	....	A	Mri uppr extremity w/o&w/dye	2.15	25.52	NA	0.78	28.45	NA	XXX
73220	26	A	Mri uppr extremity w/o&w/dye	2.15	0.74	0.74	0.08	2.97	2.97	XXX
73220	TC	A	Mri uppr extremity w/o&w/dye	0.00	24.78	NA	0.70	25.48	NA	XXX
73221	....	A	Mri joint upr extrem w/o dye	1.35	11.62	NA	0.36	13.33	NA	XXX
73221	26	A	Mri joint upr extrem w/o dye	1.35	0.46	0.46	0.04	1.85	1.85	XXX
73221	TC	A	Mri joint upr extrem w/o dye	0.00	11.16	NA	0.32	11.48	NA	XXX
73222	....	A	Mri joint upr extrem w/dye	1.62	13.93	NA	0.44	15.99	NA	XXX
73222	26	A	Mri joint upr extrem w/dye	1.62	0.55	0.55	0.05	2.22	2.22	XXX
73222	TC	A	Mri joint upr extrem w/dye	0.00	13.38	NA	0.39	13.77	NA	XXX
73223	....	A	Mri joint upr extr w/o&w/dye	2.15	25.52	NA	0.77	28.44	NA	XXX
73223	26	A	Mri joint upr extr w/o&w/dye	2.15	0.74	0.74	0.07	2.96	2.96	XXX
73223	TC	A	Mri joint upr extr w/o&w/dye	0.00	24.78	NA	0.70	25.48	NA	XXX
73225	....	N	Mr angio upr extr w/o&w/dye	+1.73	11.84	NA	0.57	14.14	NA	XXX
73225	26	N	Mr angio upr extr w/o&w/dye	+1.73	0.68	0.68	0.08	2.49	2.49	XXX
73225	TC	N	Mr angio upr extr w/o&w/dye	+0.00	11.16	NA	0.49	11.65	NA	XXX
73500	....	A	X-ray exam of hip	0.17	0.53	NA	0.03	0.73	NA	XXX
73500	26	A	X-ray exam of hip	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73500	TC	A	X-ray exam of hip	0.00	0.47	NA	0.02	0.49	NA	XXX
73510	....	A	X-ray exam of hip	0.21	0.64	NA	0.05	0.90	NA	XXX
73510	26	A	X-ray exam of hip	0.21	0.07	0.07	0.02	0.30	0.30	XXX
73510	TC	A	X-ray exam of hip	0.00	0.57	NA	0.03	0.60	NA	XXX
73520	....	A	X-ray exam of hips	0.26	0.76	NA	0.05	1.07	NA	XXX
73520	26	A	X-ray exam of hips	0.26	0.09	0.09	0.02	0.37	0.37	XXX
73520	TC	A	X-ray exam of hips	0.00	0.67	NA	0.03	0.70	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
73525	....	A	Contrast x-ray of hip	0.54	2.27	NA	0.13	2.94	NA	XXX
73525	26	A	Contrast x-ray of hip	0.54	0.18	0.18	0.03	0.75	0.75	XXX
73525	TC	A	Contrast x-ray of hip	0.00	2.09	NA	0.10	2.19	NA	XXX
73530	....	A	X-ray exam of hip	0.29	0.62	NA	0.03	0.94	NA	XXX
73530	26	A	X-ray exam of hip	0.29	0.10	0.10	0.01	0.40	0.40	XXX
73530	TC	A	X-ray exam of hip	0.00	0.52	NA	0.02	0.54	NA	XXX
73540	....	A	X-ray exam of pelvis & hips	0.20	0.64	NA	0.05	0.89	NA	XXX
73540	26	A	X-ray exam of pelvis & hips	0.20	0.07	0.07	0.02	0.29	0.29	XXX
73540	TC	A	X-ray exam of pelvis & hips	0.00	0.57	NA	0.03	0.60	NA	XXX
73542	....	A	X-ray exam, sacroiliac joint	0.59	2.26	NA	0.13	2.98	NA	XXX
73542	26	A	X-ray exam, sacroiliac joint	0.59	0.17	0.17	0.03	0.79	0.79	XXX
73542	TC	A	X-ray exam, sacroiliac joint	0.00	2.09	NA	0.10	2.19	NA	XXX
73550	....	A	X-ray exam of thigh	0.17	0.63	NA	0.04	0.84	NA	XXX
73550	26	A	X-ray exam of thigh	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73550	TC	A	X-ray exam of thigh	0.00	0.57	NA	0.03	0.60	NA	XXX
73560	....	A	X-ray exam of knee, 1 or 2	0.17	0.58	NA	0.04	0.79	NA	XXX
73560	26	A	X-ray exam of knee, 1 or 2	0.17	0.06	0.06	0.02	0.25	0.25	XXX
73560	TC	A	X-ray exam of knee, 1 or 2	0.00	0.52	NA	0.02	0.54	NA	XXX
73562	....	A	X-ray exam of knee, 3	0.18	0.63	NA	0.05	0.86	NA	XXX
73562	26	A	X-ray exam of knee, 3	0.18	0.06	0.06	0.02	0.26	0.26	XXX
73562	TC	A	X-ray exam of knee, 3	0.00	0.57	NA	0.03	0.60	NA	XXX
73564	....	A	X-ray exam, knee, 4 or more	0.22	0.70	NA	0.05	0.97	NA	XXX
73564	26	A	X-ray exam, knee, 4 or more	0.22	0.08	0.08	0.02	0.32	0.32	XXX
73564	TC	A	X-ray exam, knee, 4 or more	0.00	0.62	NA	0.03	0.65	NA	XXX
73565	....	A	X-ray exam of knees	0.17	0.55	NA	0.04	0.76	NA	XXX
73565	26	A	X-ray exam of knees	0.17	0.06	0.06	0.02	0.25	0.25	XXX
73565	TC	A	X-ray exam of knees	0.00	0.49	NA	0.02	0.51	NA	XXX
73580	....	A	Contrast x-ray of knee joint	0.54	2.79	NA	0.15	3.48	NA	XXX
73580	26	A	Contrast x-ray of knee joint	0.54	0.18	0.18	0.03	0.75	0.75	XXX
73580	TC	A	Contrast x-ray of knee joint	0.00	2.61	NA	0.12	2.73	NA	XXX
73590	....	A	X-ray exam of lower leg	0.17	0.58	NA	0.03	0.78	NA	XXX
73590	26	A	X-ray exam of lower leg	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73590	TC	A	X-ray exam of lower leg	0.00	0.52	NA	0.02	0.54	NA	XXX
73592	....	A	X-ray exam of leg, infant	0.16	0.55	NA	0.03	0.74	NA	XXX
73592	26	A	X-ray exam of leg, infant	0.16	0.06	0.06	0.01	0.23	0.23	XXX
73592	TC	A	X-ray exam of leg, infant	0.00	0.49	NA	0.02	0.51	NA	XXX
73600	....	A	X-ray exam of ankle	0.16	0.55	NA	0.03	0.74	NA	XXX
73600	26	A	X-ray exam of ankle	0.16	0.06	0.06	0.01	0.23	0.23	XXX
73600	TC	A	X-ray exam of ankle	0.00	0.49	NA	0.02	0.51	NA	XXX
73610	....	A	X-ray exam of ankle	0.17	0.59	NA	0.03	0.79	NA	XXX
73610	26	A	X-ray exam of ankle	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73610	TC	A	X-ray exam of ankle	0.00	0.53	NA	0.02	0.55	NA	XXX
73615	....	A	Contrast x-ray of ankle	0.54	2.28	NA	0.13	2.95	NA	XXX
73615	26	A	Contrast x-ray of ankle	0.54	0.19	0.19	0.03	0.76	0.76	XXX
73615	TC	A	Contrast x-ray of ankle	0.00	2.09	NA	0.10	2.19	NA	XXX
73620	....	A	X-ray exam of foot	0.16	0.55	NA	0.03	0.74	NA	XXX
73620	26	A	X-ray exam of foot	0.16	0.06	0.06	0.01	0.23	0.23	XXX
73620	TC	A	X-ray exam of foot	0.00	0.49	NA	0.02	0.51	NA	XXX
73630	....	A	X-ray exam of foot	0.17	0.59	NA	0.03	0.79	NA	XXX
73630	26	A	X-ray exam of foot	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73630	TC	A	X-ray exam of foot	0.00	0.53	NA	0.02	0.55	NA	XXX
73650	....	A	X-ray exam of heel	0.16	0.53	NA	0.03	0.72	NA	XXX
73650	26	A	X-ray exam of heel	0.16	0.06	0.06	0.01	0.23	0.23	XXX
73650	TC	A	X-ray exam of heel	0.00	0.47	NA	0.02	0.49	NA	XXX
73660	....	A	X-ray exam of toe(s)	0.13	0.46	NA	0.03	0.62	NA	XXX
73660	26	A	X-ray exam of toe(s)	0.13	0.04	0.04	0.01	0.18	0.18	XXX
73660	TC	A	X-ray exam of toe(s)	0.00	0.42	NA	0.02	0.44	NA	XXX
73700	....	A	Ct lower extremity w/o dye	1.09	5.31	NA	0.26	6.66	NA	XXX
73700	26	A	Ct lower extremity w/o dye	1.09	0.37	0.37	0.05	1.51	1.51	XXX
73700	TC	A	Ct lower extremity w/o dye	0.00	4.94	NA	0.21	5.15	NA	XXX
73701	....	A	Ct lower extremity w/dye	1.16	6.27	NA	0.31	7.74	NA	XXX
73701	26	A	Ct lower extremity w/dye	1.16	0.39	0.39	0.05	1.60	1.60	XXX
73701	TC	A	Ct lower extremity w/dye	0.00	5.88	NA	0.26	6.14	NA	XXX
73702	....	A	Ct lwr extremity w/o&w/dye	1.22	7.80	NA	0.37	9.39	NA	XXX
73702	26	A	Ct lwr extremity w/o&w/dye	1.22	0.41	0.41	0.05	1.68	1.68	XXX
73702	TC	A	Ct lwr extremity w/o&w/dye	0.00	7.39	NA	0.32	7.71	NA	XXX
73706	....	A	Ct angio lwr extr w/o&w/dye	1.90	8.04	NA	0.38	10.32	NA	XXX
73706	26	A	Ct angio lwr extr w/o&w/dye	1.90	0.65	0.65	0.06	2.61	2.61	XXX
73706	TC	A	Ct angio lwr extr w/o&w/dye	0.00	7.39	NA	0.32	7.71	NA	XXX
73718	....	A	Mri lower extremity w/o dye	1.35	11.62	NA	0.36	13.33	NA	XXX
73718	26	A	Mri lower extremity w/o dye	1.35	0.46	0.46	0.04	1.85	1.85	XXX
73718	TC	A	Mri lower extremity w/o dye	0.00	11.16	NA	0.32	11.48	NA	XXX
73719	....	A	Mri lower extremity w/dye	1.62	13.93	NA	0.44	15.99	NA	XXX
73719	26	A	Mri lower extremity w/dye	1.62	0.55	0.55	0.05	2.22	2.22	XXX
73719	TC	A	Mri lower extremity w/dye	0.00	13.38	NA	0.39	13.77	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
73720	....	A	Mri lwr extremity w/o&w/dye	2.15	25.51	NA	0.78	28.44	NA	XXX
73720	26	A	Mri lwr extremity w/o&w/dye	2.15	0.73	0.73	0.08	2.96	2.96	XXX
73720	TC	A	Mri lwr extremity w/o&w/dye	0.00	24.78	NA	0.70	25.48	NA	XXX
73721	....	A	Mri jnt of lwr extre w/o dye	1.35	11.62	NA	0.36	13.33	NA	XXX
73721	26	A	Mri jnt of lwr extre w/o dye	1.35	0.46	0.46	0.04	1.85	1.85	XXX
73721	TC	A	Mri jnt of lwr extre w/o dye	0.00	11.16	NA	0.32	11.48	NA	XXX
73722	....	A	Mri joint of lwr extr w/dye	1.62	13.94	NA	0.45	16.01	NA	XXX
73722	26	A	Mri joint of lwr extr w/dye	1.62	0.56	0.56	0.06	2.24	2.24	XXX
73722	TC	A	Mri joint of lwr extr w/dye	0.00	13.38	NA	0.39	13.77	NA	XXX
73723	....	A	Mri joint lwr extr w/o&w/dye	2.15	25.52	NA	0.77	28.44	NA	XXX
73723	26	A	Mri joint lwr extr w/o&w/dye	2.15	0.74	0.74	0.07	2.96	2.96	XXX
73723	TC	A	Mri joint lwr extr w/o&w/dye	0.00	24.78	NA	0.70	25.48	NA	XXX
73725	....	R	Mr ang lwr ext w or w/o dye	1.82	11.78	NA	0.57	14.17	NA	XXX
73725	26	R	Mr ang lwr ext w or w/o dye	1.82	0.62	0.62	0.08	2.52	2.52	XXX
73725	TC	R	Mr ang lwr ext w or w/o dye	0.00	11.16	NA	0.49	11.65	NA	XXX
74000	....	A	X-ray exam of abdomen	0.18	0.58	NA	0.03	0.79	NA	XXX
74000	26	A	X-ray exam of abdomen	0.18	0.06	0.06	0.01	0.25	0.25	XXX
74000	TC	A	X-ray exam of abdomen	0.00	0.52	NA	0.02	0.54	NA	XXX
74010	....	A	X-ray exam of abdomen	0.23	0.65	NA	0.04	0.92	NA	XXX
74010	26	A	X-ray exam of abdomen	0.23	0.08	0.08	0.01	0.32	0.32	XXX
74010	TC	A	X-ray exam of abdomen	0.00	0.57	NA	0.03	0.60	NA	XXX
74020	....	A	X-ray exam of abdomen	0.27	0.71	NA	0.04	1.02	NA	XXX
74020	26	A	X-ray exam of abdomen	0.27	0.09	0.09	0.01	0.37	0.37	XXX
74020	TC	A	X-ray exam of abdomen	0.00	0.62	NA	0.03	0.65	NA	XXX
74022	....	A	X-ray exam series, abdomen	0.32	0.85	NA	0.05	1.22	NA	XXX
74022	26	A	X-ray exam series, abdomen	0.32	0.11	0.11	0.01	0.44	0.44	XXX
74022	TC	A	X-ray exam series, abdomen	0.00	0.74	NA	0.04	0.78	NA	XXX
74150	....	A	Ct abdomen w/o dye	1.19	6.03	NA	0.30	7.52	NA	XXX
74150	26	A	Ct abdomen w/o dye	1.19	0.40	0.40	0.05	1.64	1.64	XXX
74150	TC	A	Ct abdomen w/o dye	0.00	5.63	NA	0.25	5.88	NA	XXX
74160	....	A	Ct abdomen w/dye	1.27	7.25	NA	0.36	8.88	NA	XXX
74160	26	A	Ct abdomen w/dye	1.27	0.43	0.43	0.06	1.76	1.76	XXX
74160	TC	A	Ct abdomen w/dye	0.00	6.82	NA	0.30	7.12	NA	XXX
74170	....	A	Ct abdomen w/o&w/dye	1.40	8.93	NA	0.42	10.75	NA	XXX
74170	26	A	Ct abdomen w/o&w/dye	1.40	0.48	0.48	0.06	1.94	1.94	XXX
74170	TC	A	Ct abdomen w/o&w/dye	0.00	8.45	NA	0.36	8.81	NA	XXX
74175	....	A	Ct angio abdom w/o&w/dye	1.90	9.10	NA	0.38	11.38	NA	XXX
74175	26	A	Ct angio abdom w/o&w/dye	1.90	0.65	0.65	0.06	2.61	2.61	XXX
74175	TC	A	Ct angio abdom w/o&w/dye	0.00	8.45	NA	0.32	8.77	NA	XXX
74181	....	A	Mri abdomen w/o dye	1.46	11.66	NA	0.43	13.55	NA	XXX
74181	26	A	Mri abdomen w/o dye	1.46	0.50	0.50	0.06	2.02	2.02	XXX
74181	TC	A	Mri abdomen w/o dye	0.00	11.16	NA	0.37	11.53	NA	XXX
74182	....	A	Mri abdomen w/dye	1.73	13.97	NA	0.49	16.19	NA	XXX
74182	26	A	Mri abdomen w/dye	1.73	0.59	0.59	0.06	2.38	2.38	XXX
74182	TC	A	Mri abdomen w/dye	0.00	13.38	NA	0.43	13.81	NA	XXX
74183	....	A	Mri abdomen w/o&w/dye	2.26	25.55	NA	0.84	28.65	NA	XXX
74183	26	A	Mri abdomen w/o&w/dye	2.26	0.77	0.77	0.08	3.11	3.11	XXX
74183	TC	A	Mri abdomen w/o&w/dye	0.00	24.78	NA	0.76	25.54	NA	XXX
74185	....	R	Mri angio, abdom w or w/o dy	1.80	11.77	NA	0.57	14.14	NA	XXX
74185	26	R	Mri angio, abdom w or w/o dy	1.80	0.61	0.61	0.08	2.49	2.49	XXX
74185	TC	R	Mri angio, abdom w or w/o dy	0.00	11.16	NA	0.49	11.65	NA	XXX
74190	....	A	X-ray exam of peritoneum	0.48	1.46	NA	0.08	2.02	NA	XXX
74190	26	A	X-ray exam of peritoneum	0.48	0.16	0.16	0.02	0.66	0.66	XXX
74190	TC	A	X-ray exam of peritoneum	0.00	1.30	NA	0.06	1.36	NA	XXX
74210	....	A	Contrst x-ray exam of throat	0.36	1.30	NA	0.07	1.73	NA	XXX
74210	26	A	Contrst x-ray exam of throat	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74210	TC	A	Contrst x-ray exam of throat	0.00	1.18	NA	0.05	1.23	NA	XXX
74220	....	A	Contrast x-ray, esophagus	0.46	1.34	NA	0.07	1.87	NA	XXX
74220	26	A	Contrast x-ray, esophagus	0.46	0.16	0.16	0.02	0.64	0.64	XXX
74220	TC	A	Contrast x-ray, esophagus	0.00	1.18	NA	0.05	1.23	NA	XXX
74230	....	A	Cine/vid x-ray, throat/esoph	0.53	1.48	NA	0.08	2.09	NA	XXX
74230	26	A	Cine/vid x-ray, throat/esoph	0.53	0.18	0.18	0.02	0.73	0.73	XXX
74230	TC	A	Cine/vid x-ray, throat/esoph	0.00	1.30	NA	0.06	1.36	NA	XXX
74235	....	A	Remove esophagus obstruction	1.19	3.02	NA	0.17	4.38	NA	XXX
74235	26	A	Remove esophagus obstruction	1.19	0.41	0.41	0.05	1.65	1.65	XXX
74235	TC	A	Remove esophagus obstruction	0.00	2.61	NA	0.12	2.73	NA	XXX
74240	....	A	X-ray exam, upper gi tract	0.69	1.68	NA	0.10	2.47	NA	XXX
74240	26	A	X-ray exam, upper gi tract	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74240	TC	A	X-ray exam, upper gi tract	0.00	1.45	NA	0.07	1.52	NA	XXX
74241	....	A	X-ray exam, upper gi tract	0.69	1.71	NA	0.10	2.50	NA	XXX
74241	26	A	X-ray exam, upper gi tract	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74241	TC	A	X-ray exam, upper gi tract	0.00	1.48	NA	0.07	1.55	NA	XXX
74245	....	A	X-ray exam, upper gi tract	0.91	2.68	NA	0.15	3.74	NA	XXX
74245	26	A	X-ray exam, upper gi tract	0.91	0.31	0.31	0.04	1.26	1.26	XXX
74245	TC	A	X-ray exam, upper gi tract	0.00	2.37	NA	0.11	2.48	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
74246	....	A	Contrst x-ray uppr gi tract	0.69	1.86	NA	0.11	2.66	NA	XXX
74246	26	A	Contrst x-ray uppr gi tract	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74246	TC	A	Contrst x-ray uppr gi tract	0.00	1.63	NA	0.08	1.71	NA	XXX
74247	....	A	Contrst x-ray uppr gi tract	0.69	1.90	NA	0.12	2.71	NA	XXX
74247	26	A	Contrst x-ray uppr gi tract	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74247	TC	A	Contrst x-ray uppr gi tract	0.00	1.67	NA	0.09	1.76	NA	XXX
74249	....	A	Contrst x-ray uppr gi tract	0.91	2.87	NA	0.16	3.94	NA	XXX
74249	26	A	Contrst x-ray uppr gi tract	0.91	0.31	0.31	0.04	1.26	1.26	XXX
74249	TC	A	Contrst x-ray uppr gi tract	0.00	2.56	NA	0.12	2.68	NA	XXX
74250	....	A	X-ray exam of small bowel	0.47	1.46	NA	0.08	2.01	NA	XXX
74250	26	A	X-ray exam of small bowel	0.47	0.16	0.16	0.02	0.65	0.65	XXX
74250	TC	A	X-ray exam of small bowel	0.00	1.30	NA	0.06	1.36	NA	XXX
74251	....	A	X-ray exam of small bowel	0.69	1.53	NA	0.09	2.31	NA	XXX
74251	26	A	X-ray exam of small bowel	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74251	TC	A	X-ray exam of small bowel	0.00	1.30	NA	0.06	1.36	NA	XXX
74260	....	A	X-ray exam of small bowel	0.50	1.65	NA	0.09	2.24	NA	XXX
74260	26	A	X-ray exam of small bowel	0.50	0.17	0.17	0.02	0.69	0.69	XXX
74260	TC	A	X-ray exam of small bowel	0.00	1.48	NA	0.07	1.55	NA	XXX
74270	....	A	Contrast x-ray exam of colon	0.69	1.92	NA	0.12	2.73	NA	XXX
74270	26	A	Contrast x-ray exam of colon	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74270	TC	A	Contrast x-ray exam of colon	0.00	1.69	NA	0.09	1.78	NA	XXX
74280	....	A	Contrast x-ray exam of colon	0.99	2.56	NA	0.15	3.70	NA	XXX
74280	26	A	Contrast x-ray exam of colon	0.99	0.34	0.34	0.04	1.37	1.37	XXX
74280	TC	A	Contrast x-ray exam of colon	0.00	2.22	NA	0.11	2.33	NA	XXX
74283	....	A	Contrast x-ray exam of colon	2.02	3.24	NA	0.21	5.47	NA	XXX
74283	26	A	Contrast x-ray exam of colon	2.02	0.69	0.69	0.09	2.80	2.80	XXX
74283	TC	A	Contrast x-ray exam of colon	0.00	2.55	NA	0.12	2.67	NA	XXX
74290	....	A	Contrast x-ray, gallbladder	0.32	0.85	NA	0.05	1.22	NA	XXX
74290	26	A	Contrast x-ray, gallbladder	0.32	0.11	0.11	0.01	0.44	0.44	XXX
74290	TC	A	Contrast x-ray, gallbladder	0.00	0.74	NA	0.04	0.78	NA	XXX
74291	....	A	Contrast x-rays, gallbladder	0.20	0.49	NA	0.03	0.72	NA	XXX
74291	26	A	Contrast x-rays, gallbladder	0.20	0.07	0.07	0.01	0.28	0.28	XXX
74291	TC	A	Contrast x-rays, gallbladder	0.00	0.42	NA	0.02	0.44	NA	XXX
74300	....	C	X-ray bile ducts/pancreas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
74300	26	A	X-ray bile ducts/pancreas	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74300	TC	C	X-ray bile ducts/pancreas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
74301	....	C	X-rays at surgery add-on	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
74301	26	A	X-rays at surgery add-on	0.21	0.07	0.07	0.01	0.29	0.29	ZZZ
74301	TC	C	X-rays at surgery add-on	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
74305	....	A	X-ray bile ducts/pancreas	0.42	0.92	NA	0.06	1.40	NA	XXX
74305	26	A	X-ray bile ducts/pancreas	0.42	0.14	0.14	0.02	0.58	0.58	XXX
74305	TC	A	X-ray bile ducts/pancreas	0.00	0.78	NA	0.04	0.82	NA	XXX
74320	....	A	Contrast x-ray of bile ducts	0.54	3.31	NA	0.16	4.01	NA	XXX
74320	26	A	Contrast x-ray of bile ducts	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74320	TC	A	Contrast x-ray of bile ducts	0.00	3.13	NA	0.14	3.27	NA	XXX
74327	....	A	X-ray bile stone removal	0.70	1.99	NA	0.12	2.81	NA	XXX
74327	26	A	X-ray bile stone removal	0.70	0.24	0.24	0.03	0.97	0.97	XXX
74327	TC	A	X-ray bile stone removal	0.00	1.75	NA	0.09	1.84	NA	XXX
74328	....	A	X-ray bile duct endoscopy	0.70	3.37	NA	0.17	4.24	NA	XXX
74328	26	A	X-ray bile duct endoscopy	0.70	0.24	0.24	0.03	0.97	0.97	XXX
74328	TC	A	X-ray bile duct endoscopy	0.00	3.13	NA	0.14	3.27	NA	XXX
74329	....	A	X-ray for pancreas endoscopy	0.70	3.37	NA	0.17	4.24	NA	XXX
74329	26	A	X-ray for pancreas endoscopy	0.70	0.24	0.24	0.03	0.97	0.97	XXX
74329	TC	A	X-ray for pancreas endoscopy	0.00	3.13	NA	0.14	3.27	NA	XXX
74330	....	A	X-ray bile/panc endoscopy	0.90	3.44	NA	0.18	4.52	NA	XXX
74330	26	A	X-ray bile/panc endoscopy	0.90	0.31	0.31	0.04	1.25	1.25	XXX
74330	TC	A	X-ray bile/panc endoscopy	0.00	3.13	NA	0.14	3.27	NA	XXX
74340	....	A	X-ray guide for GI tube	0.54	2.79	NA	0.14	3.47	NA	XXX
74340	26	A	X-ray guide for GI tube	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74340	TC	A	X-ray guide for GI tube	0.00	2.61	NA	0.12	2.73	NA	XXX
74350	....	A	X-ray guide, stomach tube	0.76	3.39	NA	0.17	4.32	NA	XXX
74350	26	A	X-ray guide, stomach tube	0.76	0.26	0.26	0.03	1.05	1.05	XXX
74350	TC	A	X-ray guide, stomach tube	0.00	3.13	NA	0.14	3.27	NA	XXX
74355	....	A	X-ray guide, intestinal tube	0.76	2.87	NA	0.15	3.78	NA	XXX
74355	26	A	X-ray guide, intestinal tube	0.76	0.26	0.26	0.03	1.05	1.05	XXX
74355	TC	A	X-ray guide, intestinal tube	0.00	2.61	NA	0.12	2.73	NA	XXX
74360	....	A	X-ray guide, GI dilation	0.54	3.32	NA	0.16	4.02	NA	XXX
74360	26	A	X-ray guide, GI dilation	0.54	0.19	0.19	0.02	0.75	0.75	XXX
74360	TC	A	X-ray guide, GI dilation	0.00	3.13	NA	0.14	3.27	NA	XXX
74363	....	A	X-ray, bile duct dilation	0.88	6.37	NA	0.31	7.56	NA	XXX
74363	26	A	X-ray, bile duct dilation	0.88	0.30	0.30	0.04	1.22	1.22	XXX
74363	TC	A	X-ray, bile duct dilation	0.00	6.07	NA	0.27	6.34	NA	XXX
74400	....	A	Contrst x-ray, urinary tract	0.49	1.84	NA	0.11	2.44	NA	XXX
74400	26	A	Contrst x-ray, urinary tract	0.49	0.17	0.17	0.02	0.68	0.68	XXX
74400	TC	A	Contrst x-ray, urinary tract	0.00	1.67	NA	0.09	1.76	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
74410	....	A	Contrst x-ray, urinary tract	0.49	2.11	NA	0.11	2.71	NA	XXX
74410	26	A	Contrst x-ray, urinary tract	0.49	0.17	0.17	0.02	0.68	0.68	XXX
74410	TC	A	Contrst x-ray, urinary tract	0.00	1.94	NA	0.09	2.03	NA	XXX
74415	....	A	Contrst x-ray, urinary tract	0.49	2.28	NA	0.12	2.89	NA	XXX
74415	26	A	Contrst x-ray, urinary tract	0.49	0.17	0.17	0.02	0.68	0.68	XXX
74415	TC	A	Contrst x-ray, urinary tract	0.00	2.11	NA	0.10	2.21	NA	XXX
74420	....	A	Contrst x-ray, urinary tract	0.36	2.73	NA	0.14	3.23	NA	XXX
74420	26	A	Contrst x-ray, urinary tract	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74420	TC	A	Contrst x-ray, urinary tract	0.00	2.61	NA	0.12	2.73	NA	XXX
74425	....	A	Contrst x-ray, urinary tract	0.36	1.42	NA	0.08	1.86	NA	XXX
74425	26	A	Contrst x-ray, urinary tract	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74425	TC	A	Contrst x-ray, urinary tract	0.00	1.30	NA	0.06	1.36	NA	XXX
74430	....	A	Contrast x-ray, bladder	0.32	1.15	NA	0.07	1.54	NA	XXX
74430	26	A	Contrast x-ray, bladder	0.32	0.11	0.11	0.02	0.45	0.45	XXX
74430	TC	A	Contrast x-ray, bladder	0.00	1.04	NA	0.05	1.09	NA	XXX
74440	....	A	X-ray, male genital tract	0.38	1.25	NA	0.07	1.70	NA	XXX
74440	26	A	X-ray, male genital tract	0.38	0.13	0.13	0.02	0.53	0.53	XXX
74440	TC	A	X-ray, male genital tract	0.00	1.12	NA	0.05	1.17	NA	XXX
74445	....	A	X-ray exam of penis	1.14	1.50	NA	0.10	2.74	NA	XXX
74445	26	A	X-ray exam of penis	1.14	0.38	0.38	0.05	1.57	1.57	XXX
74445	TC	A	X-ray exam of penis	0.00	1.12	NA	0.05	1.17	NA	XXX
74450	....	A	X-ray, urethra/bladder	0.33	1.56	NA	0.09	1.98	NA	XXX
74450	26	A	X-ray, urethra/bladder	0.33	0.11	0.11	0.02	0.46	0.46	XXX
74450	TC	A	X-ray, urethra/bladder	0.00	1.45	NA	0.07	1.52	NA	XXX
74455	....	A	X-ray, urethra/bladder	0.33	1.68	NA	0.10	2.11	NA	XXX
74455	26	A	X-ray, urethra/bladder	0.33	0.11	0.11	0.02	0.46	0.46	XXX
74455	TC	A	X-ray, urethra/bladder	0.00	1.57	NA	0.08	1.65	NA	XXX
74470	....	A	X-ray exam of kidney lesion	0.54	1.42	NA	0.08	2.04	NA	XXX
74470	26	A	X-ray exam of kidney lesion	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74470	TC	A	X-ray exam of kidney lesion	0.00	1.24	NA	0.06	1.30	NA	XXX
74475	....	A	X-ray control, cath insert	0.54	4.23	NA	0.20	4.97	NA	XXX
74475	26	A	X-ray control, cath insert	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74475	TC	A	X-ray control, cath insert	0.00	4.05	NA	0.18	4.23	NA	XXX
74480	....	A	X-ray control, cath insert	0.54	4.23	NA	0.20	4.97	NA	XXX
74480	26	A	X-ray control, cath insert	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74480	TC	A	X-ray control, cath insert	0.00	4.05	NA	0.18	4.23	NA	XXX
74485	....	A	X-ray guide, GU dilation	0.54	3.31	NA	0.17	4.02	NA	XXX
74485	26	A	X-ray guide, GU dilation	0.54	0.18	0.18	0.03	0.75	0.75	XXX
74485	TC	A	X-ray guide, GU dilation	0.00	3.13	NA	0.14	3.27	NA	XXX
74710	....	A	X-ray measurement of pelvis	0.34	1.16	NA	0.07	1.57	NA	XXX
74710	26	A	X-ray measurement of pelvis	0.34	0.12	0.12	0.02	0.48	0.48	XXX
74710	TC	A	X-ray measurement of pelvis	0.00	1.04	NA	0.05	1.09	NA	XXX
74740	....	A	X-ray, female genital tract	0.38	1.43	NA	0.08	1.89	NA	XXX
74740	26	A	X-ray, female genital tract	0.38	0.13	0.13	0.02	0.53	0.53	XXX
74740	TC	A	X-ray, female genital tract	0.00	1.30	NA	0.06	1.36	NA	XXX
74742	....	A	X-ray, fallopian tube	0.61	3.34	NA	0.16	4.11	NA	XXX
74742	26	A	X-ray, fallopian tube	0.61	0.21	0.21	0.02	0.84	0.84	XXX
74742	TC	A	X-ray, fallopian tube	0.00	3.13	NA	0.14	3.27	NA	XXX
74775	....	A	X-ray exam of perineum	0.62	1.67	NA	0.10	2.39	NA	XXX
74775	26	A	X-ray exam of perineum	0.62	0.22	0.22	0.03	0.87	0.87	XXX
74775	TC	A	X-ray exam of perineum	0.00	1.45	NA	0.07	1.52	NA	XXX
75552	....	A	Heart mri for morph w/o dye	1.60	11.71	NA	0.56	13.87	NA	XXX
75552	26	A	Heart mri for morph w/o dye	1.60	0.55	0.55	0.07	2.22	2.22	XXX
75552	TC	A	Heart mri for morph w/o dye	0.00	11.16	NA	0.49	11.65	NA	XXX
75553	....	A	Heart mri for morph w/dye	2.00	11.84	NA	0.58	14.42	NA	XXX
75553	26	A	Heart mri for morph w/dye	2.00	0.68	0.68	0.09	2.77	2.77	XXX
75553	TC	A	Heart mri for morph w/dye	0.00	11.16	NA	0.49	11.65	NA	XXX
75554	....	A	Cardiac MRI/function	1.83	11.83	NA	0.56	14.22	NA	XXX
75554	26	A	Cardiac MRI/function	1.83	0.67	0.67	0.07	2.57	2.57	XXX
75554	TC	A	Cardiac MRI/function	0.00	11.16	NA	0.49	11.65	NA	XXX
75555	....	A	Cardiac MRI/limited study	1.74	11.82	NA	0.56	14.12	NA	XXX
75555	26	A	Cardiac MRI/limited study	1.74	0.66	0.66	0.07	2.47	2.47	XXX
75555	TC	A	Cardiac MRI/limited study	0.00	11.16	NA	0.49	11.65	NA	XXX
75556	....	N	Cardiac MRI/flow mapping	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75600	....	A	Contrast x-ray exam of aorta	0.49	12.74	NA	0.56	13.79	NA	XXX
75600	26	A	Contrast x-ray exam of aorta	0.49	0.19	0.19	0.02	0.70	0.70	XXX
75600	TC	A	Contrast x-ray exam of aorta	0.00	12.55	NA	0.54	13.09	NA	XXX
75605	....	A	Contrast x-ray exam of aorta	1.14	12.96	NA	0.59	14.69	NA	XXX
75605	26	A	Contrast x-ray exam of aorta	1.14	0.41	0.41	0.05	1.60	1.60	XXX
75605	TC	A	Contrast x-ray exam of aorta	0.00	12.55	NA	0.54	13.09	NA	XXX
75625	....	A	Contrast x-ray exam of aorta	1.14	12.94	NA	0.59	14.67	NA	XXX
75625	26	A	Contrast x-ray exam of aorta	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75625	TC	A	Contrast x-ray exam of aorta	0.00	12.55	NA	0.54	13.09	NA	XXX
75630	....	A	X-ray aorta, leg arteries	1.79	13.72	NA	0.65	16.16	NA	XXX
75630	26	A	X-ray aorta, leg arteries	1.79	0.64	0.64	0.08	2.51	2.51	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS ²	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
75630	TC	....	A	X-ray aorta, leg arteries	0.00	13.08	NA	0.57	13.65	NA	XXX
75635	A	Ct angio abdominal arteries	2.40	16.66	NA	0.41	19.47	NA	XXX		
75635	26	....	A	Ct angio abdominal arteries	2.40	0.82	0.82	0.09	3.31	3.31	XXX
75635	TC	....	A	Ct angio abdominal arteries	0.00	15.84	NA	0.32	16.16	NA	XXX
75650	A	Artery x-rays, head & neck	1.49	13.06	NA	0.61	15.16	NA	XXX		
75650	26	....	A	Artery x-rays, head & neck	1.49	0.51	0.51	0.07	2.07	2.07	XXX
75650	TC	....	A	Artery x-rays, head & neck	0.00	12.55	NA	0.54	13.09	NA	XXX
75658	A	Artery x-rays, arm	1.31	13.04	NA	0.60	14.95	NA	XXX		
75658	26	....	A	Artery x-rays, arm	1.31	0.49	0.49	0.06	1.86	1.86	XXX
75658	TC	....	A	Artery x-rays, arm	0.00	12.55	NA	0.54	13.09	NA	XXX
75660	A	Artery x-rays, head & neck	1.31	13.01	NA	0.60	14.92	NA	XXX		
75660	26	....	A	Artery x-rays, head & neck	1.31	0.46	0.46	0.06	1.83	1.83	XXX
75660	TC	....	A	Artery x-rays, head & neck	0.00	12.55	NA	0.54	13.09	NA	XXX
75662	A	Artery x-rays, head & neck	1.66	13.16	NA	0.62	15.44	NA	XXX		
75662	26	....	A	Artery x-rays, head & neck	1.66	0.61	0.61	0.08	2.35	2.35	XXX
75662	TC	....	A	Artery x-rays, head & neck	0.00	12.55	NA	0.54	13.09	NA	XXX
75665	A	Artery x-rays, head & neck	1.31	13.00	NA	0.61	14.92	NA	XXX		
75665	26	....	A	Artery x-rays, head & neck	1.31	0.45	0.45	0.07	1.83	1.83	XXX
75665	TC	....	A	Artery x-rays, head & neck	0.00	12.55	NA	0.54	13.09	NA	XXX
75671	A	Artery x-rays, head & neck	1.66	13.12	NA	0.62	15.40	NA	XXX		
75671	26	....	A	Artery x-rays, head & neck	1.66	0.57	0.57	0.08	2.31	2.31	XXX
75671	TC	....	A	Artery x-rays, head & neck	0.00	12.55	NA	0.54	13.09	NA	XXX
75676	A	Artery x-rays, neck	1.31	13.01	NA	0.61	14.93	NA	XXX		
75676	26	....	A	Artery x-rays, neck	1.31	0.46	0.46	0.07	1.84	1.84	XXX
75676	TC	....	A	Artery x-rays, neck	0.00	12.55	NA	0.54	13.09	NA	XXX
75680	A	Artery x-rays, neck	1.66	13.12	NA	0.62	15.40	NA	XXX		
75680	26	....	A	Artery x-rays, neck	1.66	0.57	0.57	0.08	2.31	2.31	XXX
75680	TC	....	A	Artery x-rays, neck	0.00	12.55	NA	0.54	13.09	NA	XXX
75685	A	Artery x-rays, spine	1.31	13.00	NA	0.60	14.91	NA	XXX		
75685	26	....	A	Artery x-rays, spine	1.31	0.45	0.45	0.06	1.82	1.82	XXX
75685	TC	....	A	Artery x-rays, spine	0.00	12.55	NA	0.54	13.09	NA	XXX
75705	A	Artery x-rays, spine	2.18	13.31	NA	0.65	16.14	NA	XXX		
75705	26	....	A	Artery x-rays, spine	2.18	0.76	0.76	0.11	3.05	3.05	XXX
75705	TC	....	A	Artery x-rays, spine	0.00	12.55	NA	0.54	13.09	NA	XXX
75710	A	Artery x-rays, arm/leg	1.14	12.95	NA	0.60	14.69	NA	XXX		
75710	26	....	A	Artery x-rays, arm/leg	1.14	0.40	0.40	0.06	1.60	1.60	XXX
75710	TC	....	A	Artery x-rays, arm/leg	0.00	12.55	NA	0.54	13.09	NA	XXX
75716	A	Artery x-rays, arms/legs	1.31	13.00	NA	0.60	14.91	NA	XXX		
75716	26	....	A	Artery x-rays, arms/legs	1.31	0.45	0.45	0.06	1.82	1.82	XXX
75716	TC	....	A	Artery x-rays, arms/legs	0.00	12.55	NA	0.54	13.09	NA	XXX
75722	A	Artery x-rays, kidney	1.14	12.96	NA	0.59	14.69	NA	XXX		
75722	26	....	A	Artery x-rays, kidney	1.14	0.41	0.41	0.05	1.60	1.60	XXX
75722	TC	....	A	Artery x-rays, kidney	0.00	12.55	NA	0.54	13.09	NA	XXX
75724	A	Artery x-rays, kidneys	1.49	13.13	NA	0.59	15.21	NA	XXX		
75724	26	....	A	Artery x-rays, kidneys	1.49	0.58	0.58	0.05	2.12	2.12	XXX
75724	TC	....	A	Artery x-rays, kidneys	0.00	12.55	NA	0.54	13.09	NA	XXX
75726	A	Artery x-rays, abdomen	1.14	12.94	NA	0.59	14.67	NA	XXX		
75726	26	....	A	Artery x-rays, abdomen	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75726	TC	....	A	Artery x-rays, abdomen	0.00	12.55	NA	0.54	13.09	NA	XXX
75731	A	Artery x-rays, adrenal gland	1.14	12.94	NA	0.59	14.67	NA	XXX		
75731	26	....	A	Artery x-rays, adrenal gland	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75731	TC	....	A	Artery x-rays, adrenal gland	0.00	12.55	NA	0.54	13.09	NA	XXX
75733	A	Artery x-rays, adrenals	1.31	13.00	NA	0.60	14.91	NA	XXX		
75733	26	....	A	Artery x-rays, adrenals	1.31	0.45	0.45	0.06	1.82	1.82	XXX
75733	TC	....	A	Artery x-rays, adrenals	0.00	12.55	NA	0.54	13.09	NA	XXX
75736	A	Artery x-rays, pelvis	1.14	12.94	NA	0.59	14.67	NA	XXX		
75736	26	....	A	Artery x-rays, pelvis	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75736	TC	....	A	Artery x-rays, pelvis	0.00	12.55	NA	0.54	13.09	NA	XXX
75741	A	Artery x-rays, lung	1.31	13.00	NA	0.60	14.91	NA	XXX		
75741	26	....	A	Artery x-rays, lung	1.31	0.45	0.45	0.06	1.82	1.82	XXX
75741	TC	....	A	Artery x-rays, lung	0.00	12.55	NA	0.54	13.09	NA	XXX
75743	A	Artery x-rays, lungs	1.66	13.11	NA	0.61	15.38	NA	XXX		
75743	26	....	A	Artery x-rays, lungs	1.66	0.56	0.56	0.07	2.29	2.29	XXX
75743	TC	....	A	Artery x-rays, lungs	0.00	12.55	NA	0.54	13.09	NA	XXX
75746	A	Artery x-rays, lung	1.14	12.94	NA	0.59	14.67	NA	XXX		
75746	26	....	A	Artery x-rays, lung	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75746	TC	....	A	Artery x-rays, lung	0.00	12.55	NA	0.54	13.09	NA	XXX
75756	A	Artery x-rays, chest	1.14	13.01	NA	0.58	14.73	NA	XXX		
75756	26	....	A	Artery x-rays, chest	1.14	0.46	0.46	0.04	1.64	1.64	XXX
75756	TC	....	A	Artery x-rays, chest	0.00	12.55	NA	0.54	13.09	NA	XXX
75774	A	Artery x-ray, each vessel	0.36	12.68	NA	0.56	13.60	NA	ZZZ		
75774	26	....	A	Artery x-ray, each vessel	0.36	0.13	0.13	0.02	0.51	0.51	ZZZ
75774	TC	....	A	Artery x-ray, each vessel	0.00	12.55	NA	0.54	13.09	NA	ZZZ
75790	A	Visualize A-V shunt	1.84	1.96	NA	0.16	3.96	NA	XXX		
75790	26	....	A	Visualize A-V shunt	1.84	0.62	0.62	0.09	2.55	2.55	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
75790	TC	....	A	Visualize A-V shunt	0.00	1.34	NA	0.07	1.41	NA	XXX
75801	A	Lymph vessel x-ray, arm/leg	0.81	5.67	NA	0.29	6.77	NA	XXX		
75801	26	....	A	Lymph vessel x-ray, arm/leg	0.81	0.28	0.28	0.05	1.14	1.14	XXX
75801	TC	....	A	Lymph vessel x-ray, arm/leg	0.00	5.39	NA	0.24	5.63	NA	XXX
75803	A	Lymph vessel x-ray, arms/legs	1.17	5.79	NA	0.29	7.25	NA	XXX		
75803	26	....	A	Lymph vessel x-ray, arms/legs	1.17	0.40	0.40	0.05	1.62	1.62	XXX
75803	TC	....	A	Lymph vessel x-ray, arms/legs	0.00	5.39	NA	0.24	5.63	NA	XXX
75805	A	Lymph vessel x-ray, trunk	0.81	6.35	NA	0.31	7.47	NA	XXX		
75805	26	....	A	Lymph vessel x-ray, trunk	0.81	0.28	0.28	0.04	1.13	1.13	XXX
75805	TC	....	A	Lymph vessel x-ray, trunk	0.00	6.07	NA	0.27	6.34	NA	XXX
75807	A	Lymph vessel x-ray, trunk	1.17	6.47	NA	0.32	7.96	NA	XXX		
75807	26	....	A	Lymph vessel x-ray, trunk	1.17	0.40	0.40	0.05	1.62	1.62	XXX
75807	TC	....	A	Lymph vessel x-ray, trunk	0.00	6.07	NA	0.27	6.34	NA	XXX
75809	A	Nonvascular shunt, x-ray	0.47	0.94	NA	0.06	1.47	NA	XXX		
75809	26	....	A	Nonvascular shunt, x-ray	0.47	0.16	0.16	0.02	0.65	0.65	XXX
75809	TC	....	A	Nonvascular shunt, x-ray	0.00	0.78	NA	0.04	0.82	NA	XXX
75810	A	Vein x-ray, spleen/liver	1.14	12.94	NA	0.60	14.68	NA	XXX		
75810	26	....	A	Vein x-ray, spleen/liver	1.14	0.39	0.39	0.06	1.59	1.59	XXX
75810	TC	....	A	Vein x-ray, spleen/liver	0.00	12.55	NA	0.54	13.09	NA	XXX
75820	A	Vein x-ray, arm/leg	0.70	1.19	NA	0.08	1.97	NA	XXX		
75820	26	....	A	Vein x-ray, arm/leg	0.70	0.24	0.24	0.03	0.97	0.97	XXX
75820	TC	....	A	Vein x-ray, arm/leg	0.00	0.95	NA	0.05	1.00	NA	XXX
75822	A	Vein x-ray, arms/legs	1.06	1.83	NA	0.12	3.01	NA	XXX		
75822	26	....	A	Vein x-ray, arms/legs	1.06	0.36	0.36	0.05	1.47	1.47	XXX
75822	TC	....	A	Vein x-ray, arms/legs	0.00	1.47	NA	0.07	1.54	NA	XXX
75825	A	Vein x-ray, trunk	1.14	12.94	NA	0.60	14.68	NA	XXX		
75825	26	....	A	Vein x-ray, trunk	1.14	0.39	0.39	0.06	1.59	1.59	XXX
75825	TC	....	A	Vein x-ray, trunk	0.00	12.55	NA	0.54	13.09	NA	XXX
75827	A	Vein x-ray, chest	1.14	12.93	NA	0.59	14.66	NA	XXX		
75827	26	....	A	Vein x-ray, chest	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75827	TC	....	A	Vein x-ray, chest	0.00	12.55	NA	0.54	13.09	NA	XXX
75831	A	Vein x-ray, kidney	1.14	12.93	NA	0.59	14.66	NA	XXX		
75831	26	....	A	Vein x-ray, kidney	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75831	TC	....	A	Vein x-ray, kidney	0.00	12.55	NA	0.54	13.09	NA	XXX
75833	A	Vein x-ray, kidneys	1.49	13.06	NA	0.61	15.16	NA	XXX		
75833	26	....	A	Vein x-ray, kidneys	1.49	0.51	0.51	0.07	2.07	2.07	XXX
75833	TC	....	A	Vein x-ray, kidneys	0.00	12.55	NA	0.54	13.09	NA	XXX
75840	A	Vein x-ray, adrenal gland	1.14	12.94	NA	0.61	14.69	NA	XXX		
75840	26	....	A	Vein x-ray, adrenal gland	1.14	0.39	0.39	0.07	1.60	1.60	XXX
75840	TC	....	A	Vein x-ray, adrenal gland	0.00	12.55	NA	0.54	13.09	NA	XXX
75842	A	Vein x-ray, adrenal glands	1.49	13.05	NA	0.61	15.15	NA	XXX		
75842	26	....	A	Vein x-ray, adrenal glands	1.49	0.50	0.50	0.07	2.06	2.06	XXX
75842	TC	....	A	Vein x-ray, adrenal glands	0.00	12.55	NA	0.54	13.09	NA	XXX
75860	A	Vein x-ray, neck	1.14	12.95	NA	0.60	14.69	NA	XXX		
75860	26	....	A	Vein x-ray, neck	1.14	0.40	0.40	0.06	1.60	1.60	XXX
75860	TC	....	A	Vein x-ray, neck	0.00	12.55	NA	0.54	13.09	NA	XXX
75870	A	Vein x-ray, skull	1.14	12.95	NA	0.60	14.69	NA	XXX		
75870	26	....	A	Vein x-ray, skull	1.14	0.40	0.40	0.06	1.60	1.60	XXX
75870	TC	....	A	Vein x-ray, skull	0.00	12.55	NA	0.54	13.09	NA	XXX
75872	A	Vein x-ray, skull	1.14	12.94	NA	0.59	14.67	NA	XXX		
75872	26	....	A	Vein x-ray, skull	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75872	TC	....	A	Vein x-ray, skull	0.00	12.55	NA	0.54	13.09	NA	XXX
75880	A	Vein x-ray, eye socket	0.70	1.19	NA	0.08	1.97	NA	XXX		
75880	26	....	A	Vein x-ray, eye socket	0.70	0.24	0.24	0.03	0.97	0.97	XXX
75880	TC	....	A	Vein x-ray, eye socket	0.00	0.95	NA	0.05	1.00	NA	XXX
75885	A	Vein x-ray, liver	1.44	13.04	NA	0.60	15.08	NA	XXX		
75885	26	....	A	Vein x-ray, liver	1.44	0.49	0.49	0.06	1.99	1.99	XXX
75885	TC	....	A	Vein x-ray, liver	0.00	12.55	NA	0.54	13.09	NA	XXX
75887	A	Vein x-ray, liver	1.44	13.04	NA	0.60	15.08	NA	XXX		
75887	26	....	A	Vein x-ray, liver	1.44	0.49	0.49	0.06	1.99	1.99	XXX
75887	TC	....	A	Vein x-ray, liver	0.00	12.55	NA	0.54	13.09	NA	XXX
75889	A	Vein x-ray, liver	1.14	12.93	NA	0.59	14.66	NA	XXX		
75889	26	....	A	Vein x-ray, liver	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75889	TC	....	A	Vein x-ray, liver	0.00	12.55	NA	0.54	13.09	NA	XXX
75891	A	Vein x-ray, liver	1.14	12.93	NA	0.59	14.66	NA	XXX		
75891	26	....	A	Vein x-ray, liver	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75891	TC	....	A	Vein x-ray, liver	0.00	12.55	NA	0.54	13.09	NA	XXX
75893	A	Venous sampling by catheter	0.54	12.74	NA	0.56	13.84	NA	XXX		
75893	26	....	A	Venous sampling by catheter	0.54	0.19	0.19	0.02	0.75	0.75	XXX
75893	TC	....	A	Venous sampling by catheter	0.00	12.55	NA	0.54	13.09	NA	XXX
75894	A	X-rays, transcath therapy	1.31	24.48	NA	1.12	26.91	NA	XXX		
75894	26	....	A	X-rays, transcath therapy	1.31	0.45	0.45	0.07	1.83	1.83	XXX
75894	TC	....	A	X-rays, transcath therapy	0.00	24.03	NA	1.05	25.08	NA	XXX
75896	A	X-rays, transcath therapy	1.31	21.37	NA	0.97	23.65	NA	XXX		
75896	26	....	A	X-rays, transcath therapy	1.31	0.47	0.47	0.06	1.84	1.84	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
75896	.... TC	.... A	X-rays, transcath therapy	0.00	20.90	NA	0.91	21.81	NA	XXX
75898	....	.... A	Follow-up angiography	1.65	1.61	NA	0.12	3.38	NA	XXX
75898	.... 26	.... A	Follow-up angiography	1.65	0.57	0.57	0.07	2.29	2.29	XXX
75898	.... TC	.... A	Follow-up angiography	0.00	1.04	NA	0.05	1.09	NA	XXX
75900	....	.... A	Arterial catheter exchange	0.49	21.05	NA	0.94	22.48	NA	XXX
75900	.... 26	.... A	Arterial catheter exchange	0.49	0.17	0.17	0.02	0.68	0.68	XXX
75900	.... TC	.... A	Arterial catheter exchange	0.00	20.88	NA	0.92	21.80	NA	XXX
75901	....	.... A	Remove cva device obstruct	0.49	1.47	NA	0.21	2.67	NA	XXX
75901	.... 26	.... A	Remove cva device obstruct	0.49	0.17	0.17	0.02	0.68	0.68	XXX
75901	.... TC	.... A	Remove cva device obstruct	0.00	1.30	NA	0.69	1.99	NA	XXX
75902	....	.... A	Remove cva lumen obstruct	0.39	1.43	NA	0.71	2.53	NA	XXX
75902	.... 26	.... A	Remove cva lumen obstruct	0.39	0.13	0.13	0.02	0.54	0.54	XXX
75902	.... TC	.... A	Remove cva lumen obstruct	0.00	1.30	NA	0.69	1.99	NA	XXX
75940	....	.... A	X-ray placement, vein filter	0.54	12.73	NA	0.57	13.84	NA	XXX
75940	.... 26	.... A	X-ray placement, vein filter	0.54	0.18	0.18	0.03	0.75	0.75	XXX
75940	.... TC	.... A	X-ray placement, vein filter	0.00	12.55	NA	0.54	13.09	NA	XXX
75945	....	.... A	Intravascular us	0.40	4.70	NA	0.23	5.33	NA	XXX
75945	.... 26	.... A	Intravascular us	0.40	0.15	0.15	0.03	0.58	0.58	XXX
75945	.... TC	.... A	Intravascular us	0.00	4.55	NA	0.20	4.75	NA	XXX
75946	....	.... A	Intravascular us add-on	0.40	2.42	NA	0.14	2.96	NA	ZZZ
75946	.... 26	.... A	Intravascular us add-on	0.40	0.14	0.14	0.03	0.57	0.57	ZZZ
75946	.... TC	.... A	Intravascular us add-on	0.00	2.28	NA	0.11	2.39	NA	ZZZ
75952	....	.... C	Endovasc repair abdom aorta	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75952	.... 26	.... A	Endovasc repair abdom aorta	4.50	1.75	1.75	0.68	6.93	6.93	XXX
75952	.... TC	.... C	Endovasc repair abdom aorta	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75953	....	.... C	Abdom aneurysm endovas rpr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75953	.... 26	.... A	Abdom aneurysm endovas rpr	1.36	0.53	0.53	0.68	2.57	2.57	XXX
75953	.... TC	.... C	Abdom aneurysm endovas rpr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75954	....	.... C	Iliac aneurysm endovas rpr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75954	.... 26	.... A	Iliac aneurysm endovas rpr	1.36	0.48	0.48	0.68	2.52	2.52	XXX
75954	.... TC	.... C	Iliac aneurysm endovas rpr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75960	....	.... A	Transcatheter intro, stent	0.82	15.13	NA	0.68	16.63	NA	XXX
75960	.... 26	.... A	Transcatheter intro, stent	0.82	0.29	0.29	0.04	1.15	1.15	XXX
75960	.... TC	.... A	Transcatheter intro, stent	0.00	14.84	NA	0.64	15.48	NA	XXX
75961	....	.... A	Retrieval, broken catheter	4.25	11.90	NA	0.64	16.79	NA	XXX
75961	.... 26	.... A	Retrieval, broken catheter	4.25	1.44	1.44	0.18	5.87	5.87	XXX
75961	.... TC	.... A	Retrieval, broken catheter	0.00	10.46	NA	0.46	10.92	NA	XXX
75962	....	.... A	Repair arterial blockage	0.54	15.86	NA	0.72	17.12	NA	XXX
75962	.... 26	.... A	Repair arterial blockage	0.54	0.19	0.19	0.03	0.76	0.76	XXX
75962	.... TC	.... A	Repair arterial blockage	0.00	15.67	NA	0.69	16.36	NA	XXX
75964	....	.... A	Repair artery blockage, each	0.36	8.49	NA	0.38	9.23	NA	ZZZ
75964	.... 26	.... A	Repair artery blockage, each	0.36	0.13	0.13	0.02	0.51	0.51	ZZZ
75964	.... TC	.... A	Repair artery blockage, each	0.00	8.36	NA	0.36	8.72	NA	ZZZ
75966	....	.... A	Repair arterial blockage	1.31	16.15	NA	0.75	18.21	NA	XXX
75966	.... 26	.... A	Repair arterial blockage	1.31	0.48	0.48	0.06	1.85	1.85	XXX
75966	.... TC	.... A	Repair arterial blockage	0.00	15.67	NA	0.69	16.36	NA	XXX
75968	....	.... A	Repair artery blockage, each	0.36	8.49	NA	0.37	9.22	NA	ZZZ
75968	.... 26	.... A	Repair artery blockage, each	0.36	0.13	0.13	0.01	0.50	0.50	ZZZ
75968	.... TC	.... A	Repair artery blockage, each	0.00	8.36	NA	0.36	8.72	NA	ZZZ
75970	....	.... A	Vascular biopsy	0.83	11.78	NA	0.54	13.15	NA	XXX
75970	.... 26	.... A	Vascular biopsy	0.83	0.29	0.29	0.04	1.16	1.16	XXX
75970	.... TC	.... A	Vascular biopsy	0.00	11.49	NA	0.50	11.99	NA	XXX
75978	....	.... A	Repair venous blockage	0.54	15.85	NA	0.71	17.10	NA	XXX
75978	.... 26	.... A	Repair venous blockage	0.54	0.18	0.18	0.02	0.74	0.74	XXX
75978	.... TC	.... A	Repair venous blockage	0.00	15.67	NA	0.69	16.36	NA	XXX
75980	....	.... A	Contrast xray exam bile duct	1.44	5.88	NA	0.30	7.62	NA	XXX
75980	.... 26	.... A	Contrast xray exam bile duct	1.44	0.49	0.49	0.06	1.99	1.99	XXX
75980	.... TC	.... A	Contrast xray exam bile duct	0.00	5.39	NA	0.24	5.63	NA	XXX
75982	....	.... A	Contrast xray exam bile duct	1.44	6.55	NA	0.33	8.32	NA	XXX
75982	.... 26	.... A	Contrast xray exam bile duct	1.44	0.48	0.48	0.06	1.98	1.98	XXX
75982	.... TC	.... A	Contrast xray exam bile duct	0.00	6.07	NA	0.27	6.34	NA	XXX
75984	....	.... A	Xray control catheter change	0.72	2.18	NA	0.12	3.02	NA	XXX
75984	.... 26	.... A	Xray control catheter change	0.72	0.24	0.24	0.03	0.99	0.99	XXX
75984	.... TC	.... A	Xray control catheter change	0.00	1.94	NA	0.09	2.03	NA	XXX
75989	....	.... A	Abscess drainage under x-ray	1.19	3.53	NA	0.19	4.91	NA	XXX
75989	.... 26	.... A	Abscess drainage under x-ray	1.19	0.40	0.40	0.05	1.64	1.64	XXX
75989	.... TC	.... A	Abscess drainage under x-ray	0.00	3.13	NA	0.14	3.27	NA	XXX
75992	....	.... A	Atherectomy, x-ray exam	0.54	15.87	NA	0.71	17.12	NA	XXX
75992	.... 26	.... A	Atherectomy, x-ray exam	0.54	0.20	0.20	0.02	0.76	0.76	XXX
75992	.... TC	.... A	Atherectomy, x-ray exam	0.00	15.67	NA	0.69	16.36	NA	XXX
75993	....	.... A	Atherectomy, x-ray exam	0.36	8.50	NA	0.37	9.23	NA	ZZZ
75993	.... 26	.... A	Atherectomy, x-ray exam	0.36	0.14	0.14	0.01	0.51	0.51	ZZZ
75993	.... TC	.... A	Atherectomy, x-ray exam	0.00	8.36	NA	0.36	8.72	NA	ZZZ
75994	....	.... A	Atherectomy, x-ray exam	1.31	16.15	NA	0.75	18.21	NA	XXX
75994	.... 26	.... A	Atherectomy, x-ray exam	1.31	0.48	0.48	0.06	1.85	1.85	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
75994	TC	A	Atherectomy, x-ray exam	0.00	15.67	NA	0.69	16.36	NA	XXX
75995		A	Atherectomy, x-ray exam	1.31	16.16	NA	0.75	18.22	NA	XXX
75995	26	A	Atherectomy, x-ray exam	1.31	0.49	0.49	0.06	1.86	1.86	XXX
75995	TC	A	Atherectomy, x-ray exam	0.00	15.67	NA	0.69	16.36	NA	XXX
75996		A	Atherectomy, x-ray exam	0.36	8.48	NA	0.37	9.21	NA	ZZZ
75996	26	A	Atherectomy, x-ray exam	0.36	0.12	0.12	0.01	0.49	0.49	ZZZ
75996	TC	A	Atherectomy, x-ray exam	0.00	8.36	NA	0.36	8.72	NA	ZZZ
76000		A	Fluoroscope examination	0.17	1.35	NA	0.07	1.59	NA	XXX
76000	26	A	Fluoroscope examination	0.17	0.05	0.05	0.01	0.23	0.23	XXX
76000	TC	A	Fluoroscope examination	0.00	1.30	NA	0.06	1.36	NA	XXX
76001		A	Fluoroscope exam, extensive	0.67	2.84	NA	0.15	3.66	NA	XXX
76001	26	A	Fluoroscope exam, extensive	0.67	0.23	0.23	0.03	0.93	0.93	XXX
76001	TC	A	Fluoroscope exam, extensive	0.00	2.61	NA	0.12	2.73	NA	XXX
76003		A	Needle localization by x-ray	0.54	1.48	NA	0.09	2.11	NA	XXX
76003	26	A	Needle localization by x-ray	0.54	0.18	0.18	0.03	0.75	0.75	XXX
76003	TC	A	Needle localization by x-ray	0.00	1.30	NA	0.06	1.36	NA	XXX
76005		A	Fluoroguide for spine inject	0.60	1.46	NA	0.09	2.15	NA	XXX
76005	26	A	Fluoroguide for spine inject	0.60	0.16	0.16	0.03	0.79	0.79	XXX
76005	TC	A	Fluoroguide for spine inject	0.00	1.30	NA	0.06	1.36	NA	XXX
76006		A	X-ray stress view	0.41	0.19	0.19	0.04	0.64	0.64	XXX
76010		A	X-ray, nose to rectum	0.18	0.58	NA	0.03	0.79	NA	XXX
76010	26	A	X-ray, nose to rectum	0.18	0.06	0.06	0.01	0.25	0.25	XXX
76010	TC	A	X-ray, nose to rectum	0.00	0.52	NA	0.02	0.54	NA	XXX
76012		C	Percut vertebroplasty fluor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76012	26	A	Percut vertebroplasty fluor	1.31	0.51	0.51	0.23	2.05	2.05	XXX
76012	TC	C	Percut vertebroplasty fluor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76013		C	Percut vertebroplasty, ct	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76013	26	A	Percut vertebroplasty, ct	1.38	0.54	0.54	0.48	2.40	2.40	XXX
76013	TC	C	Percut vertebroplasty, ct	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76020		A	X-rays for bone age	0.19	0.58	NA	0.03	0.80	NA	XXX
76020	26	A	X-rays for bone age	0.19	0.06	0.06	0.01	0.26	0.26	XXX
76020	TC	A	X-rays for bone age	0.00	0.52	NA	0.02	0.54	NA	XXX
76040		A	X-rays, bone evaluation	0.27	0.87	NA	0.07	1.21	NA	XXX
76040	26	A	X-rays, bone evaluation	0.27	0.09	0.09	0.03	0.39	0.39	XXX
76040	TC	A	X-rays, bone evaluation	0.00	0.78	NA	0.04	0.82	NA	XXX
76061		A	X-rays, bone survey	0.45	1.15	NA	0.07	1.67	NA	XXX
76061	26	A	X-rays, bone survey	0.45	0.15	0.15	0.02	0.62	0.62	XXX
76061	TC	A	X-rays, bone survey	0.00	1.00	NA	0.05	1.05	NA	XXX
76062		A	X-rays, bone survey	0.54	1.61	NA	0.09	2.24	NA	XXX
76062	26	A	X-rays, bone survey	0.54	0.18	0.18	0.02	0.74	0.74	XXX
76062	TC	A	X-rays, bone survey	0.00	1.43	NA	0.07	1.50	NA	XXX
76065		A	X-rays, bone evaluation	0.70	0.98	NA	0.05	1.73	NA	XXX
76065	26	A	X-rays, bone evaluation	0.70	0.24	0.24	0.01	0.95	0.95	XXX
76065	TC	A	X-rays, bone evaluation	0.00	0.74	NA	0.04	0.78	NA	XXX
76066		A	Joint survey, single view	0.31	1.21	NA	0.07	1.59	NA	XXX
76066	26	A	Joint survey, single view	0.31	0.11	0.11	0.02	0.44	0.44	XXX
76066	TC	A	Joint survey, single view	0.00	1.10	NA	0.05	1.15	NA	XXX
76070		A	Ct bone density, axial	0.25	3.02	NA	0.14	3.41	NA	XXX
76070	26	A	Ct bone density, axial	0.25	0.08	0.08	0.01	0.34	0.34	XXX
76070	TC	A	Ct bone density, axial	0.00	2.94	NA	0.13	3.07	NA	XXX
76071		A	Ct bone density, peripheral	0.22	3.01	NA	0.05	3.28	NA	XXX
76071	26	A	Ct bone density, peripheral	0.22	0.07	0.07	0.01	0.30	0.30	XXX
76071	TC	A	Ct bone density, peripheral	0.00	2.94	NA	0.04	2.98	NA	XXX
76075		A	Dexa, axial skeleton study	0.30	3.19	NA	0.15	3.64	NA	XXX
76075	26	A	Dexa, axial skeleton study	0.30	0.11	0.11	0.01	0.42	0.42	XXX
76075	TC	A	Dexa, axial skeleton study	0.00	3.08	NA	0.14	3.22	NA	XXX
76076		A	Dexa, peripheral study	0.22	0.83	NA	0.05	1.10	NA	XXX
76076	26	A	Dexa, peripheral study	0.22	0.08	0.08	0.01	0.31	0.31	XXX
76076	TC	A	Dexa, peripheral study	0.00	0.75	NA	0.04	0.79	NA	XXX
76078		A	Radiographic absorptiometry	0.20	0.82	NA	0.05	1.07	NA	XXX
76078	26	A	Radiographic absorptiometry	0.20	0.07	0.07	0.01	0.28	0.28	XXX
76078	TC	A	Radiographic absorptiometry	0.00	0.75	NA	0.04	0.79	NA	XXX
76080		A	X-ray exam of fistula	0.54	1.22	NA	0.07	1.83	NA	XXX
76080	26	A	X-ray exam of fistula	0.54	0.18	0.18	0.02	0.74	0.74	XXX
76080	TC	A	X-ray exam of fistula	0.00	1.04	NA	0.05	1.09	NA	XXX
76085		A	Computer mammogram add-on	0.06	0.44	NA	0.02	0.52	NA	ZZZ
76085	26	A	Computer mammogram add-on	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
76085	TC	A	Computer mammogram add-on	0.00	0.42	NA	0.01	0.43	NA	ZZZ
76086		A	X-ray of mammary duct	0.36	2.73	NA	0.14	3.23	NA	XXX
76086	26	A	X-ray of mammary duct	0.36	0.12	0.12	0.02	0.50	0.50	XXX
76086	TC	A	X-ray of mammary duct	0.00	2.61	NA	0.12	2.73	NA	XXX
76088		A	X-ray of mammary ducts	0.45	3.80	NA	0.18	4.43	NA	XXX
76088	26	A	X-ray of mammary ducts	0.45	0.15	0.15	0.02	0.62	0.62	XXX
76088	TC	A	X-ray of mammary ducts	0.00	3.65	NA	0.16	3.81	NA	XXX
76090		A	Mammogram, one breast	0.70	1.28	NA	0.08	2.06	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
76090	26	....	A	Mammogram, one breast	0.70	0.24	0.24	0.03	0.97	0.97	XXX
76090	TC	....	A	Mammogram, one breast	0.00	1.04	NA	0.05	1.09	NA	XXX
76091	A	Mammogram, both breasts	0.87	1.60	NA	0.09	2.56	NA	XXX
76091	26	....	A	Mammogram, both breasts	0.87	0.30	0.30	0.03	1.20	1.20	XXX
76091	TC	....	A	Mammogram, both breasts	0.00	1.30	NA	0.06	1.36	NA	XXX
76092	A	Mammogram, screening	0.70	1.46	NA	0.09	2.25	NA	XXX
76092	26	....	A	Mammogram, screening	0.70	0.25	0.25	0.03	0.98	0.98	XXX
76092	TC	....	A	Mammogram, screening	0.00	1.21	NA	0.06	1.27	NA	XXX
76093	A	Magnetic image, breast	1.63	18.11	NA	0.83	20.57	NA	XXX
76093	26	....	A	Magnetic image, breast	1.63	0.56	0.56	0.07	2.26	2.26	XXX
76093	TC	....	A	Magnetic image, breast	0.00	17.55	NA	0.76	18.31	NA	XXX
76094	A	Magnetic image, both breasts	1.63	24.35	NA	1.10	27.08	NA	XXX
76094	26	....	A	Magnetic image, both breasts	1.63	0.55	0.55	0.07	2.25	2.25	XXX
76094	TC	....	A	Magnetic image, both breasts	0.00	23.80	NA	1.03	24.83	NA	XXX
76095	A	Stereotactic breast biopsy	1.59	7.67	NA	0.40	9.66	NA	XXX
76095	26	....	A	Stereotactic breast biopsy	1.59	0.54	0.54	0.09	2.22	2.22	XXX
76095	TC	....	A	Stereotactic breast biopsy	0.00	7.13	NA	0.31	7.44	NA	XXX
76096	A	X-ray of needle wire, breast	0.56	1.49	NA	0.09	2.14	NA	XXX
76096	26	....	A	X-ray of needle wire, breast	0.56	0.19	0.19	0.03	0.78	0.78	XXX
76096	TC	....	A	X-ray of needle wire, breast	0.00	1.30	NA	0.06	1.36	NA	XXX
76098	A	X-ray exam, breast specimen	0.16	0.48	NA	0.03	0.67	NA	XXX
76098	26	....	A	X-ray exam, breast specimen	0.16	0.06	0.06	0.01	0.23	0.23	XXX
76098	TC	....	A	X-ray exam, breast specimen	0.00	0.42	NA	0.02	0.44	NA	XXX
76100	A	X-ray exam of body section	0.58	1.44	NA	0.09	2.11	NA	XXX
76100	26	....	A	X-ray exam of body section	0.58	0.20	0.20	0.03	0.81	0.81	XXX
76100	TC	....	A	X-ray exam of body section	0.00	1.24	NA	0.06	1.30	NA	XXX
76101	A	Complex body section x-ray	0.58	1.61	NA	0.10	2.29	NA	XXX
76101	26	....	A	Complex body section x-ray	0.58	0.20	0.20	0.03	0.81	0.81	XXX
76101	TC	....	A	Complex body section x-ray	0.00	1.41	NA	0.07	1.48	NA	XXX
76102	A	Complex body section x-rays	0.58	1.92	NA	0.12	2.62	NA	XXX
76102	26	....	A	Complex body section x-rays	0.58	0.20	0.20	0.03	0.81	0.81	XXX
76102	TC	....	A	Complex body section x-rays	0.00	1.72	NA	0.09	1.81	NA	XXX
76120	A	Cine/video x-rays	0.38	1.17	NA	0.07	1.62	NA	XXX
76120	26	....	A	Cine/video x-rays	0.38	0.13	0.13	0.02	0.53	0.53	XXX
76120	TC	....	A	Cine/video x-rays	0.00	1.04	NA	0.05	1.09	NA	XXX
76125	A	Cine/video x-rays add-on	0.27	0.88	NA	0.05	1.20	NA	ZZZ
76125	26	....	A	Cine/video x-rays add-on	0.27	0.10	0.10	0.01	0.38	0.38	ZZZ
76125	TC	....	A	Cine/video x-rays add-on	0.00	0.78	NA	0.04	0.82	NA	ZZZ
76140	I	X-ray consultation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76150	A	X-ray exam, dry process	0.00	0.42	NA	0.02	0.44	NA	XXX
76350	C	Special x-ray contrast study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76355	A	CAT scan for localization	1.21	8.64	NA	0.41	10.26	NA	XXX
76355	26	....	A	CAT scan for localization	1.21	0.42	0.42	0.06	1.69	1.69	XXX
76355	TC	....	A	CAT scan for localization	0.00	8.22	NA	0.35	8.57	NA	XXX
76360	A	CAT scan for needle biopsy	1.16	8.61	NA	0.40	10.17	NA	XXX
76360	26	....	A	CAT scan for needle biopsy	1.16	0.39	0.39	0.05	1.60	1.60	XXX
76360	TC	....	A	CAT scan for needle biopsy	0.00	8.22	NA	0.35	8.57	NA	XXX
76362	A	Cat scan for tissue ablation	4.00	9.57	NA	1.39	14.96	NA	XXX
76362	26	....	A	Cat scan for tissue ablation	4.00	1.35	1.35	0.18	5.53	5.53	XXX
76362	TC	....	A	Cat scan for tissue ablation	0.00	8.22	NA	1.21	9.43	NA	XXX
76370	A	CAT scan for therapy guide	0.85	3.23	NA	0.17	4.25	NA	XXX
76370	26	....	A	CAT scan for therapy guide	0.85	0.29	0.29	0.04	1.18	1.18	XXX
76370	TC	....	A	CAT scan for therapy guide	0.00	2.94	NA	0.13	3.07	NA	XXX
76375	A	3d/holograph reconstr add-on	0.16	3.57	NA	0.16	3.89	NA	XXX
76375	26	....	A	3d/holograph reconstr add-on	0.16	0.05	0.05	0.01	0.22	0.22	XXX
76375	TC	....	A	3d/holograph reconstr add-on	0.00	3.52	NA	0.15	3.67	NA	XXX
76380	A	CAT scan follow-up study	0.98	3.81	NA	0.19	4.98	NA	XXX
76380	26	....	A	CAT scan follow-up study	0.98	0.33	0.33	0.04	1.35	1.35	XXX
76380	TC	....	A	CAT scan follow-up study	0.00	3.48	NA	0.15	3.63	NA	XXX
76390	N	Mr spectroscopy	+1.40	11.64	NA	0.55	13.59	NA	XXX
76390	26	....	N	Mr spectroscopy	+1.40	0.48	0.48	0.06	1.94	1.94	XXX
76390	TC	....	N	Mr spectroscopy	+0.00	11.16	NA	0.49	11.65	NA	XXX
76393	A	Mr guidance for needle place	1.50	11.68	NA	0.53	13.71	NA	XXX
76393	26	....	A	Mr guidance for needle place	1.50	0.52	0.52	0.07	2.09	2.09	XXX
76393	TC	....	A	Mr guidance for needle place	0.00	11.16	NA	0.46	11.62	NA	XXX
76394	A	Mri for tissue ablation	4.25	12.60	NA	1.48	18.33	NA	XXX
76394	26	....	A	Mri for tissue ablation	4.25	1.44	1.44	0.19	5.88	5.88	XXX
76394	TC	....	A	Mri for tissue ablation	0.00	11.16	NA	1.29	12.45	NA	XXX
76400	A	Magnetic image, bone marrow	1.60	11.70	NA	0.56	13.86	NA	XXX
76400	26	....	A	Magnetic image, bone marrow	1.60	0.54	0.54	0.07	2.21	2.21	XXX
76400	TC	....	A	Magnetic image, bone marrow	0.00	11.16	NA	0.49	11.65	NA	XXX
76490	A	Us for tissue ablation	4.00	2.85	NA	0.35	7.20	NA	XXX
76490	26	....	A	Us for tissue ablation	4.00	1.34	1.34	0.11	5.45	5.45	XXX
76490	TC	....	A	Us for tissue ablation	0.00	1.51	NA	0.24	1.75	NA	XXX
76496	C	Fluoroscopic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
76496	26	....	C	Fluoroscopic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76496	TC	....	C	Fluoroscopic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76497	C	Ct procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76497	26	....	C	Ct procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76497	TC	....	C	Ct procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76498	C	Mri procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76498	26	....	C	Mri procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76498	TC	....	C	Mri procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76499	C	Radiographic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76499	26	....	C	Radiographic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76499	TC	....	C	Radiographic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76506	A	Echo exam of head	0.63	1.66	NA	0.10	2.39	NA	XXX
76506	26	....	A	Echo exam of head	0.63	0.25	0.25	0.03	0.91	0.91	XXX
76506	TC	....	A	Echo exam of head	0.00	1.41	NA	0.07	1.48	NA	XXX
76511	A	Echo exam of eye	0.94	2.59	NA	0.08	3.61	NA	XXX
76511	26	....	A	Echo exam of eye	0.94	0.41	0.41	0.02	1.37	1.37	XXX
76511	TC	....	A	Echo exam of eye	0.00	2.18	NA	0.06	2.24	NA	XXX
76512	A	Echo exam of eye	0.66	2.54	NA	0.09	3.29	NA	XXX
76512	26	....	A	Echo exam of eye	0.66	0.30	0.30	0.01	0.97	0.97	XXX
76512	TC	....	A	Echo exam of eye	0.00	2.24	NA	0.08	2.32	NA	XXX
76513	A	Echo exam of eye, water bath	0.66	2.80	NA	0.09	3.55	NA	XXX
76513	26	....	A	Echo exam of eye, water bath	0.66	0.30	0.30	0.01	0.97	0.97	XXX
76513	TC	....	A	Echo exam of eye, water bath	0.00	2.50	NA	0.08	2.58	NA	XXX
76516	A	Echo exam of eye	0.54	2.13	NA	0.07	2.74	NA	XXX
76516	26	....	A	Echo exam of eye	0.54	0.25	0.25	0.01	0.80	0.80	XXX
76516	TC	....	A	Echo exam of eye	0.00	1.88	NA	0.06	1.94	NA	XXX
76519	A	Echo exam of eye	0.54	1.86	NA	0.07	2.47	NA	XXX
76519	26	....	A	Echo exam of eye	0.54	0.25	0.25	0.01	0.80	0.80	XXX
76519	TC	....	A	Echo exam of eye	0.00	1.61	NA	0.06	1.67	NA	XXX
76529	A	Echo exam of eye	0.57	2.42	NA	0.08	3.07	NA	XXX
76529	26	....	A	Echo exam of eye	0.57	0.25	0.25	0.01	0.83	0.83	XXX
76529	TC	....	A	Echo exam of eye	0.00	2.17	NA	0.07	2.24	NA	XXX
76536	A	Us exam of head and neck	0.56	1.60	NA	0.09	2.25	NA	XXX
76536	26	....	A	Us exam of head and neck	0.56	0.19	0.19	0.02	0.77	0.77	XXX
76536	TC	....	A	Us exam of head and neck	0.00	1.41	NA	0.07	1.48	NA	XXX
76604	A	Us exam, chest, b-scan	0.55	1.49	NA	0.08	2.12	NA	XXX
76604	26	....	A	Us exam, chest, b-scan	0.55	0.19	0.19	0.02	0.76	0.76	XXX
76604	TC	....	A	Us exam, chest, b-scan	0.00	1.30	NA	0.06	1.36	NA	XXX
76645	A	Us exam, breast(s)	0.54	1.22	NA	0.08	1.84	NA	XXX
76645	26	....	A	Us exam, breast(s)	0.54	0.18	0.18	0.03	0.75	0.75	XXX
76645	TC	....	A	Us exam, breast(s)	0.00	1.04	NA	0.05	1.09	NA	XXX
76700	A	Us exam, abdom, complete	0.81	2.24	NA	0.13	3.18	NA	XXX
76700	26	....	A	Us exam, abdom, complete	0.81	0.28	0.28	0.04	1.13	1.13	XXX
76700	TC	....	A	Us exam, abdom, complete	0.00	1.96	NA	0.09	2.05	NA	XXX
76705	A	Echo exam of abdomen	0.59	1.61	NA	0.10	2.30	NA	XXX
76705	26	....	A	Echo exam of abdomen	0.59	0.20	0.20	0.03	0.82	0.82	XXX
76705	TC	....	A	Echo exam of abdomen	0.00	1.41	NA	0.07	1.48	NA	XXX
76770	A	Us exam abdo back wall, comp	0.74	2.21	NA	0.12	3.07	NA	XXX
76770	26	....	A	Us exam abdo back wall, comp	0.74	0.25	0.25	0.03	1.02	1.02	XXX
76770	TC	....	A	Us exam abdo back wall, comp	0.00	1.96	NA	0.09	2.05	NA	XXX
76775	A	Us exam abdo back wall, lim	0.58	1.61	NA	0.10	2.29	NA	XXX
76775	26	....	A	Us exam abdo back wall, lim	0.58	0.20	0.20	0.03	0.81	0.81	XXX
76775	TC	....	A	Us exam abdo back wall, lim	0.00	1.41	NA	0.07	1.48	NA	XXX
76778	A	Us exam kidney transplant	0.74	2.21	NA	0.12	3.07	NA	XXX
76778	26	....	A	Us exam kidney transplant	0.74	0.25	0.25	0.03	1.02	1.02	XXX
76778	TC	....	A	Us exam kidney transplant	0.00	1.96	NA	0.09	2.05	NA	XXX
76800	A	Us exam, spinal canal	1.13	1.76	NA	0.11	3.00	NA	XXX
76800	26	....	A	Us exam, spinal canal	1.13	0.35	0.35	0.04	1.52	1.52	XXX
76800	TC	....	A	Us exam, spinal canal	0.00	1.41	NA	0.07	1.48	NA	XXX
76801	A	Ob us < 14 wks, single fetus	0.99	1.40	NA	0.14	2.53	NA	XXX
76801	26	....	A	Ob us < 14 wks, single fetus	0.99	0.36	0.36	0.04	1.39	1.39	XXX
76801	TC	....	A	Ob us < 14 wks, single fetus	0.00	1.04	NA	0.10	1.14	NA	XXX
76802	A	Ob us < 14 wks, addl fetus	0.83	1.01	NA	0.14	1.98	NA	ZZZ
76802	26	....	A	Ob us < 14 wks, addl fetus	0.83	0.30	0.30	0.04	1.17	1.17	ZZZ
76802	TC	....	A	Ob us < 14 wks, addl fetus	0.00	0.71	NA	0.10	0.81	NA	ZZZ
76805	A	Ob us >= 14 wks, snl fetus	0.99	2.44	NA	0.14	3.57	NA	XXX
76805	26	....	A	Ob us >= 14 wks, snl fetus	0.99	0.35	0.35	0.04	1.38	1.38	XXX
76805	TC	....	A	Ob us >= 14 wks, snl fetus	0.00	2.09	NA	0.10	2.19	NA	XXX
76810	A	Ob us >= 14 wks, addl fetus	0.98	1.40	NA	0.25	2.63	NA	ZZZ
76810	26	....	A	Ob us >= 14 wks, addl fetus	0.98	0.36	0.36	0.07	1.41	1.41	ZZZ
76810	TC	....	A	Ob us >= 14 wks, addl fetus	0.00	1.04	NA	0.18	1.22	NA	ZZZ
76811	A	Ob us, detailed, snl fetus	1.90	4.19	NA	0.51	6.60	NA	XXX
76811	26	....	A	Ob us, detailed, snl fetus	1.90	0.68	0.68	0.15	2.73	2.73	XXX
76811	TC	....	A	Ob us, detailed, snl fetus	0.00	3.51	NA	0.36	3.87	NA	XXX
76812	A	Ob us, detailed, addl fetus	1.78	1.69	NA	0.46	3.93	NA	ZZZ

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
76812	26	....	A	Ob us, detailed, addl fetus	1.78	0.65	0.65	0.12	2.55	2.55	ZZZ
76812	TC	....	A	Ob us, detailed, addl fetus	0.00	1.04	NA	0.34	1.38	NA	ZZZ
76815	A	Ob us, limited, fetus(s)	0.65	1.65	NA	0.09	2.39	NA	XXX
76815	26	....	A	Ob us, limited, fetus(s)	0.65	0.24	0.24	0.02	0.91	0.91	XXX
76815	TC	....	A	Ob us, limited, fetus(s)	0.00	1.41	NA	0.07	1.48	NA	XXX
76816	A	Ob us, follow-up, per fetus	0.85	1.43	NA	0.07	2.35	NA	XXX
76816	26	....	A	Ob us, follow-up, per fetus	0.85	0.33	0.33	0.02	1.20	1.20	XXX
76816	TC	....	A	Ob us, follow-up, per fetus	0.00	1.10	NA	0.05	1.15	NA	XXX
76817	A	Transvaginal us, obstetric	0.75	1.79	NA	0.07	2.61	NA	XXX
76817	26	....	A	Transvaginal us, obstetric	0.75	0.28	0.28	0.02	1.05	1.05	XXX
76817	TC	....	A	Transvaginal us, obstetric	0.00	1.51	NA	0.05	1.56	NA	XXX
76818	A	Fetal biophys profile w/nst	1.05	2.01	NA	0.12	3.18	NA	XXX
76818	26	....	A	Fetal biophys profile w/nst	1.05	0.40	0.40	0.04	1.49	1.49	XXX
76818	TC	....	A	Fetal biophys profile w/nst	0.00	1.61	NA	0.08	1.69	NA	XXX
76819	A	Fetal biophys profil w/o nst	0.77	1.90	NA	0.10	2.77	NA	XXX
76819	26	....	A	Fetal biophys profil w/o nst	0.77	0.29	0.29	0.02	1.08	1.08	XXX
76819	TC	....	A	Fetal biophys profil w/o nst	0.00	1.61	NA	0.08	1.69	NA	XXX
76825	A	Echo exam of fetal heart	1.67	2.58	NA	0.15	4.40	NA	XXX
76825	26	....	A	Echo exam of fetal heart	1.67	0.62	0.62	0.06	2.35	2.35	XXX
76825	TC	....	A	Echo exam of fetal heart	0.00	1.96	NA	0.09	2.05	NA	XXX
76826	A	Echo exam of fetal heart	0.83	1.01	NA	0.07	1.91	NA	XXX
76826	26	....	A	Echo exam of fetal heart	0.83	0.30	0.30	0.03	1.16	1.16	XXX
76826	TC	....	A	Echo exam of fetal heart	0.00	0.71	NA	0.04	0.75	NA	XXX
76827	A	Echo exam of fetal heart	0.58	1.93	NA	0.12	2.63	NA	XXX
76827	26	....	A	Echo exam of fetal heart	0.58	0.22	0.22	0.02	0.82	0.82	XXX
76827	TC	....	A	Echo exam of fetal heart	0.00	1.71	NA	0.10	1.81	NA	XXX
76828	A	Echo exam of fetal heart	0.56	1.32	NA	0.09	1.97	NA	XXX
76828	26	....	A	Echo exam of fetal heart	0.56	0.22	0.22	0.02	0.80	0.80	XXX
76828	TC	....	A	Echo exam of fetal heart	0.00	1.10	NA	0.07	1.17	NA	XXX
76830	A	Transvaginal us, non-ob	0.69	1.75	NA	0.11	2.55	NA	XXX
76830	26	....	A	Transvaginal us, non-ob	0.69	0.24	0.24	0.03	0.96	0.96	XXX
76830	TC	....	A	Transvaginal us, non-ob	0.00	1.51	NA	0.08	1.59	NA	XXX
76831	A	Echo exam, uterus	0.72	1.77	NA	0.10	2.59	NA	XXX
76831	26	....	A	Echo exam, uterus	0.72	0.26	0.26	0.02	1.00	1.00	XXX
76831	TC	....	A	Echo exam, uterus	0.00	1.51	NA	0.08	1.59	NA	XXX
76856	A	Us exam, pelvic, complete	0.69	1.75	NA	0.11	2.55	NA	XXX
76856	26	....	A	Us exam, pelvic, complete	0.69	0.24	0.24	0.03	0.96	0.96	XXX
76856	TC	....	A	Us exam, pelvic, complete	0.00	1.51	NA	0.08	1.59	NA	XXX
76857	A	Us exam, pelvic, limited	0.38	2.09	NA	0.07	2.54	NA	XXX
76857	26	....	A	Us exam, pelvic, limited	0.38	0.13	0.13	0.02	0.53	0.53	XXX
76857	TC	....	A	Us exam, pelvic, limited	0.00	1.96	NA	0.05	2.01	NA	XXX
76870	A	Us exam, scrotum	0.64	1.73	NA	0.11	2.48	NA	XXX
76870	26	....	A	Us exam, scrotum	0.64	0.22	0.22	0.03	0.89	0.89	XXX
76870	TC	....	A	Us exam, scrotum	0.00	1.51	NA	0.08	1.59	NA	XXX
76872	A	Echo exam, transrectal	0.69	1.81	NA	0.12	2.62	NA	XXX
76872	26	....	A	Echo exam, transrectal	0.69	0.23	0.23	0.04	0.96	0.96	XXX
76872	TC	....	A	Echo exam, transrectal	0.00	1.58	NA	0.08	1.66	NA	XXX
76873	A	Echograp trans r, pros study	1.55	2.61	NA	0.21	4.37	NA	XXX
76873	26	....	A	Echograp trans r, pros study	1.55	0.52	0.52	0.08	2.15	2.15	XXX
76873	TC	....	A	Echograp trans r, pros study	0.00	2.09	NA	0.13	2.22	NA	XXX
76880	A	Us exam, extremity	0.59	1.61	NA	0.10	2.30	NA	XXX
76880	26	....	A	Us exam, extremity	0.59	0.20	0.20	0.03	0.82	0.82	XXX
76880	TC	....	A	Us exam, extremity	0.00	1.41	NA	0.07	1.48	NA	XXX
76885	A	Us exam infant hips, dynamic	0.74	1.76	NA	0.11	2.61	NA	XXX
76885	26	....	A	Us exam infant hips, dynamic	0.74	0.25	0.25	0.03	1.02	1.02	XXX
76885	TC	....	A	Us exam infant hips, dynamic	0.00	1.51	NA	0.08	1.59	NA	XXX
76886	A	Us exam infant hips, static	0.62	1.62	NA	0.10	2.34	NA	XXX
76886	26	....	A	Us exam infant hips, static	0.62	0.21	0.21	0.03	0.86	0.86	XXX
76886	TC	....	A	Us exam infant hips, static	0.00	1.41	NA	0.07	1.48	NA	XXX
76930	A	Echo guide, cardiocentesis	0.67	1.77	NA	0.10	2.54	NA	XXX
76930	26	....	A	Echo guide, cardiocentesis	0.67	0.26	0.26	0.02	0.95	0.95	XXX
76930	TC	....	A	Echo guide, cardiocentesis	0.00	1.51	NA	0.08	1.59	NA	XXX
76932	A	Echo guide for heart biopsy	0.67	1.77	NA	0.10	2.54	NA	XXX
76932	26	....	A	Echo guide for heart biopsy	0.67	0.26	0.26	0.02	0.95	0.95	XXX
76932	TC	....	A	Echo guide for heart biopsy	0.00	1.51	NA	0.08	1.59	NA	XXX
76936	A	Echo guide for artery repair	1.99	6.95	NA	0.39	9.33	NA	XXX
76936	26	....	A	Echo guide for artery repair	1.99	0.68	0.68	0.11	2.78	2.78	XXX
76936	TC	....	A	Echo guide for artery repair	0.00	6.27	NA	0.28	6.55	NA	XXX
76941	A	Echo guide for transfusion	1.34	2.01	NA	0.13	3.48	NA	XXX
76941	26	....	A	Echo guide for transfusion	1.34	0.49	0.49	0.06	1.89	1.89	XXX
76941	TC	....	A	Echo guide for transfusion	0.00	1.52	NA	0.07	1.59	NA	XXX
76942	A	Echo guide for biopsy	0.67	3.18	NA	0.12	3.97	NA	XXX
76942	26	....	A	Echo guide for biopsy	0.67	0.23	0.23	0.04	0.94	0.94	XXX
76942	TC	....	A	Echo guide for biopsy	0.00	2.95	NA	0.08	3.03	NA	XXX
76945	A	Echo guide, villus sampling	0.67	1.75	NA	0.10	2.52	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
76945	26	....	A	Echo guide, villus sampling	0.67	0.23	0.23	0.03	0.93	0.93	XXX
76945	TC	....	A	Echo guide, villus sampling	0.00	1.52	NA	0.07	1.59	NA	XXX
76946	A	Echo guide for amniocentesis	0.38	1.65	NA	0.09	2.12	NA	XXX
76946	26	....	A	Echo guide for amniocentesis	0.38	0.14	0.14	0.01	0.53	0.53	XXX
76946	TC	....	A	Echo guide for amniocentesis	0.00	1.51	NA	0.08	1.59	NA	XXX
76948	A	Echo guide, ova aspiration	0.38	1.64	NA	0.10	2.12	NA	XXX
76948	26	....	A	Echo guide, ova aspiration	0.38	0.13	0.13	0.02	0.53	0.53	XXX
76948	TC	....	A	Echo guide, ova aspiration	0.00	1.51	NA	0.08	1.59	NA	XXX
76950	A	Echo guidance radiotherapy	0.58	1.50	NA	0.09	2.17	NA	XXX
76950	26	....	A	Echo guidance radiotherapy	0.58	0.20	0.20	0.03	0.81	0.81	XXX
76950	TC	....	A	Echo guidance radiotherapy	0.00	1.30	NA	0.06	1.36	NA	XXX
76965	A	Echo guidance radiotherapy	1.34	5.99	NA	0.31	7.64	NA	XXX
76965	26	....	A	Echo guidance radiotherapy	1.34	0.45	0.45	0.07	1.86	1.86	XXX
76965	TC	....	A	Echo guidance radiotherapy	0.00	5.54	NA	0.24	5.78	NA	XXX
76970	A	Ultrasound exam follow-up	0.40	1.18	NA	0.07	1.65	NA	XXX
76970	26	....	A	Ultrasound exam follow-up	0.40	0.14	0.14	0.02	0.56	0.56	XXX
76970	TC	....	A	Ultrasound exam follow-up	0.00	1.04	NA	0.05	1.09	NA	XXX
76975	A	GI endoscopic ultrasound	0.81	1.80	NA	0.11	2.72	NA	XXX
76975	26	....	A	GI endoscopic ultrasound	0.81	0.29	0.29	0.03	1.13	1.13	XXX
76975	TC	....	A	GI endoscopic ultrasound	0.00	1.51	NA	0.08	1.59	NA	XXX
76977	A	Us bone density measure	0.05	0.84	NA	0.05	0.94	NA	XXX
76977	26	....	A	Us bone density measure	0.05	0.02	0.02	0.01	0.08	0.08	XXX
76977	TC	....	A	Us bone density measure	0.00	0.82	NA	0.04	0.86	NA	XXX
76986	A	Ultrasound guide intraoper	1.20	3.02	NA	0.19	4.41	NA	XXX
76986	26	....	A	Ultrasound guide intraoper	1.20	0.41	0.41	0.07	1.68	1.68	XXX
76986	TC	....	A	Ultrasound guide intraoper	0.00	2.61	NA	0.12	2.73	NA	XXX
76999	C	Echo examination procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76999	26	....	C	Echo examination procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76999	TC	....	C	Echo examination procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77261	A	Radiation therapy planning	1.39	0.54	0.54	0.06	1.99	1.99	XXX
77262	A	Radiation therapy planning	2.11	0.80	0.80	0.09	3.00	3.00	XXX
77263	A	Radiation therapy planning	3.14	1.17	1.17	0.13	4.44	4.44	XXX
77280	A	Set radiation therapy field	0.70	3.69	NA	0.18	4.57	NA	XXX
77280	26	....	A	Set radiation therapy field	0.70	0.24	0.24	0.03	0.97	0.97	XXX
77280	TC	....	A	Set radiation therapy field	0.00	3.45	NA	0.15	3.60	NA	XXX
77285	A	Set radiation therapy field	1.05	5.90	NA	0.29	7.24	NA	XXX
77285	26	....	A	Set radiation therapy field	1.05	0.36	0.36	0.04	1.45	1.45	XXX
77285	TC	....	A	Set radiation therapy field	0.00	5.54	NA	0.25	5.79	NA	XXX
77290	A	Set radiation therapy field	1.56	7.01	NA	0.35	8.92	NA	XXX
77290	26	....	A	Set radiation therapy field	1.56	0.53	0.53	0.06	2.15	2.15	XXX
77290	TC	....	A	Set radiation therapy field	0.00	6.48	NA	0.29	6.77	NA	XXX
77295	A	Set radiation therapy field	4.57	29.35	NA	1.41	35.33	NA	XXX
77295	26	....	A	Set radiation therapy field	4.57	1.54	1.54	0.18	6.29	6.29	XXX
77295	TC	....	A	Set radiation therapy field	0.00	27.81	NA	1.23	29.04	NA	XXX
77299	C	Radiation therapy planning	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77299	26	....	C	Radiation therapy planning	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77299	TC	....	C	Radiation therapy planning	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77300	A	Radiation therapy dose plan	0.62	1.54	NA	0.09	2.25	NA	XXX
77300	26	....	A	Radiation therapy dose plan	0.62	0.21	0.21	0.03	0.86	0.86	XXX
77300	TC	....	A	Radiation therapy dose plan	0.00	1.33	NA	0.06	1.39	NA	XXX
77301	A	Radiotherapy dose plan, imrt	8.00	30.92	NA	1.41	40.33	NA	XXX
77301	26	....	A	Radiotherapy dose plan, imrt	8.00	3.11	3.11	0.18	11.29	11.29	XXX
77301	TC	....	A	Radiotherapy dose plan, imrt	0.00	27.81	NA	1.23	29.04	NA	XXX
77305	A	Teletx isodose plan simple	0.70	2.09	NA	0.12	2.91	NA	XXX
77305	26	....	A	Teletx isodose plan simple	0.70	0.24	0.24	0.03	0.97	0.97	XXX
77305	TC	....	A	Teletx isodose plan simple	0.00	1.85	NA	0.09	1.94	NA	XXX
77310	A	Teletx isodose plan intermed	1.05	2.68	NA	0.15	3.88	NA	XXX
77310	26	....	A	Teletx isodose plan intermed	1.05	0.36	0.36	0.04	1.45	1.45	XXX
77310	TC	....	A	Teletx isodose plan intermed	0.00	2.32	NA	0.11	2.43	NA	XXX
77315	A	Teletx isodose plan complex	1.56	3.18	NA	0.18	4.92	NA	XXX
77315	26	....	A	Teletx isodose plan complex	1.56	0.53	0.53	0.06	2.15	2.15	XXX
77315	TC	....	A	Teletx isodose plan complex	0.00	2.65	NA	0.12	2.77	NA	XXX
77321	A	Special teletx port plan	0.95	4.34	NA	0.21	5.50	NA	XXX
77321	26	....	A	Special teletx port plan	0.95	0.32	0.32	0.04	1.31	1.31	XXX
77321	TC	....	A	Special teletx port plan	0.00	4.02	NA	0.17	4.19	NA	XXX
77326	A	Brachytx isodose calc simp	0.93	2.66	NA	0.15	3.74	NA	XXX
77326	26	....	A	Brachytx isodose calc simp	0.93	0.31	0.31	0.04	1.28	1.28	XXX
77326	TC	....	A	Brachytx isodose calc simp	0.00	2.35	NA	0.11	2.46	NA	XXX
77327	A	Brachytx isodose calc interm	1.39	3.92	NA	0.21	5.52	NA	XXX
77327	26	....	A	Brachytx isodose calc interm	1.39	0.47	0.47	0.06	1.92	1.92	XXX
77327	TC	....	A	Brachytx isodose calc interm	0.00	3.45	NA	0.15	3.60	NA	XXX
77328	A	Brachytx isodose plan compl	2.09	5.65	NA	0.30	8.04	NA	XXX
77328	26	....	A	Brachytx isodose plan compl	2.09	0.71	0.71	0.09	2.89	2.89	XXX
77328	TC	....	A	Brachytx isodose plan compl	0.00	4.94	NA	0.21	5.15	NA	XXX
77331	A	Special radiation dosimetry	0.87	0.80	NA	0.06	1.73	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
77331	26	....	A	Special radiation dosimetry	0.87	0.30	0.30	0.04	1.21	1.21	XXX
77331	TC	....	A	Special radiation dosimetry	0.00	0.50	NA	0.02	0.52	NA	XXX
77332	A	Radiation treatment aid(s)	0.54	1.51	NA	0.08	2.13	NA	XXX
77332	26	....	A	Radiation treatment aid(s)	0.54	0.18	0.18	0.02	0.74	0.74	XXX
77332	TC	....	A	Radiation treatment aid(s)	0.00	1.33	NA	0.06	1.39	NA	XXX
77333	A	Radiation treatment aid(s)	0.84	2.18	NA	0.13	3.15	NA	XXX
77333	26	....	A	Radiation treatment aid(s)	0.84	0.29	0.29	0.04	1.17	1.17	XXX
77333	TC	....	A	Radiation treatment aid(s)	0.00	1.89	NA	0.09	1.98	NA	XXX
77334	A	Radiation treatment aid(s)	1.24	3.65	NA	0.19	5.08	NA	XXX
77334	26	....	A	Radiation treatment aid(s)	1.24	0.42	0.42	0.05	1.71	1.71	XXX
77334	TC	....	A	Radiation treatment aid(s)	0.00	3.23	NA	0.14	3.37	NA	XXX
77336	A	Radiation physics consult	0.00	2.97	NA	0.13	3.10	NA	XXX
77370	A	Radiation physics consult	0.00	3.47	NA	0.15	3.62	NA	XXX
77399	C	External radiation dosimetry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77399	26	....	C	External radiation dosimetry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77399	TC	....	C	External radiation dosimetry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77401	A	Radiation treatment delivery	0.00	1.76	NA	0.09	1.85	NA	XXX
77402	A	Radiation treatment delivery	0.00	1.76	NA	0.09	1.85	NA	XXX
77403	A	Radiation treatment delivery	0.00	1.76	NA	0.09	1.85	NA	XXX
77404	A	Radiation treatment delivery	0.00	1.76	NA	0.09	1.85	NA	XXX
77406	A	Radiation treatment delivery	0.00	1.76	NA	0.09	1.85	NA	XXX
77407	A	Radiation treatment delivery	0.00	2.08	NA	0.10	2.18	NA	XXX
77408	A	Radiation treatment delivery	0.00	2.08	NA	0.10	2.18	NA	XXX
77409	A	Radiation treatment delivery	0.00	2.08	NA	0.10	2.18	NA	XXX
77411	A	Radiation treatment delivery	0.00	2.08	NA	0.10	2.18	NA	XXX
77412	A	Radiation treatment delivery	0.00	2.32	NA	0.11	2.43	NA	XXX
77413	A	Radiation treatment delivery	0.00	2.32	NA	0.11	2.43	NA	XXX
77414	A	Radiation treatment delivery	0.00	2.32	NA	0.11	2.43	NA	XXX
77416	A	Radiation treatment delivery	0.00	2.32	NA	0.11	2.43	NA	XXX
77417	A	Radiology port film(s)	0.00	0.59	NA	0.03	0.62	NA	XXX
77418	A	Radiation tx delivery, imrt	0.00	17.97	NA	0.11	18.08	NA	XXX
77427	A	Radiation tx management, x5	3.31	1.12	1.12	0.14	4.57	4.57	XXX
77431	A	Radiation therapy management	1.81	0.71	0.71	0.07	2.59	2.59	XXX
77432	A	Stereotactic radiation trmt	7.93	3.06	3.06	0.33	11.32	11.32	XXX
77470	A	Special radiation treatment	2.09	11.81	NA	0.58	14.48	NA	XXX
77470	26	....	A	Special radiation treatment	2.09	0.71	0.71	0.09	2.89	2.89	XXX
77470	TC	....	A	Special radiation treatment	0.00	11.10	NA	0.49	11.59	NA	XXX
77499	C	Radiation therapy management	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77499	26	....	C	Radiation therapy management	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77499	TC	....	C	Radiation therapy management	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77520	C	Proton trmt, simple w/o comp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77522	C	Proton trmt, simple w/comp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77523	C	Proton trmt, intermediate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77525	C	Proton treatment, complex	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77600	R	Hyperthermia treatment	1.56	3.57	NA	0.21	5.34	NA	XXX
77600	26	....	R	Hyperthermia treatment	1.56	0.53	0.53	0.08	2.17	2.17	XXX
77600	TC	....	R	Hyperthermia treatment	0.00	3.04	NA	0.13	3.17	NA	XXX
77605	R	Hyperthermia treatment	2.09	4.75	NA	0.31	7.15	NA	XXX
77605	26	....	R	Hyperthermia treatment	2.09	0.71	0.71	0.13	2.93	2.93	XXX
77605	TC	....	R	Hyperthermia treatment	0.00	4.04	NA	0.18	4.22	NA	XXX
77610	R	Hyperthermia treatment	1.56	3.57	NA	0.20	5.33	NA	XXX
77610	26	....	R	Hyperthermia treatment	1.56	0.53	0.53	0.07	2.16	2.16	XXX
77610	TC	....	R	Hyperthermia treatment	0.00	3.04	NA	0.13	3.17	NA	XXX
77615	R	Hyperthermia treatment	2.09	4.75	NA	0.27	7.11	NA	XXX
77615	26	....	R	Hyperthermia treatment	2.09	0.71	0.71	0.09	2.89	2.89	XXX
77615	TC	....	R	Hyperthermia treatment	0.00	4.04	NA	0.18	4.22	NA	XXX
77620	R	Hyperthermia treatment	1.56	3.58	NA	0.19	5.33	NA	XXX
77620	26	....	R	Hyperthermia treatment	1.56	0.54	0.54	0.06	2.16	2.16	XXX
77620	TC	....	R	Hyperthermia treatment	0.00	3.04	NA	0.13	3.17	NA	XXX
77750	A	Infuse radioactive materials	4.91	3.00	NA	0.23	8.14	NA	090
77750	26	....	A	Infuse radioactive materials	4.91	1.67	1.67	0.17	6.75	6.75	090
77750	TC	....	A	Infuse radioactive materials	0.00	1.33	NA	0.06	1.39	NA	090
77761	A	Apply intrcav radiat simple	3.81	3.64	NA	0.28	7.73	NA	090
77761	26	....	A	Apply intrcav radiat simple	3.81	1.14	1.14	0.16	5.11	5.11	090
77761	TC	....	A	Apply intrcav radiat simple	0.00	2.50	NA	0.12	2.62	NA	090
77762	A	Apply intrcav radiat interm	5.72	5.51	NA	0.38	11.61	NA	090
77762	26	....	A	Apply intrcav radiat interm	5.72	1.92	1.92	0.22	7.86	7.86	090
77762	TC	....	A	Apply intrcav radiat interm	0.00	3.59	NA	0.16	3.75	NA	090
77763	A	Apply intrcav radiat compl	8.57	7.35	NA	0.53	16.45	NA	090
77763	26	....	A	Apply intrcav radiat compl	8.57	2.88	2.88	0.34	11.79	11.79	090
77763	TC	....	A	Apply intrcav radiat compl	0.00	4.47	NA	0.19	4.66	NA	090
77776	A	Apply interstit radiat simpl	4.66	3.15	NA	0.35	8.16	NA	090
77776	26	....	A	Apply interstit radiat simpl	4.66	0.98	0.98	0.24	5.88	5.88	090
77776	TC	....	A	Apply interstit radiat simpl	0.00	2.17	NA	0.11	2.28	NA	090
77777	A	Apply interstit radiat inter	7.48	6.70	NA	0.50	14.68	NA	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
77777	26	....	A	Apply interstit radiat inter	7.48	2.48	2.48	0.32	10.28	10.28	090
77777	TC	....	A	Apply interstit radiat inter	0.00	4.22	NA	0.18	4.40	NA	090
77778	A	Apply interstit radiat compl	11.19	8.88	NA	0.69	20.76	NA	090
77778	26	....	A	Apply interstit radiat compl	11.19	3.77	3.77	0.47	15.43	15.43	090
77778	TC	....	A	Apply interstit radiat compl	0.00	5.11	NA	0.22	5.33	NA	090
77781	A	High intensity brachytherapy	1.66	20.79	NA	0.95	23.40	NA	090
77781	26	....	A	High intensity brachytherapy	1.66	0.57	0.57	0.07	2.30	2.30	090
77781	TC	....	A	High intensity brachytherapy	0.00	20.22	NA	0.88	21.10	NA	090
77782	A	High intensity brachytherapy	2.49	21.07	NA	0.98	24.54	NA	090
77782	26	....	A	High intensity brachytherapy	2.49	0.85	0.85	0.10	3.44	3.44	090
77782	TC	....	A	High intensity brachytherapy	0.00	20.22	NA	0.88	21.10	NA	090
77783	A	High intensity brachytherapy	3.73	21.48	NA	1.03	26.24	NA	090
77783	26	....	A	High intensity brachytherapy	3.73	1.26	1.26	0.15	5.14	5.14	090
77783	TC	....	A	High intensity brachytherapy	0.00	20.22	NA	0.88	21.10	NA	090
77784	A	High intensity brachytherapy	5.61	22.11	NA	1.10	28.82	NA	090
77784	26	....	A	High intensity brachytherapy	5.61	1.89	1.89	0.22	7.72	7.72	090
77784	TC	....	A	High intensity brachytherapy	0.00	20.22	NA	0.88	21.10	NA	090
77789	A	Apply surface radiation	1.12	0.84	NA	0.05	2.01	NA	090
77789	26	....	A	Apply surface radiation	1.12	0.39	0.39	0.03	1.54	1.54	090
77789	TC	....	A	Apply surface radiation	0.00	0.45	NA	0.02	0.47	NA	090
77790	A	Radiation handling	1.05	0.86	NA	0.06	1.97	NA	XXX
77790	26	....	A	Radiation handling	1.05	0.36	0.36	0.04	1.45	1.45	XXX
77790	TC	....	A	Radiation handling	0.00	0.50	NA	0.02	0.52	NA	XXX
77799	C	Radium/radioisotope therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77799	26	....	C	Radium/radioisotope therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77799	TC	....	C	Radium/radioisotope therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78000	A	Thyroid, single uptake	0.19	1.04	NA	0.06	1.29	NA	XXX
78000	26	....	A	Thyroid, single uptake	0.19	0.07	0.07	0.01	0.27	0.27	XXX
78000	TC	....	A	Thyroid, single uptake	0.00	0.97	NA	0.05	1.02	NA	XXX
78001	A	Thyroid, multiple uptakes	0.26	1.39	NA	0.07	1.72	NA	XXX
78001	26	....	A	Thyroid, multiple uptakes	0.26	0.09	0.09	0.01	0.36	0.36	XXX
78001	TC	....	A	Thyroid, multiple uptakes	0.00	1.30	NA	0.06	1.36	NA	XXX
78003	A	Thyroid suppress/stimul	0.33	1.08	NA	0.06	1.47	NA	XXX
78003	26	....	A	Thyroid suppress/stimul	0.33	0.11	0.11	0.01	0.45	0.45	XXX
78003	TC	....	A	Thyroid suppress/stimul	0.00	0.97	NA	0.05	1.02	NA	XXX
78006	A	Thyroid imaging with uptake	0.49	2.54	NA	0.13	3.16	NA	XXX
78006	26	....	A	Thyroid imaging with uptake	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78006	TC	....	A	Thyroid imaging with uptake	0.00	2.37	NA	0.11	2.48	NA	XXX
78007	A	Thyroid image, mult uptakes	0.50	2.73	NA	0.14	3.37	NA	XXX
78007	26	....	A	Thyroid image, mult uptakes	0.50	0.17	0.17	0.02	0.69	0.69	XXX
78007	TC	....	A	Thyroid image, mult uptakes	0.00	2.56	NA	0.12	2.68	NA	XXX
78010	A	Thyroid imaging	0.39	1.95	NA	0.11	2.45	NA	XXX
78010	26	....	A	Thyroid imaging	0.39	0.14	0.14	0.02	0.55	0.55	XXX
78010	TC	....	A	Thyroid imaging	0.00	1.81	NA	0.09	1.90	NA	XXX
78011	A	Thyroid imaging with flow	0.45	2.56	NA	0.13	3.14	NA	XXX
78011	26	....	A	Thyroid imaging with flow	0.45	0.16	0.16	0.02	0.63	0.63	XXX
78011	TC	....	A	Thyroid imaging with flow	0.00	2.40	NA	0.11	2.51	NA	XXX
78015	A	Thyroid met imaging	0.67	2.79	NA	0.15	3.61	NA	XXX
78015	26	....	A	Thyroid met imaging	0.67	0.23	0.23	0.03	0.93	0.93	XXX
78015	TC	....	A	Thyroid met imaging	0.00	2.56	NA	0.12	2.68	NA	XXX
78016	A	Thyroid met imaging/studies	0.82	3.76	NA	0.18	4.76	NA	XXX
78016	26	....	A	Thyroid met imaging/studies	0.82	0.30	0.30	0.03	1.15	1.15	XXX
78016	TC	....	A	Thyroid met imaging/studies	0.00	3.46	NA	0.15	3.61	NA	XXX
78018	A	Thyroid met imaging, body	0.86	5.71	NA	0.27	6.84	NA	XXX
78018	26	....	A	Thyroid met imaging, body	0.86	0.31	0.31	0.03	1.20	1.20	XXX
78018	TC	....	A	Thyroid met imaging, body	0.00	5.40	NA	0.24	5.64	NA	XXX
78020	A	Thyroid met uptake	0.60	1.52	NA	0.14	2.26	NA	ZZZ
78020	26	....	A	Thyroid met uptake	0.60	0.22	0.22	0.02	0.84	0.84	ZZZ
78020	TC	....	A	Thyroid met uptake	0.00	1.30	NA	0.12	1.42	NA	ZZZ
78070	A	Parathyroid nuclear imaging	0.82	2.10	NA	0.12	3.04	NA	XXX
78070	26	....	A	Parathyroid nuclear imaging	0.82	0.29	0.29	0.03	1.14	1.14	XXX
78070	TC	....	A	Parathyroid nuclear imaging	0.00	1.81	NA	0.09	1.90	NA	XXX
78075	A	Adrenal nuclear imaging	0.74	5.67	NA	0.27	6.68	NA	XXX
78075	26	....	A	Adrenal nuclear imaging	0.74	0.27	0.27	0.03	1.04	1.04	XXX
78075	TC	....	A	Adrenal nuclear imaging	0.00	5.40	NA	0.24	5.64	NA	XXX
78099	C	Endocrine nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78099	26	....	C	Endocrine nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78099	TC	....	C	Endocrine nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78102	A	Bone marrow imaging, ltd	0.55	2.23	NA	0.12	2.90	NA	XXX
78102	26	....	A	Bone marrow imaging, ltd	0.55	0.20	0.20	0.02	0.77	0.77	XXX
78102	TC	....	A	Bone marrow imaging, ltd	0.00	2.03	NA	0.10	2.13	NA	XXX
78103	A	Bone marrow imaging, mult	0.75	3.42	NA	0.17	4.34	NA	XXX
78103	26	....	A	Bone marrow imaging, mult	0.75	0.27	0.27	0.03	1.05	1.05	XXX
78103	TC	....	A	Bone marrow imaging, mult	0.00	3.15	NA	0.14	3.29	NA	XXX
78104	A	Bone marrow imaging, body	0.80	4.33	NA	0.21	5.34	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
78104	26	....	A	Bone marrow imaging, body	0.80	0.28	0.28	0.03	1.11	1.11	XXX
78104	TC	....	A	Bone marrow imaging, body	0.00	4.05	NA	0.18	4.23	NA	XXX
78110	A	Plasma volume, single	0.19	1.02	NA	0.06	1.27	NA	XXX
78110	26	....	A	Plasma volume, single	0.19	0.07	0.07	0.01	0.27	0.27	XXX
78110	TC	....	A	Plasma volume, single	0.00	0.95	NA	0.05	1.00	NA	XXX
78111	A	Plasma volume, multiple	0.22	2.64	NA	0.13	2.99	NA	XXX
78111	26	....	A	Plasma volume, multiple	0.22	0.08	0.08	0.01	0.31	0.31	XXX
78111	TC	....	A	Plasma volume, multiple	0.00	2.56	NA	0.12	2.68	NA	XXX
78120	A	Red cell mass, single	0.23	1.80	NA	0.10	2.13	NA	XXX
78120	26	....	A	Red cell mass, single	0.23	0.08	0.08	0.01	0.32	0.32	XXX
78120	TC	....	A	Red cell mass, single	0.00	1.72	NA	0.09	1.81	NA	XXX
78121	A	Red cell mass, multiple	0.32	3.02	NA	0.13	3.47	NA	XXX
78121	26	....	A	Red cell mass, multiple	0.32	0.12	0.12	0.01	0.45	0.45	XXX
78121	TC	....	A	Red cell mass, multiple	0.00	2.90	NA	0.12	3.02	NA	XXX
78122	A	Blood volume	0.45	4.74	NA	0.22	5.41	NA	XXX
78122	26	....	A	Blood volume	0.45	0.16	0.16	0.02	0.63	0.63	XXX
78122	TC	....	A	Blood volume	0.00	4.58	NA	0.20	4.78	NA	XXX
78130	A	Red cell survival study	0.61	3.06	NA	0.15	3.82	NA	XXX
78130	26	....	A	Red cell survival study	0.61	0.22	0.22	0.03	0.86	0.86	XXX
78130	TC	....	A	Red cell survival study	0.00	2.84	NA	0.12	2.96	NA	XXX
78135	A	Red cell survival kinetics	0.64	5.09	NA	0.24	5.97	NA	XXX
78135	26	....	A	Red cell survival kinetics	0.64	0.23	0.23	0.03	0.90	0.90	XXX
78135	TC	....	A	Red cell survival kinetics	0.00	4.86	NA	0.21	5.07	NA	XXX
78140	A	Red cell sequestration	0.61	4.13	NA	0.20	4.94	NA	XXX
78140	26	....	A	Red cell sequestration	0.61	0.21	0.21	0.03	0.85	0.85	XXX
78140	TC	....	A	Red cell sequestration	0.00	3.92	NA	0.17	4.09	NA	XXX
78160	A	Plasma iron turnover	0.33	3.77	NA	0.19	4.29	NA	XXX
78160	26	....	A	Plasma iron turnover	0.33	0.12	0.12	0.03	0.48	0.48	XXX
78160	TC	....	A	Plasma iron turnover	0.00	3.65	NA	0.16	3.81	NA	XXX
78162	A	Radioiron absorption exam	0.45	3.37	NA	0.15	3.97	NA	XXX
78162	26	....	A	Radioiron absorption exam	0.45	0.19	0.19	0.01	0.65	0.65	XXX
78162	TC	....	A	Radioiron absorption exam	0.00	3.18	NA	0.14	3.32	NA	XXX
78170	A	Red cell iron utilization	0.41	5.42	NA	0.27	6.10	NA	XXX
78170	26	....	A	Red cell iron utilization	0.41	0.14	0.14	0.04	0.59	0.59	XXX
78170	TC	....	A	Red cell iron utilization	0.00	5.28	NA	0.23	5.51	NA	XXX
78172	C	Total body iron estimation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78172	26	....	A	Total body iron estimation	0.53	0.18	0.18	0.02	0.73	0.73	XXX
78172	TC	....	C	Total body iron estimation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78185	A	Spleen imaging	0.40	2.49	NA	0.13	3.02	NA	XXX
78185	26	....	A	Spleen imaging	0.40	0.14	0.14	0.02	0.56	0.56	XXX
78185	TC	....	A	Spleen imaging	0.00	2.35	NA	0.11	2.46	NA	XXX
78190	A	Platelet survival, kinetics	1.09	6.09	NA	0.31	7.49	NA	XXX
78190	26	....	A	Platelet survival, kinetics	1.09	0.40	0.40	0.06	1.55	1.55	XXX
78190	TC	....	A	Platelet survival, kinetics	0.00	5.69	NA	0.25	5.94	NA	XXX
78191	A	Platelet survival	0.61	7.51	NA	0.34	8.46	NA	XXX
78191	26	....	A	Platelet survival	0.61	0.21	0.21	0.03	0.85	0.85	XXX
78191	TC	....	A	Platelet survival	0.00	7.30	NA	0.31	7.61	NA	XXX
78195	A	Lymph system imaging	1.20	4.48	NA	0.23	5.91	NA	XXX
78195	26	....	A	Lymph system imaging	1.20	0.43	0.43	0.05	1.68	1.68	XXX
78195	TC	....	A	Lymph system imaging	0.00	4.05	NA	0.18	4.23	NA	XXX
78199	C	Blood/lymph nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78199	26	....	C	Blood/lymph nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78199	TC	....	C	Blood/lymph nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78201	A	Liver imaging	0.44	2.50	NA	0.13	3.07	NA	XXX
78201	26	....	A	Liver imaging	0.44	0.15	0.15	0.02	0.61	0.61	XXX
78201	TC	....	A	Liver imaging	0.00	2.35	NA	0.11	2.46	NA	XXX
78202	A	Liver imaging with flow	0.51	3.05	NA	0.14	3.70	NA	XXX
78202	26	....	A	Liver imaging with flow	0.51	0.18	0.18	0.02	0.71	0.71	XXX
78202	TC	....	A	Liver imaging with flow	0.00	2.87	NA	0.12	2.99	NA	XXX
78205	A	Liver imaging (3D)	0.71	6.13	NA	0.29	7.13	NA	XXX
78205	26	....	A	Liver imaging (3D)	0.71	0.25	0.25	0.03	0.99	0.99	XXX
78205	TC	....	A	Liver imaging (3D)	0.00	5.88	NA	0.26	6.14	NA	XXX
78206	A	Liver image (3d) with flow	0.96	6.22	NA	0.13	7.31	NA	XXX
78206	26	....	A	Liver image (3d) with flow	0.96	0.34	0.34	0.04	1.34	1.34	XXX
78206	TC	....	A	Liver image (3d) with flow	0.00	5.88	NA	0.09	5.97	NA	XXX
78215	A	Liver and spleen imaging	0.49	3.10	NA	0.14	3.73	NA	XXX
78215	26	....	A	Liver and spleen imaging	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78215	TC	....	A	Liver and spleen imaging	0.00	2.93	NA	0.12	3.05	NA	XXX
78216	A	Liver & spleen image/flow	0.57	3.66	NA	0.17	4.40	NA	XXX
78216	26	....	A	Liver & spleen image/flow	0.57	0.20	0.20	0.02	0.79	0.79	XXX
78216	TC	....	A	Liver & spleen image/flow	0.00	3.46	NA	0.15	3.61	NA	XXX
78220	A	Liver function study	0.49	3.87	NA	0.18	4.54	NA	XXX
78220	26	....	A	Liver function study	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78220	TC	....	A	Liver function study	0.00	3.70	NA	0.16	3.86	NA	XXX
78223	A	Hepatobiliary imaging	0.84	3.94	NA	0.20	4.98	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
78223	26	....	A	Hepatobiliary imaging	0.84	0.29	0.29	0.04	1.17	1.17	XXX
78223	TC	....	A	Hepatobiliary imaging	0.00	3.65	NA	0.16	3.81	NA	XXX
78230	A	Salivary gland imaging	0.45	2.32	NA	0.13	2.90	NA	XXX
78230	26	....	A	Salivary gland imaging	0.45	0.15	0.15	0.02	0.62	0.62	XXX
78230	TC	....	A	Salivary gland imaging	0.00	2.17	NA	0.11	2.28	NA	XXX
78231	A	Serial salivary imaging	0.52	3.34	NA	0.16	4.02	NA	XXX
78231	26	....	A	Serial salivary imaging	0.52	0.19	0.19	0.02	0.73	0.73	XXX
78231	TC	....	A	Serial salivary imaging	0.00	3.15	NA	0.14	3.29	NA	XXX
78232	A	Salivary gland function exam	0.47	3.69	NA	0.16	4.32	NA	XXX
78232	26	....	A	Salivary gland function exam	0.47	0.17	0.17	0.01	0.65	0.65	XXX
78232	TC	....	A	Salivary gland function exam	0.00	3.52	NA	0.15	3.67	NA	XXX
78258	A	Esophageal motility study	0.74	3.13	NA	0.15	4.02	NA	XXX
78258	26	....	A	Esophageal motility study	0.74	0.26	0.26	0.03	1.03	1.03	XXX
78258	TC	....	A	Esophageal motility study	0.00	2.87	NA	0.12	2.99	NA	XXX
78261	A	Gastric mucosa imaging	0.69	4.33	NA	0.21	5.23	NA	XXX
78261	26	....	A	Gastric mucosa imaging	0.69	0.25	0.25	0.03	0.97	0.97	XXX
78261	TC	....	A	Gastric mucosa imaging	0.00	4.08	NA	0.18	4.26	NA	XXX
78262	A	Gastroesophageal reflux exam	0.68	4.48	NA	0.21	5.37	NA	XXX
78262	26	....	A	Gastroesophageal reflux exam	0.68	0.24	0.24	0.03	0.95	0.95	XXX
78262	TC	....	A	Gastroesophageal reflux exam	0.00	4.24	NA	0.18	4.42	NA	XXX
78264	A	Gastric emptying study	0.78	4.38	NA	0.21	5.37	NA	XXX
78264	26	....	A	Gastric emptying study	0.78	0.27	0.27	0.03	1.08	1.08	XXX
78264	TC	....	A	Gastric emptying study	0.00	4.11	NA	0.18	4.29	NA	XXX
78267	X	Breath tst attain/anal c-14	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78268	X	Breath test analysis, c-14	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78270	A	Vit B-12 absorption exam	0.20	1.61	NA	0.09	1.90	NA	XXX
78270	26	....	A	Vit B-12 absorption exam	0.20	0.07	0.07	0.01	0.28	0.28	XXX
78270	TC	....	A	Vit B-12 absorption exam	0.00	1.54	NA	0.08	1.62	NA	XXX
78271	A	Vit b-12 absrp exam, int fac	0.20	1.70	NA	0.09	1.99	NA	XXX
78271	26	....	A	Vit b-12 absrp exam, int fac	0.20	0.07	0.07	0.01	0.28	0.28	XXX
78271	TC	....	A	Vit b-12 absrp exam, int fac	0.00	1.63	NA	0.08	1.71	NA	XXX
78272	A	Vit B-12 absorp, combined	0.27	2.41	NA	0.12	2.80	NA	XXX
78272	26	....	A	Vit B-12 absorp, combined	0.27	0.10	0.10	0.01	0.38	0.38	XXX
78272	TC	....	A	Vit B-12 absorp, combined	0.00	2.31	NA	0.11	2.42	NA	XXX
78278	A	Acute GI blood loss imaging	0.99	5.20	NA	0.25	6.44	NA	XXX
78278	26	....	A	Acute GI blood loss imaging	0.99	0.34	0.34	0.04	1.37	1.37	XXX
78278	TC	....	A	Acute GI blood loss imaging	0.00	4.86	NA	0.21	5.07	NA	XXX
78282	C	GI protein loss exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78282	26	....	A	GI protein loss exam	0.38	0.14	0.14	0.02	0.54	0.54	XXX
78282	TC	....	C	GI protein loss exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78290	A	Meckel's divert exam	0.68	3.28	NA	0.16	4.12	NA	XXX
78290	26	....	A	Meckel's divert exam	0.68	0.24	0.24	0.03	0.95	0.95	XXX
78290	TC	....	A	Meckel's divert exam	0.00	3.04	NA	0.13	3.17	NA	XXX
78291	A	Leveen/shunt patency exam	0.88	3.36	NA	0.17	4.41	NA	XXX
78291	26	....	A	Leveen/shunt patency exam	0.88	0.31	0.31	0.04	1.23	1.23	XXX
78291	TC	....	A	Leveen/shunt patency exam	0.00	3.05	NA	0.13	3.18	NA	XXX
78299	C	GI nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78299	26	....	C	GI nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78299	TC	....	C	GI nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78300	A	Bone imaging, limited area	0.62	2.69	NA	0.15	3.46	NA	XXX
78300	26	....	A	Bone imaging, limited area	0.62	0.21	0.21	0.03	0.86	0.86	XXX
78300	TC	....	A	Bone imaging, limited area	0.00	2.48	NA	0.12	2.60	NA	XXX
78305	A	Bone imaging, multiple areas	0.83	3.94	NA	0.19	4.96	NA	XXX
78305	26	....	A	Bone imaging, multiple areas	0.83	0.29	0.29	0.03	1.15	1.15	XXX
78305	TC	....	A	Bone imaging, multiple areas	0.00	3.65	NA	0.16	3.81	NA	XXX
78306	A	Bone imaging, whole body	0.86	4.56	NA	0.22	5.64	NA	XXX
78306	26	....	A	Bone imaging, whole body	0.86	0.30	0.30	0.04	1.20	1.20	XXX
78306	TC	....	A	Bone imaging, whole body	0.00	4.26	NA	0.18	4.44	NA	XXX
78315	A	Bone imaging, 3 phase	1.02	5.12	NA	0.25	6.39	NA	XXX
78315	26	....	A	Bone imaging, 3 phase	1.02	0.36	0.36	0.04	1.42	1.42	XXX
78315	TC	....	A	Bone imaging, 3 phase	0.00	4.76	NA	0.21	4.97	NA	XXX
78320	A	Bone imaging (3D)	1.04	6.25	NA	0.30	7.59	NA	XXX
78320	26	....	A	Bone imaging (3D)	1.04	0.37	0.37	0.04	1.45	1.45	XXX
78320	TC	....	A	Bone imaging (3D)	0.00	5.88	NA	0.26	6.14	NA	XXX
78350	A	Bone mineral, single photon	0.22	0.83	NA	0.05	1.10	NA	XXX
78350	26	....	A	Bone mineral, single photon	0.22	0.08	0.08	0.01	0.31	0.31	XXX
78350	TC	....	A	Bone mineral, single photon	0.00	0.75	NA	0.04	0.79	NA	XXX
78351	N	Bone mineral, dual photon	+0.30	1.74	0.12	0.01	2.05	0.43	XXX
78399	C	Musculoskeletal nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78399	26	....	C	Musculoskeletal nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78399	TC	....	C	Musculoskeletal nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78414	C	Non-imaging heart function	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78414	26	....	A	Non-imaging heart function	0.45	0.16	0.16	0.02	0.63	0.63	XXX
78414	TC	....	C	Non-imaging heart function	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78428	A	Cardiac shunt imaging	0.78	2.54	NA	0.14	3.46	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS ²	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
78428	26	....	A	Cardiac shunt imaging	0.78	0.30	0.30	0.03	1.11	1.11	XXX
78428	TC	....	A	Cardiac shunt imaging	0.00	2.24	NA	0.11	2.35	NA	XXX
78445	A	Vascular flow imaging	0.49	2.03	NA	0.11	2.63	NA	XXX
78445	26	....	A	Vascular flow imaging	0.49	0.18	0.18	0.02	0.69	0.69	XXX
78445	TC	....	A	Vascular flow imaging	0.00	1.85	NA	0.09	1.94	NA	XXX
78455	A	Venous thrombosis study	0.73	4.23	NA	0.20	5.16	NA	XXX
78455	26	....	A	Venous thrombosis study	0.73	0.26	0.26	0.03	1.02	1.02	XXX
78455	TC	....	A	Venous thrombosis study	0.00	3.97	NA	0.17	4.14	NA	XXX
78456	A	Acute venous thrombus image	1.00	4.33	NA	0.28	5.61	NA	XXX
78456	26	....	A	Acute venous thrombus image	1.00	0.36	0.36	0.04	1.40	1.40	XXX
78456	TC	....	A	Acute venous thrombus image	0.00	3.97	NA	0.24	4.21	NA	XXX
78457	A	Venous thrombosis imaging	0.77	2.92	NA	0.15	3.84	NA	XXX
78457	26	....	A	Venous thrombosis imaging	0.77	0.27	0.27	0.03	1.07	1.07	XXX
78457	TC	....	A	Venous thrombosis imaging	0.00	2.65	NA	0.12	2.77	NA	XXX
78458	A	Ven thrombosis images, bilat	0.90	4.33	NA	0.20	5.43	NA	XXX
78458	26	....	A	Ven thrombosis images, bilat	0.90	0.33	0.33	0.03	1.26	1.26	XXX
78458	TC	....	A	Ven thrombosis images, bilat	0.00	4.00	NA	0.17	4.17	NA	XXX
78459	C	Heart muscle imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78459	26	....	R	Heart muscle imaging (PET)	1.50	0.59	0.59	0.04	2.13	2.13	XXX
78459	TC	....	C	Heart muscle imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78460	A	Heart muscle blood, single	0.86	2.65	NA	0.14	3.65	NA	XXX
78460	26	....	A	Heart muscle blood, single	0.86	0.30	0.30	0.03	1.19	1.19	XXX
78460	TC	....	A	Heart muscle blood, single	0.00	2.35	NA	0.11	2.46	NA	XXX
78461	A	Heart muscle blood, multiple	1.23	5.15	NA	0.26	6.64	NA	XXX
78461	26	....	A	Heart muscle blood, multiple	1.23	0.45	0.45	0.05	1.73	1.73	XXX
78461	TC	....	A	Heart muscle blood, multiple	0.00	4.70	NA	0.21	4.91	NA	XXX
78464	A	Heart image (3d), single	1.09	7.43	NA	0.35	8.87	NA	XXX
78464	26	....	A	Heart image (3d), single	1.09	0.39	0.39	0.04	1.52	1.52	XXX
78464	TC	....	A	Heart image (3d), single	0.00	7.04	NA	0.31	7.35	NA	XXX
78465	A	Heart image (3d), multiple	1.46	12.28	NA	0.56	14.30	NA	XXX
78465	26	....	A	Heart image (3d), multiple	1.46	0.54	0.54	0.05	2.05	2.05	XXX
78465	TC	....	A	Heart image (3d), multiple	0.00	11.74	NA	0.51	12.25	NA	XXX
78466	A	Heart infarct image	0.69	2.86	NA	0.15	3.70	NA	XXX
78466	26	....	A	Heart infarct image	0.69	0.25	0.25	0.03	0.97	0.97	XXX
78466	TC	....	A	Heart infarct image	0.00	2.61	NA	0.12	2.73	NA	XXX
78468	A	Heart infarct image (ef)	0.80	3.93	NA	0.19	4.92	NA	XXX
78468	26	....	A	Heart infarct image (ef)	0.80	0.28	0.28	0.03	1.11	1.11	XXX
78468	TC	....	A	Heart infarct image (ef)	0.00	3.65	NA	0.16	3.81	NA	XXX
78469	A	Heart infarct image (3D)	0.92	5.51	NA	0.26	6.69	NA	XXX
78469	26	....	A	Heart infarct image (3D)	0.92	0.32	0.32	0.03	1.27	1.27	XXX
78469	TC	....	A	Heart infarct image (3D)	0.00	5.19	NA	0.23	5.42	NA	XXX
78472	A	Gated heart, planar, single	0.98	5.83	NA	0.29	7.10	NA	XXX
78472	26	....	A	Gated heart, planar, single	0.98	0.35	0.35	0.04	1.37	1.37	XXX
78472	TC	....	A	Gated heart, planar, single	0.00	5.48	NA	0.25	5.73	NA	XXX
78473	A	Gated heart, multiple	1.47	8.75	NA	0.40	10.62	NA	XXX
78473	26	....	A	Gated heart, multiple	1.47	0.53	0.53	0.05	2.05	2.05	XXX
78473	TC	....	A	Gated heart, multiple	0.00	8.22	NA	0.35	8.57	NA	XXX
78478	A	Heart wall motion add-on	0.62	1.78	NA	0.10	2.50	NA	XXX
78478	26	....	A	Heart wall motion add-on	0.62	0.23	0.23	0.02	0.87	0.87	XXX
78478	TC	....	A	Heart wall motion add-on	0.00	1.55	NA	0.08	1.63	NA	XXX
78480	A	Heart function add-on	0.62	1.78	NA	0.10	2.50	NA	XXX
78480	26	....	A	Heart function add-on	0.62	0.23	0.23	0.02	0.87	0.87	XXX
78480	TC	....	A	Heart function add-on	0.00	1.55	NA	0.08	1.63	NA	XXX
78481	A	Heart first pass, single	0.98	5.56	NA	0.26	6.80	NA	XXX
78481	26	....	A	Heart first pass, single	0.98	0.37	0.37	0.03	1.38	1.38	XXX
78481	TC	....	A	Heart first pass, single	0.00	5.19	NA	0.23	5.42	NA	XXX
78483	A	Heart first pass, multiple	1.47	8.39	NA	0.39	10.25	NA	XXX
78483	26	....	A	Heart first pass, multiple	1.47	0.56	0.56	0.05	2.08	2.08	XXX
78483	TC	....	A	Heart first pass, multiple	0.00	7.83	NA	0.34	8.17	NA	XXX
78491	I	Heart image (pet), single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78491	26	....	I	Heart image (pet), single	+1.50	0.60	0.60	0.05	2.15	2.15	XXX
78491	TC	....	I	Heart image (pet), single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78492	I	Heart image (pet), multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78492	26	....	I	Heart image (pet), multiple	+1.87	0.75	0.75	0.06	2.68	2.68	XXX
78492	TC	....	I	Heart image (pet), multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78494	A	Heart image, spect	1.19	7.47	NA	0.29	8.95	NA	XXX
78494	26	....	A	Heart image, spect	1.19	0.43	0.43	0.04	1.66	1.66	XXX
78494	TC	....	A	Heart image, spect	0.00	7.04	NA	0.25	7.29	NA	XXX
78496	A	Heart first pass add-on	0.50	7.23	NA	0.27	8.00	NA	ZZZ
78496	26	....	A	Heart first pass add-on	0.50	0.19	0.19	0.02	0.71	0.71	ZZZ
78496	TC	....	A	Heart first pass add-on	0.00	7.04	NA	0.25	7.29	NA	ZZZ
78499	C	Cardiovascular nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78499	26	....	C	Cardiovascular nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78499	TC	....	C	Cardiovascular nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78580	A	Lung perfusion imaging	0.74	3.67	NA	0.18	4.59	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
78580	26	....	A	Lung perfusion imaging	0.74	0.26	0.26	0.03	1.03	1.03	XXX
78580	TC	....	A	Lung perfusion imaging	0.00	3.41	NA	0.15	3.56	NA	XXX
78584	A	Lung V/Q image single breath	0.99	3.52	NA	0.18	4.69	NA	XXX
78584	26	....	A	Lung V/Q image single breath	0.99	0.34	0.34	0.04	1.37	1.37	XXX
78584	TC	....	A	Lung V/Q image single breath	0.00	3.18	NA	0.14	3.32	NA	XXX
78585	A	Lung V/Q imaging	1.09	5.99	NA	0.30	7.38	NA	XXX
78585	26	....	A	Lung V/Q imaging	1.09	0.38	0.38	0.05	1.52	1.52	XXX
78585	TC	....	A	Lung V/Q imaging	0.00	5.61	NA	0.25	5.86	NA	XXX
78586	A	Aerosol lung image, single	0.40	2.72	NA	0.14	3.26	NA	XXX
78586	26	....	A	Aerosol lung image, single	0.40	0.14	0.14	0.02	0.56	0.56	XXX
78586	TC	....	A	Aerosol lung image, single	0.00	2.58	NA	0.12	2.70	NA	XXX
78587	A	Aerosol lung image, multiple	0.49	2.97	NA	0.14	3.60	NA	XXX
78587	26	....	A	Aerosol lung image, multiple	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78587	TC	....	A	Aerosol lung image, multiple	0.00	2.80	NA	0.12	2.92	NA	XXX
78588	A	Perfusion lung image	1.09	3.56	NA	0.20	4.85	NA	XXX
78588	26	....	A	Perfusion lung image	1.09	0.38	0.38	0.05	1.52	1.52	XXX
78588	TC	....	A	Perfusion lung image	0.00	3.18	NA	0.15	3.33	NA	XXX
78591	A	Vent image, 1 breath, 1 proj	0.40	2.98	NA	0.14	3.52	NA	XXX
78591	26	....	A	Vent image, 1 breath, 1 proj	0.40	0.14	0.14	0.02	0.56	0.56	XXX
78591	TC	....	A	Vent image, 1 breath, 1 proj	0.00	2.84	NA	0.12	2.96	NA	XXX
78593	A	Vent image, 1 proj, gas	0.49	3.60	NA	0.17	4.26	NA	XXX
78593	26	....	A	Vent image, 1 proj, gas	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78593	TC	....	A	Vent image, 1 proj, gas	0.00	3.43	NA	0.15	3.58	NA	XXX
78594	A	Vent image, mult proj, gas	0.53	5.15	NA	0.23	5.91	NA	XXX
78594	26	....	A	Vent image, mult proj, gas	0.53	0.19	0.19	0.02	0.74	0.74	XXX
78594	TC	....	A	Vent image, mult proj, gas	0.00	4.96	NA	0.21	5.17	NA	XXX
78596	A	Lung differential function	1.27	7.48	NA	0.36	9.11	NA	XXX
78596	26	....	A	Lung differential function	1.27	0.44	0.44	0.05	1.76	1.76	XXX
78596	TC	....	A	Lung differential function	0.00	7.04	NA	0.31	7.35	NA	XXX
78599	C	Respiratory nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78599	26	....	C	Respiratory nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78599	TC	....	C	Respiratory nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78600	A	Brain imaging, ltd static	0.44	3.03	NA	0.14	3.61	NA	XXX
78600	26	....	A	Brain imaging, ltd static	0.44	0.16	0.16	0.02	0.62	0.62	XXX
78600	TC	....	A	Brain imaging, ltd static	0.00	2.87	NA	0.12	2.99	NA	XXX
78601	A	Brain imaging, ltd w/ flow	0.51	3.57	NA	0.17	4.25	NA	XXX
78601	26	....	A	Brain imaging, ltd w/ flow	0.51	0.18	0.18	0.02	0.71	0.71	XXX
78601	TC	....	A	Brain imaging, ltd w/ flow	0.00	3.39	NA	0.15	3.54	NA	XXX
78605	A	Brain imaging, complete	0.53	3.58	NA	0.17	4.28	NA	XXX
78605	26	....	A	Brain imaging, complete	0.53	0.19	0.19	0.02	0.74	0.74	XXX
78605	TC	....	A	Brain imaging, complete	0.00	3.39	NA	0.15	3.54	NA	XXX
78606	A	Brain imaging, compl w/flow	0.64	4.07	NA	0.20	4.91	NA	XXX
78606	26	....	A	Brain imaging, compl w/flow	0.64	0.22	0.22	0.03	0.89	0.89	XXX
78606	TC	....	A	Brain imaging, compl w/flow	0.00	3.85	NA	0.17	4.02	NA	XXX
78607	A	Brain imaging (3D)	1.23	6.98	NA	0.34	8.55	NA	XXX
78607	26	....	A	Brain imaging (3D)	1.23	0.45	0.45	0.05	1.73	1.73	XXX
78607	TC	....	A	Brain imaging (3D)	0.00	6.53	NA	0.29	6.82	NA	XXX
78608	N	Brain imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78609	N	Brain imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78610	A	Brain flow imaging only	0.30	1.68	NA	0.09	2.07	NA	XXX
78610	26	....	A	Brain flow imaging only	0.30	0.11	0.11	0.01	0.42	0.42	XXX
78610	TC	....	A	Brain flow imaging only	0.00	1.57	NA	0.08	1.65	NA	XXX
78615	A	Cerebral vascular flow image	0.42	3.99	NA	0.19	4.60	NA	XXX
78615	26	....	A	Cerebral vascular flow image	0.42	0.16	0.16	0.02	0.60	0.60	XXX
78615	TC	....	A	Cerebral vascular flow image	0.00	3.83	NA	0.17	4.00	NA	XXX
78630	A	Cerebrospinal fluid scan	0.68	5.26	NA	0.25	6.19	NA	XXX
78630	26	....	A	Cerebrospinal fluid scan	0.68	0.24	0.24	0.03	0.95	0.95	XXX
78630	TC	....	A	Cerebrospinal fluid scan	0.00	5.02	NA	0.22	5.24	NA	XXX
78635	A	CSF ventriculography	0.61	2.77	NA	0.14	3.52	NA	XXX
78635	26	....	A	CSF ventriculography	0.61	0.24	0.24	0.02	0.87	0.87	XXX
78635	TC	....	A	CSF ventriculography	0.00	2.53	NA	0.12	2.65	NA	XXX
78645	A	CSF shunt evaluation	0.57	3.61	NA	0.17	4.35	NA	XXX
78645	26	....	A	CSF shunt evaluation	0.57	0.20	0.20	0.02	0.79	0.79	XXX
78645	TC	....	A	CSF shunt evaluation	0.00	3.41	NA	0.15	3.56	NA	XXX
78647	A	Cerebrospinal fluid scan	0.90	6.21	NA	0.29	7.40	NA	XXX
78647	26	....	A	Cerebrospinal fluid scan	0.90	0.33	0.33	0.03	1.26	1.26	XXX
78647	TC	....	A	Cerebrospinal fluid scan	0.00	5.88	NA	0.26	6.14	NA	XXX
78650	A	CSF leakage imaging	0.61	4.84	NA	0.22	5.67	NA	XXX
78650	26	....	A	CSF leakage imaging	0.61	0.22	0.22	0.02	0.85	0.85	XXX
78650	TC	....	A	CSF leakage imaging	0.00	4.62	NA	0.20	4.82	NA	XXX
78660	A	Nuclear exam of tear flow	0.53	2.30	NA	0.12	2.95	NA	XXX
78660	26	....	A	Nuclear exam of tear flow	0.53	0.19	0.19	0.02	0.74	0.74	XXX
78660	TC	....	A	Nuclear exam of tear flow	0.00	2.11	NA	0.10	2.21	NA	XXX
78699	C	Nervous system nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78699	26	....	C	Nervous system nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
78699	.... TC	.... C	Nervous system nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78700	....	.... A	Kidney imaging, static	0.45	3.20	NA	0.15	3.80	NA	XXX
78700	.... 26	.... A	Kidney imaging, static	0.45	0.16	0.16	0.02	0.63	0.63	XXX
78700	.... TC	.... A	Kidney imaging, static	0.00	3.04	NA	0.13	3.17	NA	XXX
78701	....	.... A	Kidney imaging with flow	0.49	3.71	NA	0.17	4.37	NA	XXX
78701	.... 26	.... A	Kidney imaging with flow	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78701	.... TC	.... A	Kidney imaging with flow	0.00	3.54	NA	0.15	3.69	NA	XXX
78704	....	.... A	Imaging renogram	0.74	4.20	NA	0.20	5.14	NA	XXX
78704	.... 26	.... A	Imaging renogram	0.74	0.26	0.26	0.03	1.03	1.03	XXX
78704	.... TC	.... A	Imaging renogram	0.00	3.94	NA	0.17	4.11	NA	XXX
78707	....	.... A	Kidney flow/function image	0.96	4.79	NA	0.23	5.98	NA	XXX
78707	.... 26	.... A	Kidney flow/function image	0.96	0.34	0.34	0.04	1.34	1.34	XXX
78707	.... TC	.... A	Kidney flow/function image	0.00	4.45	NA	0.19	4.64	NA	XXX
78708	....	.... A	Kidney flow/function image	1.21	4.88	NA	0.24	6.33	NA	XXX
78708	.... 26	.... A	Kidney flow/function image	1.21	0.43	0.43	0.05	1.69	1.69	XXX
78708	.... TC	.... A	Kidney flow/function image	0.00	4.45	NA	0.19	4.64	NA	XXX
78709	....	.... A	Kidney flow/function image	1.41	4.94	NA	0.25	6.60	NA	XXX
78709	.... 26	.... A	Kidney flow/function image	1.41	0.49	0.49	0.06	1.96	1.96	XXX
78709	.... TC	.... A	Kidney flow/function image	0.00	4.45	NA	0.19	4.64	NA	XXX
78710	....	.... A	Kidney imaging (3D)	0.66	6.11	NA	0.29	7.06	NA	XXX
78710	.... 26	.... A	Kidney imaging (3D)	0.66	0.23	0.23	0.03	0.92	0.92	XXX
78710	.... TC	.... A	Kidney imaging (3D)	0.00	5.88	NA	0.26	6.14	NA	XXX
78715	....	.... A	Renal vascular flow exam	0.30	1.68	NA	0.09	2.07	NA	XXX
78715	.... 26	.... A	Renal vascular flow exam	0.30	0.11	0.11	0.01	0.42	0.42	XXX
78715	.... TC	.... A	Renal vascular flow exam	0.00	1.57	NA	0.08	1.65	NA	XXX
78725	....	.... A	Kidney function study	0.38	1.90	NA	0.10	2.38	NA	XXX
78725	.... 26	.... A	Kidney function study	0.38	0.13	0.13	0.01	0.52	0.52	XXX
78725	.... TC	.... A	Kidney function study	0.00	1.77	NA	0.09	1.86	NA	XXX
78730	....	.... A	Urinary bladder retention	0.36	1.58	NA	0.09	2.03	NA	XXX
78730	.... 26	.... A	Urinary bladder retention	0.36	0.13	0.13	0.02	0.51	0.51	XXX
78730	.... TC	.... A	Urinary bladder retention	0.00	1.45	NA	0.07	1.52	NA	XXX
78740	....	.... A	Ureteral reflux study	0.57	2.30	NA	0.12	2.99	NA	XXX
78740	.... 26	.... A	Ureteral reflux study	0.57	0.19	0.19	0.02	0.78	0.78	XXX
78740	.... TC	.... A	Ureteral reflux study	0.00	2.11	NA	0.10	2.21	NA	XXX
78760	....	.... A	Testicular imaging	0.66	2.90	NA	0.15	3.71	NA	XXX
78760	.... 26	.... A	Testicular imaging	0.66	0.23	0.23	0.03	0.92	0.92	XXX
78760	.... TC	.... A	Testicular imaging	0.00	2.67	NA	0.12	2.79	NA	XXX
78761	....	.... A	Testicular imaging/flow	0.71	3.43	NA	0.17	4.31	NA	XXX
78761	.... 26	.... A	Testicular imaging/flow	0.71	0.25	0.25	0.03	0.99	0.99	XXX
78761	.... TC	.... A	Testicular imaging/flow	0.00	3.18	NA	0.14	3.32	NA	XXX
78799	....	.... C	Genitourinary nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78799	.... 26	.... C	Genitourinary nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78799	.... TC	.... C	Genitourinary nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78800	....	.... A	Tumor imaging, limited area	0.66	3.62	NA	0.18	4.46	NA	XXX
78800	.... 26	.... A	Tumor imaging, limited area	0.66	0.23	0.23	0.03	0.92	0.92	XXX
78800	.... TC	.... A	Tumor imaging, limited area	0.00	3.39	NA	0.15	3.54	NA	XXX
78801	....	.... A	Tumor imaging, mult areas	0.79	4.49	NA	0.21	5.49	NA	XXX
78801	.... 26	.... A	Tumor imaging, mult areas	0.79	0.28	0.28	0.03	1.10	1.10	XXX
78801	.... TC	.... A	Tumor imaging, mult areas	0.00	4.21	NA	0.18	4.39	NA	XXX
78802	....	.... A	Tumor imaging, whole body	0.86	5.81	NA	0.28	6.95	NA	XXX
78802	.... 26	.... A	Tumor imaging, whole body	0.86	0.31	0.31	0.03	1.20	1.20	XXX
78802	.... TC	.... A	Tumor imaging, whole body	0.00	5.50	NA	0.25	5.75	NA	XXX
78803	....	.... A	Tumor imaging (3D)	1.09	6.93	NA	0.33	8.35	NA	XXX
78803	.... 26	.... A	Tumor imaging (3D)	1.09	0.40	0.40	0.04	1.53	1.53	XXX
78803	.... TC	.... A	Tumor imaging (3D)	0.00	6.53	NA	0.29	6.82	NA	XXX
78805	....	.... A	Abscess imaging, ltd area	0.73	3.65	NA	0.18	4.56	NA	XXX
78805	.... 26	.... A	Abscess imaging, ltd area	0.73	0.26	0.26	0.03	1.02	1.02	XXX
78805	.... TC	.... A	Abscess imaging, ltd area	0.00	3.39	NA	0.15	3.54	NA	XXX
78806	....	.... A	Abscess imaging, whole body	0.86	6.71	NA	0.32	7.89	NA	XXX
78806	.... 26	.... A	Abscess imaging, whole body	0.86	0.31	0.31	0.03	1.20	1.20	XXX
78806	.... TC	.... A	Abscess imaging, whole body	0.00	6.40	NA	0.29	6.69	NA	XXX
78807	....	.... A	Nuclear localization/abscess	1.09	6.94	NA	0.33	8.36	NA	XXX
78807	.... 26	.... A	Nuclear localization/abscess	1.09	0.41	0.41	0.04	1.54	1.54	XXX
78807	.... TC	.... A	Nuclear localization/abscess	0.00	6.53	NA	0.29	6.82	NA	XXX
78810	....	.... N	Tumor imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78810	.... 26	.... N	Tumor imaging (PET)	+1.93	0.75	0.75	0.09	2.77	2.77	XXX
78810	.... TC	.... N	Tumor imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78890	....	.... B	Nuclear medicine data proc	+0.05	1.32	NA	0.06	1.43	NA	XXX
78890	.... 26	.... B	Nuclear medicine data proc	+0.05	0.02	0.02	0.01	0.08	0.08	XXX
78890	.... TC	.... B	Nuclear medicine data proc	+0.00	1.30	NA	0.05	1.35	NA	XXX
78891	....	.... B	Nuclear med data proc	+0.10	2.65	NA	0.12	2.87	NA	XXX
78891	.... 26	.... B	Nuclear med data proc	+0.10	0.04	0.04	0.01	0.15	0.15	XXX
78891	.... TC	.... B	Nuclear med data proc	+0.00	2.61	NA	0.11	2.72	NA	XXX
78990	....	.... I	Provide diag radionuclide(s)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78999	....	.... C	Nuclear diagnostic exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
78999	26	....	C	Nuclear diagnostic exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78999	TC	....	C	Nuclear diagnostic exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79000	A	Init hyperthyroid therapy	1.80	3.24	NA	0.19	5.23	NA	XXX
79000	26	....	A	Init hyperthyroid therapy	1.80	0.63	0.63	0.07	2.50	2.50	XXX
79000	TC	....	A	Init hyperthyroid therapy	0.00	2.61	NA	0.12	2.73	NA	XXX
79001	A	Repeat hyperthyroid therapy	1.05	1.67	NA	0.10	2.82	NA	XXX
79001	26	....	A	Repeat hyperthyroid therapy	1.05	0.37	0.37	0.04	1.46	1.46	XXX
79001	TC	....	A	Repeat hyperthyroid therapy	0.00	1.30	NA	0.06	1.36	NA	XXX
79020	A	Thyroid ablation	1.81	3.23	NA	0.19	5.23	NA	XXX
79020	26	....	A	Thyroid ablation	1.81	0.62	0.62	0.07	2.50	2.50	XXX
79020	TC	....	A	Thyroid ablation	0.00	2.61	NA	0.12	2.73	NA	XXX
79030	A	Thyroid ablation, carcinoma	2.10	3.35	NA	0.20	5.65	NA	XXX
79030	26	....	A	Thyroid ablation, carcinoma	2.10	0.74	0.74	0.08	2.92	2.92	XXX
79030	TC	....	A	Thyroid ablation, carcinoma	0.00	2.61	NA	0.12	2.73	NA	XXX
79035	A	Thyroid metastatic therapy	2.52	3.52	NA	0.21	6.25	NA	XXX
79035	26	....	A	Thyroid metastatic therapy	2.52	0.91	0.91	0.09	3.52	3.52	XXX
79035	TC	....	A	Thyroid metastatic therapy	0.00	2.61	NA	0.12	2.73	NA	XXX
79100	A	Hematopoietic nuclear therapy	1.32	3.09	NA	0.17	4.58	NA	XXX
79100	26	....	A	Hematopoietic nuclear therapy	1.32	0.48	0.48	0.05	1.85	1.85	XXX
79100	TC	....	A	Hematopoietic nuclear therapy	0.00	2.61	NA	0.12	2.73	NA	XXX
79200	A	Intracavitary nuclear trmt	1.99	3.33	NA	0.19	5.51	NA	XXX
79200	26	....	A	Intracavitary nuclear trmt	1.99	0.72	0.72	0.07	2.78	2.78	XXX
79200	TC	....	A	Intracavitary nuclear trmt	0.00	2.61	NA	0.12	2.73	NA	XXX
79300	C	Interstitial nuclear therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79300	26	....	A	Interstitial nuclear therapy	1.60	0.59	0.59	0.07	2.26	2.26	XXX
79300	TC	....	C	Interstitial nuclear therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79400	A	Nonhemato nuclear therapy	1.96	3.31	NA	0.20	5.47	NA	XXX
79400	26	....	A	Nonhemato nuclear therapy	1.96	0.70	0.70	0.08	2.74	2.74	XXX
79400	TC	....	A	Nonhemato nuclear therapy	0.00	2.61	NA	0.12	2.73	NA	XXX
79420	C	Intravascular nuclear ther	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79420	26	....	A	Intravascular nuclear ther	1.51	0.52	0.52	0.06	2.09	2.09	XXX
79420	TC	....	C	Intravascular nuclear ther	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79440	A	Nuclear joint therapy	1.99	3.36	NA	0.20	5.55	NA	XXX
79440	26	....	A	Nuclear joint therapy	1.99	0.75	0.75	0.08	2.82	2.82	XXX
79440	TC	....	A	Nuclear joint therapy	0.00	2.61	NA	0.12	2.73	NA	XXX
79900	C	Provide ther radiopharm(s)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79999	C	Nuclear medicine therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79999	26	....	C	Nuclear medicine therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79999	TC	....	C	Nuclear medicine therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
80500	A	Lab pathology consultation	0.37	0.22	0.17	0.01	0.60	0.55	XXX
80502	A	Lab pathology consultation	1.33	0.65	0.60	0.05	2.03	1.98	XXX
83020	26	....	A	Hemoglobin electrophoresis	0.37	0.16	0.16	0.01	0.54	0.54	XXX
83912	26	....	A	Genetic examination	0.37	0.15	0.15	0.01	0.53	0.53	XXX
84165	26	....	A	Assay of serum proteins	0.37	0.16	0.16	0.01	0.54	0.54	XXX
84181	26	....	A	Western blot test	0.37	0.14	0.14	0.01	0.52	0.52	XXX
84182	26	....	A	Protein, western blot test	0.37	0.17	0.17	0.01	0.55	0.55	XXX
85060	A	Blood smear interpretation	0.45	0.19	0.19	0.02	0.66	0.66	XXX
85097	A	Bone marrow interpretation	0.94	1.81	0.41	0.03	2.78	1.38	XXX
85390	26	....	A	Fibrinolytics screen	0.37	0.13	0.13	0.01	0.51	0.51	XXX
85576	26	....	A	Blood platelet aggregation	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86077	A	Physician blood bank service	0.94	0.47	0.42	0.03	1.44	1.39	XXX
86078	A	Physician blood bank service	0.94	0.51	0.42	0.03	1.48	1.39	XXX
86079	A	Physician blood bank service	0.94	0.50	0.42	0.03	1.47	1.39	XXX
86255	26	....	A	Fluorescent antibody, screen	0.37	0.17	0.17	0.01	0.55	0.55	XXX
86256	26	....	A	Fluorescent antibody, titer	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86320	26	....	A	Serum immunoelectrophoresis	0.37	0.17	0.16	0.01	0.55	0.54	XXX
86325	26	....	A	Other immunoelectrophoresis	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86327	26	....	A	Immunolectrophoresis assay	0.42	0.19	0.19	0.01	0.62	0.62	XXX
86334	26	....	A	Immunofixation procedure	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86485	C	Skin test, candida	0.00	0.00	0.00	0.00	0.00	0.00	XXX
86490	A	Coccidioidomycosis skin test	0.00	0.29	NA	0.02	0.31	NA	XXX
86510	A	Histoplasmosis skin test	0.00	0.32	NA	0.02	0.34	NA	XXX
86580	A	TB intradermal test	0.00	0.25	NA	0.02	0.27	NA	XXX
86585	A	TB tine test	0.00	0.20	NA	0.01	0.21	NA	XXX
86586	C	Skin test, unlisted	0.00	0.00	0.00	0.00	0.00	0.00	XXX
87164	26	....	A	Dark field examination	0.37	0.12	0.12	0.01	0.50	0.50	XXX
87207	26	....	A	Smear, special stain	0.37	0.17	0.17	0.01	0.55	0.55	XXX
88104	A	Cytopathology, fluids	0.56	0.79	NA	0.04	1.39	NA	XXX
88104	26	....	A	Cytopathology, fluids	0.56	0.25	0.25	0.02	0.83	0.83	XXX
88104	TC	....	A	Cytopathology, fluids	0.00	0.54	NA	0.02	0.56	NA	XXX
88106	A	Cytopathology, fluids	0.56	0.62	NA	0.04	1.22	NA	XXX
88106	26	....	A	Cytopathology, fluids	0.56	0.25	0.25	0.02	0.83	0.83	XXX
88106	TC	....	A	Cytopathology, fluids	0.00	0.37	NA	0.02	0.39	NA	XXX
88107	A	Cytopathology, fluids	0.76	1.00	NA	0.05	1.81	NA	XXX
88107	26	....	A	Cytopathology, fluids	0.76	0.34	0.34	0.03	1.13	1.13	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
88107	TC	A	Cytopathology, fluids	0.00	0.66	NA	0.02	0.68	NA	XXX
88108		A	Cytopath, concentrate tech	0.56	0.83	NA	0.04	1.43	NA	XXX
88108	26	A	Cytopath, concentrate tech	0.56	0.25	0.25	0.02	0.83	0.83	XXX
88108	TC	A	Cytopath, concentrate tech	0.00	0.58	NA	0.02	0.60	NA	XXX
88125		A	Forensic cytopathology	0.26	0.30	NA	0.02	0.58	NA	XXX
88125	26	A	Forensic cytopathology	0.26	0.12	0.12	0.01	0.39	0.39	XXX
88125	TC	A	Forensic cytopathology	0.00	0.18	NA	0.01	0.19	NA	XXX
88141		A	Cytopath, c/v, interpret	0.42	0.99	0.99	0.01	1.42	1.42	XXX
88160		A	Cytopath smear, other source	0.50	0.98	NA	0.04	1.52	NA	XXX
88160	26	A	Cytopath smear, other source	0.50	0.22	0.22	0.02	0.74	0.74	XXX
88160	TC	A	Cytopath smear, other source	0.00	0.76	NA	0.02	0.78	NA	XXX
88161		A	Cytopath smear, other source	0.50	0.93	NA	0.04	1.47	NA	XXX
88161	26	A	Cytopath smear, other source	0.50	0.22	0.22	0.02	0.74	0.74	XXX
88161	TC	A	Cytopath smear, other source	0.00	0.71	NA	0.02	0.73	NA	XXX
88162		A	Cytopath smear, other source	0.76	0.71	NA	0.05	1.52	NA	XXX
88162	26	A	Cytopath smear, other source	0.76	0.34	0.34	0.03	1.13	1.13	XXX
88162	TC	A	Cytopath smear, other source	0.00	0.37	NA	0.02	0.39	NA	XXX
88172		A	Cytopathology eval of fna	0.60	0.69	NA	0.04	1.33	NA	XXX
88172	26	A	Cytopathology eval of fna	0.60	0.27	0.27	0.02	0.89	0.89	XXX
88172	TC	A	Cytopathology eval of fna	0.00	0.42	NA	0.02	0.44	NA	XXX
88173		A	Cytopath eval, fna, report	1.39	1.83	NA	0.07	3.29	NA	XXX
88173	26	A	Cytopath eval, fna, report	1.39	0.62	0.62	0.05	2.06	2.06	XXX
88173	TC	A	Cytopath eval, fna, report	0.00	1.21	NA	0.02	1.23	NA	XXX
88180		A	Cell marker study	0.36	1.20	NA	0.03	1.59	NA	XXX
88180	26	A	Cell marker study	0.36	0.16	0.16	0.01	0.53	0.53	XXX
88180	TC	A	Cell marker study	0.00	1.04	NA	0.02	1.06	NA	XXX
88182		A	Cell marker study	0.77	1.56	NA	0.06	2.39	NA	XXX
88182	26	A	Cell marker study	0.77	0.35	0.35	0.03	1.15	1.15	XXX
88182	TC	A	Cell marker study	0.00	1.21	NA	0.03	1.24	NA	XXX
88199		C	Cytopathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88199	26	C	Cytopathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88199	TC	C	Cytopathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88291		A	Cyto/molecular report	0.52	0.30	0.30	0.02	0.84	0.84	XXX
88299		C	Cytogenetic study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88300		A	Surgical path, gross	0.08	0.30	NA	0.02	0.40	NA	XXX
88300	26	A	Surgical path, gross	0.08	0.04	0.04	0.01	0.13	0.13	XXX
88300	TC	A	Surgical path, gross	0.00	0.26	NA	0.01	0.27	NA	XXX
88302		A	Tissue exam by pathologist	0.13	0.73	NA	0.03	0.89	NA	XXX
88302	26	A	Tissue exam by pathologist	0.13	0.06	0.06	0.01	0.20	0.20	XXX
88302	TC	A	Tissue exam by pathologist	0.00	0.67	NA	0.02	0.69	NA	XXX
88304		A	Tissue exam by pathologist	0.22	0.90	NA	0.03	1.15	NA	XXX
88304	26	A	Tissue exam by pathologist	0.22	0.10	0.10	0.01	0.33	0.33	XXX
88304	TC	A	Tissue exam by pathologist	0.00	0.80	NA	0.02	0.82	NA	XXX
88305		A	Tissue exam by pathologist	0.75	1.77	NA	0.05	2.57	NA	XXX
88305	26	A	Tissue exam by pathologist	0.75	0.34	0.34	0.02	1.11	1.11	XXX
88305	TC	A	Tissue exam by pathologist	0.00	1.43	NA	0.03	1.46	NA	XXX
88307		A	Tissue exam by pathologist	1.59	2.72	NA	0.11	4.42	NA	XXX
88307	26	A	Tissue exam by pathologist	1.59	0.71	0.71	0.06	2.36	2.36	XXX
88307	TC	A	Tissue exam by pathologist	0.00	2.01	NA	0.05	2.06	NA	XXX
88309		A	Tissue exam by pathologist	2.28	3.33	NA	0.13	5.74	NA	XXX
88309	26	A	Tissue exam by pathologist	2.28	1.02	1.02	0.08	3.38	3.38	XXX
88309	TC	A	Tissue exam by pathologist	0.00	2.31	NA	0.05	2.36	NA	XXX
88311		A	Decalcify tissue	0.24	0.20	NA	0.02	0.46	NA	XXX
88311	26	A	Decalcify tissue	0.24	0.11	0.11	0.01	0.36	0.36	XXX
88311	TC	A	Decalcify tissue	0.00	0.09	NA	0.01	0.10	NA	XXX
88312		A	Special stains	0.54	1.61	NA	0.03	2.18	NA	XXX
88312	26	A	Special stains	0.54	0.24	0.24	0.02	0.80	0.80	XXX
88312	TC	A	Special stains	0.00	1.37	NA	0.01	1.38	NA	XXX
88313		A	Special stains	0.24	1.19	NA	0.02	1.45	NA	XXX
88313	26	A	Special stains	0.24	0.11	0.11	0.01	0.36	0.36	XXX
88313	TC	A	Special stains	0.00	1.08	NA	0.01	1.09	NA	XXX
88314		A	Histochemical stain	0.45	0.84	NA	0.04	1.33	NA	XXX
88314	26	A	Histochemical stain	0.45	0.20	0.20	0.02	0.67	0.67	XXX
88314	TC	A	Histochemical stain	0.00	0.64	NA	0.02	0.66	NA	XXX
88318		A	Chemical histochemistry	0.42	0.74	NA	0.02	1.18	NA	XXX
88318	26	A	Chemical histochemistry	0.42	0.19	0.19	0.01	0.62	0.62	XXX
88318	TC	A	Chemical histochemistry	0.00	0.55	NA	0.01	0.56	NA	XXX
88319		A	Enzyme histochemistry	0.53	2.18	NA	0.04	2.75	NA	XXX
88319	26	A	Enzyme histochemistry	0.53	0.24	0.24	0.02	0.79	0.79	XXX
88319	TC	A	Enzyme histochemistry	0.00	1.94	NA	0.02	1.96	NA	XXX
88321		A	Microslide consultation	1.30	0.83	0.58	0.04	2.17	1.92	XXX
88323		A	Microslide consultation	1.35	1.42	NA	0.07	2.84	NA	XXX
88323	26	A	Microslide consultation	1.35	0.61	0.61	0.05	2.01	2.01	XXX
88323	TC	A	Microslide consultation	0.00	0.81	NA	0.02	0.83	NA	XXX
88325		A	Comprehensive review of data	2.22	2.93	0.99	0.08	5.23	3.29	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
88329	....	A	Path consult introp	0.67	0.66	0.30	0.02	1.35	0.99	XXX
88331	....	A	Path consult intraop, 1 bloc	1.19	1.03	NA	0.07	2.29	NA	XXX
88331	26	A	Path consult intraop, 1 bloc	1.19	0.54	0.54	0.04	1.77	1.77	XXX
88331	TC	A	Path consult intraop, 1 bloc	0.00	0.49	NA	0.03	0.52	NA	XXX
88332	....	A	Path consult intraop, addl	0.59	0.52	NA	0.04	1.15	NA	XXX
88332	26	A	Path consult intraop, addl	0.59	0.27	0.27	0.02	0.88	0.88	XXX
88332	TC	A	Path consult intraop, addl	0.00	0.25	NA	0.02	0.27	NA	XXX
88342	....	A	Immunocytochemistry	0.85	1.31	NA	0.05	2.21	NA	XXX
88342	26	A	Immunocytochemistry	0.85	0.38	0.38	0.03	1.26	1.26	XXX
88342	TC	A	Immunocytochemistry	0.00	0.93	NA	0.02	0.95	NA	XXX
88346	....	A	Immunofluorescent study	0.86	1.46	NA	0.05	2.37	NA	XXX
88346	26	A	Immunofluorescent study	0.86	0.38	0.38	0.03	1.27	1.27	XXX
88346	TC	A	Immunofluorescent study	0.00	1.08	NA	0.02	1.10	NA	XXX
88347	....	A	Immunofluorescent study	0.86	1.86	NA	0.05	2.77	NA	XXX
88347	26	A	Immunofluorescent study	0.86	0.36	0.36	0.03	1.25	1.25	XXX
88347	TC	A	Immunofluorescent study	0.00	1.50	NA	0.02	1.52	NA	XXX
88348	....	A	Electron microscopy	1.51	8.09	NA	0.11	9.71	NA	XXX
88348	26	A	Electron microscopy	1.51	0.67	0.67	0.05	2.23	2.23	XXX
88348	TC	A	Electron microscopy	0.00	7.42	NA	0.06	7.48	NA	XXX
88349	....	A	Scanning electron microscopy	0.76	9.38	NA	0.08	10.22	NA	XXX
88349	26	A	Scanning electron microscopy	0.76	0.34	0.34	0.03	1.13	1.13	XXX
88349	TC	A	Scanning electron microscopy	0.00	9.04	NA	0.05	9.09	NA	XXX
88355	....	A	Analysis, skeletal muscle	1.85	2.55	NA	0.12	4.52	NA	XXX
88355	26	A	Analysis, skeletal muscle	1.85	0.83	0.83	0.07	2.75	2.75	XXX
88355	TC	A	Analysis, skeletal muscle	0.00	1.72	NA	0.05	1.77	NA	XXX
88356	....	A	Analysis, nerve	3.02	2.83	NA	0.16	6.01	NA	XXX
88356	26	A	Analysis, nerve	3.02	1.30	1.30	0.10	4.42	4.42	XXX
88356	TC	A	Analysis, nerve	0.00	1.53	NA	0.06	1.59	NA	XXX
88358	....	A	Analysis, tumor	2.82	1.72	NA	0.16	4.70	NA	XXX
88358	26	A	Analysis, tumor	2.82	1.25	1.25	0.10	4.17	4.17	XXX
88358	TC	A	Analysis, tumor	0.00	0.47	NA	0.06	0.53	NA	XXX
88362	....	A	Nerve teasing preparations	2.17	4.54	NA	0.12	6.83	NA	XXX
88362	26	A	Nerve teasing preparations	2.17	0.95	0.95	0.07	3.19	3.19	XXX
88362	TC	A	Nerve teasing preparations	0.00	3.59	NA	0.05	3.64	NA	XXX
88365	....	A	Tissue hybridization	0.93	2.03	NA	0.05	3.01	NA	XXX
88365	26	A	Tissue hybridization	0.93	0.41	0.41	0.03	1.37	1.37	XXX
88365	TC	A	Tissue hybridization	0.00	1.62	NA	0.02	1.64	NA	XXX
88371	....	A	Protein, western blot tissue	0.37	0.13	0.13	0.01	0.51	0.51	XXX
88372	....	A	Protein analysis w/probe	0.37	0.17	0.17	0.01	0.55	0.55	XXX
88380	....	C	Microdissection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88380	26	C	Microdissection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88380	TC	C	Microdissection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88399	....	C	Surgical pathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88399	26	C	Surgical pathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88399	TC	C	Surgical pathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
89060	....	A	Exam, synovial fluid crystals	0.37	0.17	0.17	0.01	0.55	0.55	XXX
89100	....	A	Sample intestinal contents	0.60	1.72	0.22	0.02	2.34	0.84	XXX
89105	....	A	Sample intestinal contents	0.50	2.28	0.18	0.02	2.80	0.70	XXX
89130	....	A	Sample stomach contents	0.45	1.97	0.13	0.02	2.44	0.60	XXX
89132	....	A	Sample stomach contents	0.19	1.76	0.07	0.01	1.96	0.27	XXX
89135	....	A	Sample stomach contents	0.79	1.75	0.26	0.03	2.57	1.08	XXX
89136	....	A	Sample stomach contents	0.21	1.77	0.08	0.01	1.99	0.30	XXX
89140	....	A	Sample stomach contents	0.94	2.22	0.28	0.03	3.19	1.25	XXX
89141	....	A	Sample stomach contents	0.85	2.80	0.35	0.03	3.68	1.23	XXX
89350	....	A	Sputum specimen collection	0.00	0.41	NA	0.02	0.43	NA	XXX
89360	....	A	Collect sweat for test	0.00	0.45	NA	0.02	0.47	NA	XXX
89399	....	C	Pathology lab procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
89399	26	C	Pathology lab procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
89399	TC	C	Pathology lab procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90281	....	I	Human ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90283	....	I	Human ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90287	....	I	Botulinum antitoxin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90288	....	I	Botulism ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90291	....	I	Cmv ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90296	....	E	Diphtheria antitoxin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90371	....	E	Hep b ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90375	....	E	Rabies ig, im/sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90376	....	E	Rabies ig, heat treated	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90378	....	X	Rsv ig, im, 50mg	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90379	....	I	Rsv ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90384	....	I	Rh ig, full-dose, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90385	....	E	Rh ig, minidose, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90386	....	I	Rh ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90389	....	I	Tetanus ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90393	....	E	Vaccina ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
90396	E	Varicella-zoster ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90399	I	Immune globulin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90471	A	Immunization admin	0.00	0.20	NA	0.01	0.21	NA	XXX
90472	A	Immunization admin, each add	0.00	0.14	NA	0.01	0.15	NA	ZZZ
90473	N	Immune admin oral/nasal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90474	N	Immune admin oral/nasal addl	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
90476	E	Adenovirus vaccine, type 4	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90477	E	Adenovirus vaccine, type 7	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90581	E	Anthrax vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90585	E	Bcg vaccine, percut	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90586	E	Bcg vaccine, intravesical	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90632	E	Hep a vaccine, adult im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90633	E	Hep a vacc, ped/adol, 2 dose	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90634	E	Hep a vacc, ped/adol, 3 dose	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90636	E	Hep a/hep b vacc, adult im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90645	E	Hib vaccine, hboc, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90646	E	Hib vaccine, prp-d, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90647	E	Hib vaccine, prp-omp, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90648	E	Hib vaccine, prp-t, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90657	X	Flu vaccine, 6-35 mo, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90658	X	Flu vaccine, 3 yrs, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90659	X	Flu vaccine, whole, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90660	X	Flu vaccine, nasal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90665	E	Lyme disease vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90669	N	Pneumococcal vacc, ped <5	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90675	E	Rabies vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90676	E	Rabies vaccine, id	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90680	E	Rotavirus vaccine, oral	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90690	E	Typhoid vaccine, oral	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90691	E	Typhoid vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90692	E	Typhoid vaccine, h-p, sc/id	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90693	E	Typhoid vaccine, akd, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90700	E	Dtap vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90701	E	Dtp vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90702	E	Dt vaccine < 7, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90703	E	Tetanus vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90704	E	Mumps vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90705	E	Measles vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90706	E	Rubella vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90707	E	Mmr vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90708	E	Measles-rubella vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90709	D	Rubella & mumps vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90710	E	Mmr vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90712	E	Oral poliovirus vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90713	E	Poliovirus, ipv, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90716	E	Chicken pox vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90717	E	Yellow fever vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90718	E	Td vaccine > 7, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90719	E	Diphtheria vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90720	E	Dtp/hib vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90721	E	Dtap/hib vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90723	X	Dtap-hep b-ipv vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90725	E	Cholera vaccine, injectable	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90727	E	Plague vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90732	X	Pneumococcal vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90733	E	Meningococcal vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90735	E	Encephalitis vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90740	I	Hepb vacc, ill pat 3 dose im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90743	I	Hep b vacc, adol, 2 dose, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90744	I	Hepb vacc ped/adol 3 dose im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90746	I	Hep b vaccine, adult, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90747	I	Hepb vacc, ill pat 4 dose im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90748	E	Hep b/hib vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90749	E	Vaccine toxoid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90780	A	IV infusion therapy, 1 hour	0.00	1.10	NA	0.06	1.16	NA	XXX
90781	A	IV infusion, additional hour	0.00	0.56	NA	0.03	0.59	NA	ZZZ
90782	T	Injection, sc/im	0.00	0.11	NA	0.01	0.12	NA	XXX
90783	T	Injection, ia	0.00	0.41	NA	0.02	0.43	NA	XXX
90784	T	Injection, iv	0.00	0.47	NA	0.03	0.50	NA	XXX
90788	T	Injection of antibiotic	0.00	0.12	NA	0.01	0.13	NA	XXX
90799	C	Ther/prophylactic/dx inject	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90801	A	Psy dx interview	2.80	1.19	0.96	0.06	4.05	3.82	XXX
90802	A	Intac psy dx interview	3.01	1.23	1.01	0.07	4.31	4.09	XXX
90804	A	Psytx, office, 20-30 min	1.21	0.51	0.39	0.03	1.75	1.63	XXX
90805	A	Psytx, off, 20-30 min w/e&m	1.37	0.52	0.44	0.03	1.92	1.84	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
90806	A	Psytx, off, 45-50 min	1.86	0.72	0.62	0.04	2.62	2.52	XXX
90807	A	Psytx, off, 45-50 min w/e&m	2.02	0.72	0.65	0.05	2.79	2.72	XXX
90808	A	Psytx, office, 75-80 min	2.79	1.05	0.93	0.07	3.91	3.79	XXX
90809	A	Psytx, off, 75-80, w/e&m	2.95	1.02	0.95	0.07	4.04	3.97	XXX
90810	A	Intac psytx, off, 20-30 min	1.32	0.53	0.43	0.03	1.88	1.78	XXX
90811	A	Intac psytx, 20-30, w/e&m	1.48	0.59	0.48	0.03	2.10	1.99	XXX
90812	A	Intac psytx, off, 45-50 min	1.97	0.82	0.66	0.05	2.84	2.68	XXX
90813	A	Intac psytx, 45-50 min w/e&m	2.13	0.79	0.69	0.05	2.97	2.87	XXX
90814	A	Intac psytx, off, 75-80 min	2.90	1.13	1.01	0.07	4.10	3.98	XXX
90815	A	Intac psytx, 75-80 w/e&m	3.06	1.08	0.98	0.07	4.21	4.11	XXX
90816	A	Psytx, hosp, 20-30 min	1.25	NA	0.48	0.03	NA	1.76	XXX
90817	A	Psytx, hosp, 20-30 min w/e&m	1.41	NA	0.47	0.03	NA	1.91	XXX
90818	A	Psytx, hosp, 45-50 min	1.89	NA	0.71	0.04	NA	2.64	XXX
90819	A	Psytx, hosp, 45-50 min w/e&m	2.05	NA	0.67	0.05	NA	2.77	XXX
90821	A	Psytx, hosp, 75-80 min	2.83	NA	1.03	0.06	NA	3.92	XXX
90822	A	Psytx, hosp, 75-80 min w/e&m	2.99	NA	0.97	0.07	NA	4.03	XXX
90823	A	Intac psytx, hosp, 20-30 min	1.36	NA	0.49	0.03	NA	1.88	XXX
90824	A	Intac psytx, hsp 20-30 w/e&m	1.52	NA	0.51	0.03	NA	2.06	XXX
90826	A	Intac psytx, hosp, 45-50 min	2.01	NA	0.75	0.04	NA	2.80	XXX
90827	A	Intac psytx, hsp 45-50 w/e&m	2.16	NA	0.71	0.05	NA	2.92	XXX
90828	A	Intac psytx, hosp, 75-80 min	2.94	NA	1.09	0.07	NA	4.10	XXX
90829	A	Intac psytx, hsp 75-80 w/e&m	3.10	NA	1.01	0.07	NA	4.18	XXX
90845	A	Psychoanalysis	1.79	0.60	0.57	0.04	2.43	2.40	XXX
90846	R	Family psytx w/o patient	1.83	0.67	0.66	0.04	2.54	2.53	XXX
90847	R	Family psytx w/patient	2.21	0.84	0.78	0.05	3.10	3.04	XXX
90849	R	Multiple family group psytx	0.59	0.28	0.25	0.01	0.88	0.85	XXX
90853	A	Group psychotherapy	0.59	0.26	0.24	0.01	0.86	0.84	XXX
90857	A	Intac group psytx	0.63	0.31	0.26	0.02	0.96	0.91	XXX
90862	A	Medication management	0.95	0.41	0.33	0.02	1.38	1.30	XXX
90865	A	Narcosynthesis	2.84	1.62	0.91	0.07	4.53	3.82	XXX
90870	A	Electroconvulsive therapy	1.88	0.81	0.81	0.04	2.73	2.73	000
90871	A	Electroconvulsive therapy	2.72	NA	1.08	0.06	NA	3.86	000
90875	N	Psychophysiological therapy	+1.20	0.91	0.47	0.03	2.14	1.70	XXX
90876	N	Psychophysiological therapy	+1.90	1.18	0.74	0.04	3.12	2.68	XXX
90880	A	Hypnotherapy	2.19	1.06	0.71	0.05	3.30	2.95	XXX
90882	N	Environmental manipulation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90885	B	Psy evaluation of records	+0.97	0.38	0.38	0.02	1.37	1.37	XXX
90887	B	Consultation with family	+1.48	0.83	0.58	0.03	2.34	2.09	XXX
90889	B	Preparation of report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90899	C	Psychiatric service/therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90901	A	Biofeedback train, any meth	0.41	0.86	0.19	0.02	1.29	0.62	000
90911	A	Biofeedback peri/uro/rectal	0.89	0.88	0.36	0.04	1.81	1.29	000
90918	A	ESRD related services, month	11.18	7.56	7.56	0.30	19.04	19.04	XXX
90919	A	ESRD related services, month	8.54	4.18	4.18	0.24	12.96	12.96	XXX
90920	A	ESRD related services, month	7.27	3.92	3.92	0.19	11.38	11.38	XXX
90921	A	ESRD related services, month	4.47	2.54	2.54	0.12	7.13	7.13	XXX
90922	A	ESRD related services, day	0.37	0.22	0.22	0.01	0.60	0.60	XXX
90923	A	Esrld related services, day	0.28	0.13	0.13	0.01	0.42	0.42	XXX
90924	A	Esrld related services, day	0.24	0.12	0.12	0.01	0.37	0.37	XXX
90925	A	Esrld related services, day	0.15	0.08	0.08	0.01	0.24	0.24	XXX
90935	A	Hemodialysis, one evaluation	1.22	NA	0.69	0.03	NA	1.94	000
90937	A	Hemodialysis, repeated eval	2.11	NA	1.00	0.06	NA	3.17	000
90939	X	Hemodialysis study, transcut	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90940	X	Hemodialysis access study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90945	A	Dialysis, one evaluation	1.28	NA	0.72	0.04	NA	2.04	000
90947	A	Dialysis, repeated eval	2.16	NA	1.02	0.06	NA	3.24	000
90989	X	Dialysis training, complete	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90993	X	Dialysis training, incompl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90997	A	Hemoperfusion	1.84	NA	1.43	0.05	NA	3.32	000
90999	C	Dialysis procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91000	A	Esophageal intubation	0.73	0.33	NA	0.04	1.10	NA	000
91000	26	A	Esophageal intubation	0.73	0.25	0.25	0.03	1.01	1.01	000
91000	TC	A	Esophageal intubation	0.00	0.08	NA	0.01	0.09	NA	000
91010	A	Esophagus motility study	1.25	2.75	NA	0.10	4.10	NA	000
91010	26	A	Esophagus motility study	1.25	0.45	0.45	0.05	1.75	1.75	000
91010	TC	A	Esophagus motility study	0.00	2.30	NA	0.05	2.35	NA	000
91011	A	Esophagus motility study	1.50	3.18	NA	0.10	4.78	NA	000
91011	26	A	Esophagus motility study	1.50	0.54	0.54	0.05	2.09	2.09	000
91011	TC	A	Esophagus motility study	0.00	2.64	NA	0.05	2.69	NA	000
91012	A	Esophagus motility study	1.46	3.31	NA	0.12	4.89	NA	000
91012	26	A	Esophagus motility study	1.46	0.53	0.53	0.06	2.05	2.05	000
91012	TC	A	Esophagus motility study	0.00	2.78	NA	0.06	2.84	NA	000
91020	A	Gastric motility	1.44	3.05	NA	0.11	4.60	NA	000
91020	26	A	Gastric motility	1.44	0.50	0.50	0.06	2.00	2.00	000
91020	TC	A	Gastric motility	0.00	2.55	NA	0.05	2.60	NA	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
91030	....	A	Acid perfusion of esophagus	0.91	2.57	NA	0.05	3.53	NA	000
91030	26	A	Acid perfusion of esophagus	0.91	0.33	0.33	0.03	1.27	1.27	000
91030	TC	A	Acid perfusion of esophagus	0.00	2.24	NA	0.02	2.26	NA	000
91032	....	A	Esophagus, acid reflux test	1.21	2.43	NA	0.10	3.74	NA	000
91032	26	A	Esophagus, acid reflux test	1.21	0.43	0.43	0.05	1.69	1.69	000
91032	TC	A	Esophagus, acid reflux test	0.00	2.00	NA	0.05	2.05	NA	000
91033	....	A	Prolonged acid reflux test	1.30	2.64	NA	0.14	4.08	NA	000
91033	26	A	Prolonged acid reflux test	1.30	0.47	0.47	0.05	1.82	1.82	000
91033	TC	A	Prolonged acid reflux test	0.00	2.17	NA	0.09	2.26	NA	000
91052	....	A	Gastric analysis test	0.79	2.38	NA	0.05	3.22	NA	000
91052	26	A	Gastric analysis test	0.79	0.28	0.28	0.03	1.10	1.10	000
91052	TC	A	Gastric analysis test	0.00	2.10	NA	0.02	2.12	NA	000
91055	....	A	Gastric intubation for smear	0.94	2.17	NA	0.06	3.17	NA	000
91055	26	A	Gastric intubation for smear	0.94	0.27	0.27	0.04	1.25	1.25	000
91055	TC	A	Gastric intubation for smear	0.00	1.90	NA	0.02	1.92	NA	000
91060	....	A	Gastric saline load test	0.45	0.30	NA	0.04	0.79	NA	000
91060	26	A	Gastric saline load test	0.45	0.14	0.14	0.02	0.61	0.61	000
91060	TC	A	Gastric saline load test	0.00	0.16	NA	0.02	0.18	NA	000
91065	....	A	Breath hydrogen test	0.20	3.88	NA	0.03	4.11	NA	000
91065	26	A	Breath hydrogen test	0.20	0.07	0.07	0.01	0.28	0.28	000
91065	TC	A	Breath hydrogen test	0.00	3.81	NA	0.02	3.83	NA	000
91100	....	A	Pass intestine bleeding tube	1.08	NA	0.29	0.06	NA	1.43	000
91105	....	A	Gastric intubation treatment	0.37	NA	0.10	0.02	NA	0.49	000
91122	....	A	Anal pressure record	1.77	3.85	NA	0.17	5.79	NA	000
91122	26	A	Anal pressure record	1.77	0.62	0.62	0.10	2.49	2.49	000
91122	TC	A	Anal pressure record	0.00	3.23	NA	0.07	3.30	NA	000
91123	....	B	Irrigate fecal impaction	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91132	....	C	Electrogastrography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91132	26	A	Electrogastrography	0.52	0.19	NA	0.03	0.74	NA	XXX
91132	TC	C	Electrogastrography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91133	....	C	Electrogastrography w/test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91133	26	A	Electrogastrography w/test	0.66	0.24	NA	0.03	0.93	NA	XXX
91133	TC	C	Electrogastrography w/test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91299	....	C	Gastroenterology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91299	26	C	Gastroenterology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91299	TC	C	Gastroenterology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92002	....	A	Eye exam, new patient	0.88	0.94	0.35	0.02	1.84	1.25	XXX
92004	....	A	Eye exam, new patient	1.67	1.66	0.70	0.03	3.36	2.40	XXX
92012	....	A	Eye exam established pat	0.67	0.99	0.30	0.01	1.67	0.98	XXX
92014	....	A	Eye exam & treatment	1.10	1.35	0.48	0.02	2.47	1.60	XXX
92015	....	N	Refraction	+0.38	1.51	0.15	0.01	1.90	0.54	XXX
92018	....	A	New eye exam & treatment	2.50	NA	1.10	0.03	NA	3.63	XXX
92019	....	A	Eye exam & treatment	1.31	NA	0.58	0.03	NA	1.92	XXX
92020	....	A	Special eye evaluation	0.37	0.92	0.16	0.01	1.30	0.54	XXX
92060	....	A	Special eye evaluation	0.69	0.74	NA	0.02	1.45	NA	XXX
92060	26	A	Special eye evaluation	0.69	0.30	0.30	0.01	1.00	1.00	XXX
92060	TC	A	Special eye evaluation	0.00	0.44	NA	0.01	0.45	NA	XXX
92065	....	A	Orthoptic/pleoptic training	0.37	0.56	NA	0.02	0.95	NA	XXX
92065	26	A	Orthoptic/pleoptic training	0.37	0.16	0.16	0.01	0.54	0.54	XXX
92065	TC	A	Orthoptic/pleoptic training	0.00	0.40	NA	0.01	0.41	NA	XXX
92070	....	A	Fitting of contact lens	0.70	1.04	0.33	0.01	1.75	1.04	XXX
92081	....	A	Visual field examination(s)	0.36	2.04	NA	0.02	2.42	NA	XXX
92081	26	A	Visual field examination(s)	0.36	0.16	0.16	0.01	0.53	0.53	XXX
92081	TC	A	Visual field examination(s)	0.00	1.88	NA	0.01	1.89	NA	XXX
92082	....	A	Visual field examination(s)	0.44	1.06	NA	0.02	1.52	NA	XXX
92082	26	A	Visual field examination(s)	0.44	0.19	0.19	0.01	0.64	0.64	XXX
92082	TC	A	Visual field examination(s)	0.00	0.87	NA	0.01	0.88	NA	XXX
92083	....	A	Visual field examination(s)	0.50	1.59	NA	0.02	2.11	NA	XXX
92083	26	A	Visual field examination(s)	0.50	0.23	0.23	0.01	0.74	0.74	XXX
92083	TC	A	Visual field examination(s)	0.00	1.36	NA	0.01	1.37	NA	XXX
92100	....	A	Serial tonometry exam(s)	0.92	0.73	0.38	0.02	1.67	1.32	XXX
92120	....	A	Tonography & eye evaluation	0.81	0.80	0.33	0.02	1.63	1.16	XXX
92130	....	A	Water provocation tonography	0.81	0.91	0.38	0.02	1.74	1.21	XXX
92135	....	A	Ophthalmic dx imaging	0.35	1.54	NA	0.02	1.91	NA	XXX
92135	26	A	Ophthalmic dx imaging	0.35	0.16	0.16	0.01	0.52	0.52	XXX
92135	TC	A	Ophthalmic dx imaging	0.00	1.38	NA	0.01	1.39	NA	XXX
92136	....	A	Ophthalmic biometry	0.54	1.88	NA	0.07	2.49	NA	XXX
92136	26	A	Ophthalmic biometry	0.54	0.25	0.25	0.01	0.80	0.80	XXX
92136	TC	A	Ophthalmic biometry	0.00	1.63	NA	0.06	1.69	NA	XXX
92140	....	A	Glaucoma provocative tests	0.50	0.99	0.22	0.01	1.50	0.73	XXX
92225	....	A	Special eye exam, initial	0.38	0.22	0.16	0.01	0.61	0.55	XXX
92226	....	A	Special eye exam, subsequent	0.33	0.21	0.15	0.01	0.55	0.49	XXX
92230	....	A	Eye exam with photos	0.60	1.69	0.20	0.02	2.31	0.82	XXX
92235	....	A	Eye exam with photos	0.81	2.61	NA	0.07	3.49	NA	XXX
92235	26	A	Eye exam with photos	0.81	0.38	0.38	0.02	1.21	1.21	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
92235	TC	A	Eye exam with photos	0.00	2.23	NA	0.05	2.28	NA	XXX
92240		A	Icg angiography	1.10	5.09	NA	0.07	6.26	NA	XXX
92240	26	A	Icg angiography	1.10	0.51	0.51	0.02	1.63	1.63	XXX
92240	TC	A	Icg angiography	0.00	4.58	NA	0.05	4.63	NA	XXX
92250		A	Eye exam with photos	0.44	1.49	NA	0.02	1.95	NA	XXX
92250	26	A	Eye exam with photos	0.44	0.20	0.20	0.01	0.65	0.65	XXX
92250	TC	A	Eye exam with photos	0.00	1.29	NA	0.01	1.30	NA	XXX
92260		A	Ophthalmoscopy/dynamometry	0.20	0.24	0.09	0.01	0.45	0.30	XXX
92265		A	Eye muscle evaluation	0.81	1.89	NA	0.04	2.74	NA	XXX
92265	26	A	Eye muscle evaluation	0.81	0.29	0.29	0.02	1.12	1.12	XXX
92265	TC	A	Eye muscle evaluation	0.00	1.60	NA	0.02	1.62	NA	XXX
92270		A	Electro-oculography	0.81	1.76	NA	0.05	2.62	NA	XXX
92270	26	A	Electro-oculography	0.81	0.35	0.35	0.03	1.19	1.19	XXX
92270	TC	A	Electro-oculography	0.00	1.41	NA	0.02	1.43	NA	XXX
92275		A	Electroretinography	1.01	1.98	NA	0.04	3.03	NA	XXX
92275	26	A	Electroretinography	1.01	0.44	0.44	0.02	1.47	1.47	XXX
92275	TC	A	Electroretinography	0.00	1.54	NA	0.02	1.56	NA	XXX
92283		A	Color vision examination	0.17	0.86	NA	0.02	1.05	NA	XXX
92283	26	A	Color vision examination	0.17	0.07	0.07	0.01	0.25	0.25	XXX
92283	TC	A	Color vision examination	0.00	0.79	NA	0.01	0.80	NA	XXX
92284		A	Dark adaptation eye exam	0.24	2.28	NA	0.02	2.54	NA	XXX
92284	26	A	Dark adaptation eye exam	0.24	0.09	0.09	0.01	0.34	0.34	XXX
92284	TC	A	Dark adaptation eye exam	0.00	2.19	NA	0.01	2.20	NA	XXX
92285		A	Eye photography	0.20	0.85	NA	0.02	1.07	NA	XXX
92285	26	A	Eye photography	0.20	0.09	0.09	0.01	0.30	0.30	XXX
92285	TC	A	Eye photography	0.00	0.76	NA	0.01	0.77	NA	XXX
92286		A	Internal eye photography	0.66	2.86	NA	0.03	3.55	NA	XXX
92286	26	A	Internal eye photography	0.66	0.30	0.30	0.01	0.97	0.97	XXX
92286	TC	A	Internal eye photography	0.00	2.56	NA	0.02	2.58	NA	XXX
92287		A	Internal eye photography	0.81	2.70	0.32	0.02	3.53	1.15	XXX
92310		N	Contact lens fitting	+1.17	1.13	0.46	0.03	2.33	1.66	XXX
92311		A	Contact lens fitting	1.08	1.14	0.36	0.03	2.25	1.47	XXX
92312		A	Contact lens fitting	1.26	1.13	0.51	0.03	2.42	1.80	XXX
92313		A	Contact lens fitting	0.92	1.11	0.29	0.02	2.05	1.23	XXX
92314		N	Prescription of contact lens	+0.69	0.95	0.27	0.01	1.65	0.97	XXX
92315		A	Prescription of contact lens	0.45	0.90	0.17	0.01	1.36	0.63	XXX
92316		A	Prescription of contact lens	0.68	0.96	0.30	0.01	1.65	0.99	XXX
92317		A	Prescription of contact lens	0.45	0.99	0.14	0.01	1.45	0.60	XXX
92325		A	Modification of contact lens	0.00	0.40	NA	0.01	0.41	NA	XXX
92326		A	Replacement of contact lens	0.00	1.62	NA	0.05	1.67	NA	XXX
92330		A	Fitting of artificial eye	1.08	1.03	0.33	0.04	2.15	1.45	XXX
92335		A	Fitting of artificial eye	0.45	0.96	0.17	0.01	1.42	0.63	XXX
92340		N	Fitting of spectacles	+0.37	0.71	0.14	0.01	1.09	0.52	XXX
92341		N	Fitting of spectacles	+0.47	0.75	0.18	0.01	1.23	0.66	XXX
92342		N	Fitting of spectacles	+0.53	0.77	0.21	0.01	1.31	0.75	XXX
92352		B	Special spectacles fitting	+0.37	0.71	0.14	0.01	1.09	0.52	XXX
92353		B	Special spectacles fitting	+0.50	0.76	0.20	0.02	1.28	0.72	XXX
92354		B	Special spectacles fitting	+0.00	8.82	NA	0.08	8.90	NA	XXX
92355		B	Special spectacles fitting	+0.00	4.31	NA	0.01	4.32	NA	XXX
92358		B	Eye prosthesis service	+0.00	0.97	NA	0.04	1.01	NA	XXX
92370		N	Repair & adjust spectacles	+0.32	0.56	0.13	0.02	0.90	0.47	XXX
92371		B	Repair & adjust spectacles	+0.00	0.62	NA	0.02	0.64	NA	XXX
92390		N	Supply of spectacles	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92391		N	Supply of contact lenses	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92392		I	Supply of low vision aids	+0.00	3.84	3.84	0.02	3.86	3.86	XXX
92393		I	Supply of artificial eye	+0.00	11.92	11.92	0.47	12.39	12.39	XXX
92395		I	Supply of spectacles	+0.00	1.30	1.30	0.08	1.38	1.38	XXX
92396		I	Supply of contact lenses	+0.00	2.19	2.19	0.06	2.25	2.25	XXX
92499		C	Eye service or procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92499	26	C	Eye service or procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92499	TC	C	Eye service or procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92502		A	Ear and throat examination	1.51	NA	1.24	0.06	NA	2.81	000
92504		A	Ear microscopy examination	0.18	0.51	0.09	0.01	0.70	0.28	XXX
92506		A	Speech/hearing evaluation	0.86	1.63	0.41	0.04	2.53	1.31	XXX
92507		A	Speech/hearing therapy	0.52	1.56	0.24	0.02	2.10	0.78	XXX
92508		A	Speech/hearing therapy	0.26	1.45	0.12	0.01	1.72	0.39	XXX
92510		I	Rehab for ear implant	+1.50	2.11	0.83	0.06	3.67	2.39	XXX
92511		A	Nasopharyngoscopy	0.84	1.38	0.42	0.03	2.25	1.29	000
92512		A	Nasal function studies	0.55	1.10	0.18	0.02	1.67	0.75	XXX
92516		A	Facial nerve function test	0.43	0.97	0.22	0.02	1.42	0.67	XXX
92520		A	Laryngeal function studies	0.76	0.55	0.40	0.03	1.34	1.19	XXX
92525		F	Oral function evaluation	+0.00	0.00	0.00	0.00	0.00	0.00	XXX
92526		A	Oral function therapy	0.55	1.62	0.21	0.02	2.19	0.78	XXX
92531		B	Spontaneous nystagmus study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92532		B	Positional nystagmus test	0.00	0.00	0.00	0.00	0.00	0.00	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
92533	.....	B	Caloric vestibular test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92534	.....	B	Optokinetic nystagmus test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92541	.....	A	Spontaneous nystagmus test	0.40	1.11	NA	0.04	1.55	NA	XXX
92541	26	A	Spontaneous nystagmus test	0.40	0.20	0.20	0.02	0.62	0.62	XXX
92541	TC	A	Spontaneous nystagmus test	0.00	0.91	NA	0.02	0.93	NA	XXX
92542	.....	A	Positional nystagmus test	0.33	1.20	NA	0.03	1.56	NA	XXX
92542	26	A	Positional nystagmus test	0.33	0.16	0.16	0.01	0.50	0.50	XXX
92542	TC	A	Positional nystagmus test	0.00	1.04	NA	0.02	1.06	NA	XXX
92543	.....	A	Caloric vestibular test	0.10	0.63	NA	0.02	0.75	NA	XXX
92543	26	A	Caloric vestibular test	0.10	0.05	0.05	0.01	0.16	0.16	XXX
92543	TC	A	Caloric vestibular test	0.00	0.58	NA	0.01	0.59	NA	XXX
92544	.....	A	Optokinetic nystagmus test	0.26	0.97	NA	0.03	1.26	NA	XXX
92544	26	A	Optokinetic nystagmus test	0.26	0.13	0.13	0.01	0.40	0.40	XXX
92544	TC	A	Optokinetic nystagmus test	0.00	0.84	NA	0.02	0.86	NA	XXX
92545	.....	A	Oscillating tracking test	0.23	0.90	NA	0.03	1.16	NA	XXX
92545	26	A	Oscillating tracking test	0.23	0.11	0.11	0.01	0.35	0.35	XXX
92545	TC	A	Oscillating tracking test	0.00	0.79	NA	0.02	0.81	NA	XXX
92546	.....	A	Sinusoidal rotational test	0.29	2.25	NA	0.03	2.57	NA	XXX
92546	26	A	Sinusoidal rotational test	0.29	0.14	0.14	0.01	0.44	0.44	XXX
92546	TC	A	Sinusoidal rotational test	0.00	2.11	NA	0.02	2.13	NA	XXX
92547	.....	A	Supplemental electrical test	0.00	1.34	NA	0.05	1.39	NA	ZZZ
92548	.....	A	Posturography	0.50	3.98	NA	0.13	4.61	NA	XXX
92548	26	A	Posturography	0.50	0.27	0.27	0.02	0.79	0.79	XXX
92548	TC	A	Posturography	0.00	3.71	NA	0.11	3.82	NA	XXX
92551	.....	N	Pure tone hearing test, air	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92552	.....	A	Pure tone audiometry, air	0.00	0.45	NA	0.03	0.48	NA	XXX
92553	.....	A	Audiometry, air & bone	0.00	0.66	NA	0.05	0.71	NA	XXX
92555	.....	A	Speech threshold audiometry	0.00	0.38	NA	0.03	0.41	NA	XXX
92556	.....	A	Speech audiometry, complete	0.00	0.57	NA	0.05	0.62	NA	XXX
92557	.....	A	Comprehensive hearing test	0.00	1.18	NA	0.10	1.28	NA	XXX
92559	.....	N	Group audiometric testing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92560	.....	N	Bekesy audiometry, screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92561	.....	A	Bekesy audiometry, diagnosis	0.00	0.72	NA	0.05	0.77	NA	XXX
92562	.....	A	Loudness balance test	0.00	0.41	NA	0.03	0.44	NA	XXX
92563	.....	A	Tone decay hearing test	0.00	0.38	NA	0.03	0.41	NA	XXX
92564	.....	A	Sisi hearing test	0.00	0.47	NA	0.04	0.51	NA	XXX
92565	.....	A	Stenger test, pure tone	0.00	0.40	NA	0.03	0.43	NA	XXX
92567	.....	A	Tympanometry	0.00	0.52	NA	0.05	0.57	NA	XXX
92568	.....	A	Acoustic reflex testing	0.00	0.38	NA	0.03	0.41	NA	XXX
92569	.....	A	Acoustic reflex decay test	0.00	0.41	NA	0.03	0.44	NA	XXX
92571	.....	A	Filtered speech hearing test	0.00	0.39	NA	0.03	0.42	NA	XXX
92572	.....	A	Staggered spondaic word test	0.00	0.09	NA	0.01	0.10	NA	XXX
92573	.....	A	Lombard test	0.00	0.35	NA	0.03	0.38	NA	XXX
92575	.....	A	Sensorineural acuity test	0.00	0.30	NA	0.02	0.32	NA	XXX
92576	.....	A	Synthetic sentence test	0.00	0.45	NA	0.04	0.49	NA	XXX
92577	.....	A	Stenger test, speech	0.00	0.72	NA	0.06	0.78	NA	XXX
92579	.....	A	Visual audiometry (vra)	0.00	0.73	NA	0.05	0.78	NA	XXX
92582	.....	A	Conditioning play audiometry	0.00	0.73	NA	0.05	0.78	NA	XXX
92583	.....	A	Select picture audiometry	0.00	0.89	NA	0.07	0.96	NA	XXX
92584	.....	A	Electrocochleography	0.00	2.47	NA	0.17	2.64	NA	XXX
92585	.....	A	Auditor evoke potent, compre	0.50	2.06	NA	0.14	2.70	NA	XXX
92585	26	A	Auditor evoke potent, compre	0.50	0.22	0.22	0.02	0.74	0.74	XXX
92585	TC	A	Auditor evoke potent, compre	0.00	1.84	NA	0.12	1.96	NA	XXX
92586	.....	A	Auditor evoke potent, limit	0.00	1.84	NA	0.12	1.96	NA	XXX
92587	.....	A	Evoked auditory test	0.13	1.37	NA	0.10	1.60	NA	XXX
92587	26	A	Evoked auditory test	0.13	0.07	0.07	0.01	0.21	0.21	XXX
92587	TC	A	Evoked auditory test	0.00	1.30	NA	0.09	1.39	NA	XXX
92588	.....	A	Evoked auditory test	0.36	1.63	NA	0.12	2.11	NA	XXX
92588	26	A	Evoked auditory test	0.36	0.17	0.17	0.01	0.54	0.54	XXX
92588	TC	A	Evoked auditory test	0.00	1.46	NA	0.11	1.57	NA	XXX
92589	.....	A	Auditory function test(s)	0.00	0.53	NA	0.05	0.58	NA	XXX
92590	.....	N	Hearing aid exam, one ear	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92591	.....	N	Hearing aid exam, both ears	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92592	.....	N	Hearing aid check, one ear	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92593	.....	N	Hearing aid check, both ears	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92594	.....	N	Electro hearing aid test, one	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92595	.....	N	Electro hearing aid test, both	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92596	.....	A	Ear protector evaluation	0.00	0.59	NA	0.05	0.64	NA	XXX
92597	.....	I	Oral speech device eval	+1.35	1.49	0.54	0.05	2.89	1.94	XXX
92598	.....	F	Modify oral speech device	+0.00	0.00	0.00	0.00	0.00	0.00	XXX
92599	.....	D	ENT procedure/service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92599	26	D	ENT procedure/service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92599	TC	D	ENT procedure/service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92601	.....	A	Cochlear implt f/up exam < 7	0.00	3.50	NA	0.06	3.56	NA	XXX
92602	.....	A	Reprogram cochlear implt < 7	0.00	2.44	NA	0.06	2.50	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
92603	A	Cochlear implt f/up exam 7 >	0.00	2.34	NA	0.06	2.40	NA	XXX
92604	A	Reprogram cochlear implt 7 >	0.00	1.58	NA	0.06	1.64	NA	XXX
92605	B	Eval for nonspeech device rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92606	B	Non-speech device service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92607	A	Ex for speech device rx, 1hr	0.00	2.93	NA	0.04	2.97	NA	XXX
92608	A	Ex for speech device rx addl	0.00	0.55	NA	0.04	0.59	NA	XXX
92609	A	Use of speech device service	0.00	1.58	NA	0.03	1.61	NA	XXX
92610	A	Evaluate swallowing function	0.00	1.08	NA	0.07	1.15	NA	XXX
92611	A	Motion fluoroscopy/swallow	0.00	1.18	NA	0.07	1.25	NA	XXX
92612	A	Endoscopy swallow tst (fees)	1.27	3.36	0.50	0.07	4.70	1.84	XXX
92613	B	Endoscopy swallow tst (fees)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92614	A	Laryngoscopic sensory test	1.27	2.29	0.50	0.07	3.63	1.84	XXX
92615	B	Eval laryngoscopy sense tst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92616	A	Fees w/laryngeal sense test	1.88	3.02	0.73	0.07	4.97	2.68	XXX
92617	B	Interprt fees/laryngeal test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92700	C	Ent procedure/service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92950	A	Heart/lung resuscitation cpr	3.80	NA	1.01	0.21	NA	5.02	000
92953	A	Temporary external pacing	0.23	NA	0.23	0.01	NA	0.47	000
92960	A	Cardioversion electric, ext	2.25	2.28	0.86	0.08	4.61	3.19	000
92961	A	Cardioversion, electric, int	4.60	NA	1.77	0.17	NA	6.54	000
92970	A	Cardioassist, internal	3.52	NA	1.08	0.17	NA	4.77	000
92971	A	Cardioassist, external	1.77	NA	0.88	0.06	NA	2.71	000
92973	A	Percut coronary thrombectomy	3.28	NA	1.32	0.12	NA	4.72	ZZZ
92974	A	Cath place, cardio brachytx	3.00	NA	1.20	0.14	NA	4.34	ZZZ
92975	A	Dissolve clot, heart vessel	7.25	NA	2.88	0.22	NA	10.35	000
92977	A	Dissolve clot, heart vessel	0.00	8.02	NA	0.38	8.40	NA	XXX
92978	A	Intravasc us, heart add-on	1.80	5.28	NA	0.26	7.34	NA	ZZZ
92978	26	A	Intravasc us, heart add-on	1.80	0.73	0.73	0.06	2.59	2.59	ZZZ
92978	TC	A	Intravasc us, heart add-on	0.00	4.55	NA	0.20	4.75	NA	ZZZ
92979	A	Intravasc us, heart add-on	1.44	2.86	NA	0.15	4.45	NA	ZZZ
92979	26	A	Intravasc us, heart add-on	1.44	0.58	0.58	0.04	2.06	2.06	ZZZ
92979	TC	A	Intravasc us, heart add-on	0.00	2.28	NA	0.11	2.39	NA	ZZZ
92980	A	Insert intracoronary stent	14.84	NA	6.21	0.71	NA	21.76	000
92981	A	Insert intracoronary stent	4.17	NA	1.68	0.20	NA	6.05	ZZZ
92982	A	Coronary artery dilation	10.98	NA	4.66	0.52	NA	16.16	000
92984	A	Coronary artery dilation	2.97	NA	1.19	0.14	NA	4.30	ZZZ
92986	A	Revision of aortic valve	21.80	NA	10.27	1.14	NA	33.21	090
92987	A	Revision of mitral valve	22.70	NA	10.66	1.18	NA	34.54	090
92990	A	Revision of pulmonary valve	17.34	NA	8.24	0.90	NA	26.48	090
92992	C	Revision of heart chamber	0.00	0.00	0.00	0.00	0.00	0.00	090
92993	C	Revision of heart chamber	0.00	0.00	0.00	0.00	0.00	0.00	090
92995	A	Coronary atherectomy	12.09	NA	5.10	0.58	NA	17.77	000
92996	A	Coronary atherectomy add-on	3.26	NA	1.30	0.16	NA	4.72	ZZZ
92997	A	Pul art balloon repr, percut	12.00	NA	4.96	0.63	NA	17.59	000
92998	A	Pul art balloon repr, percut	6.00	NA	2.26	0.31	NA	8.57	ZZZ
93000	A	Electrocardiogram, complete	0.17	0.51	NA	0.03	0.71	NA	XXX
93005	A	Electrocardiogram, tracing	0.00	0.45	NA	0.02	0.47	NA	XXX
93010	A	Electrocardiogram report	0.17	0.06	0.06	0.01	0.24	0.24	XXX
93012	A	Transmission of ecg	0.00	2.35	NA	0.15	2.50	NA	XXX
93014	A	Report on transmitted ecg	0.52	0.19	0.19	0.02	0.73	0.73	XXX
93015	A	Cardiovascular stress test	0.75	1.97	NA	0.11	2.83	NA	XXX
93016	A	Cardiovascular stress test	0.45	0.18	0.18	0.01	0.64	0.64	XXX
93017	A	Cardiovascular stress test	0.00	1.67	NA	0.09	1.76	NA	XXX
93018	A	Cardiovascular stress test	0.30	0.12	0.12	0.01	0.43	0.43	XXX
93024	A	Cardiac drug stress test	1.17	1.57	NA	0.11	2.85	NA	XXX
93024	26	A	Cardiac drug stress test	1.17	0.46	0.46	0.04	1.67	1.67	XXX
93024	TC	A	Cardiac drug stress test	0.00	1.11	NA	0.07	1.18	NA	XXX
93025	A	Microvolt t-wave assess	0.75	10.73	NA	0.11	11.59	NA	XXX
93025	26	A	Microvolt t-wave assess	0.75	0.31	0.31	0.02	1.08	1.08	XXX
93025	TC	A	Microvolt t-wave assess	0.00	10.42	NA	0.09	10.51	NA	XXX
93040	A	Rhythm ECG with report	0.16	0.20	NA	0.02	0.38	NA	XXX
93041	A	Rhythm ECG, tracing	0.00	0.15	NA	0.01	0.16	NA	XXX
93042	A	Rhythm ECG, report	0.16	0.05	0.05	0.01	0.22	0.22	XXX
93224	A	ECG monitor/report, 24 hrs	0.52	3.61	NA	0.21	4.34	NA	XXX
93225	A	ECG monitor/record, 24 hrs	0.00	1.23	NA	0.07	1.30	NA	XXX
93226	A	ECG monitor/report, 24 hrs	0.00	2.18	NA	0.12	2.30	NA	XXX
93227	A	ECG monitor/review, 24 hrs	0.52	0.20	0.20	0.02	0.74	0.74	XXX
93230	A	ECG monitor/report, 24 hrs	0.52	3.88	NA	0.22	4.62	NA	XXX
93231	A	Ecg monitor/record, 24 hrs	0.00	1.51	NA	0.09	1.60	NA	XXX
93232	A	ECG monitor/report, 24 hrs	0.00	2.17	NA	0.11	2.28	NA	XXX
93233	A	ECG monitor/review, 24 hrs	0.52	0.20	0.20	0.02	0.74	0.74	XXX
93235	A	ECG monitor/report, 24 hrs	0.45	2.78	NA	0.13	3.36	NA	XXX
93236	A	ECG monitor/report, 24 hrs	0.00	2.61	NA	0.12	2.73	NA	XXX
93237	A	ECG monitor/review, 24 hrs	0.45	0.17	0.17	0.01	0.63	0.63	XXX
93268	A	ECG record/review	0.52	7.41	NA	0.24	8.17	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
93270	....	A	ECG recording	0.00	1.23	NA	0.07	1.30	NA	XXX
93271	....	A	ECG/monitoring and analysis	0.00	5.99	NA	0.15	6.14	NA	XXX
93272	....	A	ECG/review, interpret only	0.52	0.19	0.19	0.02	0.73	0.73	XXX
93278	....	A	ECG/signal-averaged	0.25	1.24	NA	0.10	1.59	NA	XXX
93278	26	A	ECG/signal-averaged	0.25	0.10	0.10	0.01	0.36	0.36	XXX
93278	TC	A	ECG/signal-averaged	0.00	1.14	NA	0.09	1.23	NA	XXX
93303	....	A	Echo transthoracic	1.30	4.33	NA	0.23	5.86	NA	XXX
93303	26	A	Echo transthoracic	1.30	0.49	0.49	0.04	1.83	1.83	XXX
93303	TC	A	Echo transthoracic	0.00	3.84	NA	0.19	4.03	NA	XXX
93304	....	A	Echo transthoracic	0.75	2.22	NA	0.13	3.10	NA	XXX
93304	26	A	Echo transthoracic	0.75	0.29	0.29	0.02	1.06	1.06	XXX
93304	TC	A	Echo transthoracic	0.00	1.93	NA	0.11	2.04	NA	XXX
93307	....	A	Echo exam of heart	0.92	4.20	NA	0.22	5.34	NA	XXX
93307	26	A	Echo exam of heart	0.92	0.36	0.36	0.03	1.31	1.31	XXX
93307	TC	A	Echo exam of heart	0.00	3.84	NA	0.19	4.03	NA	XXX
93308	....	A	Echo exam of heart	0.53	2.14	NA	0.13	2.80	NA	XXX
93308	26	A	Echo exam of heart	0.53	0.21	0.21	0.02	0.76	0.76	XXX
93308	TC	A	Echo exam of heart	0.00	1.93	NA	0.11	2.04	NA	XXX
93312	....	A	Echo transesophageal	2.20	4.57	NA	0.32	7.09	NA	XXX
93312	26	A	Echo transesophageal	2.20	0.81	0.81	0.08	3.09	3.09	XXX
93312	TC	A	Echo transesophageal	0.00	3.76	NA	0.24	4.00	NA	XXX
93313	....	A	Echo transesophageal	0.95	0.22	0.21	0.05	1.22	1.21	XXX
93314	....	A	Echo transesophageal	1.25	4.24	NA	0.28	5.77	NA	XXX
93314	26	A	Echo transesophageal	1.25	0.48	0.48	0.04	1.77	1.77	XXX
93314	TC	A	Echo transesophageal	0.00	3.76	NA	0.24	4.00	NA	XXX
93315	....	A	Echo transesophageal	2.78	4.79	NA	0.34	7.91	NA	XXX
93315	26	A	Echo transesophageal	2.78	1.03	1.03	0.10	3.91	3.91	XXX
93315	TC	A	Echo transesophageal	0.00	3.76	NA	0.24	4.00	NA	XXX
93316	....	A	Echo transesophageal	0.95	NA	0.24	0.05	NA	1.24	XXX
93317	....	A	Echo transesophageal	1.83	4.45	NA	0.30	6.58	NA	XXX
93317	26	A	Echo transesophageal	1.83	0.69	0.69	0.06	2.58	2.58	XXX
93317	TC	A	Echo transesophageal	0.00	3.76	NA	0.24	4.00	NA	XXX
93318	....	C	Echo transesophageal intraop	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93318	26	A	Echo transesophageal intraop	2.20	0.49	NA	0.06	2.75	NA	XXX
93318	TC	C	Echo transesophageal intraop	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93320	....	A	Doppler echo exam, heart	0.38	1.85	NA	0.11	2.34	NA	ZZZ
93320	26	A	Doppler echo exam, heart	0.38	0.15	0.15	0.01	0.54	0.54	ZZZ
93320	TC	A	Doppler echo exam, heart	0.00	1.70	NA	0.10	1.80	NA	ZZZ
93321	....	A	Doppler echo exam, heart	0.15	1.16	NA	0.08	1.39	NA	ZZZ
93321	26	A	Doppler echo exam, heart	0.15	0.06	0.06	0.01	0.22	0.22	ZZZ
93321	TC	A	Doppler echo exam, heart	0.00	1.10	NA	0.07	1.17	NA	ZZZ
93325	....	A	Doppler color flow add-on	0.07	2.92	NA	0.18	3.17	NA	ZZZ
93325	26	A	Doppler color flow add-on	0.07	0.03	0.03	0.01	0.11	0.11	ZZZ
93325	TC	A	Doppler color flow add-on	0.00	2.89	NA	0.17	3.06	NA	ZZZ
93350	....	A	Echo transthoracic	1.48	2.33	NA	0.13	3.94	NA	XXX
93350	26	A	Echo transthoracic	1.48	0.58	0.58	0.02	2.08	2.08	XXX
93350	TC	A	Echo transthoracic	0.00	1.75	NA	0.11	1.86	NA	XXX
93501	....	A	Right heart catheterization	3.02	18.01	NA	1.03	22.06	NA	000
93501	26	A	Right heart catheterization	3.02	1.18	1.18	0.16	4.36	4.36	000
93501	TC	A	Right heart catheterization	0.00	16.83	NA	0.87	17.70	NA	000
93503	....	A	Insert/place heart catheter	2.91	NA	0.69	0.16	NA	3.76	000
93505	....	A	Biopsy of heart lining	4.38	3.69	NA	0.36	8.43	NA	000
93505	26	A	Biopsy of heart lining	4.38	1.72	1.72	0.23	6.33	6.33	000
93505	TC	A	Biopsy of heart lining	0.00	1.97	NA	0.13	2.10	NA	000
93508	....	A	Cath placement, angiography	4.10	14.19	NA	0.75	19.04	NA	000
93508	26	A	Cath placement, angiography	4.10	1.64	1.64	0.21	5.95	5.95	000
93508	TC	A	Cath placement, angiography	0.00	12.55	NA	0.54	13.09	NA	000
93510	....	A	Left heart catheterization	4.33	38.53	NA	2.13	44.99	NA	000
93510	26	A	Left heart catheterization	4.33	1.74	1.74	0.22	6.29	6.29	000
93510	TC	A	Left heart catheterization	0.00	36.79	NA	1.91	38.70	NA	000
93511	....	A	Left heart catheterization	5.03	37.84	NA	2.11	44.98	NA	000
93511	26	A	Left heart catheterization	5.03	2.02	2.02	0.26	7.31	7.31	000
93511	TC	A	Left heart catheterization	0.00	35.82	NA	1.85	37.67	NA	000
93514	....	A	Left heart catheterization	7.05	38.58	NA	2.22	47.85	NA	000
93514	26	A	Left heart catheterization	7.05	2.76	2.76	0.37	10.18	10.18	000
93514	TC	A	Left heart catheterization	0.00	35.82	NA	1.85	37.67	NA	000
93524	....	A	Left heart catheterization	6.95	49.57	NA	2.79	59.31	NA	000
93524	26	A	Left heart catheterization	6.95	2.77	2.77	0.36	10.08	10.08	000
93524	TC	A	Left heart catheterization	0.00	46.80	NA	2.43	49.23	NA	000
93526	....	A	Rt & Lt heart catheters	5.99	50.48	NA	2.81	59.28	NA	000
93526	26	A	Rt & Lt heart catheters	5.99	2.40	2.40	0.31	8.70	8.70	000
93526	TC	A	Rt & Lt heart catheters	0.00	48.08	NA	2.50	50.58	NA	000
93527	....	A	Rt & Lt heart catheters	7.28	49.72	NA	2.81	59.81	NA	000
93527	26	A	Rt & Lt heart catheters	7.28	2.92	2.92	0.38	10.58	10.58	000
93527	TC	A	Rt & Lt heart catheters	0.00	46.80	NA	2.43	49.23	NA	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
93528	....	A	Rt & Lt heart catheters	9.00	50.44	NA	2.90	62.34	NA	000
93528	26	A	Rt & Lt heart catheters	9.00	3.64	3.64	0.47	13.11	13.11	000
93528	TC	A	Rt & Lt heart catheters	0.00	46.80	NA	2.43	49.23	NA	000
93529	....	A	Rt, lt heart catheterization	4.80	48.67	NA	2.68	56.15	NA	000
93529	26	A	Rt, lt heart catheterization	4.80	1.87	1.87	0.25	6.92	6.92	000
93529	TC	A	Rt, lt heart catheterization	0.00	46.80	NA	2.43	49.23	NA	000
93530	....	A	Rt heart cath, congenital	4.23	18.37	NA	1.11	23.71	NA	000
93530	26	A	Rt heart cath, congenital	4.23	1.54	1.54	0.24	6.01	6.01	000
93530	TC	A	Rt heart cath, congenital	0.00	16.83	NA	0.87	17.70	NA	000
93531	....	A	R & l heart cath, congenital	8.35	51.30	NA	2.96	62.61	NA	000
93531	26	A	R & l heart cath, congenital	8.35	3.22	3.22	0.46	12.03	12.03	000
93531	TC	A	R & l heart cath, congenital	0.00	48.08	NA	2.50	50.58	NA	000
93532	....	A	R & l heart cath, congenital	10.00	50.70	NA	2.95	63.65	NA	000
93532	26	A	R & l heart cath, congenital	10.00	3.90	3.90	0.52	14.42	14.42	000
93532	TC	A	R & l heart cath, congenital	0.00	46.80	NA	2.43	49.23	NA	000
93533	....	A	R & l heart cath, congenital	6.70	49.24	NA	2.86	58.80	NA	000
93533	26	A	R & l heart cath, congenital	6.70	2.44	2.44	0.43	9.57	9.57	000
93533	TC	A	R & l heart cath, congenital	0.00	46.80	NA	2.43	49.23	NA	000
93539	....	A	Injection, cardiac cath	0.40	0.16	0.16	0.01	0.57	0.57	000
93540	....	A	Injection, cardiac cath	0.43	0.17	0.17	0.01	0.61	0.61	000
93541	....	A	Injection for lung angiogram	0.29	NA	0.12	0.01	NA	0.42	000
93542	....	A	Injection for heart x-rays	0.29	NA	0.12	0.01	NA	0.42	000
93543	....	A	Injection for heart x-rays	0.29	0.12	0.12	0.01	0.42	0.42	000
93544	....	A	Injection for aortography	0.25	0.10	0.10	0.01	0.36	0.36	000
93545	....	A	Inject for coronary x-rays	0.40	0.16	0.16	0.01	0.57	0.57	000
93555	....	A	Imaging, cardiac cath	0.81	6.58	NA	0.31	7.70	NA	XXX
93555	26	A	Imaging, cardiac cath	0.81	0.33	0.33	0.03	1.17	1.17	XXX
93555	TC	A	Imaging, cardiac cath	0.00	6.25	NA	0.28	6.53	NA	XXX
93556	....	A	Imaging, cardiac cath	0.83	10.18	NA	0.45	11.46	NA	XXX
93556	26	A	Imaging, cardiac cath	0.83	0.33	0.33	0.03	1.19	1.19	XXX
93556	TC	A	Imaging, cardiac cath	0.00	9.85	NA	0.42	10.27	NA	XXX
93561	....	A	Cardiac output measurement	0.50	0.68	NA	0.07	1.25	NA	000
93561	26	A	Cardiac output measurement	0.50	0.16	0.16	0.02	0.68	0.68	000
93561	TC	A	Cardiac output measurement	0.00	0.52	NA	0.05	0.57	NA	000
93562	....	A	Cardiac output measurement	0.16	0.37	NA	0.04	0.57	NA	000
93562	26	A	Cardiac output measurement	0.16	0.05	0.05	0.01	0.22	0.22	000
93562	TC	A	Cardiac output measurement	0.00	0.32	NA	0.03	0.35	NA	000
93571	....	A	Heart flow reserve measure	1.80	5.25	NA	0.31	7.36	NA	ZZZ
93571	26	A	Heart flow reserve measure	1.80	0.70	0.70	0.11	2.61	2.61	ZZZ
93571	TC	A	Heart flow reserve measure	0.00	4.55	NA	0.20	4.75	NA	ZZZ
93572	....	A	Heart flow reserve measure	1.44	2.78	NA	0.28	4.50	NA	ZZZ
93572	26	A	Heart flow reserve measure	1.44	0.50	0.50	0.17	2.11	2.11	ZZZ
93572	TC	A	Heart flow reserve measure	0.00	2.28	NA	0.11	2.39	NA	ZZZ
93580	....	A	Transcath closure of asd	18.00	NA	7.34	1.14	NA	26.48	000
93581	....	A	Transcath closure of vsd	24.43	NA	9.84	1.14	NA	35.41	000
93600	....	A	Bundle of His recording	2.12	2.79	NA	0.22	5.13	NA	000
93600	26	A	Bundle of His recording	2.12	0.85	0.85	0.11	3.08	3.08	000
93600	TC	A	Bundle of His recording	0.00	1.94	NA	0.11	2.05	NA	000
93602	....	A	Intra-atrial recording	2.12	1.94	NA	0.18	4.24	NA	000
93602	26	A	Intra-atrial recording	2.12	0.84	0.84	0.12	3.08	3.08	000
93602	TC	A	Intra-atrial recording	0.00	1.10	NA	0.06	1.16	NA	000
93603	....	A	Right ventricular recording	2.12	2.51	NA	0.20	4.83	NA	000
93603	26	A	Right ventricular recording	2.12	0.84	0.84	0.11	3.07	3.07	000
93603	TC	A	Right ventricular recording	0.00	1.67	NA	0.09	1.76	NA	000
93609	....	A	Map tachycardia, add-on	5.00	4.71	NA	0.66	10.37	NA	ZZZ
93609	26	A	Map tachycardia, add-on	5.00	2.00	2.00	0.52	7.52	7.52	ZZZ
93609	TC	A	Map tachycardia, add-on	0.00	2.71	NA	0.14	2.85	NA	ZZZ
93610	....	A	Intra-atrial pacing	3.02	2.52	NA	0.25	5.79	NA	000
93610	26	A	Intra-atrial pacing	3.02	1.18	1.18	0.17	4.37	4.37	000
93610	TC	A	Intra-atrial pacing	0.00	1.34	NA	0.08	1.42	NA	000
93612	....	A	Intraventricular pacing	3.02	2.79	NA	0.26	6.07	NA	000
93612	26	A	Intraventricular pacing	3.02	1.18	1.18	0.17	4.37	4.37	000
93612	TC	A	Intraventricular pacing	0.00	1.61	NA	0.09	1.70	NA	000
93613	....	A	Electrophys map 3d, add-on	7.00	2.72	2.72	0.52	10.24	10.24	ZZZ
93615	....	A	Esophageal recording	0.99	0.59	NA	0.05	1.63	NA	000
93615	26	A	Esophageal recording	0.99	0.27	0.27	0.03	1.29	1.29	000
93615	TC	A	Esophageal recording	0.00	0.32	NA	0.02	0.34	NA	000
93616	....	A	Esophageal recording	1.49	0.76	NA	0.08	2.33	NA	000
93616	26	A	Esophageal recording	1.49	0.44	0.44	0.06	1.99	1.99	000
93616	TC	A	Esophageal recording	0.00	0.32	NA	0.02	0.34	NA	000
93618	....	A	Heart rhythm pacing	4.26	5.66	NA	0.42	10.34	NA	000
93618	26	A	Heart rhythm pacing	4.26	1.71	1.71	0.22	6.19	6.19	000
93618	TC	A	Heart rhythm pacing	0.00	3.95	NA	0.20	4.15	NA	000
93619	....	A	Electrophysiology evaluation	7.32	10.59	NA	0.77	18.68	NA	000
93619	26	A	Electrophysiology evaluation	7.32	2.92	2.92	0.38	10.62	10.62	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
93619	TC	A	Electrophysiology evaluation	0.00	7.67	NA	0.39	8.06	NA	000
93620		C	Electrophysiology evaluation	+0.00	0.00	NA	0.00	0.00	NA	000
93620	26	A	Electrophysiology evaluation	11.59	4.62	4.62	0.60	16.81	16.81	000
93620	TC	C	Electrophysiology evaluation	+0.00	0.00	NA	0.00	0.00	NA	000
93621		C	Electrophysiology evaluation	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93621	26	A	Electrophysiology evaluation	2.10	0.84	0.84	0.15	3.09	3.09	ZZZ
93621	TC	C	Electrophysiology evaluation	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93622		C	Electrophysiology evaluation	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93622	26	A	Electrophysiology evaluation	3.10	1.23	1.23	0.67	5.00	5.00	ZZZ
93622	TC	C	Electrophysiology evaluation	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93623		C	Stimulation, pacing heart	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93623	26	A	Stimulation, pacing heart	2.85	1.13	1.13	0.15	4.13	4.13	ZZZ
93623	TC	C	Stimulation, pacing heart	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93624		A	Electrophysiologic study	4.81	3.88	NA	0.36	9.05	NA	000
93624	26	A	Electrophysiologic study	4.81	1.91	1.91	0.25	6.97	6.97	000
93624	TC	A	Electrophysiologic study	0.00	1.97	NA	0.11	2.08	NA	000
93631		A	Heart pacing, mapping	7.60	8.93	NA	1.17	17.70	NA	000
93631	26	A	Heart pacing, mapping	7.60	2.81	2.81	0.66	11.07	11.07	000
93631	TC	A	Heart pacing, mapping	0.00	6.12	NA	0.51	6.63	NA	000
93640		A	Evaluation heart device	3.52	8.53	NA	0.53	12.58	NA	000
93640	26	A	Evaluation heart device	3.52	1.39	1.39	0.18	5.09	5.09	000
93640	TC	A	Evaluation heart device	0.00	7.14	NA	0.35	7.49	NA	000
93641		A	Electrophysiology evaluation	5.93	9.51	NA	0.66	16.10	NA	000
93641	26	A	Electrophysiology evaluation	5.93	2.37	2.37	0.31	8.61	8.61	000
93641	TC	A	Electrophysiology evaluation	0.00	7.14	NA	0.35	7.49	NA	000
93642		A	Electrophysiology evaluation	4.89	9.07	NA	0.51	14.47	NA	000
93642	26	A	Electrophysiology evaluation	4.89	1.93	1.93	0.16	6.98	6.98	000
93642	TC	A	Electrophysiology evaluation	0.00	7.14	NA	0.35	7.49	NA	000
93650		A	Ablate heart dysrhythm focus	10.51	NA	4.19	0.55	NA	15.25	000
93651		A	Ablate heart dysrhythm focus	16.25	NA	6.49	0.85	NA	23.59	000
93652		A	Ablate heart dysrhythm focus	17.68	NA	7.07	0.92	NA	25.67	000
93660		A	Tilt table evaluation	1.89	2.43	NA	0.08	4.40	NA	000
93660	26	A	Tilt table evaluation	1.89	0.76	0.76	0.06	2.71	2.71	000
93660	TC	A	Tilt table evaluation	0.00	1.67	NA	0.02	1.69	NA	000
93662		C	Intracardiac ecg (ice)	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93662	26	A	Intracardiac ecg (ice)	2.80	1.08	1.08	0.41	4.29	4.29	ZZZ
93662	TC	C	Intracardiac ecg (ice)	0.00	0.00	NA	0.00	0.00	NA	ZZZ
93668		N	Peripheral vascular rehab	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93701		A	Bioimpedance, thoracic	0.17	1.14	NA	0.02	1.33	NA	XXX
93701	26	A	Bioimpedance, thoracic	0.17	0.07	0.07	0.01	0.25	0.25	XXX
93701	TC	A	Bioimpedance, thoracic	0.00	1.07	NA	0.01	1.08	NA	XXX
93720		A	Total body plethysmography	0.17	0.76	NA	0.06	0.99	NA	XXX
93721		A	Plethysmography tracing	0.00	0.71	NA	0.05	0.76	NA	XXX
93722		A	Plethysmography report	0.17	0.05	0.05	0.01	0.23	0.23	XXX
93724		A	Analyze pacemaker system	4.89	5.91	NA	0.38	11.18	NA	000
93724	26	A	Analyze pacemaker system	4.89	1.96	1.96	0.18	7.03	7.03	000
93724	TC	A	Analyze pacemaker system	0.00	3.95	NA	0.20	4.15	NA	000
93727		A	Analyze ilr system	0.52	0.20	0.20	0.05	0.77	0.77	XXX
93731		A	Analyze pacemaker system	0.45	0.67	NA	0.05	1.17	NA	XXX
93731	26	A	Analyze pacemaker system	0.45	0.18	0.18	0.02	0.65	0.65	XXX
93731	TC	A	Analyze pacemaker system	0.00	0.49	NA	0.03	0.52	NA	XXX
93732		A	Analyze pacemaker system	0.92	0.87	NA	0.06	1.85	NA	XXX
93732	26	A	Analyze pacemaker system	0.92	0.36	0.36	0.03	1.31	1.31	XXX
93732	TC	A	Analyze pacemaker system	0.00	0.51	NA	0.03	0.54	NA	XXX
93733		A	Telephone anly, pacemaker	0.17	0.80	NA	0.06	1.03	NA	XXX
93733	26	A	Telephone anly, pacemaker	0.17	0.07	0.07	0.01	0.25	0.25	XXX
93733	TC	A	Telephone anly, pacemaker	0.00	0.73	NA	0.05	0.78	NA	XXX
93734		A	Analyze pacemaker system	0.38	0.50	NA	0.03	0.91	NA	XXX
93734	26	A	Analyze pacemaker system	0.38	0.15	0.15	0.01	0.54	0.54	XXX
93734	TC	A	Analyze pacemaker system	0.00	0.35	NA	0.02	0.37	NA	XXX
93735		A	Analyze pacemaker system	0.74	0.74	NA	0.06	1.54	NA	XXX
93735	26	A	Analyze pacemaker system	0.74	0.29	0.29	0.03	1.06	1.06	XXX
93735	TC	A	Analyze pacemaker system	0.00	0.45	NA	0.03	0.48	NA	XXX
93736		A	Telephone anly, pacemaker	0.15	0.69	NA	0.06	0.90	NA	XXX
93736	26	A	Telephone anly, pacemaker	0.15	0.06	0.06	0.01	0.22	0.22	XXX
93736	TC	A	Telephone anly, pacemaker	0.00	0.63	NA	0.05	0.68	NA	XXX
93740		B	Temperature gradient studies	+0.16	0.19	NA	0.02	0.37	NA	XXX
93740	26	B	Temperature gradient studies	+0.16	0.04	0.04	0.01	0.21	0.21	XXX
93740	TC	B	Temperature gradient studies	+0.00	0.15	NA	0.01	0.16	NA	XXX
93741		A	Analyze ht pace device snl	0.80	0.99	NA	0.05	1.84	NA	XXX
93741	26	A	Analyze ht pace device snl	0.80	0.32	0.32	0.02	1.14	1.14	XXX
93741	TC	A	Analyze ht pace device snl	0.00	0.67	NA	0.03	0.70	NA	XXX
93742		A	Analyze ht pace device snl	0.91	1.04	NA	0.05	2.00	NA	XXX
93742	26	A	Analyze ht pace device snl	0.91	0.37	0.37	0.02	1.30	1.30	XXX
93742	TC	A	Analyze ht pace device snl	0.00	0.67	NA	0.03	0.70	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
93743	.....	A	Analyze ht pace device dual	1.03	1.15	NA	0.06	2.24	NA	XXX
93743	26	A	Analyze ht pace device dual	1.03	0.41	0.41	0.03	1.47	1.47	XXX
93743	TC	A	Analyze ht pace device dual	0.00	0.74	NA	0.03	0.77	NA	XXX
93744	.....	A	Analyze ht pace device dual	1.18	1.14	NA	0.06	2.38	NA	XXX
93744	26	A	Analyze ht pace device dual	1.18	0.47	0.47	0.03	1.68	1.68	XXX
93744	TC	A	Analyze ht pace device dual	0.00	0.67	NA	0.03	0.70	NA	XXX
93760	.....	N	Cephalic thermogram	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93762	.....	N	Peripheral thermogram	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93770	.....	B	Measure venous pressure	+0.16	0.08	NA	0.02	0.26	NA	XXX
93770	26	B	Measure venous pressure	+0.16	0.05	0.05	0.01	0.22	0.22	XXX
93770	TC	B	Measure venous pressure	+0.00	0.03	NA	0.01	0.04	NA	XXX
93784	.....	A	Ambulatory BP monitoring	0.17	0.98	NA	0.02	1.17	NA	XXX
93786	.....	A	Ambulatory BP recording	0.00	0.91	NA	0.01	0.92	NA	XXX
93788	.....	N	Ambulatory BP analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93790	.....	A	Review/report BP recording	0.17	0.07	0.07	0.01	0.25	0.25	XXX
93797	.....	A	Cardiac rehab	0.18	0.39	0.07	0.01	0.58	0.26	000
93798	.....	A	Cardiac rehab/monitor	0.28	0.50	0.11	0.01	0.79	0.40	000
93799	.....	C	Cardiovascular procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93799	26	C	Cardiovascular procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93799	TC	C	Cardiovascular procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93875	.....	A	Extracranial study	0.22	1.65	NA	0.10	1.97	NA	XXX
93875	26	A	Extracranial study	0.22	0.08	0.08	0.01	0.31	0.31	XXX
93875	TC	A	Extracranial study	0.00	1.57	NA	0.09	1.66	NA	XXX
93880	.....	A	Extracranial study	0.60	4.30	NA	0.33	5.23	NA	XXX
93880	26	A	Extracranial study	0.60	0.21	0.21	0.04	0.85	0.85	XXX
93880	TC	A	Extracranial study	0.00	4.09	NA	0.29	4.38	NA	XXX
93882	.....	A	Extracranial study	0.40	2.95	NA	0.22	3.57	NA	XXX
93882	26	A	Extracranial study	0.40	0.14	0.14	0.04	0.58	0.58	XXX
93882	TC	A	Extracranial study	0.00	2.81	NA	0.18	2.99	NA	XXX
93886	.....	A	Intracranial study	0.94	4.73	NA	0.37	6.04	NA	XXX
93886	26	A	Intracranial study	0.94	0.38	0.38	0.05	1.37	1.37	XXX
93886	TC	A	Intracranial study	0.00	4.35	NA	0.32	4.67	NA	XXX
93888	.....	A	Intracranial study	0.62	3.14	NA	0.26	4.02	NA	XXX
93888	26	A	Intracranial study	0.62	0.23	0.23	0.04	0.89	0.89	XXX
93888	TC	A	Intracranial study	0.00	2.91	NA	0.22	3.13	NA	XXX
93922	.....	A	Extremity study	0.25	1.88	NA	0.13	2.26	NA	XXX
93922	26	A	Extremity study	0.25	0.09	0.09	0.02	0.36	0.36	XXX
93922	TC	A	Extremity study	0.00	1.79	NA	0.11	1.90	NA	XXX
93923	.....	A	Extremity study	0.45	2.95	NA	0.22	3.62	NA	XXX
93923	26	A	Extremity study	0.45	0.16	0.16	0.04	0.65	0.65	XXX
93923	TC	A	Extremity study	0.00	2.79	NA	0.18	2.97	NA	XXX
93924	.....	A	Extremity study	0.50	3.67	NA	0.26	4.43	NA	XXX
93924	26	A	Extremity study	0.50	0.17	0.17	0.05	0.72	0.72	XXX
93924	TC	A	Extremity study	0.00	3.50	NA	0.21	3.71	NA	XXX
93925	.....	A	Lower extremity study	0.58	4.95	NA	0.33	5.86	NA	XXX
93925	26	A	Lower extremity study	0.58	0.20	0.20	0.04	0.82	0.82	XXX
93925	TC	A	Lower extremity study	0.00	4.75	NA	0.29	5.04	NA	XXX
93926	.....	A	Lower extremity study	0.39	3.39	NA	0.22	4.00	NA	XXX
93926	26	A	Lower extremity study	0.39	0.13	0.13	0.03	0.55	0.55	XXX
93926	TC	A	Lower extremity study	0.00	3.26	NA	0.19	3.45	NA	XXX
93930	.....	A	Upper extremity study	0.46	3.94	NA	0.34	4.74	NA	XXX
93930	26	A	Upper extremity study	0.46	0.16	0.16	0.03	0.65	0.65	XXX
93930	TC	A	Upper extremity study	0.00	3.78	NA	0.31	4.09	NA	XXX
93931	.....	A	Upper extremity study	0.31	2.83	NA	0.22	3.36	NA	XXX
93931	26	A	Upper extremity study	0.31	0.11	0.11	0.02	0.44	0.44	XXX
93931	TC	A	Upper extremity study	0.00	2.72	NA	0.20	2.92	NA	XXX
93965	.....	A	Extremity study	0.35	1.85	NA	0.12	2.32	NA	XXX
93965	26	A	Extremity study	0.35	0.12	0.12	0.02	0.49	0.49	XXX
93965	TC	A	Extremity study	0.00	1.73	NA	0.10	1.83	NA	XXX
93970	.....	A	Extremity study	0.68	4.05	NA	0.38	5.11	NA	XXX
93970	26	A	Extremity study	0.68	0.24	0.24	0.05	0.97	0.97	XXX
93970	TC	A	Extremity study	0.00	3.81	NA	0.33	4.14	NA	XXX
93971	.....	A	Extremity study	0.45	2.87	NA	0.25	3.57	NA	XXX
93971	26	A	Extremity study	0.45	0.15	0.15	0.03	0.63	0.63	XXX
93971	TC	A	Extremity study	0.00	2.72	NA	0.22	2.94	NA	XXX
93975	.....	A	Vascular study	1.80	5.92	NA	0.47	8.19	NA	XXX
93975	26	A	Vascular study	1.80	0.62	0.62	0.11	2.53	2.53	XXX
93975	TC	A	Vascular study	0.00	5.30	NA	0.36	5.66	NA	XXX
93976	.....	A	Vascular study	1.21	3.49	NA	0.31	5.01	NA	XXX
93976	26	A	Vascular study	1.21	0.41	0.41	0.06	1.68	1.68	XXX
93976	TC	A	Vascular study	0.00	3.08	NA	0.25	3.33	NA	XXX
93978	.....	A	Vascular study	0.65	3.63	NA	0.36	4.64	NA	XXX
93978	26	A	Vascular study	0.65	0.23	0.23	0.05	0.93	0.93	XXX
93978	TC	A	Vascular study	0.00	3.40	NA	0.31	3.71	NA	XXX
93979	.....	A	Vascular study	0.44	2.63	NA	0.24	3.31	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
93979	26	A	Vascular study	0.44	0.16	0.16	0.04	0.64	0.64	XXX
93979	TC	A	Vascular study	0.00	2.47	NA	0.20	2.67	NA	XXX
93980		A	Penile vascular study	1.25	4.50	NA	0.35	6.10	NA	XXX
93980	26	A	Penile vascular study	1.25	0.42	0.42	0.07	1.74	1.74	XXX
93980	TC	A	Penile vascular study	0.00	4.08	NA	0.28	4.36	NA	XXX
93981		A	Penile vascular study	0.44	4.82	NA	0.28	5.54	NA	XXX
93981	26	A	Penile vascular study	0.44	0.15	0.15	0.02	0.61	0.61	XXX
93981	TC	A	Penile vascular study	0.00	4.67	NA	0.26	4.93	NA	XXX
93990		A	Doppler flow testing	0.25	3.35	NA	0.21	3.81	NA	XXX
93990	26	A	Doppler flow testing	0.25	0.09	0.09	0.02	0.36	0.36	XXX
93990	TC	A	Doppler flow testing	0.00	3.26	NA	0.19	3.45	NA	XXX
94010		A	Breathing capacity test	0.17	0.88	NA	0.03	1.08	NA	XXX
94010	26	A	Breathing capacity test	0.17	0.05	0.05	0.01	0.23	0.23	XXX
94010	TC	A	Breathing capacity test	0.00	0.83	NA	0.02	0.85	NA	XXX
94014		A	Patient recorded spirometry	0.52	0.46	NA	0.03	1.01	NA	XXX
94015		A	Patient recorded spirometry	0.00	0.29	NA	0.01	0.30	NA	XXX
94016		A	Review patient spirometry	0.52	0.17	0.17	0.02	0.71	0.71	XXX
94060		A	Evaluation of wheezing	0.31	1.52	NA	0.06	1.89	NA	XXX
94060	26	A	Evaluation of wheezing	0.31	0.10	0.10	0.01	0.42	0.42	XXX
94060	TC	A	Evaluation of wheezing	0.00	1.42	NA	0.05	1.47	NA	XXX
94070		A	Evaluation of wheezing	0.60	4.34	NA	0.10	5.04	NA	XXX
94070	26	A	Evaluation of wheezing	0.60	0.19	0.19	0.02	0.81	0.81	XXX
94070	TC	A	Evaluation of wheezing	0.00	4.15	NA	0.08	4.23	NA	XXX
94150		B	Vital capacity test	+0.07	0.66	NA	0.02	0.75	NA	XXX
94150	26	B	Vital capacity test	+0.07	0.03	0.03	0.01	0.11	0.11	XXX
94150	TC	B	Vital capacity test	+0.00	0.63	NA	0.01	0.64	NA	XXX
94200		A	Lung function test (MBC/MVV)	0.11	0.63	NA	0.03	0.77	NA	XXX
94200	26	A	Lung function test (MBC/MVV)	0.11	0.03	0.03	0.01	0.15	0.15	XXX
94200	TC	A	Lung function test (MBC/MVV)	0.00	0.60	NA	0.02	0.62	NA	XXX
94240		A	Residual lung capacity	0.26	1.89	NA	0.05	2.20	NA	XXX
94240	26	A	Residual lung capacity	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94240	TC	A	Residual lung capacity	0.00	1.81	NA	0.04	1.85	NA	XXX
94250		A	Expired gas collection	0.11	0.70	NA	0.02	0.83	NA	XXX
94250	26	A	Expired gas collection	0.11	0.03	0.03	0.01	0.15	0.15	XXX
94250	TC	A	Expired gas collection	0.00	0.67	NA	0.01	0.68	NA	XXX
94260		A	Thoracic gas volume	0.13	0.55	NA	0.04	0.72	NA	XXX
94260	26	A	Thoracic gas volume	0.13	0.04	0.04	0.01	0.18	0.18	XXX
94260	TC	A	Thoracic gas volume	0.00	0.51	NA	0.03	0.54	NA	XXX
94350		A	Lung nitrogen washout curve	0.26	1.96	NA	0.04	2.26	NA	XXX
94350	26	A	Lung nitrogen washout curve	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94350	TC	A	Lung nitrogen washout curve	0.00	1.88	NA	0.03	1.91	NA	XXX
94360		A	Measure airflow resistance	0.26	0.57	NA	0.06	0.89	NA	XXX
94360	26	A	Measure airflow resistance	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94360	TC	A	Measure airflow resistance	0.00	0.49	NA	0.05	0.54	NA	XXX
94370		A	Breath airway closing volume	0.26	1.96	NA	0.03	2.25	NA	XXX
94370	26	A	Breath airway closing volume	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94370	TC	A	Breath airway closing volume	0.00	1.88	NA	0.02	1.90	NA	XXX
94375		A	Respiratory flow volume loop	0.31	0.67	NA	0.03	1.01	NA	XXX
94375	26	A	Respiratory flow volume loop	0.31	0.10	0.10	0.01	0.42	0.42	XXX
94375	TC	A	Respiratory flow volume loop	0.00	0.57	NA	0.02	0.59	NA	XXX
94400		A	CO2 breathing response curve	0.40	0.89	NA	0.06	1.35	NA	XXX
94400	26	A	CO2 breathing response curve	0.40	0.13	0.13	0.01	0.54	0.54	XXX
94400	TC	A	CO2 breathing response curve	0.00	0.76	NA	0.05	0.81	NA	XXX
94450		A	Hypoxia response curve	0.40	0.68	NA	0.04	1.12	NA	XXX
94450	26	A	Hypoxia response curve	0.40	0.12	0.12	0.02	0.54	0.54	XXX
94450	TC	A	Hypoxia response curve	0.00	0.56	NA	0.02	0.58	NA	XXX
94620		A	Pulmonary stress test/simple	0.64	2.47	NA	0.10	3.21	NA	XXX
94620	26	A	Pulmonary stress test/simple	0.64	0.20	0.20	0.02	0.86	0.86	XXX
94620	TC	A	Pulmonary stress test/simple	0.00	2.27	NA	0.08	2.35	NA	XXX
94621		A	Pulm stress test/complex	1.42	2.12	NA	0.13	3.67	NA	XXX
94621	26	A	Pulm stress test/complex	1.42	0.45	0.45	0.05	1.92	1.92	XXX
94621	TC	A	Pulm stress test/complex	0.00	1.67	NA	0.08	1.75	NA	XXX
94640		A	Airway inhalation treatment	0.00	0.70	NA	0.02	0.72	NA	XXX
94642		C	Aerosol inhalation treatment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94650		D	Pressure breathing (IPPB)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94651		D	Pressure breathing (IPPB)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94652		D	Pressure breathing (IPPB)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94656		A	Initial ventilator mgmt	1.22	NA	0.32	0.06	NA	1.60	XXX
94657		A	Continued ventilator mgmt	0.83	NA	0.26	0.03	NA	1.12	XXX
94660		A	Pos airway pressure, CPAP	0.76	0.68	0.24	0.03	1.47	1.03	XXX
94662		A	Neg press ventilation, cnp	0.76	NA	0.24	0.02	NA	1.02	XXX
94664		A	Evaluate pt use of inhaler	0.00	0.52	NA	0.03	0.55	NA	XXX
94665		D	Aerosol or vapor inhalations	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94667		A	Chest wall manipulation	0.00	0.81	NA	0.04	0.85	NA	XXX
94668		A	Chest wall manipulation	0.00	0.71	NA	0.02	0.73	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
94680	....	A	Exhaled air analysis, o2	0.26	1.91	NA	0.06	2.23	NA	XXX
94680	26	A	Exhaled air analysis, o2	0.26	0.09	0.09	0.01	0.36	0.36	XXX
94680	TC	A	Exhaled air analysis, o2	0.00	1.82	NA	0.05	1.87	NA	XXX
94681	....	A	Exhaled air analysis, o2/co2	0.20	2.80	NA	0.11	3.11	NA	XXX
94681	26	A	Exhaled air analysis, o2/co2	0.20	0.07	0.07	0.01	0.28	0.28	XXX
94681	TC	A	Exhaled air analysis, o2/co2	0.00	2.73	NA	0.10	2.83	NA	XXX
94690	....	A	Exhaled air analysis	0.07	2.13	NA	0.04	2.24	NA	XXX
94690	26	A	Exhaled air analysis	0.07	0.02	0.02	0.01	0.10	0.10	XXX
94690	TC	A	Exhaled air analysis	0.00	2.11	NA	0.03	2.14	NA	XXX
94720	....	A	Monoxide diffusing capacity	0.26	1.55	NA	0.06	1.87	NA	XXX
94720	26	A	Monoxide diffusing capacity	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94720	TC	A	Monoxide diffusing capacity	0.00	1.47	NA	0.05	1.52	NA	XXX
94725	....	A	Membrane diffusion capacity	0.26	2.56	NA	0.11	2.93	NA	XXX
94725	26	A	Membrane diffusion capacity	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94725	TC	A	Membrane diffusion capacity	0.00	2.48	NA	0.10	2.58	NA	XXX
94750	....	A	Pulmonary compliance study	0.23	2.07	NA	0.04	2.34	NA	XXX
94750	26	A	Pulmonary compliance study	0.23	0.07	0.07	0.01	0.31	0.31	XXX
94750	TC	A	Pulmonary compliance study	0.00	2.00	NA	0.03	2.03	NA	XXX
94760	....	T	Measure blood oxygen level	0.00	0.09	NA	0.02	0.11	NA	XXX
94761	....	T	Measure blood oxygen level	0.00	0.17	NA	0.05	0.22	NA	XXX
94762	....	A	Measure blood oxygen level	0.00	0.74	NA	0.08	0.82	NA	XXX
94770	....	A	Exhaled carbon dioxide test	0.15	1.68	NA	0.07	1.90	NA	XXX
94770	26	A	Exhaled carbon dioxide test	0.15	0.04	0.04	0.01	0.20	0.20	XXX
94770	TC	A	Exhaled carbon dioxide test	0.00	1.64	NA	0.06	1.70	NA	XXX
94772	....	C	Breath recording, infant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94772	26	C	Breath recording, infant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94772	TC	C	Breath recording, infant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94799	....	C	Pulmonary service/procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94799	26	C	Pulmonary service/procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94799	TC	C	Pulmonary service/procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95004	....	A	Percut allergy skin tests	0.00	0.10	NA	0.01	0.11	NA	XXX
95010	....	A	Percut allergy titrate test	0.15	0.44	0.06	0.01	0.60	0.22	XXX
95015	....	A	Id allergy titrate-drug/bug	0.15	0.38	0.06	0.01	0.54	0.22	XXX
95024	....	A	Id allergy test, drug/bug	0.00	0.15	NA	0.01	0.16	NA	XXX
95027	....	A	Id allergy titrate-airborne	0.00	0.15	NA	0.01	0.16	NA	XXX
95028	....	A	Id allergy test-delayed type	0.00	0.23	NA	0.01	0.24	NA	XXX
95044	....	A	Allergy patch tests	0.00	0.20	NA	0.01	0.21	NA	XXX
95052	....	A	Photo patch test	0.00	0.25	NA	0.01	0.26	NA	XXX
95056	....	A	Photosensitivity tests	0.00	0.17	NA	0.01	0.18	NA	XXX
95060	....	A	Eye allergy tests	0.00	0.35	NA	0.02	0.37	NA	XXX
95065	....	A	Nose allergy test	0.00	0.20	NA	0.01	0.21	NA	XXX
95070	....	A	Bronchial allergy tests	0.00	2.27	NA	0.02	2.29	NA	XXX
95071	....	A	Bronchial allergy tests	0.00	2.91	NA	0.02	2.93	NA	XXX
95075	....	A	Ingestion challenge test	0.95	0.84	0.40	0.03	1.82	1.38	XXX
95078	....	A	Provocative testing	0.00	0.25	NA	0.02	0.27	NA	XXX
95115	....	A	Immunotherapy, one injection	0.00	0.39	NA	0.02	0.41	NA	000
95117	....	A	Immunotherapy injections	0.00	0.50	NA	0.02	0.52	NA	000
95120	....	I	Immunotherapy, one injection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95125	....	I	Immunotherapy, many antigens	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95130	....	I	Immunotherapy, insect venom	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95131	....	I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95132	....	I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95133	....	I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95134	....	I	Immunotherapy, insect venoms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95144	....	A	Antigen therapy services	0.06	0.25	0.02	0.01	0.32	0.09	000
95145	....	A	Antigen therapy services	0.06	0.49	0.02	0.01	0.56	0.09	000
95146	....	A	Antigen therapy services	0.06	0.61	0.03	0.01	0.68	0.10	000
95147	....	A	Antigen therapy services	0.06	0.83	0.02	0.01	0.90	0.09	000
95148	....	A	Antigen therapy services	0.06	0.81	0.03	0.01	0.88	0.10	000
95149	....	A	Antigen therapy services	0.06	1.02	0.03	0.01	1.09	0.10	000
95165	....	A	Antigen therapy services	0.06	0.20	0.02	0.01	0.27	0.09	000
95170	....	A	Antigen therapy services	0.06	0.26	0.02	0.01	0.33	0.09	000
95180	....	A	Rapid desensitization	2.01	1.60	0.84	0.04	3.65	2.89	000
95199	....	C	Allergy immunology services	0.00	0.00	0.00	0.00	0.00	0.00	000
95250	....	A	Glucose monitoring, cont	0.00	3.22	NA	0.01	3.23	NA	XXX
95805	....	A	Multiple sleep latency test	1.88	17.11	NA	0.34	19.33	NA	XXX
95805	26	A	Multiple sleep latency test	1.88	0.68	0.68	0.06	2.62	2.62	XXX
95805	TC	A	Multiple sleep latency test	0.00	16.43	NA	0.28	16.71	NA	XXX
95806	....	A	Sleep study, unattended	1.66	4.10	NA	0.32	6.08	NA	XXX
95806	26	A	Sleep study, unattended	1.66	0.55	0.55	0.06	2.27	2.27	XXX
95806	TC	A	Sleep study, unattended	0.00	3.55	NA	0.26	3.81	NA	XXX
95807	....	A	Sleep study, attended	1.66	12.00	NA	0.40	14.06	NA	XXX
95807	26	A	Sleep study, attended	1.66	0.54	0.54	0.05	2.25	2.25	XXX
95807	TC	A	Sleep study, attended	0.00	11.46	NA	0.35	11.81	NA	XXX
95808	....	A	Polysomnography, 1-3	2.65	13.10	NA	0.44	16.19	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
95808	26	....	A	Polysomnography, 1-3	2.65	0.95	0.95	0.09	3.69	3.69	XXX
95808	TC	....	A	Polysomnography, 1-3	0.00	12.15	NA	0.35	12.50	NA	XXX
95810	A	Polysomnography, 4 or more	3.53	17.29	NA	0.47	21.29	NA	XXX
95810	26	....	A	Polysomnography, 4 or more	3.53	1.21	1.21	0.12	4.86	4.86	XXX
95810	TC	....	A	Polysomnography, 4 or more	0.00	16.08	NA	0.35	16.43	NA	XXX
95811	A	Polysomnography w/cpap	3.80	17.67	NA	0.49	21.96	NA	XXX
95811	26	....	A	Polysomnography w/cpap	3.80	1.30	1.30	0.13	5.23	5.23	XXX
95811	TC	....	A	Polysomnography w/cpap	0.00	16.37	NA	0.36	16.73	NA	XXX
95812	A	Eeg, 41-60 minutes	1.08	4.72	NA	0.13	5.93	NA	XXX
95812	26	....	A	Eeg, 41-60 minutes	1.08	0.46	0.46	0.04	1.58	1.58	XXX
95812	TC	....	A	Eeg, 41-60 minutes	0.00	4.26	NA	0.09	4.35	NA	XXX
95813	A	Eeg, over 1 hour	1.73	5.80	NA	0.15	7.68	NA	XXX
95813	26	....	A	Eeg, over 1 hour	1.73	0.72	0.72	0.06	2.51	2.51	XXX
95813	TC	....	A	Eeg, over 1 hour	0.00	5.08	NA	0.09	5.17	NA	XXX
95816	A	Eeg, awake and drowsy	1.08	3.67	NA	0.12	4.87	NA	XXX
95816	26	....	A	Eeg, awake and drowsy	1.08	0.47	0.47	0.04	1.59	1.59	XXX
95816	TC	....	A	Eeg, awake and drowsy	0.00	3.20	NA	0.08	3.28	NA	XXX
95819	A	Eeg, awake and asleep	1.08	4.31	NA	0.12	5.51	NA	XXX
95819	26	....	A	Eeg, awake and asleep	1.08	0.47	0.47	0.04	1.59	1.59	XXX
95819	TC	....	A	Eeg, awake and asleep	0.00	3.84	NA	0.08	3.92	NA	XXX
95822	A	Eeg, coma or sleep only	1.08	5.11	NA	0.15	6.34	NA	XXX
95822	26	....	A	Eeg, coma or sleep only	1.08	0.47	0.47	0.04	1.59	1.59	XXX
95822	TC	....	A	Eeg, coma or sleep only	0.00	4.64	NA	0.11	4.75	NA	XXX
95824	C	Eeg, cerebral death only	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95824	26	....	A	Eeg, cerebral death only	0.74	0.32	0.32	0.05	1.11	1.11	XXX
95824	TC	....	C	Eeg, cerebral death only	0.00	0.00	NA	0.00	0.00	NA	XXX
95827	A	Eeg, all night recording	1.08	2.70	NA	0.15	3.93	NA	XXX
95827	26	....	A	Eeg, all night recording	1.08	0.42	0.42	0.03	1.53	1.53	XXX
95827	TC	....	A	Eeg, all night recording	0.00	2.28	NA	0.12	2.40	NA	XXX
95829	A	Surgery electrocorticogram	6.21	40.12	NA	0.33	46.66	NA	XXX
95829	26	....	A	Surgery electrocorticogram	6.21	2.38	2.38	0.31	8.90	8.90	XXX
95829	TC	....	A	Surgery electrocorticogram	0.00	37.74	NA	0.02	37.76	NA	XXX
95830	A	Insert electrodes for EEG	1.70	3.55	0.75	0.07	5.32	2.52	XXX
95831	A	Limb muscle testing, manual	0.28	0.53	0.13	0.01	0.82	0.42	XXX
95832	A	Hand muscle testing, manual	0.29	0.45	0.12	0.01	0.75	0.42	XXX
95833	A	Body muscle testing, manual	0.47	0.61	0.23	0.01	1.09	0.71	XXX
95834	A	Body muscle testing, manual	0.60	0.58	0.28	0.02	1.20	0.90	XXX
95851	A	Range of motion measurements	0.16	0.57	0.08	0.01	0.74	0.25	XXX
95852	A	Range of motion measurements	0.11	0.47	0.05	0.01	0.59	0.17	XXX
95857	A	Tensilon test	0.53	0.65	0.23	0.02	1.20	0.78	XXX
95858	A	Tensilon test & myogram	1.56	1.09	NA	0.07	2.72	NA	XXX
95858	26	....	A	Tensilon test & myogram	1.56	0.69	0.69	0.04	2.29	2.29	XXX
95858	TC	....	A	Tensilon test & myogram	0.00	0.40	NA	0.03	0.43	NA	XXX
95860	A	Muscle test, one limb	0.96	1.62	NA	0.05	2.63	NA	XXX
95860	26	....	A	Muscle test, one limb	0.96	0.43	0.43	0.03	1.42	1.42	XXX
95860	TC	....	A	Muscle test, one limb	0.00	1.19	NA	0.02	1.21	NA	XXX
95861	A	Muscle test, 2 limbs	1.54	1.44	NA	0.10	3.08	NA	XXX
95861	26	....	A	Muscle test, 2 limbs	1.54	0.70	0.70	0.05	2.29	2.29	XXX
95861	TC	....	A	Muscle test, 2 limbs	0.00	0.74	NA	0.05	0.79	NA	XXX
95863	A	Muscle test, 3 limbs	1.87	1.77	NA	0.11	3.75	NA	XXX
95863	26	....	A	Muscle test, 3 limbs	1.87	0.83	0.83	0.06	2.76	2.76	XXX
95863	TC	....	A	Muscle test, 3 limbs	0.00	0.94	NA	0.05	0.99	NA	XXX
95864	A	Muscle test, 4 limbs	1.99	2.66	NA	0.16	4.81	NA	XXX
95864	26	....	A	Muscle test, 4 limbs	1.99	0.89	0.89	0.06	2.94	2.94	XXX
95864	TC	....	A	Muscle test, 4 limbs	0.00	1.77	NA	0.10	1.87	NA	XXX
95867	A	Muscle test cran nerv unilat	0.79	0.94	NA	0.06	1.79	NA	XXX
95867	26	....	A	Muscle test cran nerv unilat	0.79	0.36	0.36	0.03	1.18	1.18	XXX
95867	TC	....	A	Muscle test cran nerv unilat	0.00	0.58	NA	0.03	0.61	NA	XXX
95868	A	Muscle test cran nerve bilat	1.18	1.23	NA	0.08	2.49	NA	XXX
95868	26	....	A	Muscle test cran nerve bilat	1.18	0.53	0.53	0.04	1.75	1.75	XXX
95868	TC	....	A	Muscle test cran nerve bilat	0.00	0.70	NA	0.04	0.74	NA	XXX
95869	A	Muscle test, thor paraspinal	0.37	0.38	NA	0.03	0.78	NA	XXX
95869	26	....	A	Muscle test, thor paraspinal	0.37	0.17	0.17	0.01	0.55	0.55	XXX
95869	TC	....	A	Muscle test, thor paraspinal	0.00	0.21	NA	0.02	0.23	NA	XXX
95870	A	Muscle test, nonparaspinal	0.37	0.37	NA	0.03	0.77	NA	XXX
95870	26	....	A	Muscle test, nonparaspinal	0.37	0.16	0.16	0.01	0.54	0.54	XXX
95870	TC	....	A	Muscle test, nonparaspinal	0.00	0.21	NA	0.02	0.23	NA	XXX
95872	A	Muscle test, one fiber	1.50	1.25	NA	0.08	2.83	NA	XXX
95872	26	....	A	Muscle test, one fiber	1.50	0.65	0.65	0.04	2.19	2.19	XXX
95872	TC	....	A	Muscle test, one fiber	0.00	0.60	NA	0.04	0.64	NA	XXX
95875	A	Limb exercise test	1.10	1.72	NA	0.09	2.91	NA	XXX
95875	26	....	A	Limb exercise test	1.10	0.48	0.48	0.04	1.62	1.62	XXX
95875	TC	....	A	Limb exercise test	0.00	1.24	NA	0.05	1.29	NA	XXX
95900	A	Motor nerve conduction test	0.42	1.12	NA	0.03	1.57	NA	XXX
95900	26	....	A	Motor nerve conduction test	0.42	0.19	0.19	0.01	0.62	0.62	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global		
95900	TC	....	A	Motor nerve conduction test	0.00	0.93	NA	0.02	0.95	NA	XXX
95903	A	....	A	Motor nerve conduction test	0.60	1.07	NA	0.04	1.71	NA	XXX
95903	26	....	A	Motor nerve conduction test	0.60	0.27	0.27	0.02	0.89	0.89	XXX
95903	TC	....	A	Motor nerve conduction test	0.00	0.80	NA	0.02	0.82	NA	XXX
95904	A	....	A	Sense nerve conduction test	0.34	0.95	NA	0.03	1.32	NA	XXX
95904	26	....	A	Sense nerve conduction test	0.34	0.15	0.15	0.01	0.50	0.50	XXX
95904	TC	....	A	Sense nerve conduction test	0.00	0.80	NA	0.02	0.82	NA	XXX
95920	A	....	A	Intraop nerve test add-on	2.11	2.26	NA	0.20	4.57	NA	ZZZ
95920	26	....	A	Intraop nerve test add-on	2.11	0.96	0.96	0.14	3.21	3.21	ZZZ
95920	TC	....	A	Intraop nerve test add-on	0.00	1.30	NA	0.06	1.36	NA	ZZZ
95921	A	....	A	Autonomic nerv function test	0.90	0.72	NA	0.05	1.67	NA	XXX
95921	26	....	A	Autonomic nerv function test	0.90	0.34	0.34	0.03	1.27	1.27	XXX
95921	TC	....	A	Autonomic nerv function test	0.00	0.38	NA	0.02	0.40	NA	XXX
95922	A	....	A	Autonomic nerv function test	0.96	0.79	NA	0.05	1.80	NA	XXX
95922	26	....	A	Autonomic nerv function test	0.96	0.41	0.41	0.03	1.40	1.40	XXX
95922	TC	....	A	Autonomic nerv function test	0.00	0.38	NA	0.02	0.40	NA	XXX
95923	A	....	A	Autonomic nerv function test	0.90	2.92	NA	0.05	3.87	NA	XXX
95923	26	....	A	Autonomic nerv function test	0.90	0.39	0.39	0.03	1.32	1.32	XXX
95923	TC	....	A	Autonomic nerv function test	0.00	2.53	NA	0.02	2.55	NA	XXX
95925	A	....	A	Somatosensory testing	0.54	1.14	NA	0.07	1.75	NA	XXX
95925	26	....	A	Somatosensory testing	0.54	0.23	0.23	0.02	0.79	0.79	XXX
95925	TC	....	A	Somatosensory testing	0.00	0.91	NA	0.05	0.96	NA	XXX
95926	A	....	A	Somatosensory testing	0.54	1.15	NA	0.07	1.76	NA	XXX
95926	26	....	A	Somatosensory testing	0.54	0.24	0.24	0.02	0.80	0.80	XXX
95926	TC	....	A	Somatosensory testing	0.00	0.91	NA	0.05	0.96	NA	XXX
95927	A	....	A	Somatosensory testing	0.54	1.17	NA	0.08	1.79	NA	XXX
95927	26	....	A	Somatosensory testing	0.54	0.26	0.26	0.03	0.83	0.83	XXX
95927	TC	....	A	Somatosensory testing	0.00	0.91	NA	0.05	0.96	NA	XXX
95930	A	....	A	Visual evoked potential test	0.35	1.18	NA	0.02	1.55	NA	XXX
95930	26	....	A	Visual evoked potential test	0.35	0.15	0.15	0.01	0.51	0.51	XXX
95930	TC	....	A	Visual evoked potential test	0.00	1.03	NA	0.01	1.04	NA	XXX
95933	A	....	A	Blink reflex test	0.59	1.03	NA	0.07	1.69	NA	XXX
95933	26	....	A	Blink reflex test	0.59	0.25	0.25	0.02	0.86	0.86	XXX
95933	TC	....	A	Blink reflex test	0.00	0.78	NA	0.05	0.83	NA	XXX
95934	A	....	A	H-reflex test	0.51	0.44	NA	0.04	0.99	NA	XXX
95934	26	....	A	H-reflex test	0.51	0.23	0.23	0.02	0.76	0.76	XXX
95934	TC	....	A	H-reflex test	0.00	0.21	NA	0.02	0.23	NA	XXX
95936	A	....	A	H-reflex test	0.55	0.46	NA	0.04	1.05	NA	XXX
95936	26	....	A	H-reflex test	0.55	0.25	0.25	0.02	0.82	0.82	XXX
95936	TC	....	A	H-reflex test	0.00	0.21	NA	0.02	0.23	NA	XXX
95937	A	....	A	Neuromuscular junction test	0.65	0.61	NA	0.04	1.30	NA	XXX
95937	26	....	A	Neuromuscular junction test	0.65	0.27	0.27	0.02	0.94	0.94	XXX
95937	TC	....	A	Neuromuscular junction test	0.00	0.34	NA	0.02	0.36	NA	XXX
95950	A	....	A	Ambulatory eeg monitoring	1.51	6.79	NA	0.44	8.74	NA	XXX
95950	26	....	A	Ambulatory eeg monitoring	1.51	0.65	0.65	0.08	2.24	2.24	XXX
95950	TC	....	A	Ambulatory eeg monitoring	0.00	6.14	NA	0.36	6.50	NA	XXX
95951	A	....	A	EEG monitoring/videorecord	6.00	2.63	NA	0.58	9.21	NA	XXX
95951	26	....	A	EEG monitoring/videorecord	6.00	2.62	2.62	0.20	8.82	8.82	XXX
95951	TC	....	A	EEG monitoring/videorecord	0.00	0.01	NA	0.38	0.39	NA	XXX
95953	A	....	A	EEG monitoring/computer	3.08	7.63	NA	0.46	11.17	NA	XXX
95953	26	....	A	EEG monitoring/computer	3.08	1.32	1.32	0.10	4.50	4.50	XXX
95953	TC	....	A	EEG monitoring/computer	0.00	6.31	NA	0.36	6.67	NA	XXX
95954	A	....	A	EEG monitoring/giving drugs	2.45	5.04	NA	0.15	7.64	NA	XXX
95954	26	....	A	EEG monitoring/giving drugs	2.45	1.06	1.06	0.10	3.61	3.61	XXX
95954	TC	....	A	EEG monitoring/giving drugs	0.00	3.98	NA	0.05	4.03	NA	XXX
95955	A	....	A	EEG during surgery	1.01	2.32	NA	0.19	3.52	NA	XXX
95955	26	....	A	EEG during surgery	1.01	0.37	0.37	0.05	1.43	1.43	XXX
95955	TC	....	A	EEG during surgery	0.00	1.95	NA	0.14	2.09	NA	XXX
95956	A	....	A	Eeg monitoring, cable/radio	3.08	15.69	NA	0.47	19.24	NA	XXX
95956	26	....	A	Eeg monitoring, cable/radio	3.08	1.33	1.33	0.11	4.52	4.52	XXX
95956	TC	....	A	Eeg monitoring, cable/radio	0.00	14.36	NA	0.36	14.72	NA	XXX
95957	A	....	A	EEG digital analysis	1.98	2.56	NA	0.17	4.71	NA	XXX
95957	26	....	A	EEG digital analysis	1.98	0.87	0.87	0.07	2.92	2.92	XXX
95957	TC	....	A	EEG digital analysis	0.00	1.69	NA	0.10	1.79	NA	XXX
95958	A	....	A	EEG monitoring/function test	4.25	3.51	NA	0.29	8.05	NA	XXX
95958	26	....	A	EEG monitoring/function test	4.25	1.78	1.78	0.18	6.21	6.21	XXX
95958	TC	....	A	EEG monitoring/function test	0.00	1.73	NA	0.11	1.84	NA	XXX
95961	A	....	A	Electrode stimulation, brain	2.97	2.65	NA	0.24	5.86	NA	XXX
95961	26	....	A	Electrode stimulation, brain	2.97	1.35	1.35	0.18	4.50	4.50	XXX
95961	TC	....	A	Electrode stimulation, brain	0.00	1.30	NA	0.06	1.36	NA	XXX
95962	A	....	A	Electrode stim, brain add-on	3.21	2.72	NA	0.23	6.16	NA	ZZZ
95962	26	....	A	Electrode stim, brain add-on	3.21	1.42	1.42	0.17	4.80	4.80	ZZZ
95962	TC	....	A	Electrode stim, brain add-on	0.00	1.30	NA	0.06	1.36	NA	ZZZ
95965	C	....	C	Meg, spontaneous	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95965	26	....	A	Meg, spontaneous	8.00	3.11	3.11	0.31	11.42	11.42	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
95965	TC	C	Meg, spontaneous	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95966		C	Meg, evoked, single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95966	26	A	Meg, evoked, single	4.00	1.55	1.55	0.15	5.70	5.70	XXX
95966	TC	C	Meg, evoked, single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95967		C	Meg, evoked, each addl	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
95967	26	A	Meg, evoked, each addl	3.50	1.36	1.36	0.13	4.99	4.99	ZZZ
95967	TC	C	Meg, evoked, each addl	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
95970		A	Analyze neurostim, no prog	0.45	0.17	0.15	0.03	0.65	0.63	XXX
95971		A	Analyze neurostim, simple	0.78	0.28	0.23	0.06	1.12	1.07	XXX
95972		A	Analyze neurostim, complex	1.50	0.61	0.51	0.17	2.28	2.18	XXX
95973		A	Analyze neurostim, complex	0.92	0.41	0.35	0.07	1.40	1.34	ZZZ
95974		A	Cranial neurostim, complex	3.00	1.32	1.32	0.15	4.47	4.47	XXX
95975		A	Cranial neurostim, complex	1.70	0.75	0.75	0.07	2.52	2.52	ZZZ
95990		A	Spin/brain pump refill & main	0.00	1.49	NA	0.05	1.54	NA	XXX
95999		C	Neurological procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96000		A	Motion analysis, video/3d	1.80	NA	0.70	0.02	NA	2.52	XXX
96001		A	Motion test w/ft press meas	2.15	NA	0.84	0.02	NA	3.01	XXX
96002		A	Dynamic surface emg	0.41	NA	0.16	0.02	NA	0.59	XXX
96003		A	Dynamic fine wire emg	0.37	NA	0.14	0.03	NA	0.54	XXX
96004		A	Phys review of motion tests	2.14	0.84	0.84	0.08	3.06	3.06	XXX
96100		A	Psychological testing	0.00	1.75	NA	0.15	1.90	NA	XXX
96105		A	Assessment of aphasia	0.00	1.75	NA	0.15	1.90	NA	XXX
96110		C	Developmental test, lim	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96111		A	Developmental test, extend	0.00	1.75	NA	0.15	1.90	NA	XXX
96115		A	Neurobehavior status exam	0.00	1.75	NA	0.15	1.90	NA	XXX
96117		A	Neuropsych test battery	0.00	1.75	NA	0.15	1.90	NA	XXX
96150		A	Assess hlth/behav, init	0.50	0.21	0.20	0.02	0.73	0.72	XXX
96151		A	Assess hlth/behav, subseq	0.48	0.20	0.19	0.02	0.70	0.69	XXX
96152		A	Intervene hlth/behav, indiv	0.46	0.19	0.18	0.02	0.67	0.66	XXX
96153		A	Intervene hlth/behav, group	0.10	0.04	0.04	0.01	0.15	0.15	XXX
96154		A	Interv hlth/behav, fam w/pt	0.45	0.19	0.18	0.02	0.66	0.65	XXX
96155		A	Interv hlth/behav fam no pt	0.44	0.18	0.17	0.02	0.64	0.63	XXX
96400		A	Chemotherapy, sc/im	0.00	1.01	NA	0.01	1.02	NA	XXX
96405		A	Intralesional chemo admin	0.52	1.68	0.23	0.02	2.22	0.77	000
96406		A	Intralesional chemo admin	0.80	2.54	0.30	0.02	3.36	1.12	000
96408		A	Chemotherapy, push technique	0.00	0.97	NA	0.05	1.02	NA	XXX
96410		A	Chemotherapy, infusion method	0.00	1.54	NA	0.07	1.61	NA	XXX
96412		A	Chemo, infuse method add-on	0.00	1.14	NA	0.06	1.20	NA	ZZZ
96414		A	Chemo, infuse method add-on	0.00	1.33	NA	0.07	1.40	NA	XXX
96420		A	Chemotherapy, push technique	0.00	1.24	NA	0.07	1.31	NA	XXX
96422		A	Chemotherapy, infusion method	0.00	1.22	NA	0.07	1.29	NA	XXX
96423		A	Chemo, infuse method add-on	0.00	0.48	NA	0.02	0.50	NA	ZZZ
96425		A	Chemotherapy, infusion method	0.00	1.42	NA	0.07	1.49	NA	XXX
96440		A	Chemotherapy, intracavitary	2.37	7.92	1.04	0.12	10.41	3.53	000
96445		A	Chemotherapy, intracavitary	2.20	7.97	1.02	0.07	10.24	3.29	000
96450		A	Chemotherapy, into CNS	1.89	6.30	0.93	0.06	8.25	2.88	000
96520		A	Port pump refill & main	0.00	0.89	NA	0.05	0.94	NA	XXX
96530		A	Syst pump refill & main	0.00	1.05	NA	0.05	1.10	NA	XXX
96542		A	Chemotherapy injection	1.42	3.99	0.55	0.05	5.46	2.02	XXX
96545		B	Provide chemotherapy agent	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96549		C	Chemotherapy, unspecified	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96567		A	Photodynamic tx, skin	0.00	5.10	NA	0.03	5.13	NA	XXX
96570		A	Photodynamic tx, 30 min	1.10	0.38	0.37	0.04	1.52	1.51	ZZZ
96571		A	Photodynamic tx, addl 15 min	0.55	0.21	0.20	0.02	0.78	0.77	ZZZ
96900		A	Ultraviolet light therapy	0.00	0.49	NA	0.02	0.51	NA	XXX
96902		B	Trichogram	+0.41	0.25	0.16	0.01	0.67	0.58	XXX
96910		A	Photochemotherapy with UV-B	0.00	1.57	NA	0.03	1.60	NA	XXX
96912		A	Photochemotherapy with UV-A	0.00	1.80	NA	0.04	1.84	NA	XXX
96913		A	Photochemotherapy, UV-A or B	0.00	2.71	NA	0.08	2.79	NA	XXX
96920		A	Laser tx, skin < 250 sq cm	1.15	2.88	0.45	0.09	4.12	1.69	000
96921		A	Laser tx, skin 250-500 sq cm	1.17	2.96	0.46	0.09	4.22	1.72	000
96922		A	Laser tx, skin > 500 sq cm	2.10	3.56	0.82	0.16	5.82	3.08	000
96999		C	Dermatological procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97001		A	Pt evaluation	1.20	0.74	0.46	0.05	1.99	1.71	XXX
97002		A	Pt re-evaluation	0.60	0.45	0.24	0.02	1.07	0.86	XXX
97003		A	Ot evaluation	1.20	0.87	0.41	0.05	2.12	1.66	XXX
97004		A	Ot re-evaluation	0.60	0.68	0.20	0.02	1.30	0.82	XXX
97005		I	Athletic train eval	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97006		I	Athletic train reeval	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97010		B	Hot or cold packs therapy	+0.06	0.05	NA	0.01	0.12	NA	XXX
97012		A	Mechanical traction therapy	0.25	0.14	NA	0.01	0.40	NA	XXX
97014		I	Electric stimulation therapy	+0.18	0.19	0.19	0.01	0.38	0.38	XXX
97016		A	Vasopneumatic device therapy	0.18	0.19	NA	0.01	0.38	NA	XXX
97018		A	Paraffin bath therapy	0.06	0.11	NA	0.01	0.18	NA	XXX
97020		A	Microwave therapy	0.06	0.06	NA	0.01	0.13	NA	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
97022	A	Whirlpool therapy	0.17	0.22	NA	0.01	0.40	NA	XXX
97024	A	Diathermy treatment	0.06	0.06	NA	0.01	0.13	NA	XXX
97026	A	Infrared therapy	0.06	0.06	NA	0.01	0.13	NA	XXX
97028	A	Ultraviolet therapy	0.08	0.07	NA	0.01	0.16	NA	XXX
97032	A	Electrical stimulation	0.25	0.18	NA	0.01	0.44	NA	XXX
97033	A	Electric current therapy	0.26	0.27	NA	0.02	0.55	NA	XXX
97034	A	Contrast bath therapy	0.21	0.16	NA	0.01	0.38	NA	XXX
97035	A	Ultrasound therapy	0.21	0.11	NA	0.01	0.33	NA	XXX
97036	A	Hydrotherapy	0.28	0.33	NA	0.01	0.62	NA	XXX
97039	A	Physical therapy treatment	0.20	0.11	NA	0.01	0.32	NA	XXX
97110	A	Therapeutic exercises	0.45	0.28	NA	0.03	0.76	NA	XXX
97112	A	Neuromuscular reeducation	0.45	0.31	NA	0.02	0.78	NA	XXX
97113	A	Aquatic therapy/exercises	0.44	0.34	NA	0.03	0.81	NA	XXX
97116	A	Gait training therapy	0.40	0.25	NA	0.02	0.67	NA	XXX
97124	A	Massage therapy	0.35	0.24	NA	0.01	0.60	NA	XXX
97139	A	Physical medicine procedure	0.21	0.21	NA	0.01	0.43	NA	XXX
97140	A	Manual therapy	0.43	0.27	NA	0.02	0.72	NA	XXX
97150	A	Group therapeutic procedures	0.27	0.21	NA	0.02	0.50	NA	XXX
97504	A	Orthotic training	0.45	0.29	NA	0.03	0.77	NA	XXX
97520	A	Prosthetic training	0.45	0.28	NA	0.02	0.75	NA	XXX
97530	A	Therapeutic activities	0.44	0.31	NA	0.02	0.77	NA	XXX
97532	A	Cognitive skills development	0.44	0.20	NA	0.01	0.65	NA	XXX
97533	A	Sensory integration	0.44	0.24	NA	0.01	0.69	NA	XXX
97535	A	Self care mngmt training	0.45	0.36	NA	0.02	0.83	NA	XXX
97537	A	Community/work reintegration	0.45	0.27	NA	0.01	0.73	NA	XXX
97542	A	Wheelchair mngmt training	0.45	0.29	NA	0.01	0.75	NA	XXX
97545	R	Work hardening	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97546	R	Work hardening add-on	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
97601	A	Wound(s) care, selective	0.50	0.53	NA	0.04	1.07	NA	XXX
97602	B	Wound(s) care non-selective	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97703	A	Prosthetic checkout	0.25	0.33	NA	0.02	0.60	NA	XXX
97750	A	Physical performance test	0.45	0.31	NA	0.02	0.78	NA	XXX
97780	N	Acupuncture w/o stimul	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97781	N	Acupuncture w/stimul	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97799	C	Physical medicine procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97802	A	Medical nutrition, indiv, in	0.00	0.47	NA	0.01	0.48	NA	XXX
97803	A	Med nutrition, indiv, subseq	0.00	0.47	NA	0.01	0.48	NA	XXX
97804	A	Medical nutrition, group	0.00	0.18	NA	0.01	0.19	NA	XXX
98925	A	Osteopathic manipulation	0.45	0.37	0.15	0.01	0.83	0.61	000
98926	A	Osteopathic manipulation	0.65	0.44	0.26	0.02	1.11	0.93	000
98927	A	Osteopathic manipulation	0.87	0.51	0.30	0.03	1.41	1.20	000
98928	A	Osteopathic manipulation	1.03	0.59	0.35	0.03	1.65	1.41	000
98929	A	Osteopathic manipulation	1.19	0.65	0.38	0.04	1.88	1.61	000
98940	A	Chiropractic manipulation	0.45	0.24	0.13	0.01	0.70	0.59	000
98941	A	Chiropractic manipulation	0.65	0.30	0.18	0.02	0.97	0.85	000
98942	A	Chiropractic manipulation	0.87	0.37	0.24	0.03	1.27	1.14	000
98943	N	Chiropractic manipulation	+0.40	0.24	0.16	0.01	0.65	0.57	XXX
99000	B	Specimen handling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99001	B	Specimen handling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99002	B	Device handling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99024	B	Postop follow-up visit	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99025	B	Initial surgical evaluation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99026	I	In-hospital on call service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99027	I	Out-of-hosp on call service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99050	B	Medical services after hrs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99052	B	Medical services at night	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99054	B	Medical servcs, unusual hrs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99056	B	Non-office medical services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99058	B	Office emergency care	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99070	B	Special supplies	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99071	B	Patient education materials	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99075	N	Medical testimony	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99078	B	Group health education	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99080	B	Special reports or forms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99082	C	Unusual physician travel	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99090	B	Computer data analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99091	B	Collect/review data from pt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99100	B	Special anesthesia service	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99116	B	Anesthesia with hypothermia	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99135	B	Special anesthesia procedure	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99140	B	Emergency anesthesia	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99141	B	Sedation, iv/im or inhalant	+0.80	2.15	0.39	0.04	2.99	1.23	XXX
99142	B	Sedation, oral/rectal/nasal	+0.60	1.25	0.31	0.03	1.88	0.94	XXX
99170	A	Anogenital exam, child	1.75	2.07	0.53	0.07	3.89	2.35	000
99172	N	Ocular function screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
99173	N	Visual acuity screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99175	A	Induction of vomiting	0.00	1.38	NA	0.08	1.46	NA	XXX
99183	A	Hyperbaric oxygen therapy	2.34	NA	0.75	0.12	NA	3.21	XXX
99185	A	Regional hypothermia	0.00	0.64	NA	0.03	0.67	NA	XXX
99186	A	Total body hypothermia	0.00	1.77	NA	0.37	2.14	NA	XXX
99190	X	Special pump services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99191	X	Special pump services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99192	X	Special pump services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99195	A	Phlebotomy	0.00	0.45	NA	0.02	0.47	NA	XXX
99199	C	Special service/proc/report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99201	A	Office/outpatient visit, new	0.45	0.48	0.16	0.02	0.95	0.63	XXX
99202	A	Office/outpatient visit, new	0.88	0.77	0.32	0.05	1.70	1.25	XXX
99203	A	Office/outpatient visit, new	1.34	1.10	0.49	0.08	2.52	1.91	XXX
99204	A	Office/outpatient visit, new	2.00	1.49	0.72	0.10	3.59	2.82	XXX
99205	A	Office/outpatient visit, new	2.67	1.79	0.95	0.12	4.58	3.74	XXX
99211	A	Office/outpatient visit, est	0.17	0.38	0.06	0.01	0.56	0.24	XXX
99212	A	Office/outpatient visit, est	0.45	0.52	0.16	0.02	0.99	0.63	XXX
99213	A	Office/outpatient visit, est	0.67	0.69	0.24	0.03	1.39	0.94	XXX
99214	A	Office/outpatient visit, est	1.10	1.03	0.40	0.04	2.17	1.54	XXX
99215	A	Office/outpatient visit, est	1.77	1.34	0.64	0.07	3.18	2.48	XXX
99217	A	Observation care discharge	1.28	NA	0.44	0.05	NA	1.77	XXX
99218	A	Observation care	1.28	NA	0.44	0.05	NA	1.77	XXX
99219	A	Observation care	2.14	NA	0.73	0.08	NA	2.95	XXX
99220	A	Observation care	2.99	NA	1.03	0.11	NA	4.13	XXX
99221	A	Initial hospital care	1.28	NA	0.46	0.05	NA	1.79	XXX
99222	A	Initial hospital care	2.14	NA	0.75	0.08	NA	2.97	XXX
99223	A	Initial hospital care	2.99	NA	1.04	0.10	NA	4.13	XXX
99231	A	Subsequent hospital care	0.64	NA	0.23	0.02	NA	0.89	XXX
99232	A	Subsequent hospital care	1.06	NA	0.38	0.03	NA	1.47	XXX
99233	A	Subsequent hospital care	1.51	NA	0.53	0.05	NA	2.09	XXX
99234	A	Observ/hosp same date	2.56	NA	0.89	0.11	NA	3.56	XXX
99235	A	Observ/hosp same date	3.42	NA	1.16	0.13	NA	4.71	XXX
99236	A	Observ/hosp same date	4.27	NA	1.45	0.17	NA	5.89	XXX
99238	A	Hospital discharge day	1.28	NA	0.56	0.04	NA	1.88	XXX
99239	A	Hospital discharge day	1.75	NA	0.75	0.05	NA	2.55	XXX
99241	A	Office consultation	0.64	0.61	0.22	0.04	1.29	0.90	XXX
99242	A	Office consultation	1.29	1.02	0.47	0.09	2.40	1.85	XXX
99243	A	Office consultation	1.72	1.35	0.64	0.10	3.17	2.46	XXX
99244	A	Office consultation	2.58	1.80	0.94	0.13	4.51	3.65	XXX
99245	A	Office consultation	3.43	2.26	1.24	0.16	5.85	4.83	XXX
99251	A	Initial inpatient consult	0.66	NA	0.25	0.04	NA	0.95	XXX
99252	A	Initial inpatient consult	1.32	NA	0.51	0.08	NA	1.91	XXX
99253	A	Initial inpatient consult	1.82	NA	0.70	0.09	NA	2.61	XXX
99254	A	Initial inpatient consult	2.64	NA	1.00	0.11	NA	3.75	XXX
99255	A	Initial inpatient consult	3.65	NA	1.36	0.15	NA	5.16	XXX
99261	A	Follow-up inpatient consult	0.42	NA	0.16	0.02	NA	0.60	XXX
99262	A	Follow-up inpatient consult	0.85	NA	0.31	0.03	NA	1.19	XXX
99263	A	Follow-up inpatient consult	1.27	NA	0.46	0.04	NA	1.77	XXX
99271	A	Confirmatory consultation	0.45	0.66	0.16	0.03	1.14	0.64	XXX
99272	A	Confirmatory consultation	0.84	0.89	0.32	0.06	1.79	1.22	XXX
99273	A	Confirmatory consultation	1.19	1.09	0.45	0.07	2.35	1.71	XXX
99274	A	Confirmatory consultation	1.73	1.39	0.65	0.09	3.21	2.47	XXX
99275	A	Confirmatory consultation	2.31	1.64	0.84	0.10	4.05	3.25	XXX
99281	A	Emergency dept visit	0.33	NA	0.09	0.02	NA	0.44	XXX
99282	A	Emergency dept visit	0.55	NA	0.15	0.03	NA	0.73	XXX
99283	A	Emergency dept visit	1.24	NA	0.32	0.08	NA	1.64	XXX
99284	A	Emergency dept visit	1.95	NA	0.49	0.12	NA	2.56	XXX
99285	A	Emergency dept visit	3.06	NA	0.74	0.19	NA	3.99	XXX
99288	B	Direct advanced life support	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99289	A	Ped crit care transport	4.80	NA	1.87	0.14	NA	6.81	XXX
99290	A	Ped crit care transport addl	2.40	NA	0.94	0.07	NA	3.41	ZZZ
99291	A	Critical care, first hour	4.00	1.57	1.30	0.14	5.71	5.44	XXX
99292	A	Critical care, addl 30 min	2.00	0.86	0.65	0.07	2.93	2.72	ZZZ
99293	A	Ped critical care, initial	16.00	NA	5.13	0.70	NA	21.83	XXX
99294	A	Ped critical care, subseq	8.00	NA	2.57	0.23	NA	10.80	XXX
99295	A	Neonate crit care, initial	18.49	NA	5.48	0.70	NA	24.67	XXX
99296	A	Neonate critical care subseq	8.00	NA	2.61	0.23	NA	10.84	XXX
99297	D	Neonatal critical care	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99298	A	Ic for lbw infant < 1500 gm	2.75	NA	0.96	0.10	NA	3.81	XXX
99299	A	Ic, lbw infant 1500-2500 gm	2.50	NA	0.98	0.10	NA	3.58	XXX
99301	A	Nursing facility care	1.20	0.69	0.42	0.04	1.93	1.66	XXX
99302	A	Nursing facility care	1.61	0.97	0.55	0.05	2.63	2.21	XXX
99303	A	Nursing facility care	2.01	1.19	0.68	0.06	3.26	2.75	XXX
99311	A	Nursing fac care, subseq	0.60	0.49	0.21	0.02	1.11	0.83	XXX
99312	A	Nursing fac care, subseq	1.00	0.67	0.34	0.03	1.70	1.37	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
99313	A	Nursing fac care, subseq	1.42	0.87	0.49	0.04	2.33	1.95	XXX
99315	A	Nursing fac discharge day	1.13	0.73	0.38	0.04	1.90	1.55	XXX
99316	A	Nursing fac discharge day	1.50	0.93	0.52	0.05	2.48	2.07	XXX
99321	A	Rest home visit, new patient	0.71	0.45	NA	0.02	1.18	NA	XXX
99322	A	Rest home visit, new patient	1.01	0.70	NA	0.03	1.74	NA	XXX
99323	A	Rest home visit, new patient	1.28	0.92	NA	0.04	2.24	NA	XXX
99331	A	Rest home visit, est pat	0.60	0.47	NA	0.02	1.09	NA	XXX
99332	A	Rest home visit, est pat	0.80	0.58	NA	0.03	1.41	NA	XXX
99333	A	Rest home visit, est pat	1.00	0.71	NA	0.03	1.74	NA	XXX
99341	A	Home visit, new patient	1.01	0.55	NA	0.05	1.61	NA	XXX
99342	A	Home visit, new patient	1.52	0.85	NA	0.05	2.42	NA	XXX
99343	A	Home visit, new patient	2.27	1.26	NA	0.07	3.60	NA	XXX
99344	A	Home visit, new patient	3.03	1.55	NA	0.10	4.68	NA	XXX
99345	A	Home visit, new patient	3.79	1.81	NA	0.12	5.72	NA	XXX
99347	A	Home visit, est patient	0.76	0.48	NA	0.03	1.27	NA	XXX
99348	A	Home visit, est patient	1.26	0.72	NA	0.04	2.02	NA	XXX
99349	A	Home visit, est patient	2.02	1.05	NA	0.06	3.13	NA	XXX
99350	A	Home visit, est patient	3.03	1.43	NA	0.10	4.56	NA	XXX
99354	A	Prolonged service, office	1.77	1.46	0.61	0.06	3.29	2.44	ZZZ
99355	A	Prolonged service, office	1.77	1.24	0.59	0.06	3.07	2.42	ZZZ
99356	A	Prolonged service, inpatient	1.71	NA	0.60	0.06	NA	2.37	ZZZ
99357	A	Prolonged service, inpatient	1.71	NA	0.61	0.06	NA	2.38	ZZZ
99358	B	Prolonged serv, w/o contact	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99359	B	Prolonged serv, w/o contact	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
99360	X	Physician standby services	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99361	B	Physician/team conference	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99362	B	Physician/team conference	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99371	B	Physician phone consultation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99372	B	Physician phone consultation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99373	B	Physician phone consultation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99374	B	Home health care supervision	+1.10	1.49	0.43	0.04	2.63	1.57	XXX
99375	I	Home health care supervision	+1.73	1.57	1.57	0.06	3.36	3.36	XXX
99377	B	Hospice care supervision	+1.10	1.49	0.43	0.04	2.63	1.57	XXX
99378	I	Hospice care supervision	+1.73	1.97	1.97	0.06	3.76	3.76	XXX
99379	B	Nursing fac care supervision	+1.10	1.49	0.43	0.03	2.62	1.56	XXX
99380	B	Nursing fac care supervision	+1.73	1.74	0.68	0.05	3.52	2.46	XXX
99381	N	Prev visit, new, infant	+1.19	1.52	0.46	0.04	2.75	1.69	XXX
99382	N	Prev visit, new, age 1-4	+1.36	1.56	0.53	0.04	2.96	1.93	XXX
99383	N	Prev visit, new, age 5-11	+1.36	1.50	0.53	0.04	2.90	1.93	XXX
99384	N	Prev visit, new, age 12-17	+1.53	1.57	0.60	0.05	3.15	2.18	XXX
99385	N	Prev visit, new, age 18-39	+1.53	1.57	0.60	0.05	3.15	2.18	XXX
99386	N	Prev visit, new, age 40-64	+1.88	1.76	0.73	0.06	3.70	2.67	XXX
99387	N	Prev visit, new, 65 & over	+2.06	1.89	0.80	0.06	4.01	2.92	XXX
99391	N	Prev visit, est, infant	+1.02	1.03	0.40	0.03	2.08	1.45	XXX
99392	N	Prev visit, est, age 1-4	+1.19	1.10	0.46	0.04	2.33	1.69	XXX
99393	N	Prev visit, est, age 5-11	+1.19	1.07	0.46	0.04	2.30	1.69	XXX
99394	N	Prev visit, est, age 12-17	+1.36	1.15	0.53	0.04	2.55	1.93	XXX
99395	N	Prev visit, est, age 18-39	+1.36	1.18	0.53	0.04	2.58	1.93	XXX
99396	N	Prev visit, est, age 40-64	+1.53	1.27	0.60	0.05	2.85	2.18	XXX
99397	N	Prev visit, est, 65 & over	+1.71	1.38	0.67	0.05	3.14	2.43	XXX
99401	N	Preventive counseling, indiv	+0.48	0.63	0.19	0.01	1.12	0.68	XXX
99402	N	Preventive counseling, indiv	+0.98	0.88	0.38	0.02	1.88	1.38	XXX
99403	N	Preventive counseling, indiv	+1.46	1.10	0.57	0.03	2.59	2.06	XXX
99404	N	Preventive counseling, indiv	+1.95	1.34	0.76	0.04	3.33	2.75	XXX
99411	N	Preventive counseling, group	+0.15	0.18	0.06	0.01	0.34	0.22	XXX
99412	N	Preventive counseling, group	+0.25	0.25	0.10	0.01	0.51	0.36	XXX
99420	N	Health risk assessment test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99429	N	Unlisted preventive service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99431	A	Initial care, normal newborn	1.17	NA	0.39	0.04	NA	1.60	XXX
99432	A	Newborn care, not in hosp	1.26	0.84	0.41	0.06	2.16	1.73	XXX
99433	A	Normal newborn care/hospital	0.62	NA	0.20	0.02	NA	0.84	XXX
99435	A	Newborn discharge day hosp	1.50	NA	0.51	0.05	NA	2.06	XXX
99436	A	Attendance, birth	1.50	0.49	0.48	0.05	2.04	2.03	XXX
99440	A	Newborn resuscitation	2.93	NA	0.95	0.11	NA	3.99	XXX
99450	N	Life/disability evaluation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99455	R	Disability examination	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99456	R	Disability examination	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99499	C	Unlisted e&m service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99500	I	Home visit, prenatal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99501	I	Home visit, postnatal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99502	I	Home visit, nb care	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99503	I	Home visit, resp therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99504	I	Home visit mech ventilator	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99505	I	Home visit, stoma care	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99506	I	Home visit, im injection	0.00	0.00	0.00	0.00	0.00	0.00	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
99507	I	Home visit, cath maintain	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99508	F	Home visit, sleep studies	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99509	I	Home visit day life activity	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99510	I	Home visit, sing/m/fam couns	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99511	I	Home visit, fecal/enema mgmt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99512	I	Home visit, hemodialysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99539	F	Home visit, nos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99551	I	Home infus, pain mgmt, iv/sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99552	I	Hm infus pain mgmt, epid/ith	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99553	I	Home infuse, tocolytic tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99554	I	Home infus, hormone/platelet	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99555	I	Home infuse, chemotherapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99556	I	Home infus, antibio/fung/vir	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99557	I	Home infuse, anticoagulant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99558	I	Home infuse, immunotherapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99559	I	Home infus, periton dialysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99560	I	Home infus, entero nutrition	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99561	I	Home infuse, hydration tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99562	I	Home infus, parent nutrition	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99563	I	Home admin, pentamidine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99564	I	Hme infus, antihemophil agnt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99565	I	Home infus, proteinase inhib	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99566	I	Home infuse, iv therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99567	I	Home infuse, sympath agent	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99568	I	Home infus, misc drug, daily	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99569	I	Home infuse, each adtl tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99600	I	Home visit nos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A4890	R	Repair/maint cont hemo equip	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0150	R	Comprehensve oral evaluation	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0240	R	Intraoral occlusal film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0250	R	Extraoral first film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0260	R	Extraoral ea additional film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0270	R	Dental bitewing single film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0272	R	Dental bitewings two films	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0274	R	Dental bitewings four films	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0277	R	Vert bitewings-sev to eight	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0460	R	Pulp vitality test	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0472	R	Gross exam, prep & report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0473	R	Micro exam, prep & report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0474	R	Micro w exam of surg margins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0480	R	Cytopath smear prep & report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0502	R	Other oral pathology procedu	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0999	R	Unspecified diagnostic proce	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1510	R	Space maintainer fxd unilat	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1515	R	Fixed bilat space maintainer	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1520	R	Remove unilat space maintain	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1525	R	Remove bilat space maintain	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1550	R	Recement space maintainer	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D2970	R	Temporary- fractured tooth	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D2999	R	Dental unspec restorative pr	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D3460	R	Endodontic endosseous implan	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D3999	R	Endodontic procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4260	R	Osseous surgery per quadrant	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4263	R	Bone replce graft first site	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4264	R	Bone replce graft each add	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4268	R	Surgical revision procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4270	R	Pedicle soft tissue graft pr	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4271	R	Free soft tissue graft proc	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4273	R	Subepithelial tissue graft	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4355	R	Full mouth debridement	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4381	R	Localized chemo delivery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5911	R	Facial moulage sectional	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5912	R	Facial moulage complete	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5951	R	Feeding aid	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5983	R	Radiation applicator	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5984	R	Radiation shield	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5985	R	Radiation cone locator	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5987	R	Commissure splint	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D6920	R	Dental connector bar	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7111	R	Coronal remnants deciduous t	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7140	R	Extraction erupted tooth/exr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7210	R	Rem imp tooth w mucoper flp	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7220	R	Impact tooth remov soft tiss	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7230	R	Impact tooth remov part bony	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7240	R	Impact tooth remov comp bony	0.00	0.00	0.00	0.00	0.00	0.00	YYY

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
D7241	....	R	Impact tooth rem bony w/comp	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7250	....	R	Tooth root removal	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7260	....	R	Oral antral fistula closure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7261	....	R	Primary closure sinus perf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7291	....	R	Transseptal fibrotomy	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7940	....	R	Reshaping bone orthognathic	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9110	....	R	Tx dental pain minor proc	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9230	....	R	Analgesia	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9248	....	R	Sedation (non-iv)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9630	....	R	Other drugs/medicaments	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9930	....	R	Treatment of complications	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9940	....	R	Dental occlusal guard	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9950	....	R	Occlusion analysis	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9951	....	R	Limited occlusal adjustment	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9952	....	R	Complete occlusal adjustment	0.00	0.00	0.00	0.00	0.00	0.00	YYY
G0001	....	X	Drawing blood for specimen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0002	....	D	Temporary urinary catheter	0.00	0.00	0.00	0.00	0.00	0.00	000
G0004	....	D	ECG transm phys review & int	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0005	....	D	ECG 24 hour recording	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0006	....	D	ECG transmission & analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0007	....	D	ECG phy review & interpret	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0008	....	X	Admin influenza virus vac	0.00	0.00	NA	0.00	0.00	NA	XXX
G0009	....	X	Admin pneumococcal vaccine	0.00	0.00	NA	0.00	0.00	NA	XXX
G0010	....	X	Admin hepatitis b vaccine	0.00	0.00	NA	0.00	0.00	NA	XXX
G0015	....	D	Post symptom ECG tracing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0025	....	B	Collagen skin test kit	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0026	....	D	Fecal leukocyte examination	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0027	....	D	Semen analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0030	....	C	PET imaging prev PET single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0030	26	A	PET imaging prev PET single	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0030	TC	C	PET imaging prev PET single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0031	....	C	PET imaging prev PET multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0031	26	A	PET imaging prev PET multiple	1.87	0.70	0.70	0.06	2.63	2.63	XXX
G0031	TC	C	PET imaging prev PET multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0032	....	C	PET follow SPECT 78464 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0032	26	A	PET follow SPECT 78464 singl	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0032	TC	C	PET follow SPECT 78464 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0033	....	C	PET follow SPECT 78464 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0033	26	A	PET follow SPECT 78464 mult	1.87	0.70	0.70	0.06	2.63	2.63	XXX
G0033	TC	C	PET follow SPECT 78464 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0034	....	C	PET follow SPECT 76865 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0034	26	A	PET follow SPECT 76865 singl	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0034	TC	C	PET follow SPECT 76865 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0035	....	C	PET follow SPECT 78465 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0035	26	A	PET follow SPECT 78465 mult	1.87	0.70	0.70	0.06	2.63	2.63	XXX
G0035	TC	C	PET follow SPECT 78465 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0036	....	C	PET follow cornry angio sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0036	26	A	PET follow cornry angio sing	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0036	TC	C	PET follow cornry angio sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0037	....	C	PET follow cornry angio mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0037	26	A	PET follow cornry angio mult	1.87	0.70	0.70	0.06	2.63	2.63	XXX
G0037	TC	C	PET follow cornry angio mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0038	....	C	PET follow myocard perf sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0038	26	A	PET follow myocard perf sing	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0038	TC	C	PET follow myocard perf sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0039	....	C	PET follow myocard perf mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0039	26	A	PET follow myocard perf mult	1.87	0.70	0.70	0.07	2.64	2.64	XXX
G0039	TC	C	PET follow myocard perf mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0040	....	C	PET follow stress echo singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0040	26	A	PET follow stress echo singl	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0040	TC	C	PET follow stress echo singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0041	....	C	PET follow stress echo mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0041	26	A	PET follow stress echo mult	1.87	0.70	0.70	0.05	2.62	2.62	XXX
G0041	TC	C	PET follow stress echo mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0042	....	C	PET follow ventriculogm sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0042	26	A	PET follow ventriculogm sing	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0042	TC	C	PET follow ventriculogm sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0043	....	C	PET follow ventriculogm mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0043	26	A	PET follow ventriculogm mult	1.87	0.70	0.70	0.06	2.63	2.63	XXX
G0043	TC	C	PET follow ventriculogm mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0044	....	C	PET following rest ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0044	26	A	PET following rest ECG singl	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0044	TC	C	PET following rest ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0045	....	C	PET following rest ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0045	26	A	PET following rest ECG mult	1.87	0.70	0.70	0.06	2.63	2.63	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
G0045 ...	TC ...	C	PET following rest ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0046 ...		C	PET follow stress ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0046 ...	26	A	PET follow stress ECG singl	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0046 ...	TC ...	C	PET follow stress ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0047 ...		C	PET follow stress ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0047 ...	26	A	PET follow stress ECG mult	1.87	0.70	0.70	0.06	2.63	2.63	XXX
G0047 ...	TC ...	C	PET follow stress ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0050 ...		D	Residual urine by ultrasound	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0101 ...		A	CA screen;pelvic/breast exam	0.45	0.51	0.17	0.01	0.97	0.63	XXX
G0102 ...		A	Prostate ca screening; dre	0.17	0.38	0.06	0.01	0.56	0.24	XXX
G0103 ...		X	Psa, total screening	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0104 ...		A	CA screen;flexi sigmoidscope	0.96	1.82	0.52	0.05	2.83	1.53	000
G0105 ...		A	Colorectal scrn; hi risk ind	3.70	8.03	1.72	0.20	11.93	5.62	000
G0106 ...		A	Colon CA screen;barium enema	0.99	2.56	NA	0.15	3.70	NA	XXX
G0106 ...	26	A	Colon CA screen;barium enema	0.99	0.34	0.34	0.04	1.37	1.37	XXX
G0106 ...	TC ...	A	Colon CA screen;barium enema	0.00	2.22	NA	0.11	2.33	NA	XXX
G0107 ...		X	CA screen; fecal blood test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0108 ...		A	Diab manage trn per indiv	0.00	0.82	NA	0.01	0.83	NA	XXX
G0109 ...		A	Diab manage trn ind/group	0.00	0.48	NA	0.01	0.49	NA	XXX
G0110 ...		R	Nett pulm-rehab educ; ind	0.90	0.71	0.30	0.03	1.64	1.23	XXX
G0111 ...		R	Nett pulm-rehab educ; group	0.27	0.29	0.14	0.01	0.57	0.42	XXX
G0112 ...		R	Nett;nutrition guid, initial	1.72	1.22	0.67	0.05	2.99	2.44	XXX
G0113 ...		R	Nett;nutrition guid,subseqnt	1.29	0.84	0.42	0.04	2.17	1.75	XXX
G0114 ...		R	Nett; psychosocial consult	1.20	0.50	0.38	0.03	1.73	1.61	XXX
G0115 ...		R	Nett; psychological testing	1.20	0.65	0.38	0.04	1.89	1.62	XXX
G0116 ...		R	Nett; psychosocial counsel	1.11	1.02	0.34	0.04	2.17	1.49	XXX
G0117 ...		T	Glaucoma scrn hgh risk direc	0.45	0.94	0.21	0.02	1.41	0.68	XXX
G0118 ...		T	Glaucoma scrn hgh risk direc	0.17	0.81	0.08	0.01	0.99	0.26	XXX
G0120 ...		A	Colon ca scrn; barium enema	0.99	2.56	NA	0.15	3.70	NA	XXX
G0120 ...	26	A	Colon ca scrn; barium enema	0.99	0.34	0.34	0.04	1.37	1.37	XXX
G0120 ...	TC ...	A	Colon ca scrn; barium enema	0.00	2.22	NA	0.11	2.33	NA	XXX
G0121 ...		A	Colon ca scrn not hi rsk ind	3.70	8.03	1.72	0.20	11.93	5.62	000
G0122 ...		N	Colon ca scrn; barium enema	+0.99	2.61	NA	0.15	3.75	NA	XXX
G0122 ...	26	N	Colon ca scrn; barium enema	+0.99	0.39	0.39	0.04	1.42	1.42	XXX
G0122 ...	TC ...	N	Colon ca scrn; barium enema	+0.00	2.22	NA	0.11	2.33	NA	XXX
G0123 ...		X	Screen cerv/vag thin layer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0124 ...		A	Screen c/v thin layer by MD	0.42	0.99	0.99	0.01	1.42	1.42	XXX
G0125 ...		A	PET image pulmonary nodule	1.50	55.83	NA	2.00	59.33	NA	XXX
G0125 ...	26	A	PET image pulmonary nodule	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0125 ...	TC ...	A	PET image pulmonary nodule	0.00	55.31	NA	1.95	57.26	NA	XXX
G0127 ...		R	Trim nail(s)	0.17	0.26	0.07	0.01	0.44	0.25	000
G0128 ...		R	CORF skilled nursing service	0.08	0.03	0.03	0.01	0.12	0.12	XXX
G0130 ...		A	Single energy x-ray study	0.22	0.90	NA	0.05	1.17	NA	XXX
G0130 ...	26	A	Single energy x-ray study	0.22	0.11	0.11	0.01	0.34	0.34	XXX
G0130 ...	TC ...	A	Single energy x-ray study	0.00	0.79	NA	0.04	0.83	NA	XXX
G0131 ...		D	CT scan, bone density study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0131 ...	26	D	CT scan, bone density study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0131 ...	TC ...	D	CT scan, bone density study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0132 ...		D	CT scan, bone density study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0132 ...	26	D	CT scan, bone density study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0132 ...	TC ...	D	CT scan, bone density study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0141 ...		A	Scr c/v cyto,autosys and md	0.42	0.99	0.99	0.01	1.42	1.42	XXX
G0143 ...		X	Scr c/v cyto,thinlayer,rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0144 ...		X	Scr c/v cyto,thinlayer,rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0145 ...		X	Scr c/v cyto,thinlayer,rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0147 ...		X	Scr c/v cyto, automated sys	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0148 ...		X	Scr c/v cyto, autosys, rescr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0166 ...		A	Extrnl counterpulse, per tx	0.07	5.57	0.03	0.01	5.65	0.11	XXX
G0167 ...		C	Hyperbaric oz tx;no md reqrd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0168 ...		A	Wound closure by adhesive	0.45	2.24	0.18	0.01	2.70	0.64	000
G0173 ...		X	Stereo radioisurgery,complete	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0175 ...		X	OPPS Service,sched team conf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0176 ...		X	OPPS/PHP;activity therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0177 ...		X	OPPS/PHP; train & educ serv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0179 ...		A	MD recertification HHA PT	0.45	1.09	NA	0.01	1.55	NA	XXX
G0180 ...		A	MD certification HHA patient	0.67	1.31	NA	0.02	2.00	NA	XXX
G0181 ...		A	Home health care supervision	1.73	1.56	NA	0.06	3.35	NA	XXX
G0182 ...		A	Hospice care supervision	1.73	1.75	NA	0.06	3.54	NA	XXX
G0185 ...		D	Transpupillary thermotx	0.00	0.00	0.00	0.00	0.00	0.00	YYY
G0186 ...		C	Dstry eye lesn,fdr vssl tech	0.00	0.00	0.00	0.00	0.00	0.00	YYY
G0187 ...		D	Dstry mclr drusen,photocoag	0.00	0.00	0.00	0.00	0.00	0.00	YYY
G0192 ...		F	Immunization oral/intranasal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0193 ...		D	Endoscopicstudyswallowfunctn	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0194 ...		D	Sensorytestingendoscopicstud	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0195 ...		D	Clinicalevalswallowingfunct	0.00	0.00	0.00	0.00	0.00	0.00	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
G0196 ...		D	Evalofswallowingwithradioopa	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0197 ...		D	Evalofptforprescipspeechdevi	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0198 ...		D	Patientadapation&trainforspe	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0199 ...		D	Reevaluationofpatientusespec	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0200 ...		D	Evalofpatientpresciprovoicep	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0201 ...		D	Modifortraininginusevoicepro	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0202 ...		A	Screeningmammographydigital	0.70	2.80	NA	0.09	3.59	NA	XXX
G0202 ...	26	A	Screeningmammographydigital	0.70	0.27	0.27	0.03	1.00	1.00	XXX
G0202 ...	TC	A	Screeningmammographydigital	0.00	2.53	NA	0.06	2.59	NA	XXX
G0204 ...		A	Diagnosticmammographydigital	0.87	2.84	NA	0.10	3.81	NA	XXX
G0204 ...	26	A	Diagnosticmammographydigital	0.87	0.34	0.34	0.04	1.25	1.25	XXX
G0204 ...	TC	A	Diagnosticmammographydigital	0.00	2.50	NA	0.06	2.56	NA	XXX
G0206 ...		A	Diagnosticmammographydigital	0.70	2.28	NA	0.09	3.07	NA	XXX
G0206 ...	26	A	Diagnosticmammographydigital	0.70	0.27	0.27	0.04	1.01	1.01	XXX
G0206 ...	TC	A	Diagnosticmammographydigital	0.00	2.01	NA	0.05	2.06	NA	XXX
G0210 ...		C	PET img wholebody dxlung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0210 ...	26	A	PET img wholebody dxlung	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0210 ...	TC	C	PET img wholebody dxlung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0211 ...		C	PET img wholbody init lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0211 ...	26	A	PET img wholbody init lung	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0211 ...	TC	C	PET img wholbody init lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0212 ...		C	PET img wholebod restag lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0212 ...	26	A	PET img wholebod restag lung	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0212 ...	TC	C	PET img wholebod restag lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0213 ...		C	PET img wholbody dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0213 ...	26	A	PET img wholbody dx	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0213 ...	TC	C	PET img wholbody dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0214 ...		C	PET img wholebod init	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0214 ...	26	A	PET img wholebod init	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0214 ...	TC	C	PET img wholebod init	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0215 ...		C	PETimg wholebod restag	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0215 ...	26	A	PETimg wholebod restag	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0215 ...	TC	C	PETimg wholebod restag	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0216 ...		C	PET img wholebod dx melanoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0216 ...	26	A	PET img wholebod dx melanoma	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0216 ...	TC	C	PET img wholebod dx melanoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0217 ...		C	PET img wholebod init melan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0217 ...	26	A	PET img wholebod init melan	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0217 ...	TC	C	PET img wholebod init melan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0218 ...		C	PET img wholebod restag mela	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0218 ...	26	A	PET img wholebod restag mela	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0218 ...	TC	C	PET img wholebod restag mela	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0219 ...		N	PET img wholbod melano nonco	+1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0219 ...	26	N	PET img wholbod melano nonco	+1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0219 ...	TC	N	PET img wholbod melano nonco	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0220 ...		C	PET img wholebod dx lymphoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0220 ...	26	A	PET img wholebod dx lymphoma	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0220 ...	TC	C	PET img wholebod dx lymphoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0221 ...		C	PET imag wholbod init lympho	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0221 ...	26	A	PET imag wholbod init lympho	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0221 ...	TC	C	PET imag wholbod init lympho	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0222 ...		C	PET imag wholbod resta lymph	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0222 ...	26	A	PET imag wholbod resta lymph	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0222 ...	TC	C	PET imag wholbod resta lymph	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0223 ...		C	PET imag wholbod reg dx head	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0223 ...	26	A	PET imag wholbod reg dx head	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0223 ...	TC	C	PET imag wholbod reg dx head	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0224 ...		C	PET imag wholbod reg ini hea	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0224 ...	26	A	PET imag wholbod reg ini hea	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0224 ...	TC	C	PET imag wholbod reg ini hea	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0225 ...		C	PET whol restag headneckonly	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0225 ...	26	A	PET whol restag headneckonly	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0225 ...	TC	C	PET whol restag headneckonly	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0226 ...		C	PET img wholbody dx esophagl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0226 ...	26	A	PET img wholbody dx esophagl	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0226 ...	TC	C	PET img wholbody dx esophagl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0227 ...		C	PET img wholbod ini esophage	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0227 ...	26	A	PET img wholbod ini esophage	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0227 ...	TC	C	PET img wholbod ini esophage	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0228 ...		C	PET img wholbod restg esopha	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0228 ...	26	A	PET img wholbod restg esopha	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0228 ...	TC	C	PET img wholbod restg esopha	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0229 ...		C	PET img metaboloc brain pres	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0229 ...	26	A	PET img metaboloc brain pres	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0229 ...	TC	C	PET img metaboloc brain pres	0.00	0.00	0.00	0.00	0.00	0.00	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
G0230 ...		C	PET myocard viability post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0230 ...	26	A	PET myocard viability post	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0230 ...	TC	C	PET myocard viability post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0231 ...		C	PET WhBD colorec; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0231 ...	26	A	PET WhBD colorec; gamma cam	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0231 ...	TC	C	PET WhBD colorec; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0232 ...		C	PET whbd lymphoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0232 ...	26	A	PET whbd lymphoma; gamma cam	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0232 ...	TC	C	PET whbd lymphoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0233 ...		C	PET whbd melanoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0233 ...	26	A	PET whbd melanoma; gamma cam	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0233 ...	TC	C	PET whbd melanoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0234 ...		C	PET WhBD pulm nod; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0234 ...	26	A	PET WhBD pulm nod; gamma cam	1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0234 ...	TC	C	PET WhBD pulm nod; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0236 ...		A	Digital film convert diag ma	0.06	0.44	NA	0.02	0.52	NA	ZZZ
G0236 ...	26	A	Digital film convert diag ma	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
G0236 ...	TC	A	Digital film convert diag ma	0.00	0.42	NA	0.01	0.43	NA	ZZZ
G0237 ...		A	Therapeutic procd strg endure	0.00	0.47	NA	0.02	0.49	NA	XXX
G0238 ...		C	Oth resp proc, indiv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0239 ...		C	Oth resp proc, group	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0240 ...		D	Critic care by MD transport	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0241 ...		D	Each additional 30 minutes	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
G0242 ...		X	Multisource photon ster plan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0243 ...		X	Multisour photon stero treat	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0244 ...		E	Observ care by facility topt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0245 ...		R	Initial foot exam pt lops	0.88	0.77	0.32	0.05	1.70	1.25	XXX
G0246 ...		R	Followup eval of foot pt lop	0.45	0.52	0.16	0.02	0.99	0.63	XXX
G0247 ...		R	Routine footcare pt w lops	0.50	0.52	0.21	0.05	1.07	0.76	ZZZ
G0248 ...		R	Demonstrate use home inr mon	0.00	4.30	NA	0.01	4.31	NA	XXX
G0249 ...		R	Provide test material, equipm	0.00	3.35	NA	0.01	3.36	NA	XXX
G0250 ...		R	MD review interpret of test	0.18	0.07	0.07	0.01	0.26	0.26	XXX
G0251 ...		E	Linear acc based stero radio	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0252 ...		N	PET imaging initial dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0252 ...	26	N	PET imaging initial dx	+1.50	0.60	0.60	0.04	2.14	2.14	XXX
G0252 ...	TC	N	PET imaging initial dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0253 ...		C	PET image brst dection recur	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0253 ...	26	A	PET image brst dection recur	1.87	0.73	0.73	0.07	2.67	2.67	XXX
G0253 ...	TC	C	PET image brst dection recur	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0254 ...		C	PET image brst eval to tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0254 ...	26	A	PET image brst eval to tx	1.87	0.73	0.73	0.07	2.67	2.67	XXX
G0254 ...	TC	C	PET image brst eval to tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0255 ...		N	Current percep threshold tst	+1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0255 ...	26	N	Current percep threshold tst	+1.50	0.59	0.59	0.04	2.13	2.13	XXX
G0255 ...	TC	N	Current percep threshold tst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0256 ...		E	Prostate brachy w palladium	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0257 ...		E	Unsched dialysis ESRD pt hos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0258 ...		E	IV infusion during obs stay	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0259 ...		E	Inject for sacroiliac joint	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0260 ...		E	Inj for sacroiliac jt anesth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0261 ...		E	Prostate brachy w iodine see	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0262 ...		A	Sm intestinal image capsule	2.12	18.67	NA	0.08	20.87	NA	XXX
G0262 ...	26	A	Sm intestinal image capsule	2.12	0.83	0.83	0.02	2.97	2.97	XXX
G0262 ...	TC	A	Sm intestinal image capsule	0.00	17.84	NA	0.06	17.90	NA	XXX
G0263 ...		E	Adm with CHF, CP, asthma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0264 ...		E	Assmt otr CHF, CP, asthma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0265 ...		X	Cryopresevation Freeze+stora	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0266 ...		X	Thawing + expansion froz cel	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0267 ...		X	Bone marrow or psc harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0268 ...		A	Removal of impacted wax md	0.61	0.57	0.24	0.04	1.22	0.89	000
G0269 ...		B	Occlusive device in vein art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0270 ...		A	MNT subs tx for change dx	0.00	0.47	NA	0.01	0.48	NA	XXX
G0271 ...		A	Group MNT 2 or more 30 mins	0.00	0.18	NA	0.01	0.19	NA	XXX
G0272 ...		A	Naso/oro gastric tube pl MD	0.32	0.13	NA	0.02	0.47	NA	000
G0273 ...		A	Pretx planning, non-Hodgkins	0.86	11.36	NA	0.28	12.50	NA	XXX
G0273 ...	26	A	Pretx planning, non-Hodgkins	0.86	0.34	0.34	0.03	1.23	1.23	XXX
G0273 ...	TC	A	Pretx planning, non-Hodgkins	0.00	11.02	NA	0.25	11.27	NA	XXX
G0274 ...		A	Radiopharm tx, non-Hodgkins	2.07	3.42	NA	0.20	5.69	NA	XXX
G0274 ...	26	A	Radiopharm tx, non-Hodgkins	2.07	0.81	0.81	0.08	2.96	2.96	XXX
G0274 ...	TC	A	Radiopharm tx, non-Hodgkins	0.00	2.61	NA	0.12	2.73	NA	XXX
G0275 ...		A	Renal angio, cardiac cath	0.25	0.10	NA	0.01	0.36	NA	ZZZ
G0278 ...		A	Iliac art angio, cardiac cath	0.25	0.10	NA	0.01	0.36	NA	ZZZ
G0279 ...		A	Excorp shock tx, elbow epi	0.06	1.46	NA	0.01	1.53	NA	XXX
G0280 ...		A	Excorp shock tx other than	0.06	1.46	NA	0.01	1.53	NA	XXX
G0281 ...		A	Elec stim unattend for press	0.18	0.35	0.07	0.01	0.54	0.26	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
G0282	N	Elect stim wound care not pd	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0283	A	Elec stim other than wound	0.18	0.35	0.07	0.01	0.54	0.26	XXX
G0288	A	Recon, CTA for surg plan	0.00	10.57	NA	0.15	10.72	NA	XXX
G0289	A	Arthro, loose body + chondro	1.48	0.58	NA	0.27	2.33	NA	ZZZ
G0290	E	Drug-eluting stents, single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0291	E	Drug-eluting stents, each add	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0292	E	Adm exp drugs, clinical trial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0293	E	Non-cov surg proc, clin trial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0294	E	Non-cov proc, clinical trial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0295	N	Electromagnetic therapy onc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9001	X	MCCD, initial rate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9002	X	MCCD, maintenance rate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9003	X	MCCD, risk adj hi, initial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9004	X	MCCD, risk adj lo, initial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9005	X	MCCD, risk adj, maintenance	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9006	X	MCCD, Home monitoring	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9007	X	MCCD, sch team conf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9008	X	Mccd,phys coor-care ovrsght	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9009	X	MCCD, risk adj, level 3	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9010	X	MCCD, risk adj, level 4	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9011	X	MCCD, risk adj, level 5	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9012	X	Other Specified Case Mgmt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9016	N	Demo-smoking cessation coun	0.00	0.00	0.00	0.00	0.00	0.00	XXX
J3370	R	Vancomycin hcl injection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
M0064	A	Visit for drug monitoring	0.37	0.35	0.12	0.01	0.73	0.50	XXX
P3001	A	Screening pap smear by phys	0.42	0.99	0.99	0.01	1.42	1.42	XXX
Q0035	A	Cardiokymography	0.17	0.46	NA	0.03	0.66	NA	XXX
Q0035 ...	26	A	Cardiokymography	0.17	0.07	0.07	0.01	0.25	0.25	XXX
Q0035 ...	TC	A	Cardiokymography	0.00	0.39	NA	0.02	0.41	NA	XXX
Q0091	A	Obtaining screen pap smear	0.37	0.68	0.14	0.01	1.06	0.52	XXX
Q0092	A	Set up port xray equipment	0.00	0.32	NA	0.01	0.33	NA	XXX
Q3014	X	Telehealth facility fee	0.00	0.00	0.00	0.00	0.00	0.00	XXX
R0070	C	Transport portable x-ray	0.00	0.00	0.00	0.00	0.00	0.00	XXX
R0075	C	Transport port x-ray multipl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
R0076	B	Transport portable EKG	0.00	0.00	0.00	0.00	0.00	0.00	XXX
V5299	R	Hearing service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
V5362	R	Speech screening	0.00	0.00	0.00	0.00	0.00	0.00	XXX
V5363	R	Language screening	0.00	0.00	0.00	0.00	0.00	0.00	XXX
V5364	R	Dysphagia screening	0.00	0.00	0.00	0.00	0.00	0.00	XXX

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM C.—CODES WITH INTERIM RVUS

CPT 1/ HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
11400	A	Exc tr-ext b9+marg 0.5 < cm	0.85	2.08	0.96	0.06	2.99	1.87	010
11401	A	Exc tr-ext b9+marg 0.6-1 cm	1.23	2.12	1.08	0.09	3.44	2.40	010
11402	A	Exc tr-ext b9+marg 1.1-2 cm	1.51	2.28	1.14	0.12	3.91	2.77	010
11403	A	Exc tr-ext b9+marg 2.1-3 cm	1.79	2.50	1.35	0.16	4.45	3.30	010
11404	A	Exc tr-ext b9+marg 3.1-4 cm	2.06	2.84	1.42	0.18	5.08	3.66	010
11406	A	Exc tr-ext b9+marg > 4.0 cm	2.76	3.24	1.68	0.25	6.25	4.69	010
11420	A	Exc h-f-nk-sp b9+marg 0.5 <	0.98	1.81	1.00	0.08	2.87	2.06	010
11421	A	Exc h-f-nk-sp b9+marg 0.6-1	1.42	2.12	1.18	0.11	3.65	2.71	010
11422	A	Exc h-f-nk-sp b9+marg 1.1-2	1.63	2.30	1.38	0.14	4.07	3.15	010
11423	A	Exc h-f-nk-sp b9+marg 2.1-3	2.01	2.66	1.49	0.17	4.84	3.67	010
11424	A	Exc h-f-nk-sp b9+marg 3.1-4	2.43	2.93	1.64	0.21	5.57	4.28	010
11426	A	Exc h-f-nk-sp b9+marg > 4 cm	3.78	3.75	2.15	0.34	7.87	6.27	010
11440	A	Exc face-mm b9+marg 0.5 < cm	1.06	2.27	1.41	0.08	3.41	2.55	010
11441	A	Exc face-mm b9+marg 0.6-1 cm	1.48	2.40	1.59	0.11	3.99	3.18	010
11442	A	Exc face-mm b9+marg 1.1-2 cm	1.72	2.66	1.66	0.14	4.52	3.52	010
11443	A	Exc face-mm b9+marg 2.1-3 cm	2.29	3.04	1.90	0.18	5.51	4.37	010
11444	A	Exc face-mm b9+marg 3.1-4 cm	3.14	3.64	2.28	0.25	7.03	5.67	010
11446	A	Exc face-mm b9+marg > 4 cm	4.49	4.26	2.88	0.30	9.05	7.67	010
11600	A	Exc tr-ext mlg+marg 0.5 < cm	1.31	2.53	0.99	0.09	3.93	2.39	010
11601	A	Exc tr-ext mlg+marg 0.6-1 cm	1.80	2.60	1.24	0.12	4.52	3.16	010
11602	A	Exc tr-ext mlg+marg 1.1-2 cm	1.95	2.73	1.29	0.13	4.81	3.37	010
11603	A	Exc tr-ext mlg+marg 2.1-3 cm	2.19	2.96	1.35	0.16	5.31	3.70	010
11604	A	Exc tr-ext mlg+marg 3.1-4 cm	2.40	3.27	1.41	0.18	5.85	3.99	010
11606	A	Exc tr-ext mlg+marg > 4 cm	3.43	3.96	1.76	0.28	7.67	5.47	010
11620	A	Exc h-f-nk-sp mlg+marg 0.5 <	1.19	2.49	0.97	0.09	3.77	2.25	010

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM C.—CODES WITH INTERIM RVUs—Continued

CPT 1 /HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
11621	A	Exc h-f-nk-sp mlg+marg 0.6-1	1.76	2.60	1.27	0.12	4.48	3.15	010
11622	A	Exc h-f-nk-sp mlg+marg 1.1-2	2.09	2.87	1.42	0.15	5.11	3.66	010
11623	A	Exc h-f-nk-sp mlg+marg 2.1-3	2.61	3.22	1.62	0.20	6.03	4.43	010
11624	A	Exc h-f-nk-sp mlg+marg 3.1-4	3.06	3.61	1.81	0.25	6.92	5.12	010
11626	A	Exc h-f-nk-sp mlg+mar > 4 cm	4.30	4.56	2.44	0.35	9.21	7.09	010
11640	A	Exc face-mm malig+marg 0.5 <	1.35	2.54	1.14	0.10	3.99	2.59	010
11641	A	Exc face-mm malig+marg 0.6-1	2.16	2.92	1.57	0.15	5.23	3.88	010
11642	A	Exc face-mm malig+marg 1.1-2	2.59	3.30	1.77	0.18	6.07	4.54	010
11643	A	Exc face-mm malig+marg 2.1-3	3.10	3.70	2.01	0.24	7.04	5.35	010
11644	A	Exc face-mm malig+marg 3.1-4	4.03	4.63	2.56	0.33	8.99	6.92	010
11646	A	Exc face-mm mlg+marg > 4 cm	5.95	5.73	3.60	0.46	12.14	10.01	010
11981	A	Insert drug implant device	1.48	1.59	0.58	0.14	3.21	2.20	XXX
11982	A	Remove drug implant device	1.78	1.71	0.70	0.17	3.66	2.65	XXX
11983	A	Remove/insert drug implant	3.30	2.30	1.28	0.31	5.91	4.89	XXX
17304	A	1 stage mohs, up to 5 spec	7.60	8.09	3.66	0.31	16.00	11.57	000
17305	A	2 stage mohs, up to 5 spec	2.85	3.81	1.37	0.12	6.78	4.34	000
17306	A	3 stage mohs, up to 5 spec	2.85	3.81	1.38	0.12	6.78	4.35	000
17307	A	Mohs addl stage up to 5 spec	2.85	3.82	1.40	0.12	6.79	4.37	000
17310	A	Mohs any stage > 5 spec each	0.62	1.48	0.31	0.05	2.15	0.98	ZZZ
20526	A	Ther injection, carp tunnel	0.94	0.77	0.41	0.06	1.77	1.41	000
20550	A	Inj tendon sheath/ligament	0.75	0.76	0.24	0.06	1.57	1.05	000
20551	A	Inject tendon origin/insert	0.75	0.70	0.34	0.06	1.51	1.15	000
20552	A	Inject trigger point, 1 or 2	0.66	0.66	0.30	0.06	1.38	1.02	000
20553	A	Inject trigger points, => 3	0.75	0.75	0.34	0.06	1.56	1.15	000
20600	A	Drain/inject, joint/bursa	0.66	0.66	0.36	0.06	1.38	1.08	000
20605	A	Drain/inject, joint/bursa	0.68	0.78	0.37	0.06	1.52	1.11	000
20612	A	Aspirate/inj ganglion cyst	0.70	0.77	0.28	0.06	1.53	1.04	000
21030	A	Excise max/zygoma b9 tumor	3.89	4.36	3.64	0.60	8.85	8.13	090
21034	A	Excise max/zygoma mlg tumor	16.17	10.67	10.64	1.37	28.21	28.18	090
21040	A	Excise mandible lesion	3.89	3.76	2.58	0.19	7.84	6.66	090
21046	A	Remove mandible cyst complex	13.00	NA	10.42	1.01	NA	24.43	090
21047	A	Excise lwr jaw cyst w/repair	18.75	NA	9.87	1.53	NA	30.15	090
21048	A	Remove maxilla cyst complex	13.50	NA	10.63	1.01	NA	25.14	090
21049	A	Excis uppr jaw cyst w/repair	18.00	NA	9.55	1.01	NA	28.56	090
21740	A	Reconstruction of sternum	16.50	NA	12.48	2.03	NA	31.01	090
21742	C	Repair stern/nuss w/o scope	0.00	0.00	0.00	0.00	0.00	0.00	090
21743	C	Repair sternum/nuss w/scope	0.00	0.00	0.00	0.00	0.00	0.00	090
23410	A	Repair rotator cuff, acute	12.45	NA	12.81	1.72	NA	26.98	090
23412	A	Repair rotator cuff, chronic	13.31	NA	13.32	1.86	NA	28.49	090
24344	A	Reconstruct elbow lat ligmnt	14.00	NA	11.18	1.83	NA	27.01	090
24346	A	Reconstruct elbow med ligmnt	14.00	NA	11.18	1.83	NA	27.01	090
25320	A	Repair/revise wrist joint	10.77	NA	11.50	1.32	NA	23.59	090
27425	A	Lat retinacular release open	5.22	NA	7.58	0.73	NA	13.53	090
27730	A	Repair of tibia epiphysis	7.41	21.22	10.17	0.75	29.38	18.33	090
27732	A	Repair of fibula epiphysis	5.32	14.21	8.71	0.63	20.16	14.66	090
27734	A	Repair lower leg epiphyses	8.48	NA	9.91	0.85	NA	19.24	090
27870	A	Fusion of ankle joint, open	13.91	NA	14.08	1.95	NA	29.94	090
29806	A	Shoulder arthroscopy/surgery	14.37	NA	11.17	2.00	NA	27.54	090
29827	A	Arthroscop rotator cuff repr	15.36	NA	11.55	1.86	NA	28.77	090
29873	A	Knee arthroscopy/surgery	6.00	NA	6.56	0.73	NA	13.29	090
29899	A	Ankle arthroscopy/surgery	13.91	NA	10.58	1.95	NA	26.44	090
33215	A	Reposition pacing-defib lead	4.76	NA	3.15	0.36	NA	8.27	090
33216	A	Insert lead pace-defib, one	5.78	NA	5.32	0.36	NA	11.46	090
33217	A	Insert lead pace-defib, dual	5.75	NA	5.58	0.36	NA	11.69	090
33224	A	Insert pacing lead & connect	9.05	NA	3.92	0.36	NA	13.33	090
33225	A	L ventric pacing lead add-on	8.34	NA	3.11	0.36	NA	11.81	ZZZ
33226	A	Reposition l ventric lead	8.69	NA	3.79	0.36	NA	12.84	000
33508	A	Endoscopic vein harvest	0.31	NA	0.11	0.03	NA	0.45	ZZZ
33979	A	Insert intracorporeal device	46.00	17.88	17.88	3.98	67.86	67.86	XXX
33980	A	Remove intracorporeal device	56.25	NA	26.47	4.60	NA	87.32	090
34812	A	Xpose for endoprosth, femorl	6.75	NA	2.29	0.49	NA	9.53	000
34825	A	Endovasc extend prosth, init	12.00	NA	5.95	0.86	NA	18.81	090
34826	A	Endovasc exten prosth, addl	4.13	NA	1.41	0.29	NA	5.83	ZZZ
34833	A	Xpose for endoprosth, iliac	12.00	NA	4.98	0.70	NA	17.68	000
34834	A	Xpose, endoprosth, brachial	5.35	NA	2.48	0.49	NA	8.32	000
34900	A	Endovasc iliac repr w/graft	16.38	NA	8.24	1.49	NA	26.11	090
35572	A	Harvest femoropopliteal vein	6.82	NA	2.57	0.63	NA	10.02	ZZZ
36415	I	Routine venipuncture	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36416	I	Capillary blood draw	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36511	A	Apheresis wbc	1.74	NA	0.70	0.06	NA	2.50	000
36512	A	Apheresis rbc	1.74	NA	0.70	0.06	NA	2.50	000
36513	A	Apheresis platelets	1.74	NA	0.70	0.06	NA	2.50	000
36514	A	Apheresis plasma	1.74	NA	0.70	0.06	NA	2.50	000
36515	A	Apheresis, adsorp/reinfuse	1.74	NA	0.70	0.06	NA	2.50	000
36516	A	Apheresis, selective	1.74	NA	0.70	0.06	NA	2.50	000

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.² Copyright 2002 American Dental Association. All rights reserved.³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM C.—CODES WITH INTERIM RVUs—Continued

CPT 1 / HCPCS 2	MOD	Status	Description	Physician Work RVUs ³	Non-Facility PE RVUs	Facility PE RVUs	Mal-Practice RVUs	Non-Facility Total	Facility Total	Global
36536	A	Remove cva device obstruct	3.60	33.54	1.47	0.23	37.37	5.30	000
36537	A	Remove cva lumen obstruct	0.75	7.69	0.49	0.04	8.48	1.28	000
36540	B	Collect blood venous device	0.00	0.00	0.00	0.00	0.00	0.00	XXX
37182	A	Insert hepatic shunt (tips)	17.00	NA	6.37	1.49	NA	24.86	000
37183	A	Remove hepatic shunt (tips)	8.00	NA	3.12	0.43	NA	11.55	000
37500	A	Endoscopy ligate perf veins	11.00	NA	8.70	0.40	NA	20.10	090
37760	A	Ligation, leg veins, open	10.47	NA	5.63	1.11	NA	17.21	090
38204	B	BI donor search management	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38205	R	Harvest allogenic stem cells	1.50	NA	0.61	0.05	NA	2.16	000
38206	R	Harvest auto stem cells	1.50	NA	0.61	0.05	NA	2.16	000
38207	I	Cryopreserve stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38208	I	Thaw preserved stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38209	I	Wash harvest stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38210	I	T-cell depletion of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38211	I	Tumor cell deplete of harvst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38212	I	Rbc depletion of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38213	I	Platelet deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38214	I	Volume deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38215	I	Harvest stem cell concentrtr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38242	A	Lymphocyte infuse transplant	1.71	NA	0.70	0.05	NA	2.46	000
43201	A	Esoph scope w/submucous inj	2.09	4.44	1.27	0.12	6.65	3.48	000
43219	A	Esophagus endoscopy	2.80	NA	1.40	0.16	NA	4.36	000
43236	A	Uppr gi scope w/submuc inj	2.92	4.70	1.26	0.14	7.76	4.32	000
43245	A	Uppr gi scope dilate strictr	3.18	13.87	1.34	0.18	17.23	4.70	000
43256	A	Uppr gi endoscopy w stent	4.35	NA	1.77	0.23	NA	6.35	000
44206	A	Lap part colectomy w/stoma	27.00	NA	11.22	2.02	NA	40.24	090
44207	A	L colectomy/coloproctostomy	30.00	NA	11.82	2.22	NA	44.04	090
44208	A	L colectomy/coloproctostomy	32.00	NA	13.42	2.20	NA	47.62	090
44210	A	Laparo total proctocolectomy	28.00	NA	12.11	2.05	NA	42.16	090
44211	A	Laparo total proctocolectomy	35.00	NA	15.02	2.33	NA	52.35	090
44212	A	Laparo total proctocolectomy	32.50	NA	14.16	2.26	NA	48.92	090
44383	A	Ileoscopy w/stent	2.94	NA	1.42	0.13	NA	4.49	000
44701	A	Intraop colon lavage add-on	3.10	NA	1.07	0.21	NA	4.38	ZZZ
45335	A	Sigmoidoscopy w/submuc inj	1.36	2.48	0.65	0.07	3.91	2.08	000
45340	A	Sig w/balloon dilation	1.66	7.19	0.76	0.07	8.92	2.49	000
45381	A	Colonoscopy, submucous inj	4.20	6.15	1.70	0.21	10.56	6.11	000
45386	A	Colonoscopy dilate stricture	4.58	15.29	1.84	0.21	20.08	6.63	000
46706	A	Repr of anal fistula w/glue	2.39	NA	1.24	0.17	NA	3.80	010
47370	A	Laparo ablate liver tumor rf	19.69	NA	9.72	0.85	NA	30.26	090
47371	A	Laparo ablate liver cryosurg	19.69	NA	9.72	0.85	NA	30.26	090
47380	A	Open ablate liver tumor rf	23.00	NA	11.01	0.85	NA	34.86	090
47381	A	Open ablate liver tumor cryo	23.27	NA	11.12	0.85	NA	35.24	090
47382	A	Percut ablate liver rf	15.19	NA	6.25	1.14	NA	22.58	010
49419	A	Insrt abdom cath for chemotx	6.65	NA	3.81	0.55	NA	11.01	090
49904	A	Omental flap, extra-abdom	20.00	NA	15.98	1.91	NA	37.89	090
49905	A	Omental flap, intra-abdom	6.55	NA	2.34	0.61	NA	9.50	ZZZ
50542	A	Laparo ablate renal mass	20.00	NA	8.34	1.36	NA	29.70	090
50543	A	Laparo partial nephrectomy	25.50	NA	10.48	1.36	NA	37.34	090
50562	A	Renal scope w/tumor resect	10.92	NA	4.02	0.84	NA	15.78	090
51701	A	Insert bladder catheter	0.50	1.06	0.20	0.03	1.59	0.73	000
51702	A	Insert temp bladder cath	0.50	1.97	0.27	0.03	2.50	0.80	000
51703	A	Insert bladder cath, complex	1.47	1.91	0.59	0.09	3.47	2.15	000
51798	A	Us urine capacity measure	0.00	0.48	NA	0.07	0.55	NA	XXX
52001	A	Cystoscopy, removal of clots	5.45	7.89	2.33	0.32	13.66	8.10	000
53440	A	Male sling procedure	13.62	NA	6.33	0.73	NA	20.68	090
53442	A	Remove/revise male sling	11.57	NA	5.93	0.55	NA	18.05	090
55866	A	Laparo radical prostatectomy	30.74	NA	11.79	1.37	NA	43.90	090
56820	A	Exam of vulva w/scope	1.50	1.64	0.65	0.10	3.24	2.25	000
56821	A	Exam/biopsy of vulva w/scope	2.05	2.02	0.92	0.13	4.20	3.10	000
57420	A	Exam of vagina w/scope	1.60	1.68	0.69	0.10	3.38	2.39	000
57421	A	Exam/biopsy of vag w/scope	2.20	2.08	0.98	0.13	4.41	3.31	000
57452	A	Exam of cervix w/scope	1.50	1.70	0.65	0.10	3.30	2.25	000
57454	A	Bx/curett of cervix w/scope	2.33	2.05	1.02	0.13	4.51	3.48	000
57455	A	Biopsy of cervix w/scope	1.99	1.94	0.89	0.13	4.06	3.01	000
57456	A	Endocerv curettage w/scope	1.85	1.86	0.84	0.13	3.84	2.82	000
57460	A	Bx of cervix w/scope, leep	2.83	5.01	1.25	0.28	8.12	4.36	000
57461	A	Conz of cervix w/scope, leep	3.44	5.32	1.50	0.28	9.04	5.22	000
58140	A	Myomectomy abdom method	14.60	NA	7.01	1.46	NA	23.07	090
58145	A	Myomectomy vag method	8.04	NA	4.84	0.80	NA	13.68	090
58146	A	Myomectomy abdom complex	19.00	NA	9.15	1.46	NA	29.61	090
58260	A	Vaginal hysterectomy	12.98	NA	6.68	1.23	NA	20.89	090
58262	A	Vag hyst including t/o	14.77	NA	7.43	1.42	NA	23.62	090
58263	A	Vag hyst w/t/o & vag repair	16.06	NA	7.95	1.55	NA	25.56	090
58267	A	Vag hyst w/urinary repair	17.04	NA	8.52	1.51	NA	27.07	090
58270	A	Vag hyst w/enterocele repair	14.26	NA	7.19	1.37	NA	22.82	090

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM C.—CODES WITH INTERIM RVUs—Continued

CPT 1 /HCPCS 2	MOD	Status	Description	Physician Work RVUs 3	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
58290	A	Vag hyst complex	19.00	NA	9.37	1.23	NA	29.60	090
58291	A	Vag hyst incl t/o, complex	20.79	NA	10.34	1.42	NA	32.55	090
58292	A	Vag hyst t/o & repair, compl	22.08	NA	10.85	1.55	NA	34.48	090
58293	A	Vag hyst w/uro repair, compl	23.06	NA	11.25	1.51	NA	35.82	090
58294	A	Vag hyst w/enterocele, compl	20.28	NA	10.10	1.37	NA	31.75	090
58545	A	Laparoscopic myomectomy	14.60	NA	7.76	1.45	NA	23.81	090
58546	A	Laparo-myomectomy, complex	19.00	NA	9.55	1.45	NA	30.00	090
58550	A	Laparo-asst vag hysterectomy	14.19	NA	7.21	1.44	NA	22.84	010
58552	A	Laparo-vag hyst incl t/o	14.19	NA	7.56	1.44	NA	23.19	090
58553	A	Laparo-vag hyst, complex	19.00	NA	9.57	1.23	NA	29.80	090
58554	A	Laparo-vag hyst w/t/o, compl	19.00	NA	9.26	1.23	NA	29.49	090
61316	A	Implt cran bone flap to abdo	1.39	NA	0.57	0.43	NA	2.39	ZZZ
61322	A	Decompressive craniotomy	29.50	NA	13.88	4.99	NA	48.37	090
61323	A	Decompressive lobectomy	31.00	NA	14.08	4.99	NA	50.07	090
61340	A	Subtemporal decompression	18.66	NA	11.41	3.66	NA	33.73	090
61517	A	Implt brain chemotx add-on	1.38	NA	0.56	0.08	NA	2.02	ZZZ
61623	A	Endovasc tempory vessel occl	9.96	NA	4.23	0.50	NA	14.69	000
61624	A	Transcath occlusion, cns	20.15	NA	7.13	1.15	NA	28.43	000
62148	A	Retr bone flap to fix skull	2.00	NA	0.82	0.43	NA	3.25	ZZZ
62160	A	Neuroendoscopy add-on	3.00	NA	1.16	0.52	NA	4.68	ZZZ
62161	A	Dissect brain w/scope	20.00	NA	9.71	3.70	NA	33.41	090
62162	A	Remove colloid cyst w/scope	25.25	NA	11.89	5.77	NA	42.91	090
62163	A	Neuroendoscopy w/ft removal	15.50	NA	7.97	3.70	NA	27.17	090
62164	A	Remove brain tumor w/scope	27.50	NA	13.12	5.77	NA	46.39	090
62165	A	Remove pituit tumor w/scope	22.00	NA	10.68	3.63	NA	36.31	090
62201	A	Brain cavity shunt w/scope	14.86	NA	9.77	2.52	NA	27.15	090
62263	A	Epidural lysis mult sessions	6.14	13.45	2.43	0.42	20.01	8.99	010
62264	A	Epidural lysis on single day	4.43	11.38	1.32	0.30	16.11	6.05	010
64415	A	N block inj, brachial plexus	1.48	3.05	0.39	0.08	4.61	1.95	000
64416	A	N block cont infuse, b plex	3.50	NA	0.75	0.08	NA	4.33	010
64445	A	N block inj, sciatic, sng	1.48	2.78	0.38	0.08	4.34	1.94	000
64446	A	N blk inj, sciatic, cont inf	3.25	NA	1.15	0.08	NA	4.48	010
64447	A	N block inj fem, single	1.50	NA	0.52	0.08	NA	2.10	000
64448	A	N block inj fem, cont inf	3.00	NA	1.04	0.08	NA	4.12	010
64450	A	N block, other peripheral	1.27	1.30	0.42	0.08	2.65	1.77	000
66990	A	Ophthalmic endoscope add-on	1.51	NA	0.70	0.06	NA	2.27	ZZZ
75901	26	Remove cva device obstruct	0.49	0.17	0.17	0.02	0.68	0.68	XXX
75902	26	Remove cva lumen obstruct	0.39	0.13	0.13	0.02	0.54	0.54	XXX
75953	26	Abdom aneurysm endovas rpr	1.36	0.53	0.53	0.68	2.57	2.57	XXX
75954	26	Iliac aneurysm endovas rpr	1.36	0.48	0.48	0.68	2.52	2.52	XXX
76070	26	Ct bone density, axial	0.25	0.08	0.08	0.01	0.34	0.34	XXX
76071	26	Ct bone density, peripheral	0.22	0.07	0.07	0.01	0.30	0.30	XXX
76085	26	Computer mammogram add-on	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
76362	26	Cat scan for tissue ablation	4.00	1.35	1.35	0.18	5.53	5.53	XXX
76394	26	Mri for tissue ablation	4.25	1.44	1.44	0.19	5.88	5.88	XXX
76490	26	Us for tissue ablation	4.00	1.34	1.34	0.11	5.45	5.45	XXX
76801	26	Ob us < 14 wks, single fetus	0.99	0.36	0.36	0.04	1.39	1.39	XXX
76802	26	Ob us < 14 wks, adtl fetus	0.83	0.30	0.30	0.04	1.17	1.17	XXX
76805	26	Ob us >= 14 wks, sngl fetus	0.99	0.35	0.35	0.04	1.38	1.38	XXX
76810	26	Ob us >= 14 wks, adtl fetus	0.98	0.36	0.36	0.07	1.41	1.41	ZZZ
76811	26	Ob us, detailed, sngl fetus	1.90	0.68	0.68	0.15	2.73	2.73	XXX
76812	26	Ob us, detailed, adtl fetus	1.78	0.65	0.65	0.12	2.55	2.55	ZZZ
76815	26	Ob us, limited, fetus(s)	0.65	0.24	0.24	0.02	0.91	0.91	XXX
76816	26	Ob us, follow-up, per fetus	0.85	0.33	0.33	0.02	1.20	1.20	XXX
76817	26	Transvaginal us, obstetric	0.75	0.28	0.28	0.02	1.05	1.05	XXX
92601	A	Cochlear implt f/up exam < 7	0.00	3.50	NA	0.06	3.56	NA	XXX
92602	A	Reprogram cochlear implt < 7	0.00	2.44	NA	0.06	2.50	NA	XXX
92603	A	Cochlear implt f/up exam 7 >	0.00	2.34	NA	0.06	2.40	NA	XXX
92604	A	Reprogram cochlear implt 7 >	0.00	1.58	NA	0.06	1.64	NA	XXX
92605	B	Eval for nonspeech device rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92606	B	Non-speech device service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92607	A	Ex for speech device rx, 1hr	0.00	2.93	NA	0.04	2.97	NA	XXX
92608	A	Ex for speech device rx adtl	0.00	0.55	NA	0.04	0.59	NA	XXX
92609	A	Use of speech device service	0.00	1.58	NA	0.03	1.61	NA	XXX
92610	A	Evaluate swallowing function	0.00	1.08	NA	0.07	1.15	NA	XXX
92611	A	Motion fluoroscopy/swallow	0.00	1.18	NA	0.07	1.25	NA	XXX
92612	A	Endoscopy swallow tst (fees)	1.27	3.36	0.50	0.07	4.70	1.84	XXX
92613	B	Endoscopy swallow tst (fees)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92614	A	Laryngoscopic sensory test	1.27	2.29	0.50	0.07	3.63	1.84	XXX
92615	B	Eval laryngoscopy sense tst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92616	A	Fees w/laryngeal sense test	1.88	3.02	0.73	0.07	4.97	2.68	XXX
92617	B	Interprt fees/laryngeal test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93580	A	Transcath closure of asd	18.00	NA	7.34	1.14	NA	26.48	000
93581	A	Transcath closure of vsd	24.43	NA	9.84	1.14	NA	35.41	000
93609	26	Map tachycardia, add-on	5.00	2.00	2.00	0.52	7.52	7.52	ZZZ

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.

² Copyright 2002 American Dental Association. All rights reserved.

³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM C.—CODES WITH INTERIM RVUs—Continued

CPT ¹ / HCPCS ²	MOD	Status	Description	Physician Work RVUs ³	Non- Facility PE RVUs	Facility PE RVUs	Mal- Practice RVUs	Non- Facility Total	Facility Total	Global
93613	A	Electrophys map 3d, add-on	7.00	2.72	2.72	0.52	10.24	10.24	ZZZ
93619	26	A	Electrophysiology evaluation	7.32	2.92	2.92	0.38	10.62	10.62	000
93620	26	A	Electrophysiology evaluation	11.59	4.62	4.62	0.60	16.81	16.81	000
93621	26	A	Electrophysiology evaluation	2.10	0.84	0.84	0.15	3.09	3.09	ZZZ
93622	26	A	Electrophysiology evaluation	3.10	1.23	1.23	0.67	5.00	5.00	ZZZ
95990	A	Spin/brain pump refill & main	0.00	1.49	NA	0.05	1.54	NA	XXX
96000	A	Motion analysis, video/3d	1.80	NA	0.70	0.02	NA	2.52	XXX
96001	A	Motion test w/ft press meas	2.15	NA	0.84	0.02	NA	3.01	XXX
96002	A	Dynamic surface emg	0.41	NA	0.16	0.02	NA	0.59	XXX
96003	A	Dynamic fine wire emg	0.37	NA	0.14	0.03	NA	0.54	XXX
96004	A	Phys review of motion tests	2.14	0.84	0.84	0.08	3.06	3.06	XXX
96530	A	Syst pump refill & main	0.00	1.05	NA	0.05	1.10	NA	XXX
96920	A	Laser tx, skin < 250 sq cm	1.15	2.88	0.45	0.09	4.12	1.69	000
96921	A	Laser tx, skin 250-500 sq cm	1.17	2.96	0.46	0.09	4.22	1.72	000
96922	A	Laser tx, skin > 500 sq cm	2.10	3.56	0.82	0.16	5.82	3.08	000
99026	I	In-hospital on call service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99027	I	Out-of-hosp on call service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99289	A	Ped crit care transport	4.80	NA	1.87	0.14	NA	6.81	XXX
99290	A	Ped crit care transport addl	2.40	NA	0.94	0.07	NA	3.41	ZZZ
99293	A	Ped critical care, initial	16.00	NA	5.13	0.70	NA	21.83	XXX
99294	A	Ped critical care, subseq	8.00	NA	2.57	0.23	NA	10.80	XXX
99295	A	Neonate crit care, initial	18.49	NA	5.48	0.70	NA	24.67	XXX
99296	A	Neonate critical care subseq	8.00	NA	2.61	0.23	NA	10.84	XXX
99298	A	lc for lbw infant < 1500 gm	2.75	NA	0.96	0.10	NA	3.81	XXX
99299	A	lc, lbw infant 1500-2500 gm	2.50	NA	0.98	0.10	NA	3.58	XXX
G0262	26	A	Sm intestinal image capsule	2.12	0.83	0.83	0.02	2.97	2.97	XXX
G0268	A	Removal of impacted wax md	0.61	0.57	0.24	0.04	1.22	0.89	000
G0269	B	Occlusive device in vein art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0270	A	MNT subs tx for change dx	0.00	0.47	NA	0.01	0.48	NA	XXX
G0271	A	Group MNT 2 or more 30 mins	0.00	0.18	NA	0.01	0.19	NA	XXX
G0272	A	Naso/oro gastric tube pl MD	0.32	0.13	NA	0.02	0.47	NA	000
G0273	26	A	Pretx planning, non-Hodgkins	0.86	0.34	0.34	0.03	1.23	1.23	XXX
G0274	26	A	Radiopharm tx, non-Hodgkins	2.07	0.81	0.81	0.08	2.96	2.96	XXX
G0275	A	Renal angio, cardiac cath	0.25	0.10	NA	0.01	0.36	NA	ZZZ
G0278	A	Iliac art angio, cardiac cath	0.25	0.10	NA	0.01	0.36	NA	ZZZ
G0279	A	Excorp shock tx, elbow epi	0.06	1.46	NA	0.01	1.53	NA	XXX
G0280	A	Excorp shock tx other than	0.06	1.46	NA	0.01	1.53	NA	XXX
G0281	A	Elec stim unattend for press	0.18	0.35	0.07	0.01	0.54	0.26	XXX
G0283	A	Elec stim other than wound	0.18	0.35	0.07	0.01	0.54	0.26	XXX
G0288	A	Recon, CTA for surg plan	0.00	10.57	NA	0.15	10.72	NA	XXX
G0289	A	Arthro, loose body + chondro	1.48	0.58	NA	0.27	2.33	NA	ZZZ

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All Rights Reserved. Applicable FARS/DFARS Apply.
² Copyright 2002 American Dental Association. All rights reserved.
³ + Indicates RVUs are not used for Medicare payment.

ADDENDUM D.—2002/2003 GEOGRAPHIC PRACTICE COST INDICES BY MEDICARE CARRIER AND LOCALITY

Carrier No.	Locality No.	Locality name	Work	Practice expense	Mal-practice
00510	00	ALABAMA	0.978	0.870	0.807
00831	01	ALASKA	1.064	1.172	1.223
00832	00	ARIZONA	0.994	0.978	1.111
00520	13	ARKANSAS	0.953	0.847	0.340
31146	26	ANAHEIM/SANTA ANA, CA	1.037	1.184	0.955
31146	18	LOS ANGELES, CA	1.056	1.139	0.955
31140	03	MARIN/NAPA/SOLANO, CA	1.015	1.248	0.687
31140	07	OAKLAND/BERKELEY, CA	1.041	1.235	0.687
31140	05	SAN FRANCISCO, CA	1.068	1.458	0.687
31140	06	SAN MATEO, CA	1.048	1.432	0.687
31140	09	SANTA CLARA, CA	1.063	1.380	0.639
31146	17	VENTURA, CA	1.028	1.125	0.783
31146	99	REST OF CALIFORNIA*	1.007	1.034	0.748
31140	99	REST OF CALIFORNIA*	1.007	1.034	0.748
00824	01	COLORADO	0.985	0.992	0.840
00591	00	CONNECTICUT	1.050	1.156	0.966
00902	01	DELAWARE	1.019	1.035	0.712
00903	01	DC + MD/VA SUBURBS	1.050	1.166	0.909
00590	03	FORT LAUDERDALE, FL	0.996	1.018	1.877
00590	04	MIAMI, FL	1.015	1.052	2.528
00590	99	REST OF FLORIDA	0.975	0.946	1.265
00511	01	ATLANTA, GA	1.006	1.059	0.935
00511	99	REST OF GEORGIA	0.970	0.892	0.935

ADDENDUM D.—2002/2003 GEOGRAPHIC PRACTICE COST INDICES BY MEDICARE CARRIER AND LOCALITY—Continued

Carrier No.	Locality No.	Locality name	Work	Practice expense	Mal-practice
00833	01	HAWAII/GUAM	0.997	1.124	0.834
05130	00	IDAHO	0.960	0.881	0.497
00952	16	CHICAGO, IL	1.028	1.092	1.797
00952	12	EAST ST. LOUIS, IL	0.988	0.924	1.691
00952	15	SUBURBAN CHICAGO, IL	1.006	1.071	1.645
00952	99	REST OF ILLINOIS	0.964	0.889	1.157
00630	00	INDIANA	0.981	0.922	0.481
00826	00	IOWA	0.959	0.876	0.596
00650	00	KANSAS*	0.963	0.895	0.756
00740	04	KANSAS*	0.963	0.895	0.756
00660	00	KENTUCKY	0.970	0.866	0.877
00528	01	NEW ORLEANS, LA	0.998	0.945	1.283
00528	99	REST OF LOUISIANA	0.968	0.870	1.073
31142	03	SOUTHERN MAINE	0.979	0.999	0.666
31142	99	REST OF MAINE	0.961	0.910	0.666
00901	01	BALTIMORE/SURR. CNTYS, MD	1.021	1.038	0.916
00901	99	REST OF MARYLAND	0.984	0.972	0.774
31143	01	METROPOLITAN BOSTON	1.041	1.239	0.784
31143	99	REST OF MASSACHUSETTS	1.010	1.129	0.784
00953	01	DETROIT, MI	1.043	1.038	2.738
00953	99	REST OF MICHIGAN	0.997	0.938	1.571
00954	00	MINNESOTA	0.990	0.974	0.452
00512	00	MISSISSIPPI	0.957	0.837	0.779
00740	02	METROPOLITAN KANSAS CITY, MO	0.988	0.967	0.846
00523	01	METROPOLITAN ST. LOUIS, MO	0.994	0.938	0.846
00740	99	REST OF MISSOURI*	0.946	0.825	0.793
00523	99	REST OF MISSOURI*	0.946	0.825	0.793
00751	01	MONTANA	0.950	0.876	0.727
00655	00	NEBRASKA	0.948	0.877	0.430
00834	00	NEVADA	1.005	1.039	1.209
31144	40	NEW HAMPSHIRE	0.986	1.030	0.825
00805	01	NORTHERN NJ	1.058	1.193	0.860
00805	99	REST OF NEW JERSEY	1.029	1.110	0.860
00521	05	NEW MEXICO	0.973	0.900	0.902
00803	01	MANHATTAN, NY	1.094	1.351	1.668
00803	02	NYC SUBURBS/LONG I., NY	1.068	1.251	1.952
00803	03	POUGHKPSIE/N NYC SUBURBS, NY	1.011	1.075	1.275
14330	04	QUEENS, NY	1.058	1.228	1.871
00801	99	REST OF NEW YORK	0.998	0.944	0.764
05535	00	NORTH CAROLINA	0.970	0.931	0.595
00820	01	NORTH DAKOTA	0.950	0.880	0.657
16360	00	OHIO	0.988	0.944	0.957
00522	00	OKLAHOMA	0.968	0.876	0.444
00835	01	PORTLAND, OR	0.996	1.049	0.436
00835	99	REST OF OREGON	0.961	0.933	0.436
00865	01	METROPOLITAN PHILADELPHIA, PA	1.023	1.092	1.413
00865	99	REST OF PENNSYLVANIA	0.989	0.929	0.774
00973	20	PUERTO RICO	0.881	0.712	0.275
00870	01	RHODE ISLAND	1.017	1.065	0.883
00880	01	SOUTH CAROLINA	0.974	0.904	0.279
00820	02	SOUTH DAKOTA	0.935	0.878	0.406
05440	35	TENNESSEE	0.975	0.900	0.592
00900	31	AUSTIN, TX	0.986	0.996	0.859
00900	20	BEAUMONT, TX	0.992	0.890	1.338
00900	09	BRAZORIA, TX	0.992	0.978	1.338
00900	11	DALLAS, TX	1.010	1.065	0.931
00900	28	FORT WORTH, TX	0.987	0.981	0.931
00900	15	GALVESTON, TX	0.988	0.969	1.338
00900	18	HOUSTON, TX	1.020	1.007	1.336
00900	99	REST OF TEXAS	0.966	0.880	0.956
00910	09	UTAH	0.976	0.941	0.644
31145	50	VERMONT	0.973	0.986	0.539
00973	50	VIRGIN ISLANDS	0.965	1.023	1.002
00904	00	VIRGINIA	0.984	0.938	0.500
00836	02	SEATTLE (KING CNTY), WA	1.005	1.100	0.788
00836	99	REST OF WASHINGTON	0.981	0.972	0.788
16510	16	WEST VIRGINIA	0.963	0.850	1.378
00951	00	WISCONSIN	0.981	0.929	0.939
00825	21	WYOMING	0.967	0.895	1.005

*Payment locality is serviced by two carriers.

Note: Work GPCI is the 1/4 work GPCI required by Section 1848(e)(1)(A)(iii) of the Social Security Act. GPCIs rescaled by the following factors for budget neutrality: Work = 0.99699; Practice Expense = 0.99235; Malpractice Expense = 1.00215.

ADDENDUM E.—UPDATED LIST OF CPT1/HCPCS CODES USED TO DESCRIBE CERTAIN DESIGNATED HEALTH SERVICES UNDER THE PHYSICIAN REFERRAL PROVISIONS
 [Section 1877 of the Social Security Act— Effective January 1, 2003]

CLINICAL LABORATORY SERVICES

INCLUDE CPT codes for all clinical laboratory services in the 80000 series, except EXCLUDE CPT codes for the following blood component collection services:

- 86890 Autologous blood process
 - 86891 Autologous blood, op salvage
 - 86927 Plasma, fresh frozen
 - 86930 Frozen blood prep
 - 86931 Frozen blood thaw
 - 86932 Frozen blood freeze/thaw
 - 86945 Blood product/irradiation
 - 86950 Leukocyte transfusion
 - 86965 Pooling blood platelets
 - 86985 Split blood or products
- INCLUDE the following CPT and HCPCS level 2 codes for other clinical laboratory services:
- 0010T TB test,gamma interferon
 - 0023T Phenotype drug test, hiv 1
 - 0026T Measure remnant lipoproteins
 - 0030T Antiprothrombin antibody
 - 0041T Detect ur infect agent w/cpas
 - 0043T Co expired gas analysis
 - G0001 Drawing blood for specimen
 - G0103 Psa, total screening
 - G0107 CA screen; fecal blood test
 - G0123 Screen cerv/vag thin layer
 - G0124 Screen c/v thin layer by MD
 - G0141 Scr c/v cyto,autosys and md
 - G0143 Scr c/v cyto,thinlayer,rescr
 - G0144 Scr c/v cyto,thinlayer,rescr
 - G0145 Scr c/v cyto,thinlayer,rescr
 - G0147 Scr c/v cyto, automated sys
 - G0148 Scr c/v cyto, autosys, rescr
 - P2028 Cephalin flocculation test
 - P2029 Congo red blood test
 - P2031 Hair analysis
 - P2033 Blood thymol turbidity
 - P2038 Blood mucoprotein
 - P3000 Screen pap by tech w md supv
 - P3001 Screening pap smear by phys
 - P7001 Culture bacterial urine
 - P9612 Catheterize for urine spec
 - P9615 Urine specimen collect mult
 - Q0111 Wet mounts/ w preparations
 - Q0112 Potassium hydroxide preps
 - Q0113 Pinworm examinations
 - Q0114 Fern test
 - Q0115 Post-coital mucous exam

PHYSICAL THERAPY, OCCUPATIONAL THERAPY, AND SPEECH-LANGUAGE PATHOLOGY

INCLUDE the following CPT codes for the physical therapy/occupational therapy/speech-language pathology services in the 97000 series:

- 97001 Pt evaluation
- 97002 Pt re-evaluation
- 97003 Ot evaluation
- 97004 Ot re-evaluation
- 97010 Hot or cold packs therapy
- 97012 Mechanical traction therapy
- 97016 Vaspneumatic device therapy
- 97018 Paraffin bath therapy
- 97020 Microwave therapy
- 97022 Whirlpool therapy
- 97024 Diathermy treatment
- 97026 Infrared therapy
- 97028 Ultraviolet therapy
- 97032 Electrical stimulation
- 97033 Electric current therapy
- 97034 Contrast bath therapy
- 97035 Ultrasound therapy

ADDENDUM E.—UPDATED LIST OF CPT1/HCPCS CODES USED TO DESCRIBE CERTAIN DESIGNATED HEALTH SERVICES UNDER THE PHYSICIAN REFERRAL PROVISIONS— Continued

[Section 1877 of the Social Security Act— Effective January 1, 2003]

- 97036 Hydrotherapy
- 97039 Physical therapy treatment
- 97110 Therapeutic exercises
- 97112 Neuromuscular reeducation
- 97113 Aquatic therapy/exercises
- 97116 Gait training therapy
- 97124 Massage therapy
- 97139 Physical medicine procedure
- 97140 Manual therapy
- 97150 Group therapeutic procedures
- 97504 Orthotic training
- 97520 Prosthetic training
- 97530 Therapeutic activities
- 97532 Cognitive skills development
- 97533 Sensory integration
- 97535 Self care mngmt training
- 97537 Community/work reintegration
- 97542 Wheelchair mngmt training
- 97545 Work hardening
- 97546 Work hardening add-on
- 97703 Prosthetic checkout
- 97750 Physical performance test
- 97799 Physical medicine procedure

INCLUDE CPT codes for physical therapy/occupational therapy/speech-language pathology services not in the 97000 series:

- 64550 Apply neurostimulator
 - 90901 Biofeedback train, any meth
 - 90911 Biofeedback peri/uro/rectal
 - 92506 Speech/hearing evaluation
 - 92507 Speech/hearing therapy
 - 92508 Speech/hearing therapy
 - 92526 Oral function therapy
 - 92601 Cochlear implt f/up exam < 7
 - 92602 Reprogram cochlear implt < 7
 - 92603 Cochlear implt f/up exam 7 >
 - 92604 Reprogram cochlear implt 7 >
 - 92607 Ex for speech device rx, 1hr
 - 92608 Ex for speech device rx addl
 - 92609 Use of speech device service
 - 92610 Evaluate swallowing function
 - 92611 Motion fluoroscopy/swallow
 - 92612 Endoscopy swallow tst (fees)
 - 92614 Laryngoscopic sensory test
 - 92616 Fees w/laryngeal sense test
 - 93797 Cardiac rehab
 - 93798 Cardiac rehab/monitor
 - 94667 Chest wall manipulation
 - 94668 Chest wall manipulation
 - 94762 Measure blood oxygen level
 - 95831 Limb muscle testing, manual
 - 95832 Hand muscle testing, manual
 - 95833 Body muscle testing, manual
 - 95834 Body muscle testing, manual
 - 95851 Range of motion measurements
 - 95852 Range of motion measurements
 - 96000 Motion analysis, video/3d
 - 96001 Motion test w/ft press meas
 - 96002 Dynamic surface emg
 - 96003 Dynamic fine wire emg
 - 96105 Assessment of aphasia
 - 96110 Developmental test, lim
 - 96111 Developmental test, extend
 - 96115 Neurobehavior status exam
 - 0019T Extracorp shock wave tx, ms
 - 0020T Extracorp shock wave tx, ft
 - 0029T Magnetic tx for incontinence
- INCLUDE HCPCS level 2 codes for the following physical therapy/occupational therapy/speech-language pathology service:

ADDENDUM E.—UPDATED LIST OF CPT1/HCPCS CODES USED TO DESCRIBE CERTAIN DESIGNATED HEALTH SERVICES UNDER THE PHYSICIAN REFERRAL PROVISIONS— Continued

[Section 1877 of the Social Security Act— Effective January 1, 2003]

- G0279 Excorp shock tx, elbow epi
- G0280 Excorp shock tx other than
- G0281 Elec stim unattnd for press
- G0283 Elec stim other than wound
- Q0086 Physical therapy evaluation/

RADIOLOGY AND CERTAIN OTHER IMAGING SERVICES

INCLUDE the following codes in the CPT 70000 series:

- 70100 X-ray exam of jaw
- 70110 X-ray exam of jaw
- 70120 X-ray exam of mastoids
- 70130 X-ray exam of mastoids
- 70134 X-ray exam of middle ear
- 70140 X-ray exam of facial bones
- 70150 X-ray exam of facial bones
- 70160 X-ray exam of nasal bones
- 70190 X-ray exam of eye sockets
- 70200 X-ray exam of eye sockets
- 70210 X-ray exam of sinuses
- 70220 X-ray exam of sinuses
- 70240 X-ray exam, pituitary saddle
- 70250 X-ray exam of skull
- 70260 X-ray exam of skull
- 70300 X-ray exam of teeth
- 70310 X-ray exam of teeth
- 70320 Full mouth x-ray of teeth
- 70328 X-ray exam of jaw joint
- 70330 X-ray exam of jaw joints
- 70336 Magnetic image, jaw joint
- 70350 X-ray head for orthodontia
- 70355 Panoramic x-ray of jaws
- 70360 X-ray exam of neck
- 70370 Throat x-ray & fluoroscopy
- 70371 Speech evaluation, complex
- 70380 X-ray exam of salivary gland
- 70450 Ct head/brain w/o dye
- 70460 Ct head/brain w/dye
- 70470 Ct head/brain w/o&w dye
- 70480 Ct orbit/ear/fossa w/o dye
- 70481 Ct orbit/ear/fossa w/dye
- 70482 Ct orbit/ear/fossa w/o&w dye
- 70486 Ct maxillofacial w/o dye
- 70487 Ct maxillofacial w/dye
- 70488 Ct maxillofacial w/o&w dye
- 70490 Ct soft tissue neck w/o dye
- 70491 Ct soft tissue neck w/dye
- 70492 Ct sft tsue nck w/o & w/dye
- 70496 Ct angiography, head
- 70498 Ct angiography, neck
- 70540 Mri orbit/face/neck w/o dye
- 70542 Mri orbit/face/neck w/dye
- 70543 Mri orbit/fac/nck w/o&w dye
- 70544 Mr angiography head w/o dye
- 70545 Mr angiography head w/dye
- 70546 Mr angiograph head w/o&w dye
- 70547 Mr angiography neck w/o dye
- 70548 Mr angiography neck w/dye
- 70549 Mr angiograph neck w/o&w dye
- 70551 Mri brain w/o dye
- 70552 Mri brain w/dye
- 70553 Mri brain w/o&w dye
- 71010 Chest x-ray
- 71015 Chest x-ray
- 71020 Chest x-ray
- 71021 Chest x-ray
- 71022 Chest x-ray
- 71023 Chest x-ray and fluoroscopy
- 71030 Chest x-ray
- 71034 Chest x-ray and fluoroscopy
- 71035 Chest x-ray

ADDENDUM E.—UPDATED LIST OF
CPT1/HCPCS CODES USED TO
DESCRIBE CERTAIN DESIGNATED
HEALTH SERVICES UNDER THE PHY-
SICIAN REFERRAL PROVISIONS—
Continued

[Section 1877 of the Social Security Act—
Effective January 1, 2003]

71100	.....	X-ray exam of ribs
71101	.....	X-ray exam of ribs/chest
71110	.....	X-ray exam of ribs
71111	.....	X-ray exam of ribs/ chest
71120	.....	X-ray exam of breastbone
71130	.....	X-ray exam of breastbone
71250	.....	Ct thorax w/o dye
71260	.....	Ct thorax w/dye
71270	.....	Ct thorax w/o&w dye
71275	.....	Ct angiography, chest
71550	.....	Mri chest w/o dye
71551	.....	Mri chest w/dye
71552	.....	Mri chest w/o&w/dye
71555	.....	Mri angio chest w or w/o dye
72010	.....	X-ray exam of spine
72020	.....	X-ray exam of spine
72040	.....	X-ray exam of neck spine
72050	.....	X-ray exam of neck spine
72052	.....	X-ray exam of neck spine
72069	.....	X-ray exam of trunk spine
72070	.....	X-ray exam of thoracic spine
72072	.....	X-ray exam of thoracic spine
72074	.....	X-ray exam of thoracic spine
72080	.....	X-ray exam of trunk spine
72090	.....	X-ray exam of trunk spine
72100	.....	X-ray exam of lower spine
72110	.....	X-ray exam of lower spine
72114	.....	X-ray exam of lower spine
72120	.....	X-ray exam of lower spine
72125	.....	Ct neck spine w/o dye
72126	.....	Ct neck spine w/dye
72127	.....	Ct neck spine w/o&w/dye
72128	.....	Ct chest spine w/o dye
72129	.....	Ct chest spine w/dye
72130	.....	Ct chest spine w/o&w/dye
72131	.....	Ct lumbar spine w/o dye
72132	.....	Ct lumbar spine w/dye
72133	.....	Ct lumbar spine w/o&w/dye
72141	.....	Mri neck spine w/o dye
72142	.....	Mri neck spine w/dye
72146	.....	Mri chest spine w/o dye
72147	.....	Mri chest spine w/dye
72148	.....	Mri lumbar spine w/o dye
72149	.....	Mri lumbar spine w/dye
72156	.....	Mri neck spine w/o&w/dye
72157	.....	Mri chest spine w/o&w/dye
72158	.....	Mri lumbar spine w/o&w/dye
72170	.....	X-ray exam of pelvis
72190	.....	X-ray exam of pelvis
72191	.....	Ct angiograph pelv w/o&w/dye
72192	.....	Ct pelvis w/o dye
72193	.....	Ct pelvis w/dye
72194	.....	Ct pelvis w/o&w/dye
72195	.....	Mri pelvis w/o dye
72196	.....	Mri pelvis w/dye
72197	.....	Mri pelvis w/o & w dye
72200	.....	X-ray exam sacroiliac joints
72202	.....	X-ray exam sacroiliac joints
72220	.....	X-ray exam of tailbone
73000	.....	X-ray exam of collar bone
73010	.....	X-ray exam of shoulder blade
73020	.....	X-ray exam of shoulder
73030	.....	X-ray exam of shoulder
73050	.....	X-ray exam of shoulders
73060	.....	X-ray exam of humerus
73070	.....	X-ray exam of elbow
73080	.....	X-ray exam of elbow
73090	.....	X-ray exam of forearm
73092	.....	X-ray exam of arm, infant
73100	.....	X-ray exam of wrist
73110	.....	X-ray exam of wrist
73120	.....	X-ray exam of hand
73130	.....	X-ray exam of hand
73140	.....	X-ray exam of finger(s)

ADDENDUM E.—UPDATED LIST OF
CPT1/HCPCS CODES USED TO
DESCRIBE CERTAIN DESIGNATED
HEALTH SERVICES UNDER THE PHY-
SICIAN REFERRAL PROVISIONS—
Continued

[Section 1877 of the Social Security Act—
Effective January 1, 2003]

73200	.....	Ct upper extremity w/o dye
73201	.....	Ct upper extremity w/dye
73202	.....	Ct uppr extremity w/o&w/dye
73206	.....	Ct angio upr extrm w/o&w/dye
73218	.....	Mri upper extremity w/o dye
73219	.....	Mri upper extremity w/dye
73220	.....	Mri uppr extremity w/o&w/dye
73221	.....	Mri joint upr extrem w/o dye
73222	.....	Mri joint upr extrem w/dye
73223	.....	Mri joint upr extr w/o&w/dye
73500	.....	X-ray exam of hip
73510	.....	X-ray exam of hip
73520	.....	X-ray exam of hips
73540	.....	X-ray exam of pelvis & hips
73550	.....	X-ray exam of thigh
73560	.....	X-ray exam of knee, 1 or 2
73562	.....	X-ray exam of knee, 3
73564	.....	X-ray exam, knee, 4 or more
73565	.....	X-ray exam of knees
73590	.....	X-ray exam of lower leg
73592	.....	X-ray exam of leg, infant
73600	.....	X-ray exam of ankle
73610	.....	X-ray exam of ankle
73620	.....	X-ray exam of foot
73630	.....	X-ray exam of foot
73650	.....	X-ray exam of heel
73660	.....	X-ray exam of toe(s)
73700	.....	Ct lower extremity w/o dye
73701	.....	Ct lower extremity w/dye
73702	.....	Ct lwr extremity w/o&w/dye
73706	.....	Ct angio lwr extr w/o&w/dye
73718	.....	Mri lower extremity w/o dye
73719	.....	Mri lower extremity w/dye
73720	.....	Mri lwr extremity w/o&w/dye
73721	.....	Mri jnt of lwr extre w/o dye
73722	.....	Mri joint of lwr extr w/dye
73723	.....	Mri joint lwr extr w/o&w/dye
73725	.....	Mr ang lwr ext w or w/o dye
74000	.....	X-ray exam of abdomen
74010	.....	X-ray exam of abdomen
74020	.....	X-ray exam of abdomen
74022	.....	X-ray exam series, abdomen
74150	.....	Ct abdomen w/o dye
74160	.....	Ct abdomen w/dye
74170	.....	Ct abdomen w/o&w/dye
74175	.....	Ct angio abdom w/o&w/dye
74181	.....	Mri abdomen w/o dye
74182	.....	Mri abdomen w/dye
74183	.....	Mri abdomen w/o&w/dye
74185	.....	Mri angio, abdom w or w/o dy
74210	.....	Contrst x-ray exam of throat
74220	.....	Contrast x-ray, esophagus
74230	.....	Cine/vid x-ray, throat/esoph
74240	.....	X-ray exam, upper gi tract
74241	.....	X-ray exam, upper gi tract
74245	.....	X-ray exam, upper gi tract
74246	.....	Contrst x-ray uppr gi tract
74247	.....	Contrst x-ray uppr gi tract
74249	.....	Contrst x-ray uppr gi tract
74250	.....	X-ray exam of small bowel
74290	.....	Contrast x-ray, gallbladder
74291	.....	Contrast x-rays, gallbladder
74710	.....	X-ray measurement of pelvis
75552	.....	Heart mri for morph w/o dye
75553	.....	Heart mri for morph w/dye
75554	.....	Cardiac MRI/function
75555	.....	Cardiac MRI/limited study
75635	.....	Ct angio abdominal arteries
76000	.....	Fluoroscope examination
76006	.....	X-ray stress view
76010	.....	X-ray, nose to rectum
76020	.....	X-rays for bone age
76040	.....	X-rays, bone evaluation
76061	.....	X-rays, bone survey

ADDENDUM E.—UPDATED LIST OF
CPT1/HCPCS CODES USED TO
DESCRIBE CERTAIN DESIGNATED
HEALTH SERVICES UNDER THE PHY-
SICIAN REFERRAL PROVISIONS—
Continued

[Section 1877 of the Social Security Act—
Effective January 1, 2003]

76062	.....	X-rays, bone survey
76065	.....	X-rays, bone evaluation
76066	.....	Joint survey, single view
76070	.....	Ct bone density, axial
76071	.....	Ct bone density, peripheral
76085	.....	Computer mammogram add-on
76090	.....	Mammogram, one breast
76091	.....	Mammogram, both breasts
76092	.....	Mammogram, screening
76093	.....	Magnetic image, breast
76094	.....	Magnetic image, both breasts
76100	.....	X-ray exam of body section
76101	.....	Complex body section x-ray
76102	.....	Complex body section x-rays
76120	.....	Cine/video x-rays
76125	.....	Cine/video x-rays add-on
76150	.....	X-ray exam, dry process
76370	.....	CAT scan for therapy guide
76375	.....	3d/holograph reconstr add-on
76380	.....	CAT scan follow-up study
76400	.....	Magnetic image, bone marrow
76499	.....	Radiographic procedure
76506	.....	Echo exam of head
76511	.....	Echo exam of eye
76512	.....	Echo exam of eye
76513	.....	Echo exam of eye, water bath
76516	.....	Echo exam of eye
76519	.....	Echo exam of eye
76536	.....	Us exam of head and neck
76604	.....	Us exam, chest, b-scan
76645	.....	Us exam, breast(s)
76700	.....	Us exam, abdom, complete
76705	.....	Echo exam of abdomen
76770	.....	Us exam abdo back wall, comp
76775	.....	Us eam abdo back wall,lim
76778	.....	Us exam kidney transplant
76800	.....	Us exam, spinal canal
76801	.....	Ob us < 14 wks, single fetus
76802	.....	Ob us < 14 wks, addl fetus
76805	.....	Ob us >= 14 wks, snl fetus
76810	.....	Ob us >= 14 wks, addl fetus
76811	.....	Ob us, detailed, snl fetus
76812	.....	Ob us, detailed, addl fetus
76815	.....	Ob us, limited, fetus(s)
76816	.....	Ob us, follow-up, per fetus
76818	.....	Fetal biophys profile w/nst
76819	.....	Fetal biophys profil w/o nst
76825	.....	Echo exam of fetal heart
76826	.....	Echo exam of fetal heart
76827	.....	Echo exam of fetal heart
76828	.....	Echo exam of fetal heart
76831	.....	Echo exam, uterus
76856	.....	Us exam, pelvic, complete
76857	.....	Us exam, pelvic, limited
76870	.....	Us exam, scrotum
76880	.....	Us exam, extremity
76885	.....	Us exam infant hips, dynamic
76886	.....	Us exam infant hips, static
76970	.....	Ultrasound exam follow-up
76977	.....	Us bone density measure
76999	.....	Echo examination procedure
INCLUDE the following CPT codes for echocardiography and vascular ultrasound:		
93303	.....	Echo transthoracic
93304	.....	Echo transthoracic
93307	.....	Echo exam of heart
93308	.....	Echo exam of heart
93320	.....	Doppler echo exam, heart [if used in conjunction with 9330393308]
93321	.....	Doppler echo exam, heart [if used in conjunction with 9330393308]

ADDENDUM E.—UPDATED LIST OF CPT1/HCPCS CODES USED TO DESCRIBE CERTAIN DESIGNATED HEALTH SERVICES UNDER THE PHYSICIAN REFERRAL PROVISIONS—Continued

[Section 1877 of the Social Security Act—Effective January 1, 2003]

93325	Doppler color flow add-on [if used in conjunction with 9330393308]
93875	Extracranial study
93880	Extracranial study
93882	Extracranial study
93886	Intracranial study
93888	Intracranial study
93922	Extremity study
93923	Extremity study
93924	Extremity study
93925	Lower extremity study
93926	Lower extremity study
93930	Upper extremity study
93931	Upper extremity study
93965	Extremity study
93970	Extremity study
93971	Extremity study
93975	Vascular study
93976	Vascular study
93978	Vascular study
93979	Vascular study
93980	Penile vascular study
93981	Penile vascular study
93990	Doppler flow testing
INCLUDE the following CPT and HCPCS level 2 codes:	
51798	Us urine capacity measure
0028T	Dexa body composition study
0042T	Ct perfusion w/contrast, cbf
G0202	Screeningmammographydigital
G0204	Diagnosticmammographydigital
G0206	Diagnosticmammographydigital
G0236	digital film convert diag ma
G0262	Sm intestinal image capsule
G0288	Recon, CTA for surg plan
R0070	Transport portable x-ray
R0075	Transport port x-ray multipl
RADIATION THERAPY SERVICES AND SUPPLIES	
INCLUDE the following codes in the CPT 70000 series:	
77261	Radiation therapy planning
77262	Radiation therapy planning
77263	Radiation therapy planning
77280	Set radiation therapy field
77285	Set radiation therapy field
77290	Set radiation therapy field
77295	Set radiation therapy field
77299	Radiation therapy planning
77300	Radiation therapy dose plan
77301	Radiotherapy dose plan, imrt
77305	Teletx isodose plan simple
77310	Teletx isodose plan intermed
77315	Teletx isodose plan complex
77321	Special teletx port plan
77326	Brachytx isodose calc simp
77327	Brachytx isodose calc interm
77328	Brachytx isodose plan compl
77331	Special radiation dosimetry
77332	Radiation treatment aid(s)
77333	Radiation treatment aid(s)
77334	Radiation treatment aid(s)
77336	Radiation physics consult
77370	Radiation physics consult
77399	External radiation dosimetry

ADDENDUM E.—UPDATED LIST OF CPT1/HCPCS CODES USED TO DESCRIBE CERTAIN DESIGNATED HEALTH SERVICES UNDER THE PHYSICIAN REFERRAL PROVISIONS—Continued

[Section 1877 of the Social Security Act—Effective January 1, 2003]

77401	Radiation treatment delivery
77402	Radiation treatment delivery
77403	Radiation treatment delivery
77404	Radiation treatment delivery
77406	Radiation treatment delivery
77407	Radiation treatment delivery
77408	Radiation treatment delivery
77409	Radiation treatment delivery
77411	Radiation treatment delivery
77412	Radiation treatment delivery
77413	Radiation treatment delivery
77414	Radiation treatment delivery
77416	Radiation treatment delivery
77417	Radiology port film(s)
77418	Radiation tx delivery, imrt
77427	Radiation tx management, x5
77431	Radiation therapy management
77432	Stereotactic radiation trmt
77470	Special radiation treatment
77499	Radiation therapy management
77520	Proton trmt, simple w/o comp
77522	Proton trmt, simple w/comp
77523	Proton trmt, intermediate
77525	Proton treatment, complex
77600	Hyperthermia treatment
77605	Hyperthermia treatment
77610	Hyperthermia treatment
77615	Hyperthermia treatment
77620	Hyperthermia treatment
77750	Infuse radioactive materials
77761	Apply intrcav radiat simple
77762	Apply intrcav radiat interm
77763	Apply intrcav radiat compl
77776	Apply interstit radiat simpl
77777	Apply interstit radiat inter
77778	Apply interstit radiat compl
77781	High intensity brachytherapy
77782	High intensity brachytherapy
77783	High intensity brachytherapy
77784	High intensity brachytherapy
77789	Apply surface radiation
77790	Radiation handling
77799	Radium/radioisotope therapy
INCLUDE the following CPT and HCPCS level 2 codes classified elsewhere:	
31643	Diag bronchoscope/catheter
50559	Renal endoscopy/radiotracer
55859	Percut/needle insert, pros
61770	Incise skull for treatment
61793	Focus radiation beam
92974	Cath place, cardio brachytx
G0242	Multisource photon ster plan
G0243	Multisour photon stero treat
G0256	Prostate brachy w palladium
G0261	Prostate brachytherapy w/rad
G0274	Radiopharm tx, non-Hodgkins

PREVENTIVE SCREENING TESTS, IMMUNIZATIONS AND VACCINES

The physician self-referral prohibition does not apply to the following tests if they are performed for screening purposes and satisfy the conditions in §411.355(h):

76085	Computer mammogram add-on [when used in conjunction with 76092]
76092	Mammogram, screening

ADDENDUM E.—UPDATED LIST OF CPT1/HCPCS CODES USED TO DESCRIBE CERTAIN DESIGNATED HEALTH SERVICES UNDER THE PHYSICIAN REFERRAL PROVISIONS—Continued

[Section 1877 of the Social Security Act—Effective January 1, 2003]

76977	Us bone density measure
G0103	Psa, total screening
G0107	CA screen; fecal blood test
G0123	Screen cerv/vag thin layer
G0124	Screen c/v thin layer by MD
G0141	Scr c/v cyto,autosys and md
G0143	Scr c/v cyto,thinlayer,rescr
G0144	Scr c/v cyto,thinlayer,rescr
G0145	Scr c/v cyto,thinlayer,rescr
G0147	Scr c/v cyto, automated sys
G0148	Scr c/v cyto, autosys, rescr
G0202	Screeningmammographydigital
P3000	Screen pap by tech w md supv
P3001	Screening pap smear by phys

DRUGS USED BY PATIENTS UNDERGOING DIALYSIS

The physician self-referral prohibition does not apply to the following EPO and other dialysis-related outpatient prescription drugs furnished in or by an ESRD facility if the conditions in §411.355(g) are satisfied:

J0636	Inj calcitriol per 0.1 mcg
J0895	Deferoxamine mesylate inj
J1270	Injection, doxercalciferol
J1750	Iron dextran
J1756	Iron sucrose injection
J2501	Paricalcitol
J2916	Na ferric gluconate complex
J2997	Alteplase recombinant
Q9920	Epoetin with hct <=20
Q9921	Epoetin with hct = 21
Q9922	Epoetin with hct = 22
Q9923	Epoetin with hct = 23
Q9924	Epoetin with hct = 24
Q9925	Epoetin with hct = 25
Q9926	Epoetin with hct = 26
Q9927	Epoetin with hct = 27
Q9928	Epoetin with hct = 28
Q9929	Epoetin with hct = 29
Q9930	Epoetin with hct = 30
Q9931	Epoetin with hct = 31
Q9932	Epoetin with hct = 32
Q9933	Epoetin with hct = 33
Q9934	Epoetin with hct = 34
Q9935	Epoetin with hct = 35
Q9936	Epoetin with hct = 36
Q9937	Epoetin with hct = 37
Q9938	Epoetin with hct = 38
Q9939	Epoetin with hct = 39
Q9940	Epoetin with hct >= 40

¹ CPT codes and descriptions only are copyright 2002 American Medical Association. All rights are reserved and applicable FARS/DFARS clauses apply.

ADDENDUM F.—CODES REVIEWED BY PEAC

[Codes Refined by the Practice Expense Advisory Committee (PEAC)]

CPT code	Short descriptors	CPT code	Short descriptors
11043	DEBRIDE TISSUE/MUSCLE	15736	MUSCLE-SKIN GRAFT, ARM

ADDENDUM F.—CODES REVIEWED BY PEAC—Continued

[Codes Refined by the Practice Expense Advisory Committee (PEAC)]

CPT code	Short descriptors	CPT code	Short descriptors
11044	DEBRIDE TISSUE/MUSCLE/BONE	15738	MUSCLE-SKIN GRAFT, LEG
11100	BIOPSY OF SKIN LESION	15820	REVISION OF LOWER EYELID
11101	BIOPSY, SKIN ADD-ON	15821	REVISION OF LOWER EYELID
11300	SHAVE SKIN LESION	15822	REVISION OF UPPER EYELID
11301	SHAVE SKIN LESION	15823	REVISION OF UPPER EYELID
11302	SHAVE SKIN LESION	17000	DESTROY BENIGN/PREMLG LESION
11303	SHAVE SKIN LESION	17003	DESTROY LESIONS, 2–14
11305	SHAVE SKIN LESION	17004	DESTROY LESIONS, 15 OR MORE
11306	SHAVE SKIN LESION	17106	DESTRUCTION OF SKIN LESIONS
11307	SHAVE SKIN LESION	17107	DESTRUCTION OF SKIN LESIONS
11308	SHAVE SKIN LESION	17108	DESTRUCTION OF SKIN LESIONS
11310	SHAVE SKIN LESION	17110	DESTRUCT LESION, 1–14
11311	SHAVE SKIN LESION	17111	DESTRUCT LESION, 15 OR MORE
11312	SHAVE SKIN LESION	17250	CHEMICAL CAUTERY, TISSUE
11313	SHAVE SKIN LESION	17260	DESTRUCTION OF SKIN LESIONS
11400	EXC TR -EXT B9+MARG 0.5 < CM	17261	DESTRUCTION OF SKIN LESIONS
11401	EXC TR -EXT B9+MARG 0.6–1 CM	17262	DESTRUCTION OF SKIN LESIONS
11402	EXC TR -EXT B9+MARG 1.1–2 CM	17263	DESTRUCTION OF SKIN LESIONS
11403	EXC TR -EXT B9+MARG 2.1–3 CM	17264	DESTRUCTION OF SKIN LESIONS
11404	EXC TR -EXT B9+MARG 3.1–4 CM	17266	DESTRUCTION OF SKIN LESIONS
11406	EXC TR —EXT B9=MARG > 4.0 CM	17270	DESTRUCTION OF SKIN LESIONS
11420	EXC H-F-NK-SP B9+MARG 0.5 <	17271	DESTRUCTION OF SKIN LESIONS
11421	EXC H-F-NK-SP B9+MARG 0.6–1	17272	DESTRUCTION OF SKIN LESIONS
11422	EXC H-F-NK-SP B9+MARG 1.1–2	17273	DESTRUCTION OF SKIN LESIONS
11423	EXC H-F-NK-SP B9+MARG 2.1–3	17274	DESTRUCTION OF SKIN LESIONS
11424	EXC H-F-NK-SP B9+MARG 3.1–4	17276	DESTRUCTION OF SKIN LESIONS
11426	EXC H-F-NK-SP B9+MARG > 4 CM	17280	DESTRUCTION OF SKIN LESIONS
11440	EXC FACE-MM B9+MARG 0.5 < CM	17281	DESTRUCTION OF SKIN LESIONS
11441	EXC FACE-MM B9+MARG 0.6–1 CM	17282	DESTRUCTION OF SKIN LESIONS
11442	EXC FACE-MM B9+MARG 1.1–2 CM	17283	DESTRUCTION OF SKIN LESIONS
11443	EXC FACE-MM B9+MARG 2.1–3 CM	17284	DESTRUCTION OF SKIN LESIONS
11444	EXC FACE-MM B9+MARG 3.1–4 CM	17286	DESTRUCTION OF SKIN LESIONS
11446	EXC FACE-MM B9+MARG > 4 CM	19318	REDUCTION OF LARGE BREAST
11900	INJECTION INTO SKIN LESIONS	19357	BREAST RECONSTRUCTION
11901	ADDED SKIN LESIONS INJECTIONS	19361	BREAST RECONSTRUCTION
14040	SKIN TISSUE REARRANGEMENT	19364	BREAST RECONSTRUCTION
14041	SKIN TISSUE REARRANGEMENT	19366	BREAST RECONSTRUCTION
14060	SKIN TISSUE REARRANGEMENT	19367	BREAST RECONSTRUCTION
14061	SKIN TISSUE REARRANGEMENT	19368	BREAST RECONSTRUCTION
14300	SKIN TISSUE REARRANGEMENT	19369	BREAST RECONSTRUCTION
15000	SKIN GRAFT	22548	NECK SPINE FUSION
15001	SKIN GRAFT ADD-ON	22554	NECK SPINE FUSION
15100	SKIN SPLIT GRAFT	22556	THORAX SPINE FUSION
15101	SKIN SPLIT GRAFT ADD-ON	22558	LUMBAR SPINE FUSION
15120	SKIN SPLIT GRAFT	22590	SPINE & SKULL SPINAL FUSION
15121	SKIN SPLIT GRAFT ADD-ON	22595	NECK SPINAL FUSION
15260	SKIN FULL GRAFT	22600	NECK SPINE FUSION
15261	SKIN FULL GRAFT ADD-ON	22610	THORAX SPINE FUSION
15732	MUSCLE-SKIN GRAFT, HEAD/NECK	22612	LUMBAR SPINE FUSION
15734	MUSCLE-SKIN GRAFT, TRUNK	22630	LUMBAR SPINE FUSION

*PEAC refined in office inputs only.

CPT Codes and descriptions are copyright 2002 by the American Medical Association, all rights reserved.

ADDENDUM F.—CODES REVIEWED BY PEAC—CONTINUED

CPT code	Short descriptors	CPT code	Short descriptors
22800	FUSION OF SPINE	26121	RELEASE PALM CONTRACTURE
22802	FUSION OF SPINE	26123	RELEASE PALM CONTRACTURE
22804	FUSION OF SPINE	26130	REMOVE WRIST JOINT LINING
22808	FUSION OF SPINE	26135	REVISE FINGER JOINT, EACH
22810	FUSION OF SPINE	26140	REVISE FINGER JOINT, EACH
22812	FUSION OF SPINE	26145	TENDON EXCISION, PALM/FINGER
22818	KYPHECTOMY, 1-2 SEGMENTS	26160	REMOVE TENDON SHEATH LESION
22819	KYPHECTOMY, 3 OR MORE	26170	REMOVAL OF PALM TENDON, EACH
22830	EXPLORATION OF SPINAL FUSION	26180	REMOVAL OF FINGER TENDON
23470	RECONSTRUCT SHOULDER JOINT	26185	REMOVE FINGER BONE
23472	RECONSTRUCT SHOULDER JOINT	26200	REMOVE HAND BONE LESION
24160	REMOVE ELBOW JOINT IMPLANT	26205	REMOVE/GRAFT BONE LESION
24164	REMOVE RADIUS HEAD IMPLANT	26210	REMOVAL OF FINGER LESION
24360	RECONSTRUCT ELBOW JOINT	26215	REMOVE/GRAFT FINGER LESION
24361	RECONSTRUCT ELBOW JOINT	26230	PARTIAL REMOVAL OF HAND BONE
24362	RECONSTRUCT ELBOW JOINT	26235	PARTIAL REMOVAL, FINGER BONE
24363	REPLACE ELBOW JOINT	26236	PARTIAL REMOVAL, FINGER BONE
24365	RECONSTRUCT HEAD OF RADIUS	26250	EXTENSIVE HAND SURGERY
24366	RECONSTRUCT HEAD OF RADIUS	26255	EXTENSIVE HAND SURGERY
25250	REMOVAL OF WRIST PROSTHESIS	26260	EXTENSIVE FINGER SURGERY
25251	REMOVAL OF WRIST PROSTHESIS	26261	EXTENSIVE FINGER SURGERY
25332	REVISE WRIST JOINT	26262	PARTIAL REMOVAL OF FINGER
25441	RECONSTRUCT WRIST JOINT	26320	REMOVAL OF IMPLANT FROM HAND
25442	RECONSTRUCT WRIST JOINT	26530	REVISE KNUCKLE JOINT
25443	RECONSTRUCT WRIST JOINT	26531	REVISE KNUCKLE WITH IMPLANT
25444	RECONSTRUCT WRIST JOINT	26535	REVISE FINGER JOINT
25445	RECONSTRUCT WRIST JOINT	26536	REVISE/IMPLANT FINGER JOINT
25446	WRIST REPLACEMENT	27090	REMOVAL OF HIP PROSTHESIS
25447	REPAIR WRIST JOINT(S)	27091	REMOVAL OF HIP PROSTHESIS
25449	REMOVE WRIST JOINT IMPLANT	27120	RECONSTRUCTION OF HIP SOCKET
26010	DRAINAGE OF FINGER ABSCESS	27122	RECONSTRUCTION OF HIP SOCKET
26011	DRAINAGE OF FINGER ABSCESS	27125	PARTIAL HIP REPLACEMENT
26020	DRAIN HAND TENDON SHEATH	27130	TOTAL HIP ARTHROPLASTY
26025	DRAINAGE OF PALM BURSA	27132	TOTAL HIP ARTHROPLASTY
26030	DRAINAGE OF PALM BURSA(S)	27134	REVISE HIP JOINT REPLACEMENT
26034	TREAT HAND BONE LESION	27137	REVISE HIP JOINT REPLACEMENT
26035	DECOMPRESS FINGERS/HAND	27138	REVISE HIP JOINT REPLACEMENT
26037	DECOMPRESS FINGERS/HAND	27236	TREAT THIGH FRACTURE
26040	RELEASE PALM CONTRACTURE	27437	REVISE KNEECAP
26045	RELEASE PALM CONTRACTURE	27438	REVISE KNEECAP WITH IMPLANT
26055	INCISE FINGER TENDON SHEATH	27440	REVISION OF KNEE JOINT
26060	INCISION OF FINGER TENDON	27441	REVISION OF KNEE JOINT
26070	EXPLORE/TREAT HAND JOINT	27442	REVISION OF KNEE JOINT
26075	EXPLORE/TREAT FINGER JOINT	27443	REVISION OF KNEE JOINT
26080	EXPLORE/TREAT FINGER JOINT	27445	REVISION OF KNEE JOINT
26100	BIOPSY HAND JOINT LINING	27446	REVISION OF KNEE JOINT
26105	BIOPSY FINGER JOINT LINING	27447	TOTAL KNEE ARTHROPLASTY
26110	BIOPSY FINGER JOINT LINING	27486	REVISE/REPLACE KNEE JOINT
26115	REMOVEL HAND LESION SUBCUT	27487	REVISE/REPLACE KNEE JOINT
26116	REMOVEL HAND LESION, DEEP	27488	REMOVAL OF KNEE PROSTHESIS
26117	REMOVE TUMOR, HAND/FINGER	27700	REVISION OF ANKLE JOINT

*PEAC refined in office inputs only.

CPT Codes and descriptions are copyright 2002 by the American Medical Association, all rights reserved.

ADDENDUM F.—CODES REVIEWED BY PEAC—CONTINUED

CPT code	Short descriptors	CPT code	Short descriptors
27702	RECONSTRUCT ANKLE JOINT	29889	KNEE ARTHROSCOPY/SURGERY
27703	RECONSTRUCTION, ANKLE JOINT	29891	ANKLE ARTHROSCOPY/SURGERY
27704	REMOVAL OF ANKLE IMPLANT	29892	ANKLE ARTHROSCOPY/SURGERY
28293	CORRECTION OF BUNION	29894	ANKLE ARTHROSCOPY/SURGERY
29800	JAW ARTHROSCOPY/SURGERY	29895	ANKLE ARTHROSCOPY/SURGERY
29804	JAW ARTHROSCOPY/SURGERY	29897	ANKLE ARTHROSCOPY/SURGERY
29819	SHOULDER ARTHROSCOPY/SURGERY	29898	ANKLE ARTHROSCOPY/SURGERY
29820	SHOULDER ARTHROSCOPY/SURGERY	31505	DIAGNOSTIC LARYNGOSCOPY
29821	SHOULDER ARTHROSCOPY/SURGERY	32440	REMOVAL OF LUNG
29822	SHOULDER ARTHROSCOPY/SURGERY	32442	SLEEVE PNEUMONECTOMY
29823	SHOULDER ARTHROSCOPY/SURGERY	32445	REMOVAL OF LUNG
29825	SHOULDER ARTHROSCOPY/SURGERY	32480	PARTIAL REMOVAL OF LUNG
29826	SHOULDER ARTHROSCOPY/SURGERY	32482	BILOBECTOMY
29830	ELBOW ARTHROSCOPY	32484	SEGMENTECTOMY
29834	ELBOW ARTHROSCOPY/SURGERY	32486	SLEEVE LOBECTOMY
29835	ELBOW ARTHROSCOPY/SURGERY	32488	COMPLETION PNEUMONECTOMY
29836	ELBOW ARTHROSCOPY/SURGERY	32491	LUNG VOLUME REDUCTION
29837	ELBOW ARTHROSCOPY/SURGERY	32500	PARTIAL REMOVAL OF LUNG
29838	ELBOW ARTHROSCOPY/SURGERY	32501	REPAIR BRONCHUS ADD-ON
29840	WRIST ARTHROSCOPY	32520	REMOVE LUNG & REVISE CHEST
29843	WRIST ARTHROSCOPY/SURGERY	32522	REMOVE LUNG & REVISE CHEST
29844	WRIST ARTHROSCOPY/SURGERY	32525	REMOVE LUNG & REVISE CHEST
29845	WRIST ARTHROSCOPY/SURGERY	32540	REMOVAL OF LUNG LESION
29846	WRIST ARTHROSCOPY/SURGERY	32650	THORACOSCOPY, SURGICAL
29847	WRIST ARTHROSCOPY/SURGERY	32651	THORACOSCOPY, SURGICAL
29848	WRIST ENDOSCOPY/SURGERY	32652	THORACOSCOPY, SURGICAL
29850	KNEE ARTHROSCOPY/SURGERY	32653	THORACOSCOPY, SURGICAL
29851	KNEE ARTHROSCOPY/SURGERY	32654	THORACOSCOPY, SURGICAL
29855	TIBIAL ARTHROSCOPY/SURGERY	32655	THORACOSCOPY, SURGICAL
29856	TIBIAL ARTHROSCOPY/SURGERY	32656	THORACOSCOPY, SURGICAL
29860	HIP ARTHROSCOPY, DX	32657	THORACOSCOPY, SURGICAL
29861	HIP ARTHROSCOPY/SURGERY	32658	THORACOSCOPY, SURGICAL
29862	HIP ARTHROSCOPY/SURGERY	32659	THORACOSCOPY, SURGICAL
29863	HIP ARTHROSCOPY/SURGERY	32660	THORACOSCOPY, SURGICAL
29870	KNEE ARTHROSCOPY, DX	32661	THORACOSCOPY, SURGICAL
29871	KNEE ARTHROSCOPY/DRAINAGE	32662	THORACOSCOPY, SURGICAL
29874	KNEE ARTHROSCOPY/SURGERY	32663	THORACOSCOPY, SURGICAL
29875	KNEE ARTHROSCOPY/SURGERY	32664	THORACOSCOPY, SURGICAL
29876	KNEE ARTHROSCOPY/SURGERY	32665	THORACOSCOPY, SURGICAL
29877	KNEE ARTHROSCOPY/SURGERY	33400	REPAIR OF AORTIC VALVE
29879	KNEE ARTHROSCOPY/SURGERY	33401	VALVULOPLASTY, OPEN
29880	KNEE ARTHROSCOPY/SURGERY	33403	VALVULOPLASTY, W/CP BYPASS
29881	KNEE ARTHROSCOPY/SURGERY	33404	PREPARE HEART-AORTA CONDUIT
29882	KNEE ARTHROSCOPY/SURGERY	33405	REPLACEMENT OF AORTIC VALVE
29883	KNEE ARTHROSCOPY/SURGERY	33406	REPLACEMENT OF AORTIC VALVE
29884	KNEE ARTHROSCOPY/SURGERY	33410	REPLACEMENT OF AORTIC VALVE
29885	KNEE ARTHROSCOPY/SURGERY	33411	REPLACEMENT OF AORTIC VALVE
29886	KNEE ARTHROSCOPY/SURGERY	33412	REPLACEMENT OF AORTIC VALVE
29887	KNEE ARTHROSCOPY/SURGERY	33413	REPLACEMENT OF AORTIC VALVE
29888	KNEE ARTHROSCOPY/SURGERY	33420	REVISION OF MITRAL VALVE

*PEAC refined in office inputs only.

CPT Codes and descriptions are copyright 2002 by the American Medical Association, all rights reserved.

ADDENDUM F.—CODES REVIEWED BY PEAC—CONTINUED

CPT code	Short descriptors	CPT code	Short descriptors
33422	REVISION OF MITRAL VALVE	43239	UPPER GI ENDOSCOPY, BIOPSY*
33425	REPAIR OF MITRAL VALVE	43240	ESOPH ENDOSCOPE W/DRAIN CYST*
33426	REPAIR OF MITRAL VALVE	43241	UPPER GI ENDOSCOPY WITH TUBE*
33427	REPAIR OF MITRAL VALVE	43242	UPPER GI ENDOSCOPY W/US FN BX*
33430	REPLACEMENT OF MITRAL VALVE	43243	UPPER GI ENDOSCOPY & INJECT*
33510	CABG, VEIN, SINGLE	43244	UPPER GI ENDOSCOPY/LIGATION*
33511	CABG, VEIN, TWO	43245	UPPER GI ENDOSCOPY DILATE STRICTR*
33512	CABG, VEIN, THREE	43246	PLACE GASTROSTOMY TUBE*
33513	CABG, VEIN, FOUR	43247	OPERATIVE UPPER GI ENDOSCOPY*
33514	CABG, VEIN, FIVE	43248	UPPER GI ENDOSCOPY/GUIDE WIRE*
33516	CABG, VEIN, SIX OR MORE	43249	ESOPH ENDOSCOPY, DILATION*
33533	CABG, ARTERIAL, SINGLE	43250	UPPER GI ENDOSCOPY/TUMOR*
33534	CABG, ARTERIAL, TWO	43251	OPERATIVE UPPER GI ENDOSCOPY*
33535	CABG, ARTERIAL, THREE	43255	OPERATIVE UPPER GI ENDOSCOPY*
33536	CABG, ARTERIAL, FOUR OR MORE	43256	UPPER GI ENDOSCOPY W STENT*
35474	REPAIR ARTERIAL BLOCKAGE	43258	OPERATIVE UPPER GI ENDOSCOPY*
36400	BL DRAW < 3 YRS FEM/JUGULAR	43259	ENDOSCOPIC ULTRASOUND EXAM*
36405	BL DRAW < 3 YRS SCALP VEIN	43752	NASAL/OROGASTRIC W/STENT
36406	BL DRAW < 3 YRS OTHER VEIN	44140	PARTIAL REMOVAL OF COLON
36410	NON-ROUTINE BL DRAW > 3 YRS	44141	PARTIAL REMOVAL OF COLON
36415	ROUTINE VENIPUNCTURE	44143	PARTIAL REMOVAL OF COLON
36416	CAPILLARY BLOOD DRAW	44144	PARTIAL REMOVAL OF COLON
36420	VEIN ACCESS CUTDOWN < 1 YR	44145	PARTIAL REMOVAL OF COLON
36425	VEIN ACCESS CUTDOWN > 1 YR	44146	PARTIAL REMOVAL OF COLON
36540	COLLECT BLOOD VENOUS DEVICE	44147	PARTIAL REMOVAL OF COLON
36660	INSERTION CATHETER, ARTERY	44150	REMOVAL OF COLON
39010	EXPLORATION OF CHEST	44151	REMOVAL OF COLON/ILEOSTOMY
39200	REMOVAL CHEST LESION	44152	REMOVAL OF COLON/ILEOSTOMY
39220	REMOVAL CHEST LESION	44153	REMOVAL OF COLON/ILEOSTOMY
39400	VISUALIZATION OF CHEST	44155	REMOVAL OF COLON/ILEOSTOMY
40800	DRAINAGE OF MOUTH LESION	44156	REMOVAL OF COLON/ILEOSTOMY
40801	DRAINAGE OF MOUTH LESION	44160	REMOVAL OF COLON
40804	REMOVAL, FOREIGN BODY, MOUTH	44200	LAPAROSCOPY, ENTEROLYSIS
40805	REMOVAL, FOREIGN BODY, MOUTH	44201	LAPAROSCOPY, JEJUNOSTOMY
40808	BIOPSY OF MOUTH LESION	44202	LAP RESECT S/INTESTINE SINGL
40810	EXCISION OF MOUTH LESION	44300	OPEN BOWEL TO SKIN
40812	EXCISE/REPAIR MOUTH LESION	44310	ILEOSTOMY/JEJUNOSTOMY
40814	EXCISE/REPAIR MOUTH LESION	44312	REVISION OF ILEOSTOMY
40816	EXCISION OF MOUTH LESION	44314	REVISION OF ILEOSTOMY
41100	BIOPSY OF TONGUE	44316	DEVISE BOWEL POUCH
41105	BIOPSY OF TONGUE	44320	COLOSTOMY
41108	BIOPSY OF FLOOR OF MOUTH	44322	COLOSTOMY WITH BIOPSIES
41110	EXCISION OF TONGUE LESION	44340	REVISION OF COLOSTOMY
41112	EXCISION OF TONGUE LESION	44345	REVISION OF COLOSTOMY
41113	EXCISION OF TONGUE LESION	44346	REVISION OF COLOSTOMY
41114	EXCISION OF TONGUE LESION	44602	SUTURE, SMALL INTESTINE
43107	REMOVAL OF ESOPHAGUS	44603	SUTURE, SMALL INTESTINE
43112	REMOVAL OF ESOPHAGUS	44604	SUTURE, LARGE INTESTINE
43117	PARTIAL REMOVAL OF ESOPHAGUS	44605	REPAIR OF BOWEL LESION
43121	PARTIAL REMOVAL OF ESOPHAGUS	44615	INTESTINAL STRICTUROPLASTY
43122	PARTIAL REMOVAL OF ESOPHAGUS	44620	REPAIR BOWEL OPENING
43235	UPPER GI ENDOSCOPY, DIAGNOSIS*		

*PEAC refined in office inputs only.
 CPT Codes and descriptions are copyright 2002 by the American Medical Association, all rights reserved.

ADDENDUM F.—CODES REVIEWED BY PEAC—CONTINUED

CPT code	Short descriptors	CPT code	Short descriptors
44625	REPAIR BOWEL OPENING	52007	CYSTOSCOPY AND BIOPSY
44626	REPAIR BOWEL OPENING	52010	CYSTOSCOPY & DUCT CATHETER
44640	REPAIR BOWEL-SKIN FISTULA	52204	CYSTOSCOPY
44650	REPAIR BOWEL FISTULA	52214	CYSTOSCOPY AND TREATMENT
44660	REPAIR BOWEL-BLADDER FISTULA	52224	CYSTOSCOPY AND TREATMENT
44661	REPAIR BOWEL-BLADDER FISTULA	52234	CYSTOSCOPY AND TREATMENT
44680	SURGICAL REVISION, INTESTINE	52235	CYSTOSCOPY AND TREATMENT
44700	SUSPEND BOWEL W/PROSTHESIS	52240	CYSTOSCOPY AND TREATMENT
44800	EXCISION OF BOWEL POUCH	52250	CYSTOSCOPY AND RADIOTRACER
44820	EXCISION OF MESENTERY LESION	52260	CYSTOSCOPY AND TREATMENT
44850	REPAIR OF MESENTERY	52265	CYSTOSCOPY AND TREATMENT
44900	DRAIN APP ABSCESS, OPEN	52270	CYSTOSCOPY & REVISE URETHRA
44950	APPENDECTOMY	52275	CYSTOSCOPY & REVISE URETHRA
44955	APPENDECTOMY ADD-ON	52276	CYSTOSCOPY AND TREATMENT
44960	APPENDECTOMY	52277	CYSTOSCOPY AND TREATMENT
44970	LAPAROSCOPY, APPENDECTOMY	52281	CYSTOSCOPY AND TREATMENT
45000	DRAINAGE OF PELVIC ABSCESS	52282	CYSTOSCOPY, IMPLANT STENT
45020	DRAINAGE OF RECTAL ABSCESS	52283	CYSTOSCOPY AND TREATMENT
45100	BIOPSY OF RECTUM	52285	CYSTOSCOPY AND TREATMENT
45108	REMOVAL OF ANORECTAL LESION	52290	CYSTOSCOPY AND TREATMENT
45110	REMOVAL OF RECTUM	52300	CYSTOSCOPY AND TREATMENT
45111	PARTIAL REMOVAL OF RECTUM	52301	CYSTOSCOPY AND TREATMENT
45112	REMOVAL OF RECTUM	52305	CYSTOSCOPY AND TREATMENT
45113	PARTIAL PROCTECTOMY	52310	CYSTOSCOPY AND TREATMENT
45114	PARTIAL REMOVAL OF RECTUM	52315	CYSTOSCOPY AND TREATMENT
45116	PARTIAL REMOVAL OF RECTUM	52317	REMOVE BLADDER STONE
45119	REMOVE RECTUM W/RESERVOIR	52318	REMOVE BLADDER STONE
45120	REMOVAL OF RECTUM	52320	CYSTOSCOPY AND TREATMENT
45121	REMOVAL OF RECTUM AND COLON	52325	CYSTOSCOPY, STONE REMOVAL
45123	PARTIAL PROCTECTOMY	52327	CYSTOSCOPY, INJECT MATERIAL
45126	PELVIC EXENTERATION	52330	CYSTOSCOPY AND TREATMENT
45130	EXCISION OF RECTAL PROLAPSE	52332	CYSTOSCOPY AND TREATMENT
45135	EXCISION OF RECTAL PROLAPSE	52334	CREATE PASSAGE TO KIDNEY
45150	EXCISION OF RECTAL STRICTURE	52341	CYSTO W/URETER STRICTURE TX
45160	EXCISION OF RECTAL LESION	52342	CYSTO W/UP STRICTURE TX
45170	EXCISION OF RECTAL LESION	52343	CYSTO W/RENAL STRICTURE TX
45190	DESTRUCTION, RECTAL TUMOR	52344	CYSTO/URETERO, STONE REMOVE
47510	INSERT CATHETER, BILE DUCT	52345	CYSTO/URETERO W/UP STRICTURE
51725	SIMPLE CYSTOMETROGRAM	52346	CYSTOURETERO W/RENAL STRICT
51726	COMPLEX CYSTOMETROGRAM	52351	CYSTOURETRO & OR PYELOSCOPE
51736	URINE FLOW MEASUREMENT	52352	CYSTOURETRO W/STONE REMOVE
51741	ELECTRO-UROFLOWMETRY, FIRST	52353	CYSTOURETERO W/LITHOTRIPSY
51772	URETHRA PRESSURE PROFILE	52354	CYSTOURETERO W/BIOPSY
51784	ANAL/URINARY MUSCLE STUDY	52355	CYSTOURETERO W/EXCISE TUMOR
51785	ANAL/URINARY MUSCLE STUDY	52400	CYSTOURETERO W/CONGEN REPR
51792	URINARY REFLEX STUDY	52450	INCISION OF PROSTATE
51795	URINE VOIDING PRESSURE STUDY	52500	REVISION OF BLADDER NECK
51797	INTRAABDOMINAL PRESSURE TEST	52510	DILATION PROSTATIC URETHRA
52000	CYSTOSCOPY	52601	PROSTATECTOMY (TURP)
52001	CYSTOSCOPY, REMOVAL OF CLOTS	52606	CONTROL POSTOP BLEEDING
52005	CYSTOSCOPY & URETER CATHETER	52612	PROSTATECTOMY, FIRST STAGE

*PEAC refined in office inputs only.

CPT Codes and descriptions are copyright 2002 by the American Medical Association, all rights reserved.

ADDENDUM F.—CODES REVIEWED BY PEAC—CONTINUED

CPT code	Short descriptors	CPT code	Short descriptors
52614	PROSTATECTOMY, SECOND	58555	HYSTEROSCOPY, DX, SEP PROC
52620	REMOVE RESIDUAL PROSTATE	58558	HYSTEROSCOPY, BIOPSY
52630	REMOVE PROSTATE REGROWTH	58559	HYSTEROSCOPY, LYSIS
52640	RELIEVE BLADDER CONTRACTURE	58560	HYSTEROSCOPY, RESECT SPECTUM
52647	LASER SURGERY OF PROSTATE	58561	HYSTEROSCOPY, REMOVE MYOMA
52648	LASER SURGERY OF PROSTATE	58563	HYSTEROSCOPY, ABLATION
52700	DRAINAGE OF PROSTATE ABSCESS	59400	OBSTETRICAL CARE
56605	BIOPSY OF VULVA/PERINEUM	59409	OBSTETRICAL CARE
56606	BIOPSY OF VULVA/PERINEUM	59410	OBSTETRICAL CARE
56700	PARTIAL REMOVAL OF HYMEN	59412	ANTEPARTUM MANIPULATION
56720	INCISION OF HYMEN	59414	DELIVER PLACENTA
56740	REMOVE VAGINA GLAND LESION	59425	ANTEPARTUM CARE ONLY
57100	BIOPSY OF VAGINA	59426	ANTEPARTUM CARE ONLY
57105	BIOPSY OF VAGINA	59430	CARE AFTER DELIVERY
57200	REPAIR OF VAGINA	59510	CESAREAN DELIVERY
57210	REPAIR VAGINA/PERINEUM	59514	CESAREAN DELIVERY ONLY
57220	REVISION OF URETHRA	59515	CESAREAN DELIVERY
57230	REPAIR OF URETHRAL LESION	59525	REMOVE UTERUS AFTER CESAREAN
57240	REPAIR BLADDER & VAGINA	59610	VBAC DELIVERY
57250	REPAIR RECTUM & VAGINA	59612	VBAC DELIVERY ONLY
57260	REPAIR OF VAGINA	59614	VBAC CARE AFTER DELIVERY
57265	EXTENSIVE REPAIR OF VAGINA	59618	ATTEMPTED VBAC DELIVERY
57268	REPAIR OF BOWEL BULGE	59620	ATTEMPTED VBAC DELIVERY ONLY
57270	REPAIR OF BOWEL POUCH	59622	ATTEMPTED VBAC AFTER CARE
57280	SUSPENSION OF VAGINA	60100	BIOPSY OF THYROID
57282	REPAIR OF VAGINAL PROLAPSE	61000	REMOVE CRANIAL CAVITY FLUID
57284	REPAIR PARAVAGINAL DEFECT	61001	REMOVE CRANIAL CAVITY FLUID
57287	REVISE/REMOVE SLING REPAIR	61020	REMOVE BRAIN CAVITY FLUID
57288	REPAIR BLADDER DEFECT	61026	INJECTION INTO BRAIN CANAL
57289	REPAIR BLADDER & VAGINA	61050	REMOVE BRAIN CANAL FLUID
57291	CONSTRUCTION OF VAGINA	61055	INJECTION INTO BRAIN CANAL
57292	CONSTRUCT VAGINA WITH GRAFT	61070	BRAIN CANAL SHUNT PROCEDURE
57300	REPAIR RECTUM-VAGINA FISTULA	61105	TWIST DRILL HOLE
57305	REPAIR RECTUM-VAGINA FISTULA	61108	DRILL SKULL FOR DRAINAGE
57307	FISTULA REPAIR & COLOSTOMY	61120	BURR HOLE FOR PUNCTURE
57308	FISTULA REPAIR, TRANSPERINE	61140	PIERCE SKULL FOR BIOPSY
57310	REPAIR URETHROVAGINAL LESION	61150	PIERCE SKULL FOR DRAINAGE
57311	REPAIR URETHROVAGINAL LESION	61151	PIERCE SKULL FOR DRAINAGE
57320	REPAIR BLADDER-VAGINA LESION	61154	PIERCE SKULL & REMOVE CLOT
57330	REPAIR BLADDER-VAGINA LESION	61156	PIERCE SKULL FOR DRAINAGE
57335	REPAIR VAGINA	61215	INSERT BRAIN-FLUID DEVICE
57460	BX OF CERVIX W/SCOPE, LEEP	61250	PIERCE SKULL & EXPLORE
57800	DILATION OF CERVICAL CANAL	61253	PIERCE SKULL & EXPLORE
57820	D & C OF RESIDUAL CERVIX	61304	OPEN SKULL FOR EXPLORATION
58120	DILATION AND CURETTAGE	61305	OPEN SKULL FOR EXPLORATION
58150	TOTAL HYSTERECTOMY	61312	OPEN SKULL FOR DRAINAGE
58152	TOTAL HYSTERECTOMY	61313	OPEN SKULL FOR DRAINAGE
58180	PARTIAL HYSTERECTOMY	61314	OPEN SKULL FOR DRAINAGE
58200	EXTENSIVE HYSTERECTOMY	61315	OPEN SKULL FOR DRAINAGE
58210	EXTENSIVE HYSTERECTOMY	61320	OPEN SKULL FOR DRAINAGE
58240	REMOVAL OF PELVIS CONTENTS	61321	OPEN SKULL FOR DRAINAGE

*PEAC refined in office inputs only.

CPT Codes and descriptions are copyright 2002 by the American Medical Association, all rights reserved.

ADDENDUM F.—CODES REVIEWED BY PEAC—CONTINUED

CPT code	Short descriptors	CPT code	Short descriptors
61330	DECOMPRESS EYE SOCKET	64418	N BLOCK INJ, SUPRASCAPULAR
61332	EXPLORE/BIOPSY EYE SOCKET	64420	N BLOCK INJ, INTERCOST, SNG
61333	EXPLORE ORBIT/REMOVE LESION	64421	N BLOCK INJ, INTERCOST, MLT
61334	EXPLORE ORBIT/REMOVE OBJECT	64425	N BLOCK INJ ILIO-ING/HYPOGI
61340	SUBTEMPORAL DECOMPRESSION	64430	N BLOCK INJ, PUDENDAL
62270	SPINAL FLUID TAP, DIAGNOSTIC	64435	N BLOCK INJ, PARACERVICAL
62272	DRAIN CEREBRO SPINAL FLUID	64445	N BLOCK INJ, SCIATIC, SNG
62273	TREAT EPIDURAL SPINE LESION	64450	N BLOCK, OTHER PERIPHERAL
62280	TREAT SPINAL CORD LESION	64470	INJ PARAVERTEBRAL C/T
62281	TREAT SPINAL CORD LESION	64472	INJ PARAVERTEBRAL C/T ADD-ON
62282	TREAT SPINAL CANAL LESION	64475	INJ PARAVERTEBRAL L/S
62284	INJECTION FOR MYELOGRAM	64476	INJ PARAVERTEBRAL L/S ADD-ON
62290	INJECT FOR SPINE DISK X-RAY	64479	INJ FORAMEN EPIDURAL C/T
62291	INJECT FOR SPINE DISK X-RAY	64480	INJ FORAMEN EPIDURAL ADD-ON
62310	INJECT SPINE C/T	64483	INJ FORAMEN EPIDURAL L/S
62311	INJECT SPINE L/S (CD)	64484	INJ FORAMEN EPIDURAL ADD-ON
62318	INJECT SPINE W/CATH, C/T	64505	N BLOCK, SPENOPALATINE GANGL
62319	INJECT SPINE W/CATH L/S (CD)	64508	N BLOCK, CAROTID SINUS S/P
63001	REMOVAL OF SPINAL LAMINA	64510	N BLOCK, STELLATE GANGLION
63003	REMOVAL OF SPINAL LAMINA	64520	N BLOCK, LUMBAR/THORACIC
63005	REMOVAL OF SPINAL LAMINA	64530	N BLOCK INJ, CELIAC PELUS
63011	REMOVAL OF SPINAL LAMINA	64600	INJECTION TREATMENT OF NERVE
63012	REMOVAL OF SPINAL LAMINA	64605	INJECTION TREATMENT OF NERVE
63015	REMOVAL OF SPINAL LAMINA	64610	INJECTION TREATMENT OF NERVE
63016	REMOVAL OF SPINAL LAMINA	64612	DESTROY NERVE, FACE MUSCLE
63017	REMOVAL OF SPINAL LAMINA	64613	DESTROY NERVE, SPINE MUSCLE
63020	NECK SPINE DISK SURGERY	64614	DESTROY NERVE, EXTREM MUSC
63030	LOW BACK DISK SURGERY	64620	INJECTION TREATMENT OF NERVE
63040	LAMINOTOMY, SINGLE CERVICAL	64622	DESTR PARAVERTEBRAL NERVE L/S
63042	LAMINOTOMY, SINGLE LUMBAR	64623	DESTR PARAVERTEBRAL N ADD-ON
63045	REMOVAL OF SPINAL LAMINA	64626	DESTR PARAVERTEBRAL NERVE C/T
63046	REMOVAL OF SPINAL LAMINA	64627	DESTR PARAVERTEBRAL N ADD-ON
63047	REMOVAL OF SPINAL LAMINA	64630	INJECTION TREATMENT OF NERVE
63055	DECOMPRESS SPINAL CORD	64640	INJECTION TREATMENT OF NERVE
63056	DECOMPRESS SPINAL CORD	64680	INJECTION TREATMENT OF NERVE
63064	DECOMPRESS SPINAL CORD	66700	DESTRUCTION, CILIARY BODY
63075	NECK SPINE DISK SURGERY	66710	DESTRUCTION, CILIARY BODY
63077	SPINE DISK SURGERY, THORAX	66720	DESTRUCTION, CILIARY BODY
63081	REMOVAL OF VERTEBRAL BODY	66740	DESTRUCTION, CILIARY BODY
63085	REMOVAL OF VERTEBRAL BODY	66761	REVISION OF IRIS
63087	REMOVAL OF VERTEBRAL BODY	66762	REVISION OF IRIS
63090	REMOVAL OF VERTEBRAL BODY	66770	REMOVAL OF INNER EYE LESION
64400	N BLOCK INJ, TRIGEMINAL	70336	MAGNETIC IMAGE, JAW JOINT
64402	N BLOCK INJ, FACIAL	70540	MRI ORBIT/FACE/NECK W/O DYE
64405	N BLOCK INJ, OCCIPITAL	70551	MRI BRAIN W/O DYE
64408	N BLOCK INJ, VAGUS	71550	MRI CHEST W/O DYE
64410	N BLOCK INJ, PHRENIC	72141	MRI NECK SPINE W/O DYE
64412	N BLOCK INJ, SPINAL ACCESSOR	72146	MRI CHEST SPINE W/O DYE
64413	N BLOCK INJ, CERVICAL PLEXUS	72148	MRI LUMBAR SPINE W/O DYE
64415	N BLOCK INJ, BRACHIAL PLEXUS	72195	MRI PELVIS W/O DYE
64417	N BLOCK INJ, AXILLARY	73218	MRI UPPER EXTREMITY W/O

*PEAC refined in office inputs only.

CPT Codes and descriptions are copyright 2002 by the American Medical Association, all rights reserved.

ADDENDUM F.—CODES REVIEWED BY PEAC—CONTINUED

CPT code	Short descriptors	CPT code	Short descriptors
73221	MRI JOINT UPR EXTREM W/O DYE	88332	PATH CONSULT INTRAOP, ADDL
73718	MRI LOWER EXTREMITY W/O DYE	88342	IMMUNOCYTOCHEMISTRY
73721	MRI JOINT OF LWR EXTRE W/O DYE	88346	IMMUNOFLUORESCENT STUDY
74181	MRI ABDOMEN W/O DYE	88347	IMMUNOFLUORESCENT STUDY
75552	HEART MRI FOR MORPH W/O DYE	88362	NERVE TEASING PREPARATIONS
75554	CARDIAC MRI/FUNCTION	90471	IMMUNIZATION ADMIN
75555	CARDIAC MRI/LIMITED STUDY	90472	IMMUNIZATION ADMIN, EACH ADD
76075	DEXA, AXIAL SKELETON STUDY	90780	IV INFUSION THERAPY, 1 HOUR
76076	DEXA, PERIPHERAL STUDY	90781	IV INFUSION, ADDITIONAL HOUR
76400	MAGNETIC IMAGE, BONE MARROW	90782	INJECTION, SC/IM
76506	ECHO EXAM OF HEAD	90783	INJECTION, IA
76536	US EXAM OF HEAD AND NECK	90784	INJECTION, IV
76700	US EXAM, ABDOM, COMPLETE	90788	INJECTION OF ANTIBIOTIC
76770	US EXAM ABDO BACK WALL, COMP	90801	PSY DX INTERVIEW
76778	US EXAM KIDNEY TRANSPLANT	90802	INTAC PSY DX INTERVIEW
76818	FETAL BIOPHYS PROFILE W/NST	90804	PSYTX, OFFICE, 20-30 MIN
76819	FETAL BIOPHYS PROFIL W/O NST	90805	PSYTX, OFF, 20-30 MIN W/E&M
76825	ECHO EXAM OF FETAL HEART	90806	PSYTX, OFF, 45-50 MIN
76826	ECHO EXAM OF FETAL HEART	90807	PSYTX, OFF, 45-50 MIN W/E&M
76827	ECHO EXAM OF FETAL HEART	90808	PSYTX, OFFICE, 75-80 MIN
76828	ECHO EXAM OF FETAL HEART	90809	PSYTX, OFF, 75-80, W/E&M
76830	TRANSVAGINAL US, NON-OB	90810	INTAC PSYTX, OFF, 20-30 MIN
76831	ECHO EXAM, UTERUS	90811	INTAC PSYTX, 20-30, W/E&M
76856	US EXAM, PELVIC, COMPLETE	90812	INTAC PSYTX, OFF, 45-50 MIN
76857	US EXAM, PELVIC, LIMITED	90813	INTAC PSYTX, 45-50 MIN W/E&M
76870	US EXAM, SCROTUM	90814	INTAC PSYTX, OFF, 75-80 MIN
76872	ECHO EXAM, TRANSRECTAL	90815	INTAC PSYTX, 75-80 W/E&M
76873	ECHOGRAP TRANS R, PROS STUDY	90816	PSYTX, HOSP, 20-30 MIN
76880	US EXAM, EXTREMITY	90817	PSYTX, HOSP, 20-30 MIN W/E&M
76885	US EXAM INFANT HIPS, DYNAMIC	90818	PSYTX, HOSP, 45-50 MIN
76942	ECHO GUIDE FOR BIOPSY	90819	PSYTX, HOSP, 45-50 MIN W/E&M
77789	APPLY SURFACE RADIATION	90821	PSYTX, HOSP, 75-80 MIN
78070	PARATHYROID NUCLEAR IMAGING	90822	PSYTX, HOSP, 75-80 MIN W/E&M
78306	BONE IMAGING, WHOLE BODY	90823	INTAC PSYTX, HOSP, 20-30 MIN
78315	BONE IMAGING, 3 PHASE	90824	INTAC PSYTX, HSP 20-30 W/E&M
78460	HEART MUSCLE BLOOD, SINGLE	90826	INTAC PSYTX, HOSP, 45-50 MIN
78461	HEART MUSCLE BLOOD, MULTIPLE	90827	INTAC PSYTX, HSP 45-50 W/E&M
78464	HEART IMAGE (3D), SINGLE	90828	INTAC PSYTX, HOSP, 75-80 MIN
78465	HEART IMAGE (3D), MULTIPLE	90829	INTAC PSYTX, HSP 75-80 W/E&M
78478	HEART WALL MOTION ADD-ON	90845	PSYCHOANALYSIS
78480	HEART FUNCTION ADD-ON	90846	FAMILY PSYTX W/O PATIENT
78580	LUNG PERFUSION IMAGING	90847	FAMILY PSYTX W/PATIENT
88180	CELL MARKER STUDY	90849	MULTIPLE FAMILY GROUP PSYTX
88182	CELL MARKER STUDY	90853	GROUP PSYCHOTHERAPY
88291	CYTO/MOLECULAR REPORT	90857	INTAC GROUP PSYTX
88321	MICROSLIDE CONSULTATION	90862	MEDICATION MANAGEMENT
88323	MICROSLIDE CONSULTATION	90918	ESRD RELATED SERVICES, MONTH
88325	COMPREHENSIVE REVIEW OF DATA	90919	ESRD RELATED SERVICES, MONTH
88329	PATH CONSULT INTROP	90920	ESRD RELATED SERVICES, MONTH
88331	PATH CONSULT INTRAOP, 1 BLOC	90921	ESRD RELATED SERVICES, MONTH

*PEAC refined in office inputs only.

CPT Codes and descriptions are copyright 2002 by the American Medical Association, all rights reserved.

ADDENDUM F.—CODES REVIEWED BY PEAC—CONTINUED

CPT code	Short descriptors	CPT code	Short descriptors
90922	ESRD RELATED SERVICES, DAY	93314	ECHO TRANSESOPHAGEAL
90923	ESRD RELATED SERVICES, DAY	93315	ECHO TRANSESOPHAGEAL
90924	ESRD RELATED SERVICES, DAY	93317	ECHO TRANSESOPHAGEAL
90925	ESRD RELATED SERVICES, DAY	93320	DOPPLER ECHO EXAM, HEART
90935	HEMODIALYSIS, ONE EVALUATION	93321	DOPPLER ECHO EXAM, HEART
90937	HEMODIALYSIS, REPEATED EVAL	93325	DOPPLER COLOR FLOW ADD-ON
90945	DIALYSIS, ONE EVALUATION	93350	ECHO TRANSTHORACIC
90947	DIALYSIS, REPEATED EVAL	93508	CATH PLACEMENT, ANGIOGRAPHY
91100	PASS INTESTINE BLEEDING TUBE	93510	LEFT HEART CATHETERIZATION
91105	GASTRIC INTUBATION TREATMENT	93511	LEFT HEART CATHETERIZATION
92065	ORTHOPTIC/PLEOPTIC TRAINING	93514	LEFT HEART CATHETERIZATION
92070	FITTING OF CONTACT LENS	93524	LEFT HEART CATHETERIZATION
92283	COLOR VISION EXAMINATION	93526	RT & LT HEART CATHETERS
92504	EAR MICROSCOPY EXAMINATION	93527	RT & LT HEART CATHETERS
92541	SPONTANEOUS NYSTAGMUS TEST	93528	RT & LT HEART CATHETERS
92542	POSITIONAL NYSTAGMUS TEST	93529	RT & LT HEART CATHETERIZATION
92543	CALORIC VESTIBULAR TEST	93530	RT HEART CATH, CONGENITAL
92544	OPTOKINETIC NYSTAGMUS TEST	93531	R & L HEART CATH, CONGENITAL
92545	OSCILLATING TRACKING TEST	93532	R & L HEART CATH, CONGENITAL
92546	SINUSOIDAL ROTATIONAL TEST	93533	R & L HEART CATH, CONGENITAL
92552	PURE TONE AUDIOMETRY, AIR	93539	INJECTION, CARDIAC CATH
92553	AUDIOMETRY, AIR & BONE	93540	INJECTION, CARDIAC CATH
92555	SPEECH THRESHOLD AUDIOMETRY	93541	INJECTION FOR LUNG ANGIOGRAM
92556	SPEECH AUDIOMETRY, COMPLETE	93542	INJECTION FOR HEART X-RAYS
92557	COMPREHENSIVE HEARING TEST	93543	INJECTION FOR HEART X-RAYS
92567	TYMPANOMETRY	93544	INJECTION FOR AORTOGRAPHY
92568	ACOUSTIC REFLEX TESTING	93545	INJECT FOR CORONARY X-RAYS
92569	ACOUSTIC REFLEX DECAY TEST	93555	IMAGING, CARDIAC CATH
92980	INSERT INTRACORONARY STENT	93556	IMAGING, CARDIAC CATH
92981	INSERT INTRACORONARY STENT	93733	TELEPHONE ANALY, PACEMAKER
92982	CORONARY ARTERY DILATION	93736	TELEPHONE ANALY, PACEMAKER
92984	CORONARY ARTERY DILATION	93740	TEMPERATURE GRADIENT STUDIES
92995	CORONARY ATHERECTOMY	93770	MEASURE VENOUS PRESSURE
92996	CORONARY ATHERECTOMY ADD-ON	93875 TC	EXTRACRANIAL STUDY
92997	PUL ART BALLOON REPR, PERCUT	93880 TC	EXTRACRANIAL STUDY
92998	PUL ART BALLOON REPR, PERCUT	93882 TC	EXTRACRANIAL STUDY
93000	ELECTROCARDIOGRAM, COMPLETE	93886 TC	INTRACRANIAL STUDY
93005	ELECTROCARDIOGRAM, TRACING	93888 TC	INTRACRANIAL STUDY
93010	ELECTROCARDIOGRAM REPORT	93922 TC	EXTREMITY STUDY
93015	CARDIOVASCULAR STRESS TEST	93923 TC	EXTREMITY STUDY
93016	CARDIOVASCULAR STRESS TEST	93924 TC	EXTREMITY STUDY
93017	CARDIOVASCULAR STRESS TEST	93925 TC	LOWER EXTREMITY STUDY
93018	CARDIOVASCULAR STRESS TEST	93926 TC	LOWER EXTREMITY STUDY
93040	RHYTHM ECG WITH REPORT	93930 TC	UPPER EXTREMITY STUDY
93041	RHYTHM ECG, TRACING	93931 TC	UPPER EXTREMITY STUDY
93042	RHYTHM ECG, REPORT	93965 TC	EXTREMITY STUDY
93303	ECHO TRANSTHORACIC	93970 TC	EXTREMITY STUDY
93304	ECHO TRANSTHORACIC	93971 TC	EXTREMITY STUDY
93307	ECHO EXAM OF HEART	93975 TC	VASCULAR STUDY
93308	ECHO EXAM OF HEART	93976 TC	VASCULAR STUDY
93312	ECHO TRANSESOPHAGEAL	93978 TC	VASCULAR STUDY

*PEAC refined in office inputs only.

CPT Codes and descriptions are copyright 2002 by the American Medical Association, all rights reserved.

ADDENDUM F.—CODES REVIEWED BY PEAC—CONTINUED

CPT code	Short descriptors	CPT code	Short descriptors
93979 TC	VASCULAR STUDY		
93990 TC	DOPPLER FLOW TESTING		
95807	SLEEP STUDY, ATTENDED		
95808	POLYSOMNOGRAPHY, 1-3		
95810	POLYSOMNOGRAPHY, 4 OR MORE		
95811	POLYSOMNOGRAPHY W/CPAP		
95951	EEG MONITORING/VIDEORECORD		
96400	CHEMOTHERAPY, SC/IM		
96408	CHEMOTHERAPY, PUSH TECHNIQUE		
96410	CHEMOTHERAPY, INFUSION METHOD		
96412	CHEMO, INFUSE METHOD ADD-ON		
96414	CHEMO, INFUSE METHOD ADD-ON		
96420	CHEMOTHERAPY, PUSH TECHNIQUE		
96422	CHEMOTHERAPY, INFUSION METHOD		
96423	CHEMO, INFUSE METHOD ADD-ON		
96425	CHEMOTHERAPY, INFUSION METHOD		
96520	PORT PUMP REFILL & MAIN		
96530	SYST PUMP REFILL & MAIN		
98940	CHIROPRACTIC MANIPULATION		
98941	CHIROPRACTIC MANIPULATION		
98942	CHIROPRACTIC MANIPULATION		
98943	CHIROPRACTIC MANIPULATION		
99183	HYPERBARIC OXYGEN THERAPY		
99195	PHLEBOTOMY		
99199	SPECIAL SERVICE/PROC/REPORT		
99431	INITIAL CARE, NORMAL NEWBORN		
99432	NEWBORN CARE, NOT IN HOSP		
99433	NORMAL NEWBORN CARE/HOSPITAL		
99435	NEWBORN DISCHARGE DAY HOSP		
99436	ATTENDANCE, BIRTH		
99440	NEWBORN RESUSCITATION		

*PEAC refined in office inputs only.
 CPT Codes and descriptions are copyright 2002 by the American Medical Association, all rights reserved.

[FR Doc. 02-32503 Filed 12-20-02; 11:52 am]

BILLING CODE 4120-01-P



Federal Register

**Tuesday,
December 31, 2002**

Part III

Environmental Protection Agency

40 CFR Parts 51 and 52

**Prevention of Significant Deterioration
(PSD) and Nonattainment New Source
Review (NSR); Final Rule and Proposed
Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[AD-FRL-7414-5]

RIN 2060-AE11

Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is revising regulations governing the New Source Review (NSR) programs mandated by parts C and D of title I of the Clean Air Act (CAA or Act). These revisions include changes in NSR applicability requirements for modifications to allow sources more flexibility to respond to rapidly changing markets and to plan for future investments in pollution control and prevention technologies. Today's changes reflect EPA's consideration of discussions and recommendations of the Clean Air Act Advisory Committee's (CAAAC) Subcommittee on NSR, Permits and Toxics, comments filed by the public, and meetings and discussions with

interested stakeholders. The changes are intended to provide greater regulatory certainty, administrative flexibility, and permit streamlining, while ensuring the current level of environmental protection and benefit derived from the program and, in certain respects, resulting in greater environmental protection.

EFFECTIVE DATE: This final rule is effective on March 3, 2003.

ADDRESSES: *Docket.* Docket No. A-90-37, containing supporting information used to develop the proposed rule and the final rule, is available for public inspection and copying between 8 a.m. and 4:30 p.m., Monday through Friday (except government holidays) at the Air and Radiation Docket and Information Center (6102T), Room B-108, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC 20460; telephone (202) 566-1742, fax (202) 566-1741. A reasonable fee may be charged for copying docket materials. *Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of this final rule will also be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules: <http://www.epa.gov/ttn/oarpg>.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Hutchinson, Information Transfer

and Program Integration Division (C339-03), U.S. EPA Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone 919-541-5795, or electronic mail at hutchinson.lynn@epa.gov, for general questions on this rule. For questions on baseline emissions determination or the actual-to-projected-actual applicability test, contact Mr. Dan DeRoeck, at the same address, telephone 919-541-5593, or electronic mail at deroeck.dan@epa.gov. For questions on Plantwide Applicability Limitations (PALs), contact Mr. Raj Rao, at the same address, telephone 919-541-5344, or electronic mail at rao.raj@epa.gov. For questions on Clean Units, contact Mr. Juan Santiago, at the same address, telephone 919-541-1084, or electronic mail at santiago.juan@epa.gov. For questions on Pollution Control Projects (PCPs), contact Mr. Dave Svendsgaard, at the same address, telephone 919-541-2380, or electronic mail at svendsgaard.dave@epa.gov.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially affected by this final action include sources in all industry groups. The majority of sources potentially affected are expected to be in the following groups.

Industry group	SIC ^a	NAICS ^b
Electric Services	491	221111, 221112, 221113, 221119, 221121, 221122
Petroleum Refining	291	32411
Chemical Processes	281	325181, 32512, 325131, 325182, 211112, 325998, 331311, 325188
Natural Gas Transport	492	48621, 22121
Pulp and Paper Mills	261	32211, 322121, 322122, 32213
Paper Mills	262	322121, 322122
Automobile Manufacturing	371	336111, 336112, 336712, 336211, 336992, 336322, 336312, 33633, 33634, 33635, 336399, 336212, 336213
Pharmaceuticals	283	325411, 325412, 325413, 325414

^aStandard Industrial Classification

^bNorth American Industry Classification System.

Entities potentially affected by this final action also include State, local, and tribal governments that are delegated authority to implement these regulations.

Outline. The information presented in this preamble is organized as follows:

- I. Overview of Today's Final Action
 - A. Background
 - B. Introduction
 - C. Overview of Final Actions
 - 1. Determining Whether a Proposed Modification Results in a Significant Emissions Increase
 - 2. CMA Exhibit B
- 3. Plantwide Applicability Limitations (PALs)
- 4. Clean Units
- 5. Pollution Control Projects (PCPs)
- 6. Major NSR Applicability
- 7. Enforcement
- 8. Enforceability
- II. Revisions to the Method for Determining Whether a Proposed Modification Results in a Significant Emissions Increase
 - A. Introduction
 - B. What We Proposed and How Today's Action Compares
 - C. Baseline Actual Emissions For Existing Emissions Units Other than EUSGUs
- D. The Actual-to-projected-actual Applicability Test
- E. Clarifying Changes to WEPCO Provisions for EUSGUs
- F. The "Hybrid" Applicability Test
- G. Legal Basis for Today's Action
- H. Response to Comments and Rationale for Today's Actions
- III. CMA Exhibit B
- IV. Plantwide Applicability Limitations (PALs)
 - A. Introduction
 - B. Relevant Background
 - C. Final Regulations for Actuals PALs
 - D. Rationale for Today's Final Action on Actuals PALs
- V. Clean Units

- A. Introduction
- B. Summary of 1996 Clean Unit Proposal
- C. Final Regulations for Clean Units
- D. Legal Basis for the Clean Unit Test
- E. Summary of Major Comments and Responses
- VI. Pollution Control Projects (PCPs)
 - A. Description and Purpose of This Action
 - B. What We Proposed and How Today's Action Compares To It
 - C. Legal Basis for PCP
 - D. Implementation
- VII. Listed Hazardous Air Pollutants
- VIII. Effective Date for Today's Requirements
- IX. Administrative Requirements
 - A. Executive Order 12866—Regulatory Planning and Review
 - B. Executive Order 13132—Federalism
 - C. Executive Order 13175—Consultation and Coordination with Indian Tribal Governments
 - D. Executive Order 13045—Protection of Children from Environmental Health Risks and Safety Risks
 - E. Unfunded Mandates Reform Act of 1995
 - F. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*
 - G. Paperwork Reduction Act
 - H. National Technology Transfer and Advancement Act of 1995
 - I. Congressional Review Act
 - J. Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- X. Statutory Authority
- XI. Judicial Review

I. Overview of Today's Final Action

A. Background

We¹ proposed revisions to the NSR rules in a notice published in the **Federal Register** on July 23, 1996 (61 FR 38250). On July 24, 1998, we published a notice (63 FR 39857) to solicit further comment on two specific aspects of the proposed revisions. Today's **Federal Register** action announces EPA's final action on the proposed revisions for baseline emissions determinations, the actual-to-future-actual methodology, actuals PALs, Clean Units, and PCPs. We have not made final determinations on any other proposed changes to the regulations.

Today's actions finalize these changes to the regulations for both the approval and promulgation of implementation plans and requirements for preparation, adoption, and submittal of implementation plans governing the NSR programs mandated by parts C and D of title I of the Act. We also proposed conforming changes to 40 CFR (Code of

Federal Regulations) part 51, appendix S, and part 52.24. Today we have not included the final regulatory language for these regulations. It is our intention to include regulatory changes that conform appendix S and 40 CFR 52.24 to today's final rules in any final regulations that set forth an interim implementation strategy for the 8-hour ozone standard. We intend to finalize changes to these sections precisely as we have finalized requirements for other parts of the program. Because these are conforming changes and the public has had an opportunity for review and comment, we will not be soliciting additional comments before we finalize them.

The major NSR program contained in parts C and D of title I of the Act is a preconstruction review and permitting program applicable to new or modified major stationary sources of air pollutants regulated under the Act. In areas not meeting health-based National Ambient Air Quality Standards (NAAQS) and in ozone transport regions (OTR), the program is implemented under the requirements of part D of title I of the Act. We call this program the "nonattainment" NSR program. In areas meeting NAAQS ("attainment" areas) or for which there is insufficient information to determine whether they meet the NAAQS ("unclassifiable" areas), the NSR requirements under part C of title I of the Act apply. We call this program the Prevention of Significant Deterioration (PSD) program. Collectively, we also commonly refer to these programs as the major NSR program. These regulations are contained in 40 CFR 51.165, 51.166, 52.21, 52.24, and part 51, appendix S.

The NSR provisions of the Act are a combination of air quality planning and air pollution control technology program requirements for new and modified stationary sources of air pollution. In brief, section 109 of the Act requires us to promulgate primary NAAQS to protect public health and secondary NAAQS to protect public welfare. Once we have set these standards, States must develop, adopt, and submit to us for approval a State Implementation Plan (SIP) that contains emission limitations and other control measures to attain and maintain the NAAQS and to meet the other requirements of section 110(a) of the Act.

Each SIP is required to contain a preconstruction review program for the construction and modification of any stationary source of air pollution to assure that the NAAQS are achieved and maintained; to protect areas of clean air; to protect Air Quality Related

Values (AQRVs) (including visibility) in national parks and other natural areas of special concern; to assure that appropriate emissions controls are applied; to maximize opportunities for economic development consistent with the preservation of clean air resources; and to ensure that any decision to increase air pollution is made only after full public consideration of all the consequences of such a decision.

For newly constructed, "greenfield" sources, the determination of whether an activity is subject to the major NSR program is fairly straightforward. The Act, as implemented by our regulations, sets applicability thresholds for major sources in nonattainment areas [potential to emit (PTE) above 100 tons per year (tpy) of any pollutant subject to regulation under the Act, or smaller amounts, depending on the nonattainment classification] and attainment areas (100 or 250 tpy, depending on the source type). A new source with a PTE at or above the applicable threshold amount "triggers," or is subject to, major NSR.

The determination of what should be classified as a modification subject to major NSR presents more difficult issues. The modification provisions of the NSR program in parts C and D are based on the definition of modification in section 111(a)(4) of the Act: the term "modification" means "any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted." That definition contemplates that, first, you will determine whether a physical or operational change will occur. If so, then you will proceed to determine whether the physical or operational change will result in an emissions increase over baseline levels.

The expression "any physical change * * * or change in the method of operation" in section 111(a)(4) of the Act is not defined. We have recognized that Congress did not intend to make every activity at a source subject to the major NSR program. As a result, we have previously adopted several exclusions from what may constitute a "physical or operational change." For instance, we have specifically recognized that routine maintenance, repair and replacement, and changes in hours of operation or in the production rate are not considered a physical change or change in the method of

¹In this preamble the term "we" refers to EPA and the term "you" refers to major stationary sources of air pollution and their owners and operators. All other entities are referred to by their respective names (for example, reviewing authorities.)

operation within the definition of major modification.²

We have likewise addressed the scope of the statutory definition of modification by excluding all changes that do not result in a "significant" emissions increase from a major source.³ This regulatory framework applies the major NSR program at existing sources to only "major modifications" at major stationary sources.

One key attribute of the major NSR program in general is that you may "net" modifications out of review by coupling proposed emissions increases at your source with contemporaneous emissions reductions. Thus, under regulations we promulgated in 1980, you may modify, or even completely replace, or add, emissions units without obtaining a major NSR permit, so long as "actual emissions" do not increase by a significant amount over baseline levels at the plant as a whole.

Applicability of the major NSR program must be determined in advance of construction and is pollutant-specific. In cases involving existing sources, this requires a pollutant-by-pollutant determination of the emissions change, if any, that will result from the physical or operational change. Our 1980 regulations implementing the PSD and nonattainment major NSR programs thus inquire whether the proposed change constitutes a "major modification," that is, a physical change or change in the method of operation "that would result in a significant net emissions increase of any pollutant subject to regulation under the Act." A "net emissions increase" is defined as the increase in "actual emissions" from the particular physical or operational change (taking into account the use of emissions control technology and restrictions on hours of operation or rates of production where such controls and restrictions are enforceable), together with your other contemporaneous increases or decreases in actual emissions.⁴ In order to trigger applicability of the major NSR program, the net emissions increase must be "significant."⁵

Before today's changes, our regulations generally defined actual emissions as "the average rate, in tpy, at which the unit actually emitted the pollutant during a 2-year period which precedes the particular date and which is representative of normal source operation." The reviewing authorities will allow use of a different time period "upon a determination that it is more representative of normal source operation." We have historically used the 2 years immediately preceding the proposed change to establish a source's actual emissions. However, in some cases we have allowed use of an earlier period.

With respect to changes at existing sources, a prediction of whether the physical or operational change would result in a significant net increase in your actual emissions following the change was thus necessary. In part, this involved a straightforward and readily predictable engineering judgment—how would the change affect the emission factor or emissions rate of the emissions units that are to be changed.

Before today's changes, the regulations provided that when your emissions unit, other than an electric utility steam generating unit (EUSGU), "has not begun normal operations," actual emissions equal the PTE of the unit. When you have not begun normal operations following a change, you must assume that your source will operate at its full capacity year round, that is, at its full emissions potential. This is referred to as the actual-to-potential test. You may avoid the need for an NSR permit by reducing your source's potential emissions through the use of enforceable restrictions to pre-modification actual emissions levels plus an amount that is less than "significant".

In 1992, we promulgated revisions to our applicability regulations creating special rules for physical and operational changes at EUSGUs. *See* 57 FR 32314 (July 21, 1992).⁶ In this rule, prompted by litigation involving the Wisconsin Electric Power Company (WEPCO) and commonly referred to as the "WEPCO rule," we adopted an actual-to-future-actual methodology for all changes at EUSGUs except the construction of a new electric generating unit or the replacement of an existing emissions unit. Under this methodology, the actual annual

emissions before the change are compared with the projected actual emissions after the change to determine if a physical or operational change would result in a significant increase in emissions. To ensure that the projection is valid, the rule requires the utility to track its emissions for the next 5 years and provide to the reviewing authority information demonstrating that the physical or operational change did not result in an emissions increase.

In promulgating the WEPCO rule, we also adopted a presumption that utilities may use as baseline emissions the actual annual emissions from any 2 consecutive years within the 5 years immediately preceding the change.

In attainment areas, once major NSR is triggered, you must, among other things, install best available control technology (BACT) and conduct modeling and monitoring as necessary. If your source is located in a nonattainment area, you must install technology that meets the lowest achievable emissions rate (LAER), secure emissions reductions to offset any increases above baseline emission levels, and perform other analyses.

B. Introduction

Today's final regulations were proposed as part of a larger regulatory package on July 23, 1996 (61 FR 38250). That package proposed a number of changes to our existing major NSR requirements. (Please refer to the outline of that proposed rulemaking for a complete list of changes that were proposed to our existing regulations.) On July 24, 1998, we published a **Federal Register** Notice of Availability (NOA) that requested additional comment on three of the proposed changes: determining baseline emissions, actual-to-future-actual methodology, and PALs. Following the 1996 proposals, we held two public hearings and more than 50 stakeholder meetings. Environmental groups, industry, and State, local, and Federal agency representatives participated in these many discussions.

In May 2001, President Bush's National Energy Policy Development Group issued findings and key recommendations for a National Energy Policy. This document included numerous recommendations for action, including a recommendation that the EPA Administrator, in consultation with the Secretary of Energy and other relevant agencies, review NSR regulations, including administrative interpretation and implementation. The recommendation requested that we issue a report to the President on the impact of the regulations on investment

² See 40 CFR 52.21(b)(2).

³ See 40 CFR 52.21(b)(23).

⁴ In approximate terms, "contemporaneous" emissions increases or decreases are those that have occurred between the date 5 years immediately preceding the proposed physical or operational change and the date that the increase from the change occurs. *See*, for example, § 52.21(b)(3)(ii).

⁵ Once a modification is determined to be major, the PSD requirements apply only to those specific pollutants for which there would be a significant net emissions increase. *See*, for example, § 52.21(j)(3) (BACT) and § 52.21(m)(1)(b) (air quality analysis).

⁶ The regulations define "electric utility steam generating units" as any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 megawatts (MW) of electrical output to any utility power distribution system for sale. *See*, for example, § 51.166(b)(30).

in new utility and refinery generation capacity, energy efficiency, and environmental protection.

In response, in June 2001, we issued a background paper giving an overview of the NSR program. This paper is available on the Internet at <http://www.epa.gov/air/nsr-review/background.html>. We solicited public comments on the background paper and other information relevant to the New Source Review 90-day Review and Report to the President. During our review of the NSR program, we met with more than 100 groups, held four public meetings around the country, and received more than 130,000 written comments. Our report to the President and our recommendations in response to the energy policy were issued on June 13, 2002. A copy of this information is available at <http://www.epa.gov/air/nsr-review/>. We expect that our recommendations in response to the energy policy will be reflected in the future in various programs and regulatory actions. Today's actions implement several of those recommendations.

Today, we are finalizing five actions that we previously proposed in 1996 (three of which were re-noticed in the 1998 NOA). We are not taking final action on any of the remaining issues in the 1996 proposal at this time. We have not decided what final action we will take on those issues.

C. Overview of Final Actions

Today we are taking final action on five changes to the NSR program that will reduce burden, maximize operating flexibility, improve environmental quality, provide additional certainty, and promote administrative efficiency. These elements include baseline actual emissions, actual-to-projected-actual emissions methodology, PALs, Clean Units, and PCPs. We are also codifying our longstanding policy regarding the calculation of baseline emissions for EUSGUs. In addition, we are responding to comments we received on a proposal to adopt a methodology, developed by the American Chemistry Council (formerly known as the Chemical Manufacturers Association (CMA)) and other industry petitioners, to determine whether a source has undertaken a modification based on its potential emissions. We are including a new section in today's final rules that outlines how a major modification is determined under the various major NSR applicability options and clarifies where you will find the provisions in our revised rules. Finally, we have codified a new definition of "regulated NSR pollutant" that clarifies which

pollutants are regulated under the Act for purposes of major NSR.

This section briefly introduces each improvement. Detailed discussions of the improvements are found in sections II through VII of this preamble.

1. Determining Whether a Proposed Modification Results in a Significant Emissions Increase

Today we are finalizing two changes to our existing major NSR regulations that will affect how you calculate emissions increases to determine whether physical changes or changes in the method of operation trigger the major NSR requirements. First, we have a new procedure for determining "baseline actual emissions." That is, the relevant terminology for calculating pre-change emissions for most applications is now "baseline actual emissions" rather than "actual emissions." You may use any consecutive 24-month period in the past 10 years to determine your baseline actual emissions. Second, we are supplementing the existing actual-to-potential applicability test with an actual-to-projected-actual applicability test for determining if a physical or operational change at an existing emissions unit will result in an emissions increase. Notwithstanding the new test, you will still have the ability to conduct an actual-to-potential type test within the new actual-to-projected-actual applicability test. In this case, you will not be subject to recordkeeping requirements that are being established and would otherwise apply as part of the new actual-to-projected actual applicability test.

For EUSGUs, we are making several changes to the existing procedures and are codifying our current policy for calculating the baseline actual emissions. That is, the baseline actual emissions for EUSGUs is the average rate, in tpy, at which that unit actually emitted the pollutant during a 2-year (consecutive 24-month) period within the 5-year period immediately preceding when the owner or operator begins actual construction. We are also retaining the option that allows the use of a different time period if the reviewing authority determines it is more representative of normal source operation.

2. CMA Exhibit B

As described in section I.C.1 above, we have decided to adopt an actual-to-projected-actual methodology, combined with a revised process to determine baseline emissions, to use in determining when sources are considered to have made a modification and are thereby subject to NSR. We are

not adopting the methodology based on potential emissions as discussed in the CMA Exhibit B proposal. See section III of this preamble for a discussion of the comments we received on this proposal and our responses.

3. Plantwide Applicability Limitations

A PAL is a voluntary option that will provide you with the ability to manage facility-wide emissions without triggering major NSR review. We believe that the added flexibility provided under a PAL will facilitate your ability to respond rapidly to changing market conditions while enhancing the environmental protection afforded under the program.

Today we are promulgating a PAL based on plantwide actual emissions. If you keep the emissions from your facility below a plantwide actual emissions cap (that is, an actuals PAL), then these regulations will allow you to avoid the major NSR permitting process when you make alterations to the facility or individual emissions units. In return for this flexibility, you must monitor emissions from all of your emissions units under the PAL. The benefit to you is that you can alter your facility without first obtaining a Federal NSR permit or going through a netting review. A PAL will allow you to make changes quickly at your facility. If you are willing to undertake the necessary recordkeeping, monitoring, and reporting, a PAL offers you flexibility and regulatory certainty.

4. Clean Units

We are promulgating a new type of applicability test for emissions units that are designated as Clean Units. The new applicability test recognizes that when you go through major NSR review and install BACT or LAER, you may make any changes to the Clean Unit without triggering an additional major NSR review, if the project at a Clean Unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with BACT or LAER and the project would not alter any physical or operational characteristics that formed the basis for the BACT or LAER determination. If the project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit adopted in conjunction with BACT or LAER or would alter any physical or operational characteristics that formed the basis for the BACT or LAER determination, you lose Clean Unit status. You may still proceed with the project without triggering major NSR

review, if the increase is not a significant net emissions increase. Emissions units that have not been through major NSR may still qualify for Clean Unit status if they demonstrate that the emissions control level is comparable to BACT or LAER. Clean Unit status will be valid for up to a 10-year period. The new applicability test does not exclude consideration of physical changes or changes in the method of operation of Clean Units from major NSR, but rather changes the way emissions increases are calculated for these changes. This new applicability test therefore protects air quality, creates incentives for sources to install state-of-the-art controls, provides flexibility for sources, and promotes administrative efficiency.

5. Pollution Control Projects

Today's rule contains a new list of environmentally beneficial technologies that qualify as PCPs for all types of sources. Installation of a PCP is not subject to the major modification provisions. An owner or operator installing a listed PCP automatically qualifies for the exclusion if there is no adverse air quality impact—that is, if it will not cause or contribute to a violation of NAAQS or PSD increment, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by a Federal Land Manager (FLM) and for which information is available to the general public. The PCPs that are not listed in today's rules may also qualify for the PCP Exclusion if the reviewing authority determines on a case-specific basis that a non-listed PCP is environmentally beneficial when used for a particular application. Also, in the future, we may add to the listed PCPs through a rulemaking that provides for public notice and opportunity for comment. The PCP Exclusion allows sources to install emissions controls that are known to be environmentally beneficial. These provisions thus offer flexibility while improving air quality.

6. Major NSR Applicability

We have briefly described the new provisions for baseline actual emissions, actual-to-projected-actual methodology, PALs, and Clean Units. Sections II, IV, and V describe the new provisions in detail. These provisions offer major new changes to NSR applicability, especially regarding how a major modification is determined. The major NSR applicability provisions have developed over time and therefore have been added to the NSR rules in a piecemeal fashion. In today's final rules we are including a new section that outlines how a major modification is determined

under the various major NSR applicability options and clarifies where you will find the provisions in our revised rules. For each applicability option, we describe how a major modification is determined in detail. You'll find this new applicability "roadmap" in §§ 51.165(a)(2), 51.166(a)(7), and 52.21(a)(2). To summarize, the various provisions for major modifications are now as follows.

- Actual-to-projected-actual applicability test for all existing emissions units. (Including an actual-to-potential option)
- Actual-to-potential test for any new unit, including EUSGUs.
- The Clean Unit Test for existing emissions units with Clean Unit status.
- The hybrid test for modifications with multiple types of emissions units. (Used when a physical or operational change affects a combination of more than one type of unit.)

We describe actual PALs, which are an alternative way of complying with major NSR, in section IV of this preamble. If you have a PAL, as long as you are complying with the PAL requirements, any physical or operational changes are not major modifications.

We have revised the definition of major modification to clarify what has always been our policy—that determining whether a major modification has occurred is a two-step process. The new definition of major modification is "any physical change in or change in the method of operation of a major stationary source that would result in: (1) A significant emissions increase of a regulated NSR pollutant; and (2) a significant net emissions increase of that pollutant from the major stationary source." We have also revised the definitions of actual emissions, emissions unit, net emissions increase, and construction. We have deleted the word "actual" as related to emissions from the definition of "construction." This change was necessary because of how the definition of "actual emissions" is used in the final rule, but the deletion is not intended to change any meaning in the term "construction." We have added new definitions for baseline actual emissions, projected actual emissions, project, and significant emissions increase. These revisions and additions implement our new provisions for major modifications under the actual-to-projected-actual applicability test, actual-to-potential test, Clean Unit Test, and hybrid test. You will find a complete discussion of the Clean Unit Test, including how modifications to Clean Units are treated, in section V of this preamble. The other tests are discussed in section II.

"Actual emissions," as the term has been historically applied, will still be used to determine air quality impacts (for example, compliance with NAAQS, PSD increments, and AQRVs) and to compute the required amount of emissions offsets.

To further clarify major NSR applicability in one location, we have moved § 51.166(i)(1) through (3) and § 52.21(i)(1) through (3) into the new applicability sections at § 51.166(a)(7) and § 52.21(a)(2). These provisions clarify that you must obtain a permit before you begin construction (including for major modifications), that the provisions apply for each regulated NSR pollutant that your source emits, and that the provisions apply to any source located in the area designated as attainment or unclassifiable (for §§ 51.166 and 52.21).

We have also added a new definition for reviewing authority that clarifies who has authority to implement major NSR programs. Reviewing authority means the State air pollution control agency, local agency, other State agency, Indian tribe, or other agency authorized by the Administrator to carry out a permit program under §§ 51.165 and 51.166, or the Administrator in the case of EPA-implemented permit programs under § 52.21.

7. Enforcement

As noted above, today we are taking final action on five changes to the NSR program that create alternative means of determining NSR applicability for projects that begin actual construction after these provisions become effective in your jurisdiction. If you are subsequently determined not to have met any of the obligations of these new alternatives (for example, failure to meet emissions or applicability limits, properly project emissions, and/or properly implement the PCP Exclusion or Clean Unit Test), you will be subject to any applicable enforcement provisions (including the possibility of citizens' suits) under the applicable sections of the Act. Sanctions for violations of these provisions may include monetary penalties of up to \$27,500 per day of violation, as well as the possibility of injunctive relief, which may include the requirement to install air pollution controls.

8. Enforceability

This rule uses several terms related to enforceability of particular provisions. A requirement is "legally enforceable" if some authority has the right to enforce the restriction. Practical enforceability for a source-specific permit will be

achieved if the permit's provisions specify: (1) A technically-accurate limitation and the portions of the source subject to the limitation; (2) the time period for the limitation (hourly, daily, monthly, and annual limits such as rolling annual limits); and (3) the method to determine compliance, including appropriate monitoring, recordkeeping, and reporting. For rules and general permits that apply to categories of sources, practicable enforceability additionally requires that the provisions: (1) Identify the types or categories of sources that are covered by the rule; (2) where coverage is optional, provide for notice to the permitting authority of the source's election to be covered by the rule; and (3) specify the enforcement consequences relevant to the rule.^{7, 8} "Enforceable as a practical matter" will be achieved if a requirement is both legally and practically enforceable.

Note that we continue to require offsets to be federally enforceable. "Federal enforceability" means that not only is a requirement practically enforceable, as described above, but in addition, "EPA must have a direct right to enforce restrictions and limitations imposed on a source to limit its exposure to Act programs."⁹ Also note that, for computing baseline actual emissions for use in determining major NSR applicability or for establishing a PAL, you must consider "legally enforceable" requirements. A requirement will be legally enforceable if the Administrator, State, local or tribal air pollution control agency has the authority to enforce the requirement irrespective of its practical enforceability.

In our existing regulations that are unamended by today's action, the term "federally enforceability" still appears. In 1995, the court in *Chemical Manufacturers Ass'n v. EPA* remanded the definition of PTE in the major NSR program to EPA. No. 89-1514 (D.C. Cir. Sept. 150 1995). Because the court vacated the requirements in the nationwide rules, the term federal

⁷ See memorandum, "Release of Interim Policy on Federal Enforceability of Limitations on Potential to Emit," signed by John Seitz and Robert Van Heuvelen, Jan. 22, 1996 at 5-6 and Attachment 4, available on the Web at <http://www.epa.gov/rgytgrnj/programs/artd/air/title5/t5memos/pottoemi.pdf>. More detailed guidance on practical enforceability is contained in the memorandum.

⁸ The Agency has frequently used the term "practicably enforceable" and "practical enforceability," interchangeably. There is no difference in the meaning of these terms.

⁹ See generally memorandum, "Options for Limiting the Potential to Emit (PTE) of a Stationary Source Under Section 112 and Title V of the Clean Air Act," signed by John Seitz and Robert Van Heuvelen, Jan. 25, 1995, at 2-3.

enforceability as it relates to PTE is not in effect (pending final rule making by the Agency) in the Federal rules. The decision, however, did not address the term "federally enforceable" as used in SIPs, because that issue was not before the court.

II. Revisions to the Method for Determining Whether a Proposed Modification Results in a Significant Emissions Increase

A. Introduction

Today we are finalizing two sets of amendments to our existing major NSR regulations that provide another way in which you may calculate emissions increases to determine whether certain types of physical changes or changes in the method of operation (physical or operational changes) of an existing emissions unit trigger the major NSR requirements.¹⁰ The first set of amendments relates to the way in which you will determine your baseline actual emissions for such emissions units in accordance with a new definition of "baseline actual emissions." See, for example, new § 52.21(b)(48). We will be allowing you to use any consecutive 24-month period during the 10-year period prior to the change to determine your baseline actual emissions for existing emissions units (other than EUSGUs). The second set of amendments replaces the existing actual-to-potential and actual-to-representative-actual-annual emissions applicability tests for existing emissions units (including EUSGUs) with an actual-to-projected-actual applicability test for determining if a physical or operational change will result in an emissions increase at such units. (Notwithstanding this new test, the actual-to-potential methodology is still available at your option under the new applicability tests.) The new procedure for determining your pre-change baseline actual emissions will not apply to EUSGUs.¹¹ Instead, for

¹⁰ By definition, the modification of an existing source is potentially subject to major NSR only if that existing source is "major." In addition, when an existing "minor" source makes a physical or operational change that by itself is major, that change constitutes a major stationary source that is subject to major NSR. See, for example, § 52.21(b)(1)(c).

¹¹ For NSR purposes, the definition of "electric utility steam generating unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility. See, for example, § 52.21(b)(31). Reference in this notice to

EUSGUs we are retaining the existing procedures for determining the baseline actual emissions.¹² See, for example, existing § 52.21(b)(33). We are also affirming our current method used for calculating the baseline actual emissions for EUSGUs (allowing any consecutive 2 years in the past 5 years, or another more representative period) by codifying it in the NSR regulations. See, for example, new § 52.21(b)(48).

For existing emissions units other than EUSGUs, the changes we are making to the method for calculating a unit's baseline actual emissions will apply only for the following three purposes.

- For modifications, to determine a modified unit's pre-change baseline actual emissions as part of the new actual-to-projected-actual applicability test.
- For netting, to determine the pre-change baseline actual emissions of an emissions unit that underwent a physical or operational change within the contemporaneous period.
- For PALs, to establish the PAL emissions cap.

Today's new procedures for calculating baseline actual emissions and for the actual-to-projected-actual applicability test should not be used when determining a source's actual emissions on a particular date as may be used for other NSR-related requirements. Such requirements include, but are not limited to, air quality impacts analyses (for example, compliance with NAAQS, PSD increments, and AQRVs) and computing the required amount of emissions offsets. For each of these requirements, the existing definition of "actual emissions" continues to apply. This is discussed in greater detail in section II.D.9.

We believe that these changes will greatly improve the major NSR program by responding to industry concerns with our existing methodology without compromising air quality. One common complaint about the current emissions baseline process is that you have a limited ability to consider the operational fluctuations associated with normal business cycles when establishing baseline actual emissions unless your reviewing authority agrees that another period is "more representative of normal source

utility units is meant to include all emissions units covered by this definition.

¹² We promulgated special applicability rules for physical and operational changes at EUSGUs in 1992. See 57 FR 32314 (July 21, 1992).

operation.”¹³ By extending the time period from which you may establish your baseline actual emissions, the new procedures should reflect the emissions levels that occur during a normal business cycle, without requiring you to demonstrate to your reviewing authority that another period is “more representative of normal source operations.”

Commenters also believe that the current methodology requires many changes made to existing equipment to go through major NSR, without taking into account operating history, even when such changes will not result in increased pollution to the environment. Our new applicability requirements address these commenters’ concerns and will focus limited resources more effectively.

We are also modifying the way you may determine whether emissions at existing units (including EUSGUs) will increase, by allowing you to use projected actual emissions for purposes of this determination. Under this approach, in circumstances where there is a reasonable possibility that a project that is not part of a major modification may result in a significant increase of a regulated NSR pollutant, before beginning actual construction, you may choose to make and record a projection of post-change emissions of that pollutant from changed units.¹⁴

To make this projection, you must use the maximum annual rate at which the changed units are projected to emit the pollutant in any of the 5 calendar years following the time the unit resumes regular operations after the project (or 10 years if the project increases the unit’s design capacity or potential to emit the regulated NSR pollutant). You then use these projections to calculate whether the project will result in a significant emissions increase. In making this calculation, you could exclude any emissions that the unit could have accommodated before the change and that are unrelated to the

project. You could also exclude emissions resulting from increased utilization due to demand growth that the unit could have accommodated before the change.

With respect to the covered changes, if you use this procedure, you are required to track post-change annual emissions of the units in tpy for the next 5 years (or 10 years if the project increases the unit’s design capacity or potential to emit the regulated NSR pollutant). At the end of each year, if post-change annual emissions exceed the baseline actual emissions by a significant amount, and differ from your projections, you must submit a report to the reviewing authority with that information within 60 days after the end of the year.

Instead of relying on projected actual emissions, you may instead elect to use the unit’s PTE, in tpy. In that case, you need not track or report post-change emissions.

We are also revising the procedures for projecting future emissions for EUSGUs to conform with these new procedures and consolidate the EUSGU and non-EUSGU procedures into a single set of provisions. As a result of our 1992 rulemaking, EUSGUs have available to them a similar set of procedures. We believe the procedures we are implementing for other units represent a sensible refinement of the rules we promulgated in 1992 and that we should make these procedures available to all existing units. We do, however, impose two requirements on EUSGUs beyond those we impose on other units. First, with respect to covered projects, EUSGUs that project post-change emissions will have to submit a copy of their projections to their reviewing authority before beginning actual construction. You will not be required to obtain any kind of determination from the reviewing authority before proceeding with construction. Second, we are requiring that if you project post-change emissions for your EUSGUs, you must send a copy of your tracked emissions to your reviewing authority, without regard to whether these emissions have increased by a significant amount or exceed your projections. The effect of this consolidation is that we make minor changes to the existing procedures for EUSGUs. For example, you must project emissions for EUSGUs on a 12-month basis, rather than the current approach of projecting average annual emissions for the 2 years immediately following the change. Also, you need only make and report a projection for EUSGUs when there is a reasonable possibility that the given

project may result in a significant emissions increase.

By allowing you to use today’s new version of the actual-to-projected-actual applicability test to evaluate modified existing emissions units, we expect that fewer projects will trigger the major NSR permitting requirements. Nonetheless, we believe that the environment will not be adversely affected by these changes and in some respects will benefit from these changes. The new test will remove disincentives that discourage sources from making the types of changes that improve operating efficiency, implement pollution prevention projects, and result in other environmentally beneficial changes. Moreover, the end result is that State and local reviewing authorities can appropriately focus their limited resources on those activities that could cause real and significant increases in pollution.

In addition, today’s changes provide benefits to the public and the environment through the improved recordkeeping and reporting requirements as discussed above. We believe that these added recordkeeping and reporting measures will provide the information necessary for reviewing authorities to assure that such changes are made consistent with the CAA requirements. The new rule also does not affect the way in which a source’s ambient air quality impacts are evaluated. Altogether, we believe that today’s regulatory amendments focus on the types of changes occurring at existing emissions units that are more likely to result in significant contributions to air pollution.

B. What We Proposed and How Today’s Action Compares

1. July 23, 1996 Notice of Proposed Rulemaking (NPRM)

In 1996, we proposed to amend the NSR rules to allow States to use, among other things, a new test as an alternative to the actual-to-potential test for determining the applicability of the NSR requirements when you wish to make modifications at an existing major stationary source. The proposed test was intended to apply exclusively to modifications of existing emissions units at major stationary sources—not to new emissions units. As described more completely below, the proposed test involved changes to the procedures for calculating an emissions unit’s pre-change (baseline) actual emissions and post-change (future) actual emissions. The method would have also required you to monitor and report future emissions from certain modified

¹³ The definition of “actual emissions” requires that a unit’s actual emissions be based on a consecutive 24-month period immediately preceding the particular change. Also, however, it directs the reviewing authority to allow the use of another time period upon a determination that it is more representative. This procedure continues to be appropriate under the pre-existing regulation and for other NSR purposes, such as determining a source’s ambient impact against the PSD increments, and we continue to require its use for such purposes.

¹⁴ Note that we plan, in the near future, to issue a Notice of Proposed Rulemaking that will address the issue of “debottlenecking.” In today’s rulemaking, we do not intend to change current requirements related to “debottlenecking.” Use of the term “changed unit” should not be interpreted as a change to those requirements.

emissions units, based on the monitoring and reporting requirements adopted under the WEPCO amendments.

Baseline actual emissions. In our 1996 NPRM, we proposed to change the definition of baseline emissions from the average annual rate of actual emissions during the 2-year period preceding the date of the modification to the annual rate associated with the highest level of utilization from any consecutive 12-month period during the 10-year period preceding the date of the modification, adjusted for any more stringent limits that may have been imposed since the end of the 12-month period selected. The proposed method was intended to be used for calculating baseline actual emissions for any existing emissions unit, including EUSGUs, by replacing both the original method (that was part of the actual-to-potential test) and the 2-in-5-years method (as adopted under the WEPCO for modified EUSGUs).

As indicated above, the proposed procedure also would have required you to take into account any legally enforceable constraints imposed on the facility since the selected 12-month time frame, and currently in effect. Thus, you would generally have been required to calculate the modified emissions unit's baseline actual emissions by using the appropriate utilization level from the selected 12-month period, in combination with the emissions unit's current enforceable emission factors. Such enforceable emission factors would have included current Federal and State limits, such as RACT (Reasonably Available Control Technology), MACT (Maximum Achievable Control Technology), BACT, LAER, and New Source Performance Standards (NSPS), as well as enforceable limits resulting from any voluntary reductions you may have taken (for example, for netting, offsets, or Emission Reduction Credits (ERCs)). Also, you would have had to consider any operational constraints that are enforceable, such as production limits, fuel use limits, or limits to the number of hours per day or days per year at which the unit modified, or affected by such modification, could operate.

Finally, we indicated that it was not our intent to extend the 5-year contemporaneous period (for considering creditable emissions increases and decreases as part of the netting calculus), even if we established a 10-year baseline look back period.

Post-change actual emissions. In the 1996 proposal, we proposed to extend the availability of the actual-to-future-actual emissions method, established

under the WEPCO amendments exclusively for EUSGUs, to predict the future actual emissions from any emissions unit undergoing a physical or operational change. Thus, we proposed extending availability of the definition of "representative actual annual emissions" to all emissions units undergoing a physical or operational change. This definition would have provided the basis for you to project an emissions unit's future actual emissions, excluding any emissions increases caused by demand growth or other independent factors, when determining whether the change at issue will increase emissions over the baseline levels.¹⁵

The proposal also retained the WEPCO provision requiring that, for any modified emissions unit using the actual-to-future-actual test, you must submit annually for 5 years after the change sufficient records to demonstrate that the change has not resulted in a significant emissions increase over the baseline levels. As a safeguard, the WEPCO rule also provides that this tracking period could be extended to 10 years when the reviewing authority is concerned that the first 5 years will not be representative of normal source operation. We sought comments on numerous issues, including whether any changes should be made to the 5-year tracking requirement or to the demand growth exclusion in the event that we decided to broaden use of the actual-to-future-actual test for modifications to any existing emissions unit.

2. July 24, 1998 Notice of Availability

In 1998, we announced that comments received on the 1996 proposal and changed circumstances had caused us to ask whether we should reconsider some of the aspects of the proposed changes to the "major modification" applicability test. The 1998 NOA set forth for public comment an additional applicability test. In brief, the alternative presented for additional comment would have: (1) Retained the actual-to-future-actual test for EUSGUs and applied it to all source categories; (2) made binding for a 10-year period the emissions levels used in projecting future actual emissions following the modification for all source categories; and (3) eliminated the demand growth exclusion for calculating a modified emissions unit's future actual emissions.

Consistent with the 1996 NPRM, this alternative methodology would have

¹⁵ This method, as well as the WEPCO amendments as a whole, was limited to modifications of existing EUSGUs and did not apply to the addition of a new emissions unit or the replacement of an existing unit.

applied to any existing emissions unit at a major stationary source for which you might plan a non-routine physical or operational change. The methodology would have required you first to determine which emissions units were being changed, or were affected by the change, then to calculate those units' baseline actual emissions based on the highest consecutive 12 months of source operation during the past 10 years, adjusted to reflect current emission factors.

The second step involved the forecast of future emissions resulting from the physical or operational change. Under this calculation of future actual emissions, one would not have been allowed to exclude predicted capacity utilization increases that were due to demand growth. If the difference between the pre-change and post-change actual emissions equaled or exceeded the significant emissions rate defined for a particular pollutant, major NSR would have been triggered (unless you took enforceable limits to keep the increase below significant levels or were otherwise able to net out of review using creditable, contemporaneous emissions increases and decreases occurring at your facility). If the difference between baseline and future actual emissions did not exceed the applicable significant emissions rate, your facility would not be subject to major NSR, but you would have been required to accept a temporary emissions cap based on the predicted future actual emissions for each affected pollutant at the emissions units being modified or affected by the modification.

The temporary cap would have become an enforceable condition of a preconstruction permit. Also, the sole purpose of the temporary cap would have been to make sure that the physical or operational change did not result in a significant emissions increase, and the cap would have applied to those emissions units for at least 10 years after the changes were completed. You would also have been required to supply information annually to demonstrate that the future actual emissions did not exceed the applicable emissions caps during the 10-year period following the modification.

3. Summary of Major Changes in the Final Rule

Today's action amends the existing NSR regulations to provide you with a common applicability test for all existing emissions units—the actual-to-projected-actual applicability test. This test has changed in some ways from both the 1996 NPRM and the 1998 NOA. As described in greater detail in sections

II.C and II.D below, the key features of the methodology are as follows.

- If you are an existing emissions unit (other than an EUSGU), you will determine the pre-change (baseline) actual emissions by calculating an average annual emissions rate, in tpy, using any consecutive 24 months during the 10-year period immediately preceding the change. This rate must be adjusted downward to reflect any legally enforceable emission limitations imposed after the selected baseline period.

- We are codifying the “2-in-5-years” presumption for calculating the baseline actual emissions for EUSGUs.

- If you are an existing emissions unit (including EUSGUs), you will estimate post-change emissions (projected actual emissions), in tpy, to reflect any increase in annual emissions that may result from the proposed change. You should exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit’s emissions following the project that an existing unit could have accommodated during the baseline period and that is also unrelated to the particular project, including any increased utilization due to product demand growth. You must make the projection before you begin actual construction. When using this method, you must record the projection and certain other information in circumstances where there is a reasonable possibility that a change may result in a significant emissions increase. In addition, EUSGUs must send a copy of the projections and other information to your reviewing authority before beginning actual construction.

- If, for a project at an existing emissions unit (other than an EUSGU) at a major stationary source, you elect to project your post-change emissions, we are also requiring you to maintain information on these emissions, for 5 years following a physical or operational change, or in some cases for 10 years depending on the nature of the change. If your annual emissions exceed the baseline actual emissions by a significant amount and also exceed your projection, you must report this information to your reviewing authority within 60 days after the end of the year.

- If you project post-change emissions for EUSGUs, you must report these emissions to your reviewing authority within 60 days after the end of the year without regard to whether such emissions exceed the baseline actual emissions or projected actual emissions for a period of 5 years (or in some cases 10 years, depending on the nature of the change).

- Instead of projecting your post-change emissions, for all existing emissions units you may instead project post-change emissions on the basis of each unit’s post-change PTE. If you use this method, you need not record your projections or track or report post-change emissions.

As discussed earlier, our prior regulations provide that when your emissions unit, other than an EUSGU, “has not begun normal operations, “actual emissions equal the PTE of the unit. There have been considerable number issues raised with this approach. For example, using PTE as a measure of post-change emissions automatically attributes all possible emissions increases to the change. There are many cases, however, where this simply is not true. Moreover, when the actual-to-potential test is applied, it is automatically assumed that the emissions unit has not begun normal operations after the change period. In many such cases, however, the changed unit as a practical matter will function essentially as it did before the change. We are, therefore, allowing all existing emissions units to use an actual-to-projected-actual applicability test. Accordingly, we are generally eliminating the term “begun normal operations” from the determination of whether a change results in a significant emissions increase.¹⁶

For essentially the same reasons, while our 1992 rules did not authorize use of projections in evaluating whether replacement of an existing emissions unit (which we understood to require application of the NSPS 50 percent cost threshold) constitutes a major modification, upon reflection we have decided this exception to the availability of the actual-to-projected-actual applicability test is also unnecessary. In our 1980 rulemaking, we decided against applying PSD to “reconstruction,” even of entire sources, on the grounds that, as to existing sources that would not otherwise be subjected to PSD review as a major modification (*i.e.*, such source would not cause a significant net emissions increase), changes that had no emission

¹⁶ We do make use of the term “resumes regular operations” (as opposed to “normal operations”) in the final rule, but that term has a very different meaning and we are using it for an entirely different purpose. Specifically, we are not using the term for purposes of determining whether a change results in a significant emissions increase. Rather, we use it only to identify the date on which the owner or operator must begin tracking emissions of changed units when using the actual-to-projected-actual method.

consequences should not be subject to PSD regardless of their magnitude.¹⁷

In addition, we now believe that, as with modified units, the fact that replacement units are replacing similar units with a record of historical operational data provides sufficient reasons to believe that a projection of future actual emissions can be sufficiently reliable that an up-front emissions cap based on PTE is unnecessary. In other words, a source replacing a unit should be able to adequately project and track emissions for the replacement unit based, in part, on the operating history of the replaced unit. In contrast, sources adding “new” units that do not qualify as replacement units must project that the future emissions of the new unit equal its PTE, effectively applying the “actual-to-potential” test because there is no relevant historical data that could be used to establish an actual emissions baseline or projection of future actual emissions for such new units.

For these reasons, we have eliminated the requirement that replaced or reconstructed units be evaluated as to whether they constitute major modifications on an actual-to-potential basis. Instead, you may compare an emission unit’s baseline actual emissions with your projected actual emission in measuring whether the replacement or reconstruction has resulted in a significant emissions increase. You must treat these emissions units as modifications only if the replacement or reconstruction of the unit results in a significant increase so measured.¹⁸

¹⁷ The 1980 rulemaking also discussed that “reconstruction” would have only been applied on a plantwide basis and EPA believed that there would be few instances of plantwide reconstructions.

¹⁸ For simplicity, we state this rule without addressing whether the replacement or reconstruction has resulted in a significant net emissions increase, but under our two-step approach for evaluating whether a change constitutes a major modification, a significant net emissions increase would of course also be required. We have also retained the term “representative of normal operations” in the context of an EUSGU’s option to seek use of a different baseline period, but there the question whether to seek such use is at the source’s option, obviating many of the difficulties with it in other contexts.

C. Changes to the Procedures for Calculating the Pre-Change Baseline Actual Emissions for Existing Emissions Units Other Than EUSGUs

1. Under Today's New Requirements, How Should I Calculate the Pre-Change Baseline Actual Emissions for an Existing Emissions Unit That Is Not an EUSGU?

When you calculate the baseline actual emissions for an existing emissions unit (other than an EUSGU), you may select any consecutive 24 months of source operation within the past 10 years. Using the relevant source records for that 24-month period, including such information as the utilization rate of the equipment, fuels and raw materials used in the operation of the equipment, and applicable emission factors, you must be able to calculate an average annual emissions rate, in tpy, for each pollutant emitted by the emissions unit that is modified, or is affected by the modification.

The new requirements prohibit you from counting as part of the baseline actual emissions any pollution levels that are not allowed under any legally enforceable limitations and that apply at the time of the project. Therefore, you must identify the most current legally enforceable limits on your emissions unit. If these legally enforceable emission limitations and operating restrictions are more stringent than those that applied during the 24-month period, you must adjust downward the average annual emissions rate that you calculated from the consecutive 24-month period to reflect these current restrictions. (See section II.C.5 of this preamble for further discussion of the adjustment that you may need to make.)

In summary, when the average annual emissions rate that you originally calculated is still legally achievable (see discussion below), then your baseline actual emissions will be the same as the average annual emissions rate calculated from the 24-month period. If it is not, you must adjust it downward so that it does not reflect emissions that are no longer legally allowed.

2. Can Existing Emissions Units (Other Than EUSGUs) Still Use a "More Representative Time Period" for Selecting the Baseline Actual Emissions?

No, under today's new requirements neither you nor your reviewing authority will have the authority to select another period of time from which to calculate your baseline actual emissions. You must select a 24-month period within the 10-year period before the physical or operational change.

3. From What Point in Time Is the 10-Year Look Back Measured?

If you believe that you will need either a major or minor NSR permit to proceed with your proposed physical or operational change, then you must use the 10-year period immediately preceding the date on which you submit a complete permit application. If, however, you believe that the physical or operational change(s) you plan to make will not result in either a significant emissions increase from the project or a significant net emissions increase at your major stationary source (that is, your project will not be a major modification), and you are not otherwise required to obtain a minor NSR permit before making such change, then you must use the 10-year period that immediately precedes the date on which you begin actual construction of the physical or operational change.

4. What if, for an Existing Emissions Unit (Other Than an EUSGU), I Do Not Have Adequate Documentation for Its Operation for the Past 10 Years?

Your ability to use the full 10 years of the look back period will depend upon the availability of relevant data for the consecutive 24-month period you wish to select. The data must adequately describe the operation and associated pollution levels for the emissions units being changed. If you do not have the data necessary to determine the units' actual emission factors, utilization rate, and other relevant information needed to accurately calculate your average annual emissions rate during that period of time, then you must select another consecutive 24-month period within the 10-year look back period for which you have adequate data.

5. For an Existing Unit (Other Than EUSGUs), When Must I Adjust My Calculation of the Pre-Change Baseline Actual Emissions?

Today's amendments require you to adjust the average annual emissions rate derived from the selected 24-month period under certain circumstances. Specifically, you must adjust downward this average annual rate if any legally enforceable emission limitations, including but not limited to any State or Federal requirements such as RACT, BACT, LAER, NSPS, and National Emission Standards for Hazardous Air Pollutants (NESHAP), restrict the emissions unit's ability to emit a particular pollutant or to operate at levels that existed during the selected 24-month period from which you calculate the average annual emissions rate. For example, assume that during

the selected consecutive 24-month period you burned fuel oil and you were subjected to a sulfur limit of 2 percent sulfur (by weight). Today, you are only allowed to burn fuel oil with a sulfur content of 0.5 percent or less. Consequently, you would be required to adjust your preliminary calculation of baseline actual emissions for sulfur dioxide (SO₂) (that is, substitute the lower sulfur limit into the emissions calculation, yielding a 75 percent reduction in the emissions rate from the initial calculation) to reflect the current restriction allowing only 0.5 percent sulfur in fuel oil. The original average annual utilization rate would not be adjusted unless a more stringent legally enforceable operational limitation has since been imposed that restricts that rate.

You must also adjust for legally enforceable emission limitations you may have voluntarily agreed to, such as limits you may have taken in your permit for netting, emissions offsets, or the creation of ERCs. Also, you must adjust your emissions from the 24-month period if a raw material you used during the baseline period is now prohibited. For example, you may have used a paint with a high solvent concentration during a portion of the consecutive 24-month period. Today, you are prohibited from using that particular paint. You must then adjust your emissions rate to reflect the raw material restriction.

6. How Should I Calculate the Baseline Actual Emissions for Emissions Units (Other Than EUSGUs) That Use Multiple Fuels or Raw Materials?

For an emissions unit that is capable of burning more than one type of fuel, you must relate the current emission factors to the fuel or fuels that were actually used during the selected 24-month period. For example, when calculating the baseline actual emissions for an emissions unit that burned natural gas for a portion of the 24-month period and fuel oil for the remainder, you must retain that fuel apportionment (for example, natural gas to fuel oil ratio), but you must also use the current legally enforceable emission factors for natural gas and fuel oil, respectively, to calculate the baseline actual emissions. If, however, you are no longer allowed or able to use one of those fuel types, then you must make your calculations assuming use of the currently allowed fuel for the entire 24-month period. You must use the same approach for emissions units that use multiple feedstock or raw materials, which may vary in use during the unit's ongoing production process.

7. How Should I Calculate the Baseline Actual Emissions for Construction Projects That Involve Multiple Units?

Today's new requirements require that you select the same single consecutive 24-month period within the 10-year look back period to calculate the baseline actual emissions for all existing emissions units that will be changed.

See, for example, new § 52.21(b)(48)(ii)(e). The result will be that the baseline actual emissions for each affected pollutant will be based on the same consecutive 24-month period as well.

You will have the option to select the single 24-month period that best represents the collective level of operation (and emissions) for your existing emissions units.

If a particular existing emissions unit did not yet exist during the 24-month period you select to calculate the baseline actual emissions, you must count that emissions unit's emissions rate as zero for that full period of time. If an emissions unit operated for only a portion of the particular 24-month period that you select, you must calculate its average annual emissions rate using an emissions rate of zero for that portion of time when the unit was not in operation.

For new emissions units (a unit that has existed for less than 2 years) that will be changed by the project, the baseline actual emissions rate is zero if you have not yet begun operation of the unit, and is equal to the unit's PTE once it has begun to operate.

8. Am I Able To Apply Today's Changes for Calculating the Baseline Actual Emissions to Other Major NSR Requirements?

No, as stated in section II.A, you are only allowed to use the new baseline methodology in today's rule for three specific purposes involving existing emissions units as follows.

- For modifications, to determine a modified unit's pre-change baseline actual emissions as part of the new actual-to-projected-actual applicability test
- For netting, to determine the pre-change actual emissions of an emissions unit that underwent a physical or operational change within the contemporaneous period. You may select separate baseline periods for each contemporaneous increase or decrease.
- For PALs, to establish the PAL level.

If you determine that the modification of your source is a major modification, you must revert to using the existing definition of "actual emissions" to

determine your source's actual emissions on a particular date to satisfy all other NSR permitting requirements, including any air quality analyses (for example, compliance with NAAQS, PSD increments, AQRVs) and the amount of emissions offsets required.

For example, when you must determine your source's compliance with the PSD increments following a major modification, you must still use the allowable emissions from each emissions unit that is modified, or is affected by the modification. An existing source's contribution to the amount of increment consumed should be based on that source's actual emissions rate from the 2 years immediately preceding the date of the change, although the reviewing authority shall allow the use of another 2-year period if it determines that such period is more representative of that source's normal operation. See, for example, § 52.21(b)(21)(ii).

Also, any determination of the amount of emissions offset that must be obtained by a major modification subject to the nonattainment NSR requirements under § 51.165(a) should be based on calculations using the existing definitions of "actual emissions" and "allowable emissions." See new § 51.165(a)(3)(ii)(H).

D. The Actual-to-Projected-Actual Applicability Test for Physical or Operational Changes to Existing Emissions Units Including EUSGUs

1. How are post-change actual emissions calculated under today's revised rule?

Today, we are amending the major NSR rules to enable you to use an applicability test that is similar to the applicability test that currently applies to EUSGUs (that is, the actual-to-representative-actual-annual emissions test). The new test allows you to project the post-change emissions of all modified existing emissions units (including EUSGUs) in the same manner. That is, under today's new provisions for non-routine physical or operational changes to existing emissions units, rather than basing a unit's post-change emissions on its PTE, you may project an annual rate, in tpy, that reflects the maximum annual emissions rate that will occur during any one of the 5 (or in some circumstances 10) years immediately after the physical or operational change. The first year begins on the day the emissions unit resumes regular operation following the change and includes the 12 months after this date. This projection of the unit's annual emissions rate following the change is

defined as the "projected actual emissions" (see, for example, § 52.21(b)(48)), and will be based on your maximum annual rate in tons per year at which you are projected to emit a regulated NSR pollutant, less any amount of emissions that could have been accommodated during the selected 24-month baseline period and is not related to the change. Accordingly, you will calculate the unit's projected actual emissions as the product of: (1) The hourly emissions rate, which is based on the emissions unit's operational capabilities following the change(s), taking into account legally enforceable restrictions that could affect the hourly emissions rate following the change(s); and (2) the projected level of utilization, which is based on both the emissions unit's historical annual utilization rate and available information regarding the emissions unit's likely post-change capacity utilization. In calculating the projected actual emissions, you should consider both the expected and the highest projections of the business activity that you expect could be achieved and that are consistent with information your company publishes for business-related purposes such as a stockholder prospectus, or applications for business loans. From the initial calculation, you may then make the appropriate adjustment to subtract out any portion of the emissions increase that could have been accommodated during the unit's 24-month baseline period and is unrelated to the change. Once the appropriate subtractions have been made, the final value for the projected actual emissions, in tpy, is the value that you compare to the baseline actual emissions to determine whether your project will result in a significant emissions increase.

The adjustment to the projected actual emissions allows you to exclude from your projection only the amount of the emissions increase that is not related to the physical or operational change(s). In comparing your projected actual emissions to the units' baseline actual emissions, you only count emissions increases that will result from the project. For example, as with the electric utility industry, you may be able to attribute a portion of your emissions increase to a growth in demand for your product if you were able to achieve this higher level of production during the consecutive 24-month period you selected to establish the baseline actual emissions, and the increased demand for the product is unrelated to the change.

For Clean Units, if a given project can be constructed and operated at a Clean Unit without causing the emissions unit

to lose its Clean Unit status, then no emissions increase will occur.

For new units, however, you must continue to calculate post-change emissions on the basis of a unit's PTE.

2. Will My Projection of Projected Actual Emissions Become an Enforceable Emission Limitation as Suggested in the 1998 NOA?

No, we did not adopt such a requirement. If you have an existing emissions unit and your project results in an increase in annual emissions that exceeds the baseline actual emissions by a significant amount, and differs from your projection of post-change emissions that you were required to calculate and maintain records of, then you must report this increase to your reviewing authority within 60 days after the end of the year. Since modified EUSGUs are required to report their post-change annual emissions to the reviewing authority annually, any occurrence of a significant increase will be covered under that report for the affected calendar year. See section II.D.6 of this preamble for a more detailed discussion of the reporting requirements.

3. How Do I Determine How Long My Post-Change Emissions Will Be Tracked To Ensure That My Project Is Not a Major Modification?

Generally, your projected actual emissions must be tracked against your facility's post-change emissions for 5 years following resumption of regular operations whether you are an EUSGU or other type of existing emissions unit. We will presume that any increases that occur after 5 years are not associated with the physical or operational changes. However, you may be required to track emissions for a longer period of time under the following circumstances. If you are an existing emissions unit and one of the effects of your physical or operational change(s) is to increase a unit's design capacity or PTE, you must track your emissions for a period of 10 years after the completion of the project. This extended period allows for the possibility that you could end up using the increased capacity more than you projected and such use might lead to significant emissions increases.

4. What Are the Reporting and Recordkeeping Requirements for Projects?

Reporting and recordkeeping for a project is required when three criteria are met: (1) You elect to project post-change emissions rather than use PTE; (2) there is a reasonable possibility that the project will result in a significant

emissions increase; and (3) the project will not constitute a major modification. In such circumstances, you must document and maintain a record of the following information: a description of the project; an identification of emissions units whose emissions could increase as a result of the project; the baseline actual emissions for each emissions unit; and your projected actual emissions, including any emissions excluded as unrelated to the change and the reason for the exclusion. In addition, if your project increase is significant, you must record your netting calculations if you use emissions reductions elsewhere at your major stationary source to conclude that the project is not a major modification. For covered projects, you must record this information before beginning actual construction. If you are an EUSGU, you must also send this information to your reviewing authority before beginning actual construction. Note, however, that if you chose to use potential emissions as your projection of post-change emissions, you are not required to maintain a record of this decision.

In addition, today's final rules require you to maintain emissions data for all emissions units that are changed by the project. You must maintain this information for 5 years, or 10 years if applicable. The information you must maintain may include continuous emissions monitoring data, operational levels, fuel usage data, source test results, or any other readily available information of sufficient accuracy for the purpose of determining an emissions unit's post-change emissions. If you are an EUSGU, you must report this information to your reviewing authority within 60 days after the end of any year in which you are required to generate such information. Other existing units must report to the reviewing authority any increase in the post-change annual emissions rate when that rate: (1) Exceeds the baseline actual emissions by a significant amount, and (2) differs from the projection that was calculated before the change. See, for example, new § 52.21(r)(6)(iii).

In addition to the reporting requirements discussed above, you are also obligated to ensure that the necessary emissions information you are required to maintain is available for examination upon request by the reviewing authority or the general public.

5. How Do Today's Changes Affect the Netting Methodology for Existing Emissions Units (Other Than EUSGUs)?

If your calculations show that a significant emissions increase will

result from a modification, you have the option of taking into consideration any contemporaneous emissions changes that may enable you to "net out" of review, that is, show that the net emissions increase at the major stationary source will not be significant. The contemporaneous time period will not change under the Federal PSD program as a result of today's action. That is, creditable increases and decreases in emissions that have occurred between the date 5 years before construction of the particular change commences and the date the increase from that change occurs are contemporaneous. See § 52.21(b)(3)(ii). States will continue to have some discretion in defining "contemporaneous" for their own NSR programs.

Although we are not changing our definition of "contemporaneous," today's action allows existing emissions units (other than EUSGUs) to calculate the baseline actual emissions for each contemporaneous event using the 10-year look back period. That is, you can select any consecutive 24-month period during the 10-year period immediately preceding the change occurring in the contemporaneous period to determine the baseline actual emissions for each creditable emissions change. Generally, for each emissions unit at which a contemporaneous emissions change has occurred, you should use the 10-year look back period relevant to that change.¹⁹ When evaluating emissions increases from multi-unit modifications, if more than one emissions unit was changed as part of a single project during the contemporaneous period, you may select a separate consecutive 24-month period to represent each emissions unit that is part of the project. In any case, the calculated baseline actual emissions for each emissions unit must be adjusted to reflect the most current emission limitations (including operational restrictions) applying to that unit. "Current" in the context of a contemporaneous emissions change refers to limitations on emissions and source operation that existed just prior to the date of the contemporaneous change.

E. Clarifying Changes to WEPCO Provisions for EUSGUs

The method you use to calculate the baseline actual emissions for an existing EUSGU to determine whether there is a

¹⁹ Your ability to use the full 10 years for calculating any contemporaneous emissions change is contingent upon the availability of valid and sufficient source information for the selected 24-month period. See, for example, new § 52.21(b)(48)(ii)(f).

significant emissions increase from a physical or operational change at an EUSGU, and to determine whether a significant net emissions increase will occur at the major stationary source, will not change as a result of today's final rulemaking. The rule provides that for an existing EUSGU you may calculate the baseline actual emissions as the average annual emissions (tpy) of the emissions unit using any 2-year period out of the 5 years immediately preceding the modification. (This was set out as a presumption in the preamble for the 1992 WEPCO amendments.) This rule recognizes the ordinary variability in demand for electricity. See, for example, new § 52.21(b)(21)(ii).

For example, a cold winter or hot summer will result in high levels of demand while a relatively mild year will produce lower demand. By allowing a utility to use any consecutive 2 years within the past 5, the rule recognizes that electricity demand and resultant utility operations fluctuate in response to various factors such as annual variability in climatic or economic conditions that affect demand, or changes at other plants in the utility system that affect the dispatch of a particular plant. By allowing utilities to use as a baseline any consecutive 2 years in the last 5 years, these types of fluctuations in operations can be more realistically considered.

The reviewing authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

In an August 6, 2001 letter,²⁰ we addressed the issue of whether combined cycle gas turbines (the gas turbines and waste heat recovery components) came within the definition of "electric utility steam generating units" for the purpose of determining whether such units are eligible to use the WEPCO "applicability test." The letter concluded that "steam generating units" include not only electric utility plants with boilers, but also plants with combined cycle gas turbines if the combined cycle gas turbine systems supply more than one-third of their potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Consequently, qualifying combined cycle gas turbines must also use the 2-in-5-years baseline method.

Finally, today's rules provide the same method for EUSGUs that will exist for all other existing emissions units to project post-change emissions following a physical or operational change to a unit. In the 1996 proposal, we proposed a range of options for addressing the applicability of changes that are made to existing emissions units, including the option of extending the actual-to-future-actual test, then available only to utilities, to all source categories. While we have decided to leave the WEPCO rules intact in most respects, we believe that it is reasonable and appropriate to establish a consistent method for sources to use for projecting the post-change emissions that will result from a physical or operational change to an existing emissions unit. Therefore, under today's new rules, the current method of basing the projection on the 2 years following the change to an EUSGU is being replaced with the method available to all other existing units, under which you project a unit's post-change emissions as the maximum annual rate that the unit will emit in any one of the 5 years following resumption of regular operations.

F. The "Hybrid" Applicability Test for Projects Affecting Multiple Types of Emissions Units

1. When Does the Hybrid Applicability Test Apply to You?

The hybrid applicability test applies if you plan a project (or series of related projects) that will affect emissions units of two or more of the following types.

- Existing emissions units
- New emissions units
- Clean Units

2. How Do I Determine Whether My Project Will Result in a Significant Emissions Increase Under the Hybrid Test?

For the first two types of emissions units listed above that are affected by the project, calculate the emissions increase as we have discussed previously in this preamble. That is, use the actual-to-projected-actual applicability test for existing units and the actual-to-potential test for new emissions units.

Clean Units are discussed fully in section V of this preamble. If a given project can be constructed and operated at a Clean Unit without causing the emissions unit to lose its Clean Unit status, no emissions increase shall be deemed to occur at that Clean Unit. If a given project would cause the emissions unit to lose its Clean Unit status, then the increase in emissions should be calculated as if the emissions unit is not a Clean Unit.

After you calculate the emissions increase for each relevant unit, total the increases across all the emissions units of all types. If this total emissions increase equals or exceeds the level defined as significant for the regulated NSR pollutant in question, the project will result in a significant emissions increase for that pollutant. You'll find the regulatory language for determining whether a project will result in a significant emissions increase at §§ 51.165(a)(2)(vii)(D), 51.166(a)(7)(vi)(d), and 52.21(a)(2)(vi)(d).

In section II.C.8 of this preamble, we indicate that the baseline actual emissions for all units that are not EUSGUs that are changed by a project must be calculated based on the same consecutive 24-month period within the previous 10 years. The same principle applies under the hybrid test, but it can be slightly more complicated if both EUSGUs and non-EUSGUs are involved. In this case, you must use the same baseline period for all emissions units affected by the project. This baseline period must be selected so as to meet the requirements for both EUSGUs and non-EUSGUs. Thus, you must select a 2-year period out of the previous 5 years for your baseline period, as required for EUSGUs (and within the requirements for non-EUSGUs). If you wish to use another period that you believe is more representative (as allowed for EUSGUs), the entire period must fall within the previous 10 years (as required for non-EUSGUs).

3. How Do I Determine the Net Emissions Increase From My Project Under the Hybrid Test?

If you conclude that a significant emissions increase will result from the proposed project, you have the option of taking into consideration any contemporaneous emissions changes that may enable you to "net out" of review, that is, show that the net emissions increase at the major stationary source will not be significant. The netting analysis is carried out under the hybrid test just as it is under the other applicability tests. Refer to section II.D.7 of this preamble for a discussion of netting methodology.

G. Legal Basis for Today's Action

The Act defines modification for the purposes of PSD and nonattainment NSR through cross-reference to the NSPS definition of "modification." The NSPS definition states that a modification "means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air

²⁰ Letter from John S. Seitz, Director, Office of Air Quality Planning and Standards, to Patrick M. Rahe, August 6, 2001.

pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted." CAA section 111(a)(4), 42 U.S.C. 7411(a)(4). The Act is silent, however, on the issue of how one is to determine whether a physical or operational change increases the amount of any air pollutant emitted by the source.

Accordingly, EPA is exercising its discretion in interpreting and providing clarity to this issue. We believe that the rules set forth today are "a permissible construction of the statute." *Chevron U.S.A., Inc. v. NRDC*, 467 U.S. 843-4 (1984). The reviewing court should defer to it. *Id.* at 837.

In the NSPS program, we determine whether there has been an "increase in any air pollutant emitted" by the source by comparing its maximum hourly achievable emissions before and after the change. EPA and the courts have recognized, however, that the NSR programs and the NSPS programs have different goals,²¹ and thus, we have utilized different emissions tests in the NSR programs. Prior to today, the regulations applied an actual-to-future-actual applicability test for EUSGUs and an actual-to-potential applicability test for all other emissions units. Today, we are establishing a new applicability test for calculating emissions increases for "Clean Units" and an actual-to-projected-actual applicability test for all other emissions units. We believe that establishing an actual-to-projected-actual applicability test for all emissions units is a reasonable interpretation of the phrase "increase of any pollutant emitted."²²

H. Response to Comments and Rationale for Today's Actions

We received numerous comments on our proposed rule regarding the calculation of the baseline actual emissions and the actual-to-future-actual test. Some of the significant comments and our responses to them are provided below. A complete set of comments and our responses can be found in the Technical Support Document located in the docket for this rulemaking.

1. Why Are We Extending the Look Back Period for Determining the Baseline Actual Emissions to 10 Years?

Most commenters generally support our proposal to allow owners and

operators to use a 10-year look back period to determine the baseline actual emissions for modifications at any existing emissions unit. Commenters have various reasons for supporting or opposing the proposed approach. Many supporters agree that extending the baseline look back period to 10 years would simplify current regulations and provide certainty to sources who otherwise would have to demonstrate to the reviewing authority that a period other than the 2 years immediately preceding the proposed change was more representative of normal source operation. Some commenters support the proposal because it would prevent the perceived confiscation of underused capacity at sources that have had low utilization rates for an extended period. These commenters agree that a 10-year look back period is more likely to afford a source a baseline actual emissions calculation that best reflects representative source operating conditions and would also account for fluctuations in the business cycle.

Some commenters criticize the proposed 10-year look back period as being too long. These commenters recommend either a 5-year or 2-year look back period. One of these commenters states that the 10-year look back creates the opportunity for a source to increase production to the 10-year maximum, and prevents the State or local air regulators from addressing the increase in emissions. Thus, the commenter believes that sources would be allowed to use historic emissions levels that are higher than current levels to establish the baseline actual emissions. Some commenters add that the proposed change would not reduce program complexity.

Some commenters believe that instead of extending the period for establishing baseline actual emissions, the test for establishing modifications should be changed. According to the commenters, the problem is not that the current system does not go back far enough to set a fair actual emissions baseline, but that the methodology does not account for the fact that most emissions units are operating at an activity level much lower than the allowed activity level. The commenters believe that many of the real problems associated with the current major modification applicability test would be eliminated if the procedure was modified in an equitable manner.

A commenter also adds that EPA may also want to include provisions that prevent a source from applying the new definition of actual emissions in a way that would retroactively enable the source to reverse a previous major

modification determination and to eliminate any emissions reduction previously required for that major modification.

We continue to believe that it is reasonable and appropriate to adopt the new method for establishing a modified unit's baseline actual emissions. It is important to understand the difference between the purpose of the new procedure, which uses the 10-year look back, and the existing procedure under the pre-existing definition of "actual emissions" at § 52.21(b)(21)(ii), which generally requires the use of an average annual emissions rate based on the 2-year period immediately preceding a particular date. The latter procedure is designed to estimate a source's actual emissions at a particular time and continues to be appropriate for such things as estimating a source's impact on air quality for PSD increment consumption.

On the other hand, the new baseline procedure is specifically designed to allow a source to consider a full business cycle in determining whether there will be an emissions increase from a physical or operational change. Generally, a source's operations over a business cycle cover a range of operating (and emissions) levels—not simply a single level of utilization. The new procedure recognizes that market fluctuations are a normal occurrence in most industries, and that a source's operating level (and emissions) does not remain constant throughout a source's business cycle. The use of a 24-month period within the past 10 years to establish an average annual rate is intended to adjust for unusually high short-term peaks in utilization.

Consequently, the new procedure ensures that a source seeking to make changes at its facility at a time when utilization may not be at its highest can use a normal business cycle baseline by allowing the source to identify capacity actually used in order to determine an average annual emissions rate from which to calculate any projected actual emissions resulting from the change.

With respect to the commenters' general concerns that a 10-year look back period is too long, we sought to better understand what time period best represents an industry's normal business cycle. Therefore, we contracted for a study of several industries in 1997.²³ This study found that, for the

²¹ See, for example, WEPCO Rule, 57 FR 32316 ("fundamental distinctions between the technology-based provisions of NSPS and the air quality-based provisions of NSR"). See also *ASARCO Inc. v. EPA*, 578 F.2d 319 (D.C. Cir. 1978).

²² The explanation of the applicability test for "Clean Units" is discussed in section V.

²³ "Business Cycles in Major Emitting Source Industries." Eastern Research Group; September 25, 1997. This study examined the business fluctuations for nine source categories described as CAA major emitting sources. Industry business cycles were examined using industry output data

industries analyzed, business cycles differ markedly by industry, and may vary greatly both in duration and intensity even within a particular industry. Nevertheless, we concluded from the study that 10 years of data is reasonable to capture an entire industry cycle. Comments from various industries support a conclusion that a 10-year look back period is a fair and representative time frame for encompassing a source's normal business cycle.

We believe that the use of a 10-year look back period will help provide certainty to the process and eliminate the ambiguity and confusion that occurred when an applicant and the reviewing authority disagreed on what time frame provides the period most representative of normal source operation. The new requirements also provide certainty to the look back period, since there is no opportunity to select another period of time outside this 10-year period. (See additional discussion in section II.E.2.) In addition, we have placed certain restrictions on when the full 10-year look back period may be used. (See section II.E.3.)

With regard to the concern that industry may try to apply the new requirements retroactively to undo current restrictions on existing sources, we want to reiterate that the new procedures do not apply retroactively to existing NSR permits or changes that sources have made in the past. Prior applicability determinations on major modifications and the control requirements that currently apply to sources remain valid and enforceable and have to be adjusted for in the calculation of baseline actual emissions. However, as part of the transition process for implementing the new provisions, we do intend to allow permit applicants to withdraw any permit applications submitted for review under the part 52 Federal PSD permit program so that they may re-evaluate their projects in light of the new requirements. States may allow for the same type of transition process under their own NSR programs.

Finally, we considered whether we should change the length of the look back period for EUSGUs for establishing the actual emissions baseline period to be consistent with the 10-year look back period we are adopting for other existing emissions units. The data we collected to support the 1992 rule changes show that allowing EUSGUs to use any 2-year period out of the

preceding 5 years is a sufficient period of time to capture normal business cycles at an EUSGU. We do not believe that any information received during the public comment period for this final rule adequately supports a different conclusion. Thus, we have decided to retain the 2-in-5-years baseline period for EUSGUs. However, for consistency with the baseline period for other existing emissions units, we have specified that the 2-year period is a consecutive 24-month period.

2. Why Do the New Requirements Not Provide Discretion for the Reviewing Authority To Consider Another Time Period More Representative of Normal Operation for Non-EUSGUs?

Several commenters oppose our proposed elimination of the reviewing authority's discretion to allow a different representative period (outside of the 10-year period), because they argue certain sources (for example, emissions units placed in cold reserve due to reduced demand) require this flexibility. Some commenters say the discretion should be given to the reviewing authority, while other commenters wanted the discretion given directly to source owners and operators. Instead of the discretion to use an alternate period, one commenter prefers that all sources should be required to show that they have selected a representative period that precedes the most recent 2-year period.

We believe that use of a fixed 10-year look back period provides the desired clarity and certainty to the process of selecting an appropriate utilization/emissions level that is representative of a source's normal operation. A bounded 10-year look back provides certainty to the regulated community that may be undermined by an option to allow an unbounded alternative period as well.

3. Why Are We Placing Restrictions on the Use of a 10-Year Look Back for Setting the Baseline Actual Emissions?

Numerous commenters responded to our concern that many sources might lack accurate records for the full 10-year look back period, and to our request for comments on the need to condition the full use of the 10-year period upon the accuracy and completeness of available data, as well as the need to establish specific criteria for accuracy, completeness, and recordkeeping when using older data. A number of commenters generally support limiting full use of the 10-year look back period to situations in which adequate emissions and/or capacity utilization data are available. Some commenters also recommend that EPA issue

minimum criteria to reduce the number of case-by-case determinations and help reviewing authorities avoid debates with sources on what constitutes sufficient data.

On the other hand, one commenter recommends that we not adopt a variable look back period based on the quality of the older data because it would "add considerable uncertainty and protracted debate to the process. . . ." If, however, we choose to limit the look back period based on the quality of older data, then this commenter and several others prefer provisions allowing for case-by-case decisions by State or local reviewing authorities over specific criteria established by EPA.

Today's amendments condition the full use of the new 10-year look back period on the accuracy and completeness of your records of emissions and capacity utilization, with respect to the 24-month period you select, for any emissions unit that undergoes a physical or operational change. See, for example, new § 52.21(b)(48)(f). As with all emissions calculations, accuracy and completeness are central elements for applicability determinations. In many cases, sources presently maintain accurate records on emissions and operations for only 3 to 5 years. Thus, we think it is appropriate to limit use of the full 10-year look back period when you do not have adequate data for the time period you wish to select. However, this limitation should be alleviated over time as sources begin to maintain records for longer periods to accommodate the 10-year look back opportunity.

We also agree that adequacy of any given data should be left to the case-by-case judgment of individual reviewing authorities. The type of data necessary to determine emissions will vary drastically from source category to source category and from process to process within a source category. At this time, we are not able to issue generic criteria that would apply to all types of industries.

We are further restricting your use of the 10-year look back for emissions units that are located in nonattainment areas and OTRs. In such cases, you are precluded from using any portion of the 10-year look back that precedes November 15, 1990—the date of the 1990 CAA Amendments—to establish baseline actual emissions for those units. This limit on the use of the 10-year look back is consistent the intent of the 1996 NPRM, which was originally proposed to apply to the use of the 10-year look back for any modification of an existing facility in a nonattainment

for the years 1982 to 1994 inclusive, based on the Office of Management and Budget's SIC codes for individual industries (OMB, 1987).

area or OTR. See 61 FR 38259 (July 23, 1996). However, because we are now beyond the point where the November 15, 1990 limit is relevant to modifications, we are only applying this limitation in the netting context with respect to emissions units changed within the contemporaneous period.

4. Why Were Changes Made to the Proposed Approach for Establishing Baseline Actual Emissions Using a 10-Year Look Back?

Commenters raise specific questions about how to use the 10-year look back to calculate an emissions unit's baseline actual emissions. Several commenters are concerned about how the utilization rate would be considered in the calculation. For example, some commenters support the proposal to allow sources to use their highest capacity achieved during any consecutive 12 months, because it provides improved flexibility in establishing a capacity level that is representative of normal operations. However, other commenters object to using the 12 months with the highest utilization. These commenters argue that the use of production rates can be unworkable because there is not always a clear relationship between production rate and emissions. In addition, reliable records may not be available to determine the highest production rates. As an alternative, commenters suggest using emissions from any 12-month period in the preceding 10 years, adjusted to reflect current rules, or allowing the source to use any 12-month period of its choice.

A related issue raised by commenters is whether to require any current Federal, State, or voluntary limit to be included in the establishment of the baseline actual emissions. Some commenters say these provisions would penalize sources that complied with other regulatory requirements or chose to implement pollution prevention programs. Commenters are particularly concerned that sources be given credit for voluntary reductions. However, other commenters support including all of these factors in the baseline to better represent actual emissions and avoid inconsistencies between emissions units that have permits and those that do not. Commenters also raise specific questions about how the calculation would include the effect of other emission limitations.

As described earlier, we have decided to require the use of a consecutive 24-month period within the 10-year look back instead of the proposed 12-month period to calculate the baseline actual emissions for any emissions unit that

undergoes a physical or operational change, or is affected by such change. The longer 24-month period allows you to reference levels of utilization achieved in the past, but also eliminates the potential problem associated with short-term peaks that do not truly represent the unit's normal operation. In this respect, the use of a 24-month period is consistent with the pre-existing approach for calculating actual emissions.

With respect to commenters' concerns about being required to use the period of highest utilization, our reference in the proposal preamble to selecting the period of highest utilization was based on our general assumption that the period of maximum utilization also represents the period of highest pollution levels for the unit of concern. However, you are not required to select the period of highest utilization. The choice of which consecutive 24-month period within the 10-year window to use is up to you. The two restrictions on the selection of the appropriate consecutive 24-month period, as described earlier, are the availability of adequate and complete source records for the unit of concern and the limit on using dates earlier than November 15, 1990 for contemporaneous emissions changes in nonattainment areas and OTRs.

We agree with the concerns expressed by some commenters that the baseline actual emissions calculated from the consecutive 24-month period selected could yield a higher pollution level than a unit is currently allowed to emit. We do not believe that we should allow a source to take credit for baseline actual emissions that exceed the current, legally allowable emissions rate. Consequently, the new requirements require you to determine whether any legally enforceable limitations currently exist that would prevent the affected unit from emitting a pollutant at the levels calculated from the 24-month baseline period. The approach that we have adopted allows you to reference plant capacity that has actually been used, but not pollution levels that are not legally allowed at the time the modification is to occur. You will be required to make adjustments for voluntary reductions that you may have taken only to the extent that the reductions resulted from conditions that are legally enforceable limitations.

5. How Does the Change in the Baseline Period Affect Related Requirements Regarding Protection of Air Quality?

a. How Does the Extended Baseline Period Conform With the Special Modification Provisions Under Sections 182(c) and (e) of the Act?

Most commenters feel the proposed extension of the look back period fits within the design and intent of the special modification procedures set forth in sections 182(c) and (e) of the Act, applicable in serious, severe, and extreme ozone nonattainment areas. However, one commenter representing State and local air pollution control agencies considers the new requirements to be in significant conflict with the special modification procedures contained in those sections of the Act. The commenter indicates that this conflict could be resolved by deferring to relevant requirements for modifications in serious, severe, and extreme areas. The commenter adds that while NSR programs are tools to attain and maintain compliance with the NAAQS, they should not be available to undermine specific statutory and SIP requirements designed to resolve nonattainment problems.

We disagree with the commenter's concern that the use of a 10-year look back period to implement sections 182(c) and (e) of the Act for purposes of establishing a modified unit's baseline emissions will undermine any statutory or SIP requirements designed to address nonattainment problems. The two sections establish special procedures for determining whether a proposed modification of a major stationary source of ozone in a serious, severe, or extreme ozone nonattainment area will be subject to major NSR under part D of the Act. The Act is silent on the issue of how one is to determine whether a physical or operational change increases the amount of a pollutant for a changed emissions unit. We believe, therefore, that we have the authority to establish a regulatory procedure for making the required determinations concerning emissions increases resulting from physical or operational changes.

In light of the fact that the 10-year look back period may be used for emissions units (other than EUSGUs) that are involved in contemporaneous emissions changes (for netting purposes), it should be noted that the new requirements prohibit the use of the look back period earlier than November 15, 1990. Consequently, for emissions units whose contemporaneous emissions changes occurred before November 15, 2000, the consecutive 24-month period selected

for calculating the baseline actual emissions relevant to the contemporaneous emissions change cannot include a date prior to November 15, 1990. It should be pointed out, however, that for modifications involving emissions of volatile organic compounds (VOC) in areas classified as "extreme," the statutory language is clear that the increase in emissions resulting from the change is not required to be a significant increase, but rather that "any increase" that is projected using the new actual-to-projected-actual applicability test will trigger the applicable NSR requirements.

b. Will the Longer Look Back Period Related to the Baseline Actual Emissions Protect Short-term Increments and NAAQS?

Some commenters express concerns that the opportunity to take credit for older baseline actual emissions would result in adverse environmental consequences. One commenter specifically indicates that the proposed baseline actual emissions determination process, involving a 10-year look back, would allow significant increases in emissions to escape the ambient impact review requirements otherwise required by NSR.

Today's new rule modifies the way your NSR applicability determinations are made for changes made to existing emissions units. The new rule does not affect the way in which a source's ambient air quality impacts are evaluated. Compliance with the NAAQS is accomplished with air quality dispersion models using maximum allowable emission limitations (or federally enforceable permit limits) combined with operating factors, which consider either design capacity or actual operating factors averaged over the most recent 2 years of operation, from all modeled sources.²⁴ In addition, any increase in actual emissions, based on the existing definition of "actual emissions," consumes PSD increment whether it occurs through normal source operation or as a result of a physical or operational change. As mentioned earlier, the existing definition of "actual emissions" continues to apply with regard to all NSR requirements other than the new source applicability tests. *See*, for example, new § 52.21(b)(21)(i). Thus, we do not believe there is a basis for

concluding that the use of a longer look back period for determining a modified emissions unit's baseline actual emissions (for purposes of determining whether a physical or operational change will result in a significant emissions increase) will cause any adverse environmental impacts.

6. Why Was the Contemporaneous Period for Netting Not Also Changed to a 10-Year Look Back Period?

In the 1996 NPRM, we indicated that we were not proposing to extend the 5-year contemporaneous period along with the proposed 10-year look back period associated with the establishment of baseline actual emissions. *See* 61 FR 38259 (July 23, 1996). We did, however, solicit comments on the effect of the differing look back periods and any reasons why these periods should be the same. Commenters responded in a variety of ways to our request, with no clear consensus as to whether it would be appropriate to establish a uniform look back period. One commenter supports the 10-year contemporaneous period for reasons of consistency. Other commenters believe that it was reasonable to use two different time frames. Some commenters support retaining the 5-year contemporaneous period because changing it could have adverse effects on existing permit determinations. Several commenters support the selection of a different contemporaneous time frame than the existing 5-year period, but they differ in their recommendations for changing it. One suggests giving the source the option of choosing either a 10-year or 5-year contemporaneous period. Another commenter believes that a 1-year period would reduce confusion. Finally, another commenter proposes a 5-year contemporaneous period that would not mandate that 5 consecutive years be considered.

We do not believe that there is a compelling reason to change the existing 5-year contemporaneous period. The look back periods serve different purposes and need not be the same in order to effectively implement the NSR program objectives. States retain the flexibility in defining a different contemporaneous period under SIP-approved NSR programs, and may use that flexibility to adjust the contemporaneous period if they believe that a different period is more appropriate for their purposes under the new applicability requirements. *See*, for example, § 51.166(b)(3)(ii). Therefore, under today's new requirements, we have not changed the 5-year contemporaneous period under the

Federal PSD program. It should be noted that for purposes of determining the baseline actual emissions of a contemporaneous change in emissions from an emissions unit that was an existing unit at the time of the contemporaneous change, the new requirements authorize a source to use the 10-year look back period.

7. Why Was the Demand Growth Exclusion Retained?

When we proposed to expand the scope of the WEPSCO rulemaking to cover modifications at any existing emissions unit, we solicited comment on whether the demand growth exclusion (currently available only to EUSGUs) should also be available to all source categories. In 1998, we noted that there were problems that could arise with the demand growth exclusion. 63 FR 39860-39861 (July 24, 1998). Accordingly, we solicited comment on this new position.

Several regulatory agency and environmental commenters support the total elimination of the demand growth exclusion. These commenters maintain that a facility's post-change emissions increases due to demand growth could not be disassociated from those that resulted directly from the physical or operational change. These commenters believe the demand growth exclusion would be difficult to enforce. The demand growth exclusion would, they claim, also be burdensome because it would require projections, estimates, and post-modification evaluations of increased emissions to determine whether the increases were the result of increased demand.

On the other hand, numerous industry commenters oppose eliminating the demand growth provisions, stating that market factors do independently cause emissions increases absent physical and operational changes. These commenters maintain that when projected increased capacity utilization is in response to an independent factor, such as demand growth, the increased utilization cannot be said to result from the change and therefore may rightfully be excluded from the projection of the emissions unit's future-actual emissions. They further argue that such increases should not be included in post-change emissions even in the absence of a demand growth exclusion, as the increases would not be the result of the physical or operational changes that were made. Consequently, these commenters state that the proposed demand growth exclusion simply makes that principle explicit and eliminates confusion as to how emissions should

²⁴ Guidance for modeling NAAQS compliance under the PSD program is set forth in EPA's Guideline on Air Quality Models contained in appendix W of 40 CFR part 51. This guidance is incorporated by reference both in the Federal PSD regulations and in the minimum requirements for SIPs under the part 51 PSD regulations.

be calculated. The same commenters who support retaining demand growth provisions for utilities also believe these provisions should be extended to non-utilities.

Under today's new requirements, you will be allowed to apply the causation provision as originally contained in the WEPCO amendments. Both the statute and implementing regulations indicate that there should be a causal link between the proposed change and any post-change increase in emissions, that is, "any physical change or change in the method of operation that would result in a significant net emissions increase" [emphasis added]. See, for example, existing § 52.21(b)(2)(i). Consequently, under today's new rules, when a projected increase in equipment utilization is in response to a factor such as growth in market demand, you may subtract the emissions increases from the unit's projected actual emissions if: (1) The unit could have achieved the necessary level of utilization during the consecutive 24-month period you selected to establish the baseline actual emissions; and (2) the increase is not related to the physical or operational change(s) made to the unit. See for example, new § 52.21(b)(41)(ii)(c).

On the other hand, demand growth can only be excluded to the extent that the physical or operational change is not related to the emissions increase. Thus, even if the operation of an emissions unit to meet a particular level of demand could have been accomplished during the representative baseline period, but the increase is related to the changes made to the unit, then the emissions increases resulting from the increased operation must be attributed to the project, and cannot be subtracted from the projection of projected actual emissions.

8. Should Increases in Plant Utilization Be Reviewed as Potential Major Modifications?

Many commenters argue that emissions increases resulting from increased utilization should not be subjected to review as major modifications. They insist that EPA's policy and rules have always allowed increases in capacity utilization without triggering a modification, and not allowing utilization increases will limit new capacity to new emissions units instead of promoting increased efficiency at existing emissions units. One commenter argues that these sorts of changes do not require any sort of applicability determination and that Congress never anticipated that the NSR program would hamper a source's

ability to increase utilization up to the original design capacity.

We believe that an increase in utilization should not trigger the major NSR requirements unless it is related to a physical or operational change. As explained earlier, the CAA only applies the major NSR requirements to emissions increases that are the result of a physical or operational change. Thus, we do not believe that the major NSR requirements should apply to a utilization increase unless the increase is related to the modification. Under today's final rules, you may exclude emissions related to an increase in utilization if you were able to accommodate the increase in utilization during the 24-month period you select to establish your baseline actual emissions and the increased utilization is not related to the change.

9. Why Must You Track Physical or Operational Changes That Increase a Unit's Design Capacity or Potential To Emit Post-Change Actual Emissions for a Longer Period of Time?

We raised this issue in the 1998 NOA. Several commenters support applying what we then termed the "actual-to-enforceable-future-actual" test to increases in design capacity or PTE because it would be inappropriate to automatically assume that such increases will affect normal operations, which would require the actual-to-potential test. They say that these types of modifications are common and do not generally increase emissions because they improve efficiency and add control devices.

One commenter explains that it is not uncommon for an emissions unit's capacity to be increased so as to speed up normal operations without increasing production, and that projected actual emissions could easily be calculated on the basis of past operating experience. On the other hand, another commenter indicates that it is very expensive to increase design capacity. Therefore, it can be assumed that a company would use the additional capacity as soon as it becomes available.

Several regulatory agency commenters support the use of the actual-to-potential test for modifications that increase design capacity or PTE. One of these commenters stated that such modifications would alter an emissions unit's normal operation and make previous actual emissions "unreliable and irrelevant."

We do not believe that every modification that includes added capacity or an increase in the PTE is intended for full use of that new

capacity or PTE. Such actions could well be intended to enhance current operations without resulting in increased production or operation. Therefore, under today's new requirements, you are not required to count the emissions increase that would result from full use of new capacity or PTE if you conclude that: (1) Such capacity or PTE will not be fully utilized, and (2) the emissions increase resulting from that portion of the capacity that will be used will not result in a significant emissions increase from the modification or a significant net emissions increase at the source. The new requirements include a provision that requires you to monitor the emissions from the project for 10 years following the resumption of regular operation of the emissions units modified. The 10-year period reflects our determination that this time frame best captures the normal business cycle for industry in general. Thus, in situations where your proposed project will in fact add new capacity or PTE to an existing emissions unit, yet you determine that the objective of the physical or operational change is not to use the increased capacity, your calculation of representative projected actual emissions may reflect this. However, you must maintain adequate information for 10 years following the completion of the project to track the actual annual emissions from the units associated with the project. This represents a special condition that supersedes the normal 5-year period for the recordkeeping requirements being adopted today. During the 10-year period, you must report to your reviewing authority within 60 days after any year if the annual emissions, in tpy, from the project exceed the baseline actual emissions by a significant amount for the regulated NSR pollutant and if such emissions differ from the preconstruction projection.

10. Does the Actual-To-Projected-Actual Applicability Test Apply to Netting?

We did not specifically request comment on this issue in the 1996 proposal. Nonetheless, we received several comments that assert that use of different methods to compute an emissions increase and determine a net emissions increase would result in "absurd results" and require two separate accounting records. Other commenters oppose using the actual-to-future-actual test for netting. One commenter says that the sole purpose of the actual-to-future-actual test was to determine if an emissions increase will occur. One commenter says we should go further and revise the definition of

“contemporaneous” to limit it to project activities (vs. plantwide) and reduce credits for shutdowns and curtailments.

As stated previously, we did not specifically request comment on this issue and we are not promulgating amendments to the netting regulations, on this point, at this time.

11. Should We Impose an Enforceable Projected Actual Emissions Level?

Some commenters on our 1996 proposal support the establishment of an enforceable limitation on the modified source's projected future emissions level. Other commenters support our specific proposal in the 1998 NOA to use the projected actual emissions as a temporary cap for the emissions units involved in the project, that is, an enforceable 10-year emissions level.

On the other hand, many other commenters oppose the concept, citing various reasons for their opposition. These included concerns that it would become a *de facto* baseline for any additional permitting and create additional enforcement liability, usurp State prerogatives, be inconsistent with the CAA, and require enforceable restrictions for too long. A few State and local air reviewing agencies indicate that they do not have the resources to adequately administer a program that would require permits to be issued for every physical or operational change at a major stationary source.

Today's new requirements follow the 1996 proposal. You will not be required to make the projected actual emissions projection through a permitting action. After considering the comments received, we are concerned that such a requirement may place an unmanageable resource burden on reviewing authorities. We also believe that it is not necessary to make your future projections enforceable in order to adequately enforce the major NSR requirements. The Act provides ample authority to enforce the major NSR requirements if your physical or operational change results in a significant net emissions increase at your major stationary source.

12. Why Are Modified Sources That Are Not Considered Major Modifications Not Required To Submit Annual Reports of Actual Emissions Under the New Requirements?

Several commenters support our proposal to require sources to track post-change emissions for a 5-year period so that there is a factual finding as to whether emissions from the modified units actually increased. These commenters believe that the

requirement to track emissions is a needed safeguard and that it should not be too difficult to track various operating parameters. They add that non-utilities should be able to track emissions as well as utilities. Finally, commenters who oppose the proposed 10-year enforceable limit support retaining the 5-year tracking period in its place.

Many other commenters object to the burden that tracking would impose in the absence of any additional environmental benefit. Some commenters suggest ways to reduce the burden, such as not requiring sources to report emissions unless there is a problem or reducing the tracking period to 2 or 3 years. Another industry commenter suggests that we require an up-front notification to the reviewing authority whenever the actual-to-future-actual applicability test is used.

We agree with those commenters who recommend that you should be required to track emissions for a period of time following a modification. Thus, we have retained our proposed requirement to maintain annual emissions information for a period of 5 years following resumption of regular operations after the change. As discussed previously, we expanded this requirement to 10 years for changes that increase an emissions unit's capacity or its potential to emit a regulated NSR pollutant. However, although we proposed a requirement for annual emissions reporting, we have concluded that the combination of the recordkeeping requirements of this rule, along with a requirement to report to the reviewing authority any annual emissions that exceed your baseline actual emissions by a significant amount for the regulated NSR pollutant and differ from your preconstruction projection, is an equally effective way to ensure that a reviewing authority can receive the information necessary to enforce the major NSR requirements. Moreover, your reviewing authority has the authority to request emissions information from you at any time to determine the status of your post-change emissions.

In response to the concern that these requirements might impose unnecessary burdens, we have also included further limits. First, you are only required to keep records if you elect to use the actual-to-projected-actual applicability test to calculate your emissions increase from the project. Second, you are only required to keep the records if there is a reasonable possibility that your project might result in a significant emissions increase. Finally, you only need keep those records for projects that are not major modifications.

We also considered requiring you to submit an up-front notification to your reviewing authority, but concluded that this would result in an unnecessary paperwork burden. (EUSGUs, however, will be required to submit a copy of their projections to reviewing authorities before beginning actual construction.) We anticipate that a large majority of the projects that are not major modifications may nonetheless be required to undergo a permit action through States' minor NSR permit programs. In such cases, the minor NSR permitting procedures could provide an opportunity to ensure that your reviewing authority agrees with your emission projections. Requiring a separate notification would not provide the reviewing authority with any additional information in such circumstances. Accordingly, we believe today's requirements provide reviewing agencies with the ability to obtain all the information necessary to ensure compliance.

13. Why Are We Promulgating Different Reporting Requirements for Existing Emissions Units Than for EUSGUs?

Today we are finalizing slightly different requirements for EUSGUs than other industries. In 2000, boilers and turbines with greater than 25 MWe or 250 mmBTU/hr of generating capacity represented 76 percent of this nation's emissions of nitrogen oxides (NO_x) and 85 percent of this nation's emissions of SO₂ from stationary sources.²⁵

In view of the disproportionate amount of emissions generated by EUSGUs compared to other industry sectors, we believe that it is appropriate for reviewing authorities to have information on construction and modification activities at EUSGUs readily available. Accordingly, we are requiring EUSGUs to provide a copy of their emissions projection to the reviewing authority before beginning actual construction of a project. We are also requiring them to report their post-change annual emissions for every year they are required to generate them. This approach also makes sense because it focuses the limited resources of both sources and agencies on the sources that matter most.

III. CMA Exhibit B

In addition to the proposed changes based on the 1992 WEPCO amendments (*see* section II of this preamble), the 1996 proposal package included alternative regulatory language that would enable you to determine whether

²⁵ Information supporting these values can be found in the docket for today's rulemaking.

your facility has undertaken a modification based on the facility's pre-change and post-change potential emissions instead of its actual emissions. This action was part of the settlement of a challenge to our 1980 NSR regulations by CMA and other industry petitioners. The exact language we proposed was set forth in Exhibit B to the Settlement Agreement, which is contained in the docket for this rulemaking.

Under this method, sources may calculate emissions increases and decreases based on the actual emissions method or the unit's pre-change and post-change potential emissions, measured in terms of hourly emissions (that is, pounds of pollutant per hour). Sources could use this potential-to-potential test for NSR applicability, as well as for calculating offsets, netting credits, and other ERCs.

We proposed to make several changes to the NSR regulations. First, we proposed to add the following exclusion to the definition of "major modification":

A major modification shall be deemed not to occur if one of the following occurs: (a) there is no significant net increase in the source's PTE (as calculated in terms of pounds of pollutant emitted per hour); or (b) there is no significant net increase in the source's actual emissions.

Second, we proposed to delete all references to "actual emissions" in the definition of "net emissions increase" and added language indicating that all references to "increase in emissions" and "decreases in emissions" in the definition of "net emissions increases" "shall refer to changes in the source's PTE (as calculated in terms of pounds of pollutant emitted per hour) or in its actual emissions." Third, we proposed to modify the applicability baseline by eliminating the reference to the 2-year baseline period and to a method for determining actual emissions during the representative period. Finally, we proposed to provide express authorization for sources to use potential emissions in calculating offsets and in creating ERCs.

We also indicated in the preamble for the 1996 proposed rulemaking that if we promulgated the Exhibit B settlement as a final rule, the Exhibit B rules would need to be updated to reflect other rule changes since 1980, as well as relevant provisions of the 1990 Amendments.

Before proposing the Exhibit B language, we did a preliminary analysis of the impact on the NSR program of the Exhibit B changes. These changes would provide maximum flexibility to existing facilities with respect to determining if a significant net emissions increase

would result from a physical or operational change. However, we also expressed concern about the environmental consequences associated with the Exhibit B provisions. For one, you could modernize your aging facilities (restoring lost efficiency and reliability while lowering operating costs) without undergoing preconstruction review, while increasing annual pollution levels as long as hourly potential emissions did not change. Also, Exhibit B would allow your facilities to generate netting credits and ERCs for offsets based on potential hourly emissions, even if never actually emitted. This could sanction greater actual emissions increases to the environment, often from older facilities, without any preconstruction review. In addition, actual emissions increases resulting from unreviewed projects could go largely undocumented until a PSD review is performed by a new or modified facility that ultimately must undergo review. By that time, however, a violation of an increment could have unknowingly occurred. We were also concerned that Exhibit B would ultimately stymie major new source growth by allowing unreviewed increases of emissions from modifications of existing sources to consume all available increment in PSD areas.

In our analysis supporting the 1996 proposal, we were unable to reach any conclusions as to the magnitude of any environmental impacts beyond noting that the effects would vary from State to State depending on how much cumulative difference exists between the unused potential emissions and actual emissions in a given inventory of sources and on the extent to which any unused potential emissions have been used in attainment demonstrations. However, our analysis did show that typical source operation frequently does result in actual emissions that are below allowable emission levels.

We received many comments in response to the 1996 proposal regarding CMA Exhibit B. Some commenters believe the potential-to-potential test appropriately focuses on the significant emissions changes that could produce an adverse environmental impact. Several other commenters believe that a potential-to-potential test would be environmentally detrimental. These commenters believe that CMA Exhibit B represents a substantial weakening of the PSD program with large increases in actual emissions, which in itself could lead to a significant deterioration of air quality. They also express concerns regarding the creation of paper credits and other impacts on the broader air

quality planning process. One commenter states that the potential-to-potential test would conflict with SIPs that are based on actual emissions, threaten a State's efforts to make reasonable further progress (RFP) demonstrations, and interfere with emission credits relied on by SIPs. These commenters also cite the following concerns.

- The potential-to-potential test would allow sources to escape the major modification provisions and could virtually eliminate NSR in most modification cases.

- Once a facility has proceeded without NSR based on actual emissions, it would be difficult to take an enforcement action years later that would successfully require that facility to retrofit LAER and obtain offsets retrospectively.

We agree that a potential-to-potential test for major NSR applicability could lead to unreviewed increases in emissions that would be detrimental to air quality and could make it difficult to implement the statutory requirements for state-of-the-art controls.

After consideration, we believe some of the comments in support of Exhibit B have merit. As noted by commenters who supported the CMA Exhibit B proposal, a potential-to-potential test could simplify and improve the NSR process. According to commenters, the CMA Exhibit B approach would have the following benefits.

- Limit the scope of the program to encompass only those significant physical changes that Congress intended to cover

- Reduce unnecessary NSR costs and delays and improve compliance and enforcement

- Lower the cost of the NSR process by reducing the complexity of the NSR applicability determinations

- Facilitate applicability decisions at the plant level

The commenters also say that the CMA Exhibit B approach is more equitable than the existing actual-to-potential approach, which results in the capture of a source's unused capacity. These commenters prefer the potential-to-potential test because it would allow utilization increases. This provision is especially useful for sources in cyclical industries where using existing capacity is critical. Sources in sectors where utilization and demand are closely related would also benefit.

Our own concerns, coupled with the concerns expressed by some commenters, have caused us to reject the use of the Exhibit B regulatory changes for general purposes of determining whether a proposed

physical or operational change would result in a major modification. For the reasons stated above, we do not believe that a potential-to-potential approach is acceptable for major NSR applicability as a general matter. However, we agree with the commenters in part—some of the benefits of a potential-to-potential approach are desirable. We believe that in more limited circumstances a “potential-to-potential”-like approach would be acceptable. Therefore, we are promulgating two new applicability provisions that capture the benefits of a potential-to-potential approach but still have the necessary safeguards to ensure environmental protection—PALs, and the Clean Unit Test.

Today's rules provide for a PAL based on plantwide actual emissions. If you keep the emissions from your facility below a plantwide actual emissions cap, then you need not evaluate whether each change might be subject to the major NSR permitting when you make alterations to the facility or individual emissions units. The cumulative actual emissions become the *de facto* potential emissions for the plant, and you may emit up to the permitted level without going through major NSR, even if you are making changes to the facility. The PAL allows you to make changes quickly by allowing you to alter your facility without first going through major NSR review. It thus limits the number and complexity of NSR applicability determinations, and reduces unnecessary costs and delays. It also allows a plant manager to authorize changes, as long as the emissions remain under the permitted level, without first obtaining reviewing authority review. Furthermore, it provides an incentive to use state-of-the-art controls and install new, lower emitting equipment, which will allow sources to increase utilization. In return for the flexibility a PAL allows, you must monitor emissions from all of your emissions units under the PAL. Therefore, the PAL ensures good controls and protection of air quality. We believe there are other mechanisms for establishing PALs that would achieve beneficial results. For example, we believe PALs based on allowable emissions would produce flexibility and assure environmental protection, provided affected sources had adequate safeguards. Therefore, we intend in the near future to propose a rule that would adopt PALs based on allowable emissions.

Analogous to what the PAL does for facilities, the Clean Unit Test sets emission limitations or work practice requirements in conjunction with BACT, LAER, or Clean Unit

determinations and identifies any physical or operational characteristics that formed the basis for the BACT, LAER, or Clean Unit determination for a particular unit. The Clean Unit Test recognizes that if you go through major NSR review (including air quality review) and install BACT or LAER or comparable technology, then you may make any subsequent changes to the Clean Unit without triggering an additional major NSR review, as long as there is no need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with BACT, LAER, or Clean Unit determination or to alter any physical or operational characteristics that formed the basis for the BACT, LAER, or Clean Unit determination. Therefore, for Clean Units, given that the permit is based on a determination that is protective of air quality, the new test would deem there is no emissions increase as a result of any physical change or change in the method of operation. With these provisions, sources will have improved certainty and flexibility, reduced burden, and opportunity for utilization increases without compromising air quality. Like the PAL, the Clean Unit includes necessary safeguards by requiring enforceable permit terms and conditions to ensure environmental protection.

IV. Plantwide Applicability Limitations

A. Introduction

Today we are adopting a final rule for a PAL option that is based on the baseline actual emissions²⁶ from major stationary sources. A PAL is an optional approach that will provide you, the owners or operators of major stationary sources, with the ability to manage facility-wide emissions without triggering major NSR. We believe the added flexibility of a PAL allows you to respond rapidly to market changes consistent with the goals of the NSR program.

The final rules we are adopting today also benefit the public and the environment. Reviewing authorities, usually States, can only establish a PAL by using a public process that affords citizens the opportunity to comment

²⁶ In our 1996 proposal we used the term “actual emissions,” while today we are using the term “baseline actual emissions.” This change in terminology is consistent with the regulatory changes discussed in section II of today's preamble. Despite this change in terminology, there may be places in this section of the preamble where we still use the phrase “actual emissions.” In such cases we are either discussing PALs established under the old regulatory provisions, or summarizing and responding to comments received on the 1996 proposal.

upon the proposed PAL. This process is designed to assure local communities that air emissions from your major stationary source will not exceed the facility-wide cap set forth in the permit unless you first meet the major NSR requirements. We believe that a PAL provides a more complete perspective to the public because in setting a PAL, your reviewing authority accounts for all current processes and all emissions units together and reflects the long-term maximum amount of emissions it would allow from your source. Moreover, to comply with a PAL you must meet monitoring requirements prescribed in the rules that ensure that both your reviewing authority and the public have sufficient information from which to determine plantwide compliance. Additionally, through the final PAL regulations, we are promoting voluntary improvements in pollution controls by creating an incentive for you to control existing and new emissions units to maintain a maximum amount of operational flexibility under the PAL. Most importantly, for pollutants subject to a PAL, we are prohibiting serial, small, unrelated emissions increases,²⁷ which otherwise can occur under our existing regulations.

If you choose to use it, we believe you will benefit from the PAL option because you will have increased operational flexibility and regulatory certainty, a simpler NSR applicability approach, and fewer administrative burdens. To comply with a PAL, you need to ensure that there are no emissions increases from your major stationary source, as measured against the PAL. For you to do that, there is no need for you to quantify

²⁷ Under our current NSR program, you can make physical changes or changes in the method of operation without triggering major NSR applicability, provided the individual changes do not result in significant net emissions increases. We have interpreted this requirement to permit you to make unrelated changes that, standing alone, do not result in significant emissions increases and to allow such changes to occur without considering whether other contemporaneous emissions increases render the change significant. Over time you could undertake numerous unrelated projects without triggering major NSR, provided the individual projects did not increase emissions by a significant amount, thus allowing source-wide emissions to increase over time without requiring any emissions controls for these individual projects. For example, a large chemical plant that is located in an ozone attainment area adds a new product line in 2001 and properly avoids PSD (including the BACT requirement) by limiting the VOC emissions increase to 39 tpy. Later, in 2003 the plant adds a different product line and also properly avoids PSD by limiting VOC emissions from the new line to 39 tpy. For this example, two process lines at the same plant with total potential emissions (78 tpy) above the 40 tpy VOC significant level under PSD were properly permitted over a 3-year period without BACT applying to either new product line.

contemporaneous emissions increases and decreases for individual emissions units. Through the PAL we are allowing you to make timely changes to react to market demand and providing you additional certainty regarding the level of emissions at which your source will be required to undergo major NSR. The benefit to you is that you will not have to make numerous applicability decisions using different baselines. Also, in some situations where you would have been unable to “net out” a new project in the major NSR program, under a PAL you can begin construction on your new project without obtaining a major NSR permit, which can take from a few months up to 2 years. In addition, because you may make emissions reductions at emissions units under the PAL to create room for growth at other units, through the PAL we are providing a strong incentive for you to employ innovative control technologies and pollution prevention measures, to create voluntary emissions reductions to facilitate economic expansion.

B. Relevant Background

1. What Is a PAL and How Does a PAL Compare to Other Major NSR Requirements and Netting?

The concept of a PAL is simple. Under the Act, you are not subject to major NSR unless you make a “modification,” which by definition cannot occur without an emissions increase. CAA section 111(a)(4). A PAL is a source-wide cap on emissions and is one way of making sure that emissions increases from your major stationary source do not occur.

The existing regulations require “major modifications” to undergo NSR, and the existence of a “significant net emissions increase” at the facility is a necessary prerequisite to a “major modification.” See, for example, §§ 52.21(b)(2) & (3); see also *Chevron v. Natural Resources Defense Council*, 467 U.S. 837, 863–64 (1984). Under our current system, we determine whether a “significant net emissions increase” occurs at your major stationary source by focusing initially on the change to the emissions unit(s) and then broadening the analysis to include other changes within the source. In order to determine whether there is a “significant net emissions increase” under major NSR as revised today, you must establish a pre-change baseline for each change, project the actual level of emissions after the change, calculate the creditable emissions increases and decreases that have occurred that are contemporaneous with the change, and determine whether the change would

result in a significant net emissions increase. We refer to this applicability process as “netting” under the major NSR regulations. Both you and reviewing authorities have maintained that the netting rules are unnecessarily complex and burdensome, and have urged us to craft rules that link NSR applicability to compliance with a predictable source-wide emissions cap. We are responding to that request with the PAL concept. A PAL is a voluntary,²⁸ source-specific, straightforward, flexible approach to account for changes, including alterations to existing emissions units and the addition of new emissions units, at your existing major stationary sources. Complying with the PAL ensures that there are no emissions increases that trigger major NSR. If your emissions of the PAL pollutant remain below the PAL, and you comply with all other PAL requirements, whatever changes occur at your plant will not be subject to major NSR for the PAL pollutant. Our July 23, 1996 proposal contains a thorough discussion of the proposed PAL concept and the background information used to develop the proposal.

2. Why Does EPA Believe That PALs Will Benefit the Environment?

Over the past several years, we have allowed use of major stationary source-wide emissions caps to demonstrate compliance with major NSR in a select number of pilot projects. We recently reviewed six of these innovative air permitting efforts and found substantial benefits associated with the implementation of permits containing emissions caps (among other types of permit terms offering greater flexibility than major NSR permitting programs).²⁹ Specifically, we reviewed on-site records to track utilization of these flexible permit provisions, to assess how well the permits are working and any emissions reductions achieved, and to determine if there were any economic benefits of the permits.

Overall, we found that significant environmental benefits occurred for each of the permits reviewed. In particular, the six flexible permits established emissions cap-based frameworks that encouraged emissions reductions and pollution prevention,

even though such environmental improvements were not an explicit requirement of the permits. We found that in a cap-based program, sources strive to create enough headroom for future expansions by voluntarily controlling emissions. For instance, one company lowered its actual VOC emissions over threefold in becoming a synthetic minor source (that is, 190 tpy to 56 tpy). Other companies lowered their actual VOC emissions by as much as 3600 tpy by increasing capture, by using voluntary pollution prevention and other voluntary emissions control measures, and by reducing production rates.

Participants reported that having the ability to make rapid, iterative changes to optimize process performance in ways that minimize emissions, and that reduce the administrative “friction” (time delays and uncertainty) associated with making operational and equipment changes, encourages facilities to make changes that improve yields and reduce per-unit emissions. It is also critical for responding to product development needs and market demand, and for maintaining overall competitiveness.

Reviewing authorities consistently reported that the permits worked well and proved beneficial, and that there was a reduction in the number of case-by-case permitting actions they needed to undertake. Specifically, we found that flexible permit provisions (for example, emissions caps) are enforceable as a practical matter by using a mixture of mass balance-based equations, CEMS, and parameter monitoring. No emissions cap exceedances or violations of the monitoring provisions were experienced by any of the pilot sources. In addition, the monitoring and reporting approaches worked well and were generally of higher quality and of more extensive scope than those directly required by individual applicable requirements.

Based on the results of these pilot projects, we believe that PALs will over time tend to shift growth in emissions to cleaner units, because the growth will have to be accommodated under the PAL cap. Specifically, we expect that PALs will encourage you to undertake such projects as: replacing outdated, dirty emissions units with new, more efficient models; installing voluntary emissions controls; and researching and implementing improvements in process efficiency and use of pollution prevention technologies, so that you can maintain maximum operational flexibility. We also expect that you and the reviewing authority will need to devote substantially fewer resources to

²⁸ The term “voluntary” means that you have the option of entering into a PAL, rather than voluntary compliance with a PAL that is in place. Once you have a permit with PAL requirements, you must comply with the requirements.

²⁹ Results of our study are reported in “Evaluation of the Implementation Experience with Innovative Air Permits.” A complete copy of this report is located in the docket for today’s rulemaking.

discussing and reviewing whether major NSR applies to individual changes. Thus, overall, we believe that PALs will prove to be as beneficial to the environment as they are to you and your reviewing authority.

3. What Did We Propose for PALs?

On July 23, 1996, we proposed to amend the NSR regulations to specifically authorize PALs and to clarify the methodology under which you can obtain a PAL. Under the proposal, your reviewing authority could have elected to include provisions in its SIP to allow you to apply for a permit that based your source's major NSR applicability on compliance with a pollutant-specific, source-wide emissions cap. We proposed that a facility's PAL would generally be based on source-wide "actual emissions" plus an operating margin of emissions less than a significant emissions increase. We also sought comment on the circumstances under which it would be appropriate to use something other than actual (for example, "allowable") emissions to set the PAL.

On July 24, 1998, we published a notice in the **Federal Register** seeking further comment on how the PAL regulations could be reconciled with several environmental and legal concerns. The notice discussed how the PAL alternative fits within the Act's requirements for determining if changes at existing sources are subject to major NSR. Today we are adopting final regulations that address the issues and comments raised in the 1998 notice and the 1996 proposal.

C. Final Regulations for Actuals PALs

Today's action establishes final regulatory provisions for actuals PALs. We are placing these requirements in the major NSR rules for nonattainment areas at § 51.165(f), and in the PSD regulations (applicable in attainment and unclassifiable areas) at §§ 51.166(w) and 52.21(aa).

The PAL option adopted today provides you with a voluntary alternative for determining NSR applicability. Actuals PALs are rolling 12-month emissions caps (that is, tpy limits) that include all conditions necessary to make the limitation enforceable as a practical matter. Through the regulations, we are allowing PALs on a pollutant-specific basis and are also allowing you to opt for actuals PALs for more than one pollutant at your existing major stationary sources. You must continue to apply the major NSR applicability provisions to air pollutants at your source for which you have no PAL.

This section sets forth the specific requirements for actuals PALs. The section addresses the following items: (1) The process used to establish a PAL and the public participation requirements; (2) how the PAL level is determined; (3) how long a PAL is effective and what happens when a PAL expires; (4) can a PAL be terminated before the end of its effective period; (5) how a PAL is renewed; (6) how a PAL can be increased during the effective period; (7) circumstances that would cause your PAL to be adjusted during the PAL effective period; (8) whether a PAL can eliminate enforceable emission limitations previously taken to avoid major NSR; (9) the compliance requirements and monitoring, recordkeeping, reporting, and testing (MRRT) requirements that the permit must contain for emissions units under your PAL; (10) the process for incorporating conditions of the PAL into your title V operating permit; and (11) an example of how an actuals PAL would work under the regulations finalized today.

1. What Are the Permit Application Requirements, What Is the Process Used To Establish a PAL, and What Are the Public Participation Requirements?

Under today's final rules, you must submit a complete application to your reviewing authority requesting a PAL. The application, at a minimum, must include a list of all emissions units, their size (major, significant, or small); the Federal and State applicable requirements, emission limitations and work practice requirements that each emissions unit is subject to; and the baseline actual emissions for the emissions units at the source (with supporting documentation). The calculation of baseline actual emissions must include fugitive emissions to the extent they are quantifiable. The reviewing authority must establish a PAL in a federally enforceable permit (for example, a "minor" NSR construction permit, a major NSR permit, or a SIP-approved operating permit program). To comply with our final regulations, the reviewing authority must provide an opportunity for public participation when issuing a PAL permit. This process must be consistent with the requirements at § 51.161 and include a minimum of a 30-day period for public notice and opportunity for public comment on the proposed permit. Where the PAL is established in a major NSR permit, major NSR public participation procedures apply. When establishing a PAL, you must comply with all applicable requirements of the

reviewing authority's minor NSR program, including modeling to ensure the protection of the ambient air quality. Additionally, you must meet all applicable title V operating permit requirements. When adding new emissions units under a PAL, you must comply with the reviewing authority's minor NSR permit requirements for public notice, review, and comment. In contrast, when adding new emissions units that will require an increase in a PAL, you must comply with the reviewing authority's major NSR permit requirements for public notice, review, and comment.

2. How Is the Level of the PAL Determined?

We calculate the PAL level for a specific pollutant by summing the baseline actual emissions of the PAL pollutant for each emissions unit at your existing major stationary source, and then adding an amount equal to the applicable significant level for the PAL pollutant under § 52.21(b)(23) or under the CAA, whichever is lower.

You must first identify all your existing emissions units (greater than 2 years of operating history) and new emissions units (less than 2 years of operating history since construction). When establishing the actuals PAL level, you must calculate the baseline actual emissions from existing emissions units that existed during the 24-month period as described below. The baseline actual emissions will equal the average rate, in tpy, at which your emissions units emitted the PAL pollutant during a consecutive 24-month period, within the 10-year period immediately preceding the application for a PAL. Consistent with today's final rules, you will have broad discretion to select any consecutive 24-month period in the last 10 years to determine the baseline actual emissions. Only one consecutive 24-month period may be used to determine the baseline actual emissions for such existing emissions units. For any emissions unit (currently classified as existing or new) that is constructed after the 24-month period, emissions equal to its PTE must be added to the PAL level. Additionally, for any emissions unit that is permanently shut down or dismantled³⁰ since the 24-month

³⁰ The key determination to be made is whether an emissions unit is "permanently shut down." This issue is discussed in the Administrator's response to a petition objecting to an operating permit for a facility in Monroe, Louisiana. See *Monroe Electric Generating Plant*, Petition No. 6-99-2 (Adm'r 1999). A copy of this decision is in the docket. In general, we explained in our "reactivation policy" that whether or not a

period, its emissions must be subtracted from the PAL level. Different rules apply for determining baseline actual emissions for EUSGUs. You should refer to the definition of baseline actual emissions to determine the specific method for calculating baseline actual emissions for your emissions units. Consistent with today's final rules for determining baseline actual emissions, your baseline actual emissions for an emissions unit cannot exceed the emission limitation allowed by your permit or newly applicable State or Federal rules (RACT, NSPS, etc.) in effect at the time the reviewing authority sets the PAL. This means that for the purpose of setting the PAL, your baseline actual emissions for an emissions unit will include an adjustment downward to reflect currently applicable requirements. Additionally, your reviewing authority shall specify a reduced PAL level(s) (in tpy) in the PAL permit to become effective on the future compliance date(s) of any applicable Federal or State regulatory requirement(s) that the reviewing authority is aware of prior to issuance of the PAL permit. See section II of today's preamble for additional information on determining the baseline actual emissions for your emissions units.

3. How Long Can a PAL Be Effective and What Happens When a PAL Expires?

Through the final rules, we are requiring that the term of an actual PAL be 10 years. At least 6 months prior to, but not earlier than 18 months from, the expiration date of your PAL, you must submit a complete application either to request renewal or expiration of the PAL. If you meet this application deadline for a permit renewal, the existing PAL will continue as an enforceable requirement until the reviewing authority renews your PAL, even if the reviewing authority fails to issue a PAL renewal within the specified period of time.

As part of an application to request expiration of the PAL, you must submit a proposed approach for allocating the PAL among your existing emissions units. The reviewing authority will retain the ultimate discretion to decide whether and how the allowable emission limitations will be allocated, including whether to establish limits on

shutdown should be treated as permanent depends on the intention of the owner or operator at the time of shutdown based on all facts and circumstances. Shutdowns of more than 2 years, or that have resulted in the removal of the source from the State's emissions inventory, are presumed to be permanent. In such cases it is up to the facility owner or operator to rebut the presumption.

individual emissions units or groups of emissions units. As under the PAL, your emissions units must comply with their allowable emission limitations on a 12-month rolling basis. However, the reviewing authority retains the discretion to accept monitoring systems other than CEMS, CPMS, PEMS, etc., from you to demonstrate compliance with these unit-specific limits.

Until the reviewing authority issues the revised permit with allowable emission limitations covering each of your emissions units, your source must comply with a source-wide multi-unit emissions cap equivalent to the PAL level. After a PAL expires, physical or operational changes will no longer be evaluated under the PAL applicability provisions.

Notwithstanding the expiration of the PAL, you must continue to comply with any State or Federal applicable requirements for a specific emissions unit. (BACT, RACT, NSPS, etc.) When the PAL expires, none of the limits established pursuant to §§ 51.166(r)(2), 51.165(a)(5)(ii), or 52.21(r)(4), which the PAL originally eliminated, would return under today's final rules.

4. Can a PAL Be Terminated Before the End of Its Effective Period?

Today's final rules do not contain specific provisions related to the issue of terminating a PAL. Decisions about whether a PAL can or should be terminated will be handled between you and your reviewing authority in accordance with the requirements of the applicable permitting program.

5. How Is a PAL Renewed?

As previously discussed, you must submit a complete application to renew a PAL at least 6 months prior to, but not earlier than 18 months from, the expiration date of your PAL. If you submit a complete application to renew the PAL by this deadline, the existing PAL will continue as an enforceable requirement until the reviewing authority issues the permit with the renewed PAL. As part of your renewal application, you must recalculate and propose your maximum PAL level, taking into account newly applicable requirements and the factors described below.

Your reviewing authority must review the complete application and issue a proposed permit for public comment consistent with the permitting procedures for issuing the initial PAL. As part of this public process, the reviewing authority must provide a written rationale for its proposed PAL level. If your source's PTE has declined below the PAL level, the reviewing

authority must adjust the PAL downward so that it does not exceed your source's PTE.

In addition, the reviewing authority may renew the PAL at the same level without consideration of other factors, if the sum of the baseline actual emissions for all emissions units at your source (as calculated using the definition of "baseline actual emissions" at §§ 51.165(a)(1)(xii)(B), 51.166(b)(21), and 52.21(b)(21) as amended by today's final rules) plus an amount equal to the significant level is equal to or greater than 80 percent of the PAL level (unless greater than the current PTE of the major stationary source). However, if the baseline actual emissions plus an amount equal to the significant level is less than 80 percent of the PAL level, the reviewing authority may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, cost effective emissions control alternatives, or other factors as specifically identified by the reviewing authority in its written rationale. For instance, a reviewing authority may determine that PAL levels are inconsistent with the levels necessary to achieve the NAAQS, or a State may determine that PAL levels need to be reduced to provide room for new economic growth in the area.

In some circumstances, such as in the example cited below, the reviewing authority may exercise its discretion in deciding that an adjustment is not warranted. We believe that such discretion is appropriate, based in part on our experience with the pilot projects previously mentioned. In one instance, a participant voluntarily agreed to reduce its actual emissions by 54 percent in exchange for obtaining a source-wide emissions cap. After agreeing to this emissions reduction, the participant further reduced emissions by increasing capture efficiency and incorporating pollution prevention strategies into its operations. Unexpectedly, the participant also suffered an unusual economic downturn that caused a decrease in the rate of production and a corresponding decrease in actual emissions. At the time of renewal of the source-wide emissions cap, the participant's actual emissions were 10 percent of its actual emissions before committing to the emissions cap. The participant chose not to renew its emissions caps, because renewal required an automatic

adjustment to its current actual emissions level. Clearly, such a result contravenes the mutual benefits that operating under a PAL provides, and discourages you from undertaking voluntary reductions. If your source would ordinarily be subject to a downward adjustment, but you believe such an adjustment is not appropriate, you may propose another level. The reviewing authority may approve the level that you propose if it determines, in writing, that the level is reasonably representative of the source's baseline actual emissions. Similarly, the reviewing authority may determine that a lower level best represents the baseline actual emissions from the source.

Consistent with the effective period for the initial PAL, all renewed PALs will have a 10-year effective period.

6. How Can a PAL Be Increased During the Effective Period?

The reviewing authority may allow you to increase a PAL during the effective period if you are adding new emissions units or changing existing emissions units in a way that would cause you to exceed your PAL. However, today's rule only authorizes your reviewing authority to allow such an increase if you would not be able to maintain emissions below the PAL level even if you assumed application of BACT equivalent controls on all existing major and significant units (emissions units that have a PTE greater than a significant amount (as defined by § 52.21(b)(23) or the CAA, whichever is lower). Such units must be adjusted for current BACT levels of control unless they are currently subject to a BACT or LAER requirement that has been determined within the preceding 10 years, in which case the assumed control level shall be equal to the emissions unit's existing BACT or LAER control level. The PAL permit must require that the increased PAL level will be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

Your proposed new emissions unit(s) and your existing emissions units undergoing a change must go through major NSR permitting, regardless of the magnitude of the proposed emissions increase that would result (for example, no significant level applies). This is because the significant level for the pollutant is incorporated into the PAL. These emissions units must comply with any emissions requirements resulting from the major NSR process (for example, LAER), even though they

have also become subject to the PAL program or remain subject to the PAL.

To request a PAL increase, you must submit a complete major NSR permit application. As part of this application, you must demonstrate that the sum of the baseline actual emissions of your small emissions units, plus the sum of the baseline actual emissions from your significant and major emissions units (adjusted for a current BACT level of control unless the emissions units are currently subject to a BACT or LAER requirement that has been determined within the preceding 10 years, in which case the assumed control level shall be equal to the emissions unit's existing BACT or LAER control level), plus the sum of the allowable emissions of the new or modified existing emissions unit(s), exceeds the PAL.

After the reviewing authority has completed the major NSR process, and thereby determined the allowable emissions for the new or modified emissions unit(s), the reviewing authority will calculate the new PAL as the sum of the allowable emissions of the new or modified emissions unit(s), plus the sum of the baseline actual emissions of your small emissions units, plus the sum of the baseline actual emissions from significant and major emissions units adjusted for the appropriate BACT level of control as described above. Your reviewing authority must modify the PAL permit to reflect the increased PAL level pursuant to the public notice requirements of §§ 51.166(w)(5), 51.165(f)(5), or 52.21(aa)(5) of today's final rule.

7. Are There Any Circumstances That Would Cause Your PAL To Be Adjusted During the PAL Effective Period?

During the term of the PAL, at PAL renewal or at title V permit renewal, your reviewing authority may reopen your PAL permit and adjust the PAL level, either upward or downward, as needed by the reviewing authority. While certain activities require mandatory reopening, for others the reviewing authority may reopen at its discretion. The reviewing authority must reopen the permit for the following reasons: (1) To correct typographical/calculation errors made in setting the PAL or to reflect a more accurate determination of emissions used to establish the PAL; (2) to reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets; or (3) to revise a PAL to reflect an increase in the PAL.

The reviewing authority may reopen the permit to: (1) Reduce the PAL to

reflect newly applicable Federal requirements (for example, NSPS) with compliance dates after the PAL effective date; (2) reduce the PAL consistent with any other requirement that is enforceable as a practical matter, and that the State may impose on the major stationary source under the SIP; or (3) reduce the PAL if the reviewing authority determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an AQRV that has been identified for a Federal Class I area by an FLM and for which information is available to the general public.

While the final rule does not require your reviewing authority to immediately reopen the PAL permit to reflect newly applicable Federal or State regulatory requirements (for example, NSPS, RACT) that become effective during the PAL effective period, it does require the PAL to be adjusted at the time of your title V permit renewal or PAL permit renewal, whichever occurs first. Notwithstanding this requirement, today's final rule provides your reviewing authority discretion to reopen the PAL permit to reduce the PAL to reflect newly applicable Federal or State regulatory requirements before the time we otherwise require.

8. Can a PAL Eliminate Existing Emission Limitations?

An actuals PAL may eliminate enforceable permit limits you may have previously taken to avoid the applicability of major NSR to new or modified emissions units. Under the major NSR regulations at §§ 52.21(r)(4), 51.166(r)(2), and 51.165(a)(5)(ii), if you relax these limits, the units become subject to major NSR as if construction had not yet commenced on the source or modification. Should you request a PAL, today's revised regulations allow the PAL to eliminate annual emissions or operational limits that you previously took at your stationary source to avoid major NSR for the PAL pollutant. This means that you may relax or remove these limits without triggering major NSR when the PAL becomes effective. Before removing the limits, your reviewing authority should make sure that you are meeting all other regulatory requirements and that the removal of the limits does not adversely impact the NAAQS or PSD increments.

We are not taking a position on whether compliance with requirements contained in a PAL permit could serve to demonstrate compliance with certain pre-existing requirements on individual units. The reviewing authority may assess on a case-by-case basis whether

any streamlining would be appropriate in the title V permit consistent with part 70 procedures and our existing policies and guidance on permit streamlining.

9. What MRRT (Collectively Referred to as "Monitoring") Requirements Must the Permit Contain for Emissions Units Under Your PAL?

Each permit must contain enforceable requirements that accurately determine plantwide emissions. A PAL monitoring system must be comprised of one or more of the four general approaches that meet the minimum requirements discussed below, and such monitoring systems must be approved by the reviewing authority. You may also employ an alternative approach if approved by the reviewing authority. Use of monitoring systems that do not meet the minimum requirements approved by the reviewing authority renders the PAL invalid. Any monitoring system authorized for use in the PAL permit must be based on sound science and must conform to generally acceptable scientific procedures for data quality and manipulation.

In return for the increased operational flexibility of a PAL, your permit must include sufficient data collection requirements to ensure compliance with the PAL at all times. In addition, the PAL permit must contain enforceable provisions that ensure that the monitoring data meet the minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

This section addresses a number of issues associated with the practical enforceability of PALs and describes concepts that you and reviewing authorities must follow when establishing your PAL. The issues addressed include the following.

- How do monitoring requirements for emissions units under a PAL differ from those for emissions units that are not under a PAL?
- What are the testing requirements for your emissions units under a PAL?
- What monitoring systems are appropriate to demonstrate compliance with your PAL?
- What information about your proposed data collection systems must be submitted to your reviewing authority for approval?
- What recordkeeping requirements must your permit contain to demonstrate compliance with your PAL?
- What reporting requirements for your PAL must your permit contain?

a. How Do Monitoring Requirements for Emissions Units Under a PAL Differ From Those for Emissions Units That Are Not Under a PAL?

Typically, when an emission limitation applies on a unit-by-unit basis, the monitoring must be sufficient to provide data that demonstrate that emissions do not exceed the applicable limit for a particular unit. Under this approach, if an emissions unit has to meet an NSPS VOC limit of 9 ppm, the monitoring need only demonstrate that VOC emissions are no higher than 9 ppm but not measure VOC emissions at any precise level below 9 ppm (for example, 7 ppm, 8 ppm).

In contrast, under a VOC emissions actual PAL, the VOC emissions from each emissions unit must be quantified (in tpy), generally each month as the sum of the previous 12 months of VOC emissions. Thus, it becomes necessary to require monitoring that quantifies the emissions from each emissions unit to ensure that the annual limit is enforceable as a practical matter. As a result, the monitoring requirements for emissions units under a PAL may be more stringent than for those emissions units not under a PAL. In many instances, your emissions units may have monitoring suitable for determining compliance with a unit-specific emission limitation on a periodic basis, in accordance with title V requirements, but that monitoring frequency of data collection may not be appropriate for ongoing emissions quantification for a 12-month rolling total. Thus, even if your emissions unit's monitoring meets the title V requirements in §§ 70.6(a)(3)(i)(B) or 70.6(c)(1), you must upgrade that monitoring if you request a PAL and the existing monitoring does not meet the minimum requirements of the PAL regulations.

All units operating under a PAL must have sufficient monitoring to accurately determine plantwide emissions for a 12-month rolling total. For example, a source owner or operator with five units must be able, at any time, to quantify the baseline actual emissions for the past 12 months for each of the five units. That source should, in advance, outline how it plans to monitor each of the units in order to quantify the emissions. If one of the five units cannot accommodate one of the monitoring options provided in the rule in order to quantify the emissions, then the source owner or operator would be incapable of demonstrating ongoing compliance with the source's PAL.

b. What Are the Testing Requirements for Your Emissions Units Under a PAL?

As part of your PAL application and as directed by your reviewing authority, you must use current emissions or other current direct measurement data to demonstrate that your monitoring systems accurately determine emissions from each unit subject to a PAL. You will need to collect such data from all units subject to the PAL, including those that are unregulated at the present time. If you do not have current emissions data, or if your emissions unit's operation and equipment have changed since collection of that data, you will need to obtain current, accurate data, typically by conducting performance tests or other direct measurements before submission of your complete permit application to obtain a PAL.

In addition, you will need to re-validate the data and any correlation to demonstrate that your monitoring systems continue to accurately determine emissions from each unit subject to a PAL. This re-validation must occur at least once every 5 years for the life of the PAL. Data must be re-validated through a performance evaluation test or other scientifically valid means that is approved by the reviewing authority.

You must conduct all testing in accordance with test methods appropriate to your emissions unit and applicable requirements. For example, among the test methods for measuring organic emissions are Methods 18, 25, 25A, and 25B, which can be found in 40 CFR part 60, appendix A. During testing, your emissions unit must operate within the range you wish to operate, so as to provide an accurate quantification of emissions across the entire range. This may require you to perform more than one performance test.

c. What Monitoring Systems Are Appropriate To Demonstrate Compliance With Your PAL?

The PAL monitoring system must be comprised of one or more of four general approaches: (1) Mass balance for processes, work practices, or emissions sources using coatings or solvents; (2) Continuous Emissions Monitoring System (CEMS); (3) Continuous Parameter Monitoring System (CPMS) or Predictive Emissions Monitoring System (PEMS) with Continuous Emissions Rate Monitoring System (CERMS) or automated data acquisition and handling system (ADHS), as needed; or (4) emission factors. Alternatively, another monitoring approach may be

used if approved in advance by the reviewing authority. The monitoring approaches mentioned above must meet minimum requirements established by today's rule.

In the mass balance approach, you would consider all of the PAL pollutant contained in or created by any raw material or fuel used in or at your emissions unit to be emitted. Currently, we are limiting this approach to monitoring for processes, work practices, or emissions sources using coatings or solvents. In order to use the mass balance approach, you must validate the content of the PAL pollutant that is contained in or created by any raw material or fuel used on site. This validation may be accomplished by a regular testing program conducted by the vendor of the materials or by an independent laboratory. In addition, you are required to use the upper limit of any content range in the calculations, unless the reviewing authority determines that there is a site-specific data monitoring system in place at the unit or that there are data to support the use of another content within the range.

If your reviewing authority allows you to use a mass balance approach, then the PAL permit must require you to account for all material containing the PAL pollutant or use of all materials that could create PAL pollutant emissions (through chemical decomposition, by-product formation, etc.). For instance, if you are subject to a VOC PAL and your emissions units do not utilize add-on control devices, you may use a mass balance approach to determine compliance. For example, suppose over 1 month you were using 8 tons of solvent with 25 percent VOCs (as demonstrated using Method 311). You would be required to report and include 2 tons of VOC emissions (since $8 \times 0.25 = 2$) for that month to compare with the PAL, even though some of the VOCs may not ultimately be emitted. (For example, they could be retained in your emissions unit's product or in a process waste.)

A CEMS, coupled with a CERMS as well as an ADHS (collectively known as a CEMS), may be used to measure and verify the PAL pollutant concentration, volumetric gas flow (if applicable), and PAL pollutant mass emissions discharged to the atmosphere from each emissions unit emitting the PAL pollutant. If your source utilizes a CEMS approach, you must ensure that the CEMS meets the applicable Performance Specifications in 40 CFR part 60, appendix B. The CEMS must be capable of data sampling at least once every 15 minutes. In addition, you must be able

to convert the data obtained from the CEMS system to a mass emissions rate.

These types of monitoring systems are appropriate for emissions sources subject to respective SO₂, NO_x, carbon monoxide, particulate matter (PM), VOC, total reduced sulfur (TRS), or hydrogen sulfide (H₂S) regulations.

A CPMS or PEMS coupled with CERMS and ADHS (collectively known as parameter monitoring), may be used for emissions units as reviewed and approved by your reviewing authority.

To determine emissions, parameter monitoring relies on: (1) Use of physical principles; (2) parameters such as temperature, mass flow, or pressure differential; and (3) performance testing results. Users of parameter monitoring must show a correlation between predicted and actual emissions across the anticipated operating range of the unit.

An example is a source owner or operator who determines VOC emissions from an incinerator by multiplying the incinerator efficiency by the amount of VOC-containing material used. Three assumptions are built into the emissions algorithm: (1) The VOC content remains constant; (2) the control device reduction efficiency remains constant over the temperature range established during performance testing; and (3) the unit load remains constant. Checks on these assumptions are established by: ongoing monitoring requirements (for example, combustion chamber temperature and control device load); ongoing emissions testing requirements (for example, periodic re-evaluation of the correlation between combustion chamber temperature and control device efficiency); and ongoing testing of the VOC content of the material.

Another example of parameter monitoring is an organic emissions condenser. The parameter monitoring design in this case is based on the laws of physics and the physical properties of the material (for example, the lowest condensation temperature of the VOC constituent), the temperature of the condenser, and the maximum material feed rate.

Some parameter monitoring works by calculating emissions using data from monitored parameters and a neural network system to optimize performance of a unit. By measuring numerous parameters, the network can then automatically analyze current operations, as well as emissions, and make adjustments to optimize performance.

Establishing parameter monitoring is a resource-intensive effort, requiring extensive up-front testing, analysis, and

development. Recently, we have developed draft performance specifications for evaluating appropriate, acceptable parameter monitoring accuracy, repeatability, and reproducibility (e.g., Performance Specification 16). You and your reviewing authority should review these performance specifications in developing an interim protocol for using parameter monitoring to demonstrate continuous compliance with a PAL. Your approved protocol may require revision as we finalize performance specifications.

Today's rule requires you to re-validate your monitoring systems, including parameter re-certification emissions testing, at least once every 5 years during the PAL permit term. You may conduct such re-validation as part of any other testing required by other non-PAL program requirements, such as title V program requirements.

If a parameter monitoring approach is taken, the owner or operator must use current site-specific data to establish the emissions correlations between the monitored parameter and the PAL pollutant emissions across the entire range of the operation of the emissions unit. If the owner or operator cannot establish a correlation for the entire operation range, the reviewing authority shall, at the time of the permit issuance, establish a default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated during the operational times when an emissions correlation is not available.

Alternatively, the reviewing authority may decide that operation of the emissions unit during periods where there is no emissions correlation is a violation of the PAL. The PAL permit must include enforceable requirements if either of these alternatives to the required correlation for parameter monitoring are used.

Emission factors may be used for demonstrating compliance with PALs, so long as the factors are adjusted for the degree of uncertainty or limitations in the factors' development. In ascertaining whether an emission factor is appropriate, you and your reviewing authority should consider the contribution of emissions from the emissions unit in relation to the PAL, the size of the emissions unit, and the margin of compliance of the emissions unit. In addition, if the emission factor approach is taken, the emissions unit shall operate within the designated range of use for the emission factor.

The owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL

pollutant emissions shall conduct validation testing using other monitoring approaches (if technically practicable) to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the reviewing authority determines that testing is not required. For example, should you demonstrate to your reviewing authority's satisfaction that the use of your emission factor would yield a result that is protective of the environment, then you may not need to conduct site-specific performance testing. An emissions unit is considered significant if the emissions unit has the potential to emit the PAL pollutant in amounts greater than those listed in § 51.165(a)(1)(x).

In the event you choose to use one or more emission factors for your significant or small emissions units, you bear the burden to prove to the reviewing authority that the emission factors are appropriate and adjusted for any uncertainty in the factors' development. By way of example, the sulfur dioxide emission factor for 2-stroke, lean-burn, natural gas fired reciprocating engines, $5.88 * 10^{-4}$ pounds of sulfur dioxide emitted per million British Thermal Unit (mmbTU) of natural gas combusted, as published in our *Compilation of Air Pollutant Emission Factors AP-42, Fifth Edition Volume 1: Stationary Point and Area Sources*, which is found on our Internet Web site at <http://www.epa.gov/ttn/chief/ap42/index.html>, represents an appropriate emission factor.

The reviewing authority may approve other types of monitoring systems that quantify emissions to demonstrate compliance with PALs. Other types of monitoring that may be approved include a Gas Chromatographic (GC) or a Fourier Transform Infrared Spectroscopy (FTIR) CEMS that relies on extractive techniques, coupled with a CERMS as well as an ADHS, to measure and verify the VOC concentration, volumetric gas flow (if applicable), and VOC mass emissions (in lb/hr) discharged from stacks (that is, non-fugitive emissions) to the atmosphere. For processes, work practices, or emissions sources subject to VOC or organic hazardous air pollutant (HAP) regulations, these types of monitoring systems may be used for each emissions unit emitting VOC.

d. *What information about your monitoring system must be submitted to your reviewing authority for approval?*

You need to propose a monitoring system as part of your PAL permit application submission to your reviewing authority. The monitoring system proposed must accurately determine plantwide emissions. In your

permit application, you must describe how you will collect and transform data from each emissions unit subject to a PAL permit, so that the emissions from each unit can be quantified as a 12-month rolling total. In addition, you need to demonstrate how you can be assured the data are and remain accurate by describing how you will install, operate, certify, test, calibrate, and maintain the performance of your monitoring system(s) on each emissions unit that will be subject to the PAL.

You will also need to provide calculations for the maximum potential emissions without considering enforceable emission limitations or operational restrictions for each unit in order to determine emissions during periods when the monitoring system is not in operation or fails to provide data. In lieu of the permit requiring maximum potential emissions during periods when there is no monitoring data, you may propose another alternate monitoring approach as a backup. This backup monitoring, however, must still meet the minimum requirements for the monitoring approaches prescribed in the regulation.

Note that each monitoring system with applicable requirements contained in appendix B of 40 CFR part 60 must be installed, operated, and maintained according to the applicable Performance Specification of 40 CFR part 60, appendix B.

For purposes of determining emissions from an emissions unit, a unit is considered operational not only during periods of normal operation, but also during periods of startup, shutdown, maintenance, and malfunction even if compliance with a non-PAL emission limitation is excused during these latter periods. Your reviewing authority may approve different monitoring for various operating conditions (for example, startup, shutdown, low load, or high load conditions as demonstrated through multiple performance tests) for each emissions unit. You must, however, use one of the accepted monitoring approaches, including alternative monitoring approved by the reviewing authority, for these periods or calculate the emissions during these periods by assuming the highest PTE without considering enforceable emission limitations or operational restrictions.

In addition, the rule permits the reviewing authority to use the reasonably estimated highest potential emissions for periods when your emissions unit operates outside its parameter range(s) established in the performance test, unless another method is specified in the permit, and

include those emissions in the 12-month rolling total in order to demonstrate compliance with the PAL. Alternatively, the reviewing authority may decide that operation outside the range(s) established in the performance test is a violation of the PAL. The reviewing authority must decide how to handle emissions when the unit is operating outside the ranges established in the performance tests prior to the issuance of the PAL permit and must include appropriate enforceable conditions in the PAL permit.

For parameter monitoring to be approved by your reviewing authority, your proposed monitoring system must measure the operational parameter value(s) within the established site-specific range(s) of operating parameter values demonstrated in recent performance testing. The monitoring system must then record the associated PAL pollutant mass emissions rate for that period based on the correlations demonstrated with the current test data.

e. *What Recordkeeping Requirements Must Your Permit Contain To Demonstrate Compliance With Your PAL?*

Your permit must require you to maintain records of your monitoring and testing data that support any compliance certifications, reports, or other compliance demonstrations. This information should contain, but is not necessarily limited to, the following data.

- The date, place (specific location), and time that testing or measuring occurs
- The date(s) sample analysis or analyses occur
- The entity that performs the analysis or analyses
- The analytical techniques or methods used
- The results of the analyses
- Each emissions unit's operating conditions during the testing or monitoring
- A summary of total monthly emissions for each emissions unit at the major stationary source for each calendar month
- A copy of any report submitted to the reviewing authority
- A list of the allowable emissions and the date operation began for any new emissions units added to the major stationary source.

You must also record all periods of deviation, including the date and time that a deviation started and stopped and whether the deviation occurred during a period of startup, shutdown, or malfunction.

You must retain records of all required testing and monitoring data, as well as supporting information, for at least 5 years from the date of the monitoring sample, measurement, report, or application. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all required reports. Instead of paper records, you may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review and does not conflict with other recordkeeping requirements.

You must also retain a copy of the following records for the duration of the PAL effective period plus 5 years: (1) A copy of the PAL permit application and any applications for revisions to the PAL; and (2) each annual certification of compliance pursuant to title V and the data relied on in certifying the compliance.

f. What reporting requirements for your PAL must your permit contain?

You must provide semi-annual monitoring and prompt deviation reports. The terms and conditions of an approved PAL become title V applicable requirements that will be placed in your title V permit. Therefore, the reports required under title V may meet the requirements of the PAL rule, so long as the minimum reporting requirements listed in the regulations are met. You must submit a semi-annual emissions report to the reviewing authority within 30 days after the end of each reporting period. The reviewing authority will use this report to determine compliance with the conditions of the PAL, including the PAL level.

The compliance period for an actuals PAL emissions level is a consecutive 12-month period, rolled monthly. Block 12-month periods are not allowed (for example, Jan.-Dec. of each year). The emissions report must include the total baseline actual emissions of the PAL pollutant for the previous 12 months and compare the previous 12 months' total emissions with the PAL level to determine compliance. Additionally, the emissions report must identify: the site; the owner or operator; the applicable PAL; the monitored parameters, the method of calculation with appropriate formulas, any emission factors used, the capture and control efficiencies used and the calculated emissions; total monthly emissions (tons) and the equations used to compute this value for each of the 12 months before submission of the

emissions report (or for all prior months if the PAL has not been effective for 1 year); total annual emissions (tpy); a PAL compliance statement; a list of any emissions units added or modified to the site; and information concerning shutdown of any monitoring system, including the method that was used to measure emissions during that period. Finally, in accordance with title V requirements, your permit will require all reports to be certified by your responsible official as true, accurate, and complete.

10. What is the process for incorporating conditions of the PAL into your title V operating permit?

As discussed previously, the reviewing authority establishes a PAL in a federally enforceable permit using its minor NSR construction permit process or the major NSR permit construction process and eventually rolling these requirements into its title V operating permit. The reviewing authorities' rules for establishing or renewing PALs must include a public participation process prior to permit approval of the PAL. The process must be consistent with the requirements at § 51.161 and include a minimum 30-day period for public notice and opportunity for public comment on the proposed permit. PALs established through the major NSR process are subject to major NSR public participation requirements. When adding a new emissions unit under an established PAL, you must comply with the reviewing authority's minor NSR permit requirements for public notice, review, and comment.

The process for incorporating the conditions of a PAL into the title V operating permit depends on whether the initial title V permit has already been issued for the source. If the initial title V permit has not been issued, a PAL created in a minor or major NSR permit would be incorporated during initial issuance of the title V permit. If the initial title V permit has already been issued, the PAL would be incorporated through the appropriate part 70 modification procedures. As discussed later in this preamble, we suggest that you request that your reviewing authority renew your title V permit concurrently with issuance of your PAL in order to align the two processes together and decrease the administrative burden on you and your reviewing authority.

Once a PAL is established, a change at a facility is exempt from major NSR and netting calculations, but could require a title V permit modification, as could any other change. Whether a title V permit modification would be

required, and which permit modification process would be used, is governed by the current part 70 rule as implemented by the reviewing authority.

11. What is an example of an actuals PAL?

The following example is based upon a hypothetical source that wishes to obtain an actuals PAL under the final regulations adopted today.

A manufacturing plant (a major stationary source) located in a serious ozone nonattainment area seeks an actuals PAL for VOC in January 2002. The major source threshold for VOC in a serious ozone nonattainment area is 50 tpy and the significant level for VOC modifications is 25 tpy. The plant has 5 emissions units with a total PTE of 640 tpy of VOC. The PTE for VOC for each of the emissions units at the plant is as follows: (1) Unit A is 335 tpy; (2) unit B is 20 tpy; (3) Unit C is 125 tpy; (4) unit D is 60 tpy; and (5) unit E is 100 tpy. Units A, B, C, and D are existing emissions units with more than 2 years of operating history. Unit E has been in operation for only a year. Unit D was dismantled in year 2000 and is considered permanently shutdown.

For units A, B, C, and D, the source has selected July 1, 1996 to June 30, 1998 (a consecutive 24-month period) to determine baseline actual emissions. Unit A is subject to a RACT requirement that became effective in year 2000. The baseline actual emissions for each emissions unit during this period are as follows: unit A, 140 tpy (including RACT adjustment); unit B, 10 tpy; unit C, 90 tpy; and unit D, 20 tpy.

The actuals PAL level for VOC is = $260 + 100 - 20 + 25 = 365$ tpy

WHERE

- 260 tpy = the sum of the baseline actual emissions for emissions units A-D (with 2 or more years of operation)
- 100 tpy = the allowable emissions (PTE) of unit E, which was constructed after the 24-month period;
- 20 tpy = baseline actual emissions of unit D, which is permanently shut down since the 24-month period; and
- 25 tpy = significant level for VOC in a serious nonattainment area.

D. Rationale for Today's Final Action on Actuals PALs

We received voluminous comments and suggestions in response to the 1996 NSR proposal, the 1998 NOA, and numerous meetings with interested stakeholders. This section addresses the more significant comments we received. For a more detailed discussion of the comments received and our responses,

please refer to the Technical Support Document included in the docket for this rulemaking. The comment areas addressed in this section include: (1) How do the PAL regulations meet the major NSR requirements of the Act? (2) Are PALs consistent with the concept of "contemporaneity"? (3) Are PALs permissible in serious and severe nonattainment areas? (4) Is it appropriate for a PAL to be based on actual emissions? (5) How should actual emissions be determined in setting the PAL level? (6) Should emissions from shut down or dismantled units be excluded from a PAL? (7) Should a PAL include a margin for growth? (8) Should PALs be required to expire? (9) Should we require PALs to be adjusted at the time of PAL renewal? (10) Should certain new emissions units that are added under a PAL be required to meet some level of emissions control? (11) Under what circumstances should you be allowed to increase your PAL and how should we apply the major NSR requirements to that increase? (12) What monitoring requirements are necessary to ensure the enforceability of PALs as a practical matter? (13) Is EPA adopting an approach that allows area-wide PALs? and (14) When should modeling or other types of ambient impact assessments be required for changes occurring under a PAL?

1. How do the PAL regulations meet the major NSR requirements of the Act?

The PAL regulations adopted today meet the requirements of the CAA and are consistent with the Congressional purpose and intent underlying NSR. We believe the PAL regulations constitute a reasonable interpretation of the Act's definition of "modification" and are permissible under current law.

The definition of "modification" set forth in section 111(a)(4) of the Act is fundamental to determining major NSR applicability. Pursuant to the Act, the term modification means "any physical change in or change in the method of operation of a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted." The statute, however, does not prescribe the methodology for establishing a stationary source's emissions baseline from which emissions increases are measured. When a statute is silent or ambiguous with respect to specific issues, the relevant inquiry is whether the agency's interpretation of the statutory provisions is permissible. *Chevron U.S.A., Inc. v. NRDC, Inc.*, 467 U.S. 837, 865 (1984).

Accordingly, EPA is exercising its discretion to develop reasonable alternatives to determine NSR applicability that are consistent with the statutory provisions and Congressional intent underlying the NSR requirements. We believe that the PAL regulations adopted today represent a permissible construction of the Act.

2. Are PALs consistent with the concept of "contemporaneity"?

In the 1998 NOA, we solicited comment on whether and how a program that recognizes PALs as an alternate method for determining NSR applicability should address a particular legal concern: the need to have some "contemporaneity" between an emissions increase and any decrease relied upon to net the increase out of review. As we discussed in the 1998 notice, the current regulations specify that, to be creditable, emissions increases and decreases must have occurred within a "contemporaneous" period. Our current regulations governing SIP-approved programs do not specify a precise time frame. However, the Federal PSD rules generally only credit those emissions increases and decreases that occur within the 5 years preceding a given change. We established these regulatory requirements after the court's decision in *Alabama Power*, in which the court interpreted the Act as requiring plantwide bubbling in the PSD program, but stated that "any offset changes claimed by industry must be substantially contemporaneous." 636 F.2d 402. In the 1998 notice, we sought comment on whether a PAL program that never required PALs to be periodically updated to reflect current emissions at the source would allow sources to make emissions reductions and hold them indefinitely, only to use them several decades later to offset new increases, and whether such a system would contravene the contemporaneity principle the court announced.

Many commenters, including several regulatory agencies, maintain that PALs are consistent with the NSR requirements under the Act. These commenters contend that the court gave EPA the discretion to define contemporaneity. See 636 F.2d 402 ("The Agency has discretion, within reason, to define which changes are substantially contemporaneous."). Others contend that changes made under a PAL are not subject to the *Alabama Power* "contemporaneity" requirement because a change made under the PAL is either excluded from NSR or alternatively does not exceed the applicable NSR significance threshold.

Therefore, they contend that netting is not implicated by such changes. On the other hand, a few commenters assert that PALs conflict with the purpose of the Act.

We believe that the concept of contemporaneity, as articulated in *Alabama Power* and as set forth in the regulations governing the major NSR program, does not apply to PALs. The PAL program differs in certain important respects from our current regulations and from the 1978 regulations at issue in *Alabama Power*. The *Alabama Power* court was not presented with the PAL approach for determining whether there was an increase in emissions and did not consider whether the principles it set forth in its opinion would apply to such an approach.

Under the 1978 PSD regulations (43 FR 26380), a source was subject to BACT review only if "no net increase in emissions of an applicable pollutant would occur at the source, taking into account all emissions increases and decreases at the source which would accompany the modification." 43 FR 26385. The test for whether a "major modification" had occurred required the source to sum all accumulated increases in potential emissions that had occurred at the source since issuance of the regulations, or since issuance of the last construction permit, whichever was more recent. Reductions achieved elsewhere in the source could not be taken into account.

In *Alabama Power*, the D.C. Circuit held that EPA was correct in excluding from BACT review any changes that did not result in a net increase of a pollutant. 636 F.2d 401. It concluded, however, that EPA had incorrectly excluded contemporaneous decreases from the calculation of whether a "major modification" had occurred. *Id.* at 402-03.

The current regulations take contemporaneous decreases into account for all PSD review purposes. Under the current regulations, you look initially at the emissions unit undergoing the change and determine whether there will be a significant increase at that unit. If there is no significant increase at the unit, the inquiry ends there. While we continue to believe that this is a permissible approach, one drawback to this approach is that it allows a series of small, unrelated emissions increases to occur, which is discussed elsewhere in this preamble. If there will be a significant increase at the unit, then you expand the inquiry to other units at the source. You take into account contemporaneous increases and

decreases at the source in determining whether there will be an increase for the source as a whole. Thus, you must calculate increases and decreases at individual units in order to arrive at a net figure for the entire source.

In contrast, under today's PAL regulations, the inquiry begins and ends with the source. Your PAL represents source-wide baseline actual emissions. As such, it is the reference point for calculating increases in baseline actual emissions. If your source's emissions will equal or exceed the PAL, then there will be an emissions increase at your source. There is no need to calculate increases and decreases at individual units.

Today's PAL regulations constitute a reasonable, though not the only, approach to determining whether there is an emissions increase at your source. While we believe that the principle of contemporaneity continues to be important for purposes of major NSR netting calculations, we do not believe that it is a necessary concept for purposes of PALs. This is because if your source has a PAL, you have accepted a different means of calculating an emissions increase for the PAL pollutant. The only relevant question is whether your source has reached or exceeded the PAL level.

Even though PALs are a new approach, they do not alter the fundamental question, which is whether there will be an increase in emissions from your source. For actuals PALs, we consider whether there will be an increase in baseline actual emissions. Because the PAL serves as the baseline for measuring an increase, we have taken steps to ensure that the PAL is reasonably representative of baseline actual emissions. In taking these steps, we have also ensured that actuals PALs as finalized today are consistent with the concept of contemporaneity, to the extent such a concept has any application in this context. One way of viewing a PAL is to focus on the increases and decreases at individual emissions units that, taken together, result in the net emissions from your source as a whole. As long as the decreases that have occurred during the term of the PAL are sufficient to offset any increase that occurs, total emissions for your source will remain below the PAL, and your source will not experience a "significant net emissions increase." Viewed from this perspective, the term of the PAL constitutes the "contemporaneous" period. We believe that 10 years is a reasonable contemporaneous period for PALs for the following two reasons. First, we believe that a 10-year period is practical

and reasonable both for you and for the reviewing authority. While a logical stopping point may seem to be 5 years in line with the title V permit period, setting a PAL can be a complex and time consuming process, so a 5-year period would be too short and hence not beneficial either to you or to the reviewing authority. Second, a study conducted by Eastern Research Group, Inc.³¹ supported a 10-year look back to ensure that the normal business cycle would be captured generally for any industry.

In addition, we believe that the PAL renewal provisions ensure that each 10-year term represents a distinct "contemporaneous" period. The renewal process is designed to prevent decreases that occurred outside of the current 10-year PAL term from being used to offset increases during that term. At renewal, the reviewing authority must consider whether decreases have occurred at your source because of compliance with newly applicable requirements. Thus, for example, if the compliance date for a new RACT requirement occurred during the initial term of the PAL, and the reviewing authority has not already adjusted the PAL downward to account for that requirement, it must do so at renewal. More generally, the reviewing authority is required to evaluate baseline actual emissions and provide a written rationale for public comment if it determines that an adjustment to the PAL is warranted. As part of this process, the reviewing authority must adjust the PAL downward if your source's current PTE is below the PAL level. We believe that this adjustment is important for air quality planning purposes. Additionally, the reviewing authority may renew the PAL at the same level if your source's baseline actual emissions plus the significant level are equal to or greater than 80 percent of the PAL level without consideration of other factors. We believe that this level is reasonably representative of the source's baseline actual emissions. If your source's baseline actual emissions plus the significant level are less than 80 percent of the PAL level, the reviewing authority may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the

source's voluntary emissions reductions, or other factors as specifically identified by the reviewing authority in its written rationale. We recognize that fluctuations in baseline actual emissions will occur at most sources as part of the normal business cycle. We also recognize that requiring the reviewing authority to adjust the PAL downward if your source's baseline actual emissions do not equal 100 percent of the PAL level could create an incentive for you to maximize your baseline actual emissions. In addition, most sources do not emit at a level just below the maximum allowable level but rather build in a margin to prevent accidental exceedances. However, the PAL should be reasonably representative of baseline actual emissions so that it can continue to serve as the baseline for calculating an emissions increase. We have balanced these competing concerns in adopting a requirement, subject to the provisions noted below, to provide discretion to the reviewing authority to adjust the PAL level if baseline actual emissions plus the significant level do not equal at least 80 percent of the PAL level.

To maintain flexibility, today's actuals PAL regulations allow the reviewing authority to determine representativeness on a case-by-case basis. If you believe that the new PAL level that the reviewing authority proposes for your source is not representative of your source's baseline actual emissions, you may propose a different level. In addition, any person may propose a different level as being more representative of your source's baseline actual emissions. The reviewing authority may approve a higher or lower level if it determines that it is reasonably representative of your source's baseline actual emissions.

For example, assume that your source was designed to burn either fuel oil or natural gas, and that your source's permit allowed the use of either fuel. During the initial term of the PAL, you used only natural gas at the source and your source-wide emissions were consistently less than 80 percent of the PAL level. However, due to shifting market conditions, you expected to use fuel oil for a period beginning after PAL renewal. Under these circumstances, the reviewing authority could reasonably determine that a higher level would be more representative of your source's baseline actual emissions.

Similarly, your source might be designed to manufacture several different products, and your permit might allow you to switch from one product to another. During the initial term of the PAL, you might produce a

³¹ Eastern Research Group Inc. report on "Business Cycles in Major Emitting Source Industries" dated September 25, 1997.

product associated with low emissions, resulting in source-wide emissions that were consistently less than 80 percent of the PAL level. However, you might be planning to produce a product that would cause the source to emit at a higher level following PAL renewal. This is another example of a circumstance in which the reviewing authority could reasonably determine that a higher level was more representative of your source's baseline actual emissions.

In addition, for SIP planning purposes, the reviewing authority may adjust the PAL level at its discretion based on air quality needs, advances in control technology, anticipated economic growth in the area, or other relevant factors.

Because of the safeguards described above, we believe that the actuals PAL program as finalized today ensures that the PAL will serve as an appropriate baseline for determining whether there is a significant net "increase" in overall emissions from the source, and thus whether the source is undergoing a "modification."

Moreover, we believe that a PAL approach satisfies Congressional intent to only apply the NSR permit process when industrial changes cause significant net emissions increases to an area and not when changes in plant operations result in no emissions increase from the major stationary source. *See Alabama Power*, 636 F.2d 401.

3. Are PALs Permissible in Serious, Severe, and Extreme Ozone Nonattainment Areas?

In our 1996 proposal, we requested comment on whether PALs could be implemented in serious and severe ozone nonattainment areas in a manner that was consistent with section 182(c)(6) of the Act. Section 182(c)(6) contains special provisions for major stationary sources that increase VOC emissions in serious or severe ozone nonattainment areas as a result of a physical change or a change in the method of operation. In some of these areas, the provisions also apply if you increase NO_x emissions. In general, these special provisions change the significant level for VOC emissions in serious and severe nonattainment areas from 40 tpy to greater than 25 tpy. They also specify that you must go through a major NSR permitting review if you have a net emissions increase in the aggregate of more than 25 tpy over a period of 5 years.

In addition, we requested comment on whether PALs could be implemented in extreme ozone nonattainment areas.

Section 182(e)(2), which applies in such areas, provides that any physical change or change in the method of operation at the source that results in "any increase" from any discrete operation, unit, or other pollutant-emitting activity at the source, generally must be considered a modification subject to major NSR permit requirements, regardless of any decreases elsewhere at the source.

A few industry commenters believe that the "accumulation" provisions of CAA section 182(c)(6) should make no difference to the acceptability of a PAL in "serious" and "severe" ozone nonattainment areas. They contend that we have correctly concluded that CAA section 182(c)(6) only applies when net emissions at the source as a whole increase above the 25 ton level. Accordingly, any change that triggered CAA section 182(c)(6) would already have breached the PAL limits. On the other hand, an environmental commenter states that a PAL in a serious, severe, or extreme ozone nonattainment area could be problematic because it could allow for an increase at an emissions unit in situations where source-wide emissions would not exceed the PAL.

We agree with commenters who believe that the PAL approach does not conflict with the provisions of CAA section 182(c)(6). We do not interpret section 182(c)(6) to be a limitation on our ability to authorize PALs in serious and severe nonattainment areas. This section directs that when there is an increase meeting certain criteria, it may not be considered *de minimis*, but it does not specify the methodology by which an emissions increase must be calculated. Accordingly, we exercise our discretion in establishing the methodology, and we are doing so today by having the PAL serve as the actuals emissions baseline against which future emissions increases are measured. *Chevron U.S.A., Inc. v. NRDC, Inc.*, 467 U.S. 837, 865 (1984). If your source's emissions equal or exceed the PAL, it will trigger NSR, whereas maintaining plant emissions below the PAL ensures that there is no emissions increase. We believe that our interpretation reasonably implements the statutory purpose of the section, given that PAL sources agree to be subject to a plantwide cap that serves as the reference point for determining whether there has been an increase and given that the appropriateness of the PAL level is reviewed at 10-year intervals. Actuals PALs effectively prevent the uncontrolled, unrelated, small, serial emissions increases section 182(c)(6) is designed to address.

Because CAA section 182(e)(2) clearly requires consideration of increases at individual emissions units in extreme ozone nonattainment areas, PALs are not allowed in such areas, since any increase in emissions from any unit in those areas constitutes a modification.

4. Is It Appropriate for a PAL to Be Based on Actual Emissions?

In 1996, we proposed and sought comment on a broad range of alternative approaches for setting PAL emission limitations, including a PAL based on the following: (1) Actual emissions as defined under the current and then proposed regulations at § 51.166(b)(21)(ii); (2) actual emissions with the addition of an operating margin greater than the applicable significance rate; (3) for new stationary sources, limits established pursuant to a review of the entire facility under PSD; and (4) for nonattainment pollutants (in nonattainment areas), any emissions level completely offset and relied upon in an EPA-approved State attainment demonstration plan. 61 FR 38250, 38256 (July 23, 1996).

We received general support for the PAL concept and for the different approaches we proposed. Some comments express support for a PAL approach based on allowable emissions, and others indicate support for a PAL approach based on actual emissions. Some commenters generally believe that an allowables approach is necessary to ensure increased operating flexibility and capacity utilization. They also assert that an allowables approach would protect air quality management goals, because they claim that air quality planning historically has been based on permitted emissions levels. Other commenters believe that an actuals approach is preferable because it facilitates more accurate air quality planning and provides a more reliable basis for determining the availability of offsets.

We have concluded that a major stationary source's compliance with an actuals-based PAL system is a permissible means of assuring that a major stationary source does not have a significant emissions increase. We also conclude that this approach can be implemented in a manner that is consistent with the Act. Thus, in today's action, we are adopting regulations that authorize States to issue actuals PALs. We plan to address allowables PALs in an upcoming rulemaking.

5. How Should Actual Emissions Be Determined in Setting the PAL Level?

In the 1996 proposal, we requested comment on whether the definition of

actual emissions for the purpose of determining the level of the PAL should be based on the definition of actual emissions in the current major NSR regulations, or whether it should be based on the proposed revisions to the actual emissions definition contained in that 1996 proposal. The fundamental difference between these two approaches is that the current NSR regulations would only allow you to look back 5 years to determine the actual emissions (the sum of actual emissions for all emissions units at your major stationary source). The 1996 proposed changes to this definition would allow you to look back 10 years to determine the actual emissions.

Several commenters prefer a 10-year baseline period for setting PALs based on actual emissions. A few commenters prefer a 5-year baseline period. One commenter advocates use of an actual emissions level that is initially based on the previous 2 years but that would decline over time.

In a separate section of today's final rules, we are finalizing changes to our definition of baseline actual emissions. Among other changes to the definition, you will be allowed to look back for a period of 10 years to establish the baseline actual emissions (except for EUSGUs). For program consistency and ease of implementation, we believe that the procedure for determining the baseline actual emissions for establishing your PAL should be the same as the baseline actual emissions that you will be required to use under the other major NSR program requirements. Accordingly, we are adopting an approach for establishing your actuals PAL that is consistent with how the baseline actual emissions are determined for an emissions unit under other requirements of the major NSR program.

We are, however, including a special allowance for emissions units that have operated for less than 2 years. Under such circumstances, the emissions unit has not operated long enough to establish a reliable baseline actual emissions calculation. Therefore, today's rule allows your reviewing authority to consider the allowable emissions of such emissions units when establishing or renewing the PAL. The baseline actual emissions of such emissions units would be adjusted to reflect a more representative level of baseline actual emissions at the time of the next PAL renewal.

6. Are Emissions From Shut Down or Dismantled Units Excluded From a PAL?

We proposed several options to adjust PAL levels to account for emissions

units that are shut down or dismantled before setting a PAL. Several commenters support adjusting the PAL level for permanently shut down or dismantled units. A few commenters maintain that PAL adjustments are only appropriate for long-term shutdowns. Other commenters oppose allowing adjustments for shutdowns. They indicate that it would be difficult to implement and that it could penalize sources that were meeting environmental goals.

We agree with commenters that the baseline actual emissions used in establishing the PAL should exclude emissions from units that are permanently shut down or dismantled after the 24-month period selected for establishment of baseline emissions. We believe that excluding such emissions from your PAL level is appropriate for air quality planning purposes. Moreover, the environment has already seen the benefit of the reduced emissions. We also do not agree with those commenters who advocate adjusting the PAL only for long-term shutdowns, because it is too difficult to define and enforce "long-term."

As described in section IV.C.2 of this preamble, the PAL level includes baseline actual emissions from each existing emissions unit and new emissions unit at the source. For any emissions unit that has been permanently shut down since the 24-month period, its emissions should not be included in calculating the PAL level. Conversely, for an emissions unit that began construction after the 24-month period, the emissions (equal to the potential emissions of that emissions unit) must be included in setting the PAL level.

One shutdown option we considered, but did not adopt, is to exclude emissions from PALs only for units that did not operate at all during the 10-year life of the PAL. Under this option, the PAL would not be adjusted downward if you utilized those emissions from the shut down or dismantled units elsewhere at your source during the period since the shutdown (for example, by adding new emissions units or capacity, or by increasing capacity utilization at existing emissions units). As we indicated in our proposal, we believe it would be too difficult to determine whether you have actually relied on these emissions decreases in undertaking other activities at your source. We did not receive any comments suggesting ways to overcome this identified problem.

7. Does a PAL Include a Reasonable Operating Margin?

In the July 23, 1996 action, we proposed that a PAL for existing sources be based on source-wide actual emissions, including a reasonable operating margin less than the applicable significant emissions rate. We also requested comment on several other options for establishing a PAL. Several commenters support the option of basing the PAL on source-wide actual emissions plus a reasonable operating margin less than the applicable significance amount. Other commenters believe an operating margin tied to significant levels would be too restrictive.

Today we are finalizing an option that allows you to include, when setting the initial PAL, an amount that corresponds to the significant level for modifications of the PAL pollutant as specified in the major NSR rules [for example, in the PSD regulations at § 52.21(b)(23)(i)], or as specified in the CAA, whichever is lower. For example, for SO₂ PALs you may add to the PAL baseline level the 40 tpy significant level; for CO PALs you may add 100 tpy to the PAL baseline level. Also, for serious and severe ozone nonattainment areas the VOC significant level added to the PAL level is 25 tpy. For major sources of NO_x located in serious and severe ozone nonattainment areas, where NO_x is regulated as an ozone precursor, you may add to the NO_x PAL baseline the NO_x significant level of 25 tpy, and not the 40 tpy NO_x significant level specified under PSD. In extreme ozone nonattainment areas, PALs are not allowed since any increase in emissions in these areas constitutes a modification.

While other approaches to providing a reasonable operating margin may be consistent with the CAA, we believe that the approach we are adopting today comports most closely with existing regulatory provisions for major NSR applicability. That is, it assures that the environment sees no significant increases in emissions compared to the baseline actual emissions existing before the PAL is established.

In our 1998 NOA, we also requested comment on whether we should provide for an operating margin when renewing a PAL. We proposed four possible approaches for maintaining a reasonable operating margin, including an option that would include in the adjusted PAL level an operating cushion equal to 20 percent of the current PAL. In a separate section of the NOA, we also requested

comment on how PALs should be adjusted for emissions units that have installed good emissions controls.

Many commenters indicate that we must provide for a reasonable operating margin. However, we generally received unfavorable comments on all the approaches we suggested. Several commenters believe that our suggested approaches do not provide an adequate operating margin. In responding to our request for comment on how to adjust PALs for emissions units that have installed good emissions controls, many commenters indicate that it would be inappropriate for EPA to "confiscate" such emissions reductions. Such an approach would encourage sources to pollute to maintain higher baseline emissions, and would penalize those sources who would voluntarily reduce emissions. At least one commenter maintains that both you and the environment should benefit from these reductions, and thus, you should be allowed to retain a portion of your voluntary emissions reductions.

We agree with some commenters that mandating an adjustment at renewal, based solely on current operations and emissions levels, would discourage the voluntary emissions reductions the PAL is specifically designed to encourage. We agree with commenters that both you and the environment should benefit from your commitment to comply with a PAL. Should you engage in voluntary emissions reductions, we believe you should be able to retain the accompanying flexibility that encouraged you to make these reductions. At the time of renewal, it may be very difficult for a reviewing authority to distinguish the reason for a decrease in your baseline actual emissions level. It could be because you have aggressively applied emissions controls, or because of a decrease in utilization, a loss of capacity, a desire to maintain a compliance margin, or any of a number of other reasons. Accordingly, we believe that it would be difficult to advise a reviewing authority to only retain a certain percentage of your emissions reductions that resulted from applying emissions controls. Therefore, for simplicity, and for what we believe to be a reasonable policy position to encourage you to voluntarily reduce emissions without a fear of a complete loss of operational flexibility, we are allowing your reviewing authority discretion to renew the PAL at an appropriate level. Hence, your reviewing authority may renew the PAL at the same level without consideration of other factors, if the baseline actual emissions plus the significant level is equal to or greater than 80 percent of the

PAL level. If not, today's rules also allow your reviewing authority to renew the PAL at a different level if it determines that level is more representative of baseline actual emissions. See section II.D.9, "Should we require PALs to be adjusted at the time of PAL renewal," for more information on our rationale for allowing this discretion.

8. Are PALs Required to Expire?

In our 1998 NOA, we announced that we were considering, and requested comment on, an approach that would require PALs to expire after 10 years unless you choose to renew the PAL. We proposed that the PAL term would be 10 years. Several commenters agree with our suggested time frame of 10 years for the term of a PAL. Others support a 5-year period, which would fit with the title V permit review period. Some commenters support a period longer than 10 years.

Today, we are finalizing rules that require a PAL to be effective for a period of 10 years. We believe that a fixed-term PAL provides you with an appropriate time of regulatory certainty and allows a sufficient period of time for planning long-term capital improvements.

We also agree with those commenters who think it is beneficial to align the PAL renewal process with the title V permitting process for your major stationary source. Similar to a PAL permit process, the title V permit process provides the public with a comprehensive review of your source. We believe that aligning the PAL permit with the title V process will allow you and your reviewing authority to consolidate the administrative process for the two permitting actions. It also provides the public with a better understanding of your emissions characteristics relative to the surrounding community. However, we do not believe that requiring PALs to be reviewed every 5 years, consistent with the title V renewal period, provides industry with a sufficient period of regulatory certainty. We also believe that while the overall administrative burden for you and the reviewing authority is reduced if you are complying with a PAL, the establishment of a PAL requires an initial commitment of substantial resources. Given this initial resource investment, we do not believe that a 5-year fixed term for a PAL provides you or your reviewing authority with an adequate incentive to participate in the PAL system. Thus, in an effort to balance the need for regulatory certainty, the administrative burden, and a desire to align the PAL renewal

with the title V permit renewal, we believe a fixed term of 10 years, the equivalent of two title V effective periods (10 years), is most appropriate. You may elect to renew your PAL after 10 years, for a subsequent 10-year period, rather than allow the PAL to expire.

In order to align the PAL renewal process with the title V permitting process, we suggest that you request that the reviewing authorities renew title V permits concurrent with issuance of the initial PAL permit, regardless of how many years are actually left on your title V permit.

9. Are PALs Required To Be Adjusted at the Time of PAL Renewal?

In 1996, we requested comment on "why, how, and when a PAL should be lowered or increased without being subject to major NSR." In 1998, we announced that we were considering an option that required PALs to be renewed to reflect new current baseline actual emissions. We were also considering requiring a PAL to be adjusted for unused capacity. Under this approach, we would adjust a PAL downward when an emissions unit operates below the capacity level that was used to establish the PAL. In our 1998 NOA, we expressed three reasons why it might be appropriate to require PALs to be periodically adjusted. First, we expressed concern that the allowable-to-allowable applicability system of the PAL would allow you to indefinitely retain the right to pollute at an historical level of actual emissions. Second, we were concerned that a PAL may allow you to retain unused emissions credits that would otherwise be available for economic growth in the area. And third, we were concerned that a PAL may interfere with a State's ability to plan for attainment if your actual emissions to the atmosphere are lower during a SIP planning year than in a subsequent year.

Some commenters generally oppose any periodic reviewing or adjustment of a PAL. They believe that such an approach would limit operational flexibility, discourage efficiency improvements, and create disincentives for voluntary reductions. However, other commenters generally support an approach that would require a periodic adjustment to PALs.

We continue to have concerns with an approach that would allow a PAL to be renewed without any evaluation of the appropriateness of the current PAL level. We believe such an approach would be contrary to the Act, and contrary to the court's decision in *WEPCO v. Reilly*, 893 F.2d 901, 908 (7th Cir. 1990). In *WEPCO*, the court

determined that one statutory purpose of the NSR requirements is "to stimulate the advancement of pollution control technology," and that "allowing increased production (and pollution) through the extensive replacement of deteriorated generating system" without triggering NSR review would create "vistas of indefinite immunity from the provisions of * * * PSD."

We believe today's rules avoid this inappropriate outcome, by requiring the reviewing authority to evaluate your baseline actual emissions at the time of PAL permit renewal.

Although we believe that a periodic review of the level of the PAL may be necessary, and that this may result in an adjustment in your PAL to a level that is representative of your baseline actual emissions, we do not believe that we should mandate an adjustment to the PAL based on only one prescribed methodology. Such an approach could lead to inappropriate results, as discussed below. Instead, we believe that our concerns can be appropriately addressed by providing the States the authority to adjust the PAL based on what is representative of your baseline actual emissions.

We believe that some discretion in determining what is representative of actual emissions is appropriate, based in part on our experience with the pilot projects previously mentioned. In one instance, a participant voluntarily agreed to reduce its actual emissions by 54 percent in exchange for obtaining a source-wide emissions cap. After agreeing to this emissions reduction, the participant further reduced emissions by increasing capture efficiency and incorporating pollution prevention strategies into its operations. Unexpectedly, the participant also suffered an unusual economic downturn that caused a decrease in the rate of production and a corresponding decrease in actual emissions. At the time of renewal of the source-wide emissions cap, the participant's actual emissions were 10 percent of its actual emissions before committing to the emissions cap. The participant chose not to renew its emissions caps, because renewal required an automatic adjustment to its current actual emissions level. Clearly, such a result contravenes the mutual benefits operating under a PAL provides, and discourages you from undertaking voluntary reductions. Accordingly, although today's final rules require the reviewing authority to consider the need for adjusting the PAL when your current baseline actual emissions plus the significant level are less than 80 percent of your PAL level, it also provides the

reviewing authority discretion to consider a variety of factors in determining whether the PAL should be adjusted.

We are also providing your reviewing authority discretion to take into account measures necessary to prevent a violation of a NAAQS or PSD increment, and to prevent an adverse impact on an AQRV in a Federal Class I area. For example, although we remain concerned that a PAL may allow you to retain unused emissions credits that would otherwise be available for economic growth in your area, we believe that managing an area's economic growth is the primary responsibility of the State. As such, the State, through your reviewing authority, should have discretion to manage the growth increment for your area. If your State wishes to encourage economic growth, then it may, at its discretion, reduce your PAL for that reason. Conversely, it may decide that encouraging economic growth is not a priority for the area and concurrently find no other concerns that warrant a downward adjustment in your PAL.

After further reflection, we also believe that it is inappropriate for us to mandate in all cases a prescribed methodology for adjusting PALs based on our concern that a PAL system may interfere with a State's ability to plan for attainment. We believe that the concern regarding planning for attainment is not unique to a PAL system. Most importantly, nothing in this rule reduces the State's discretion in developing plans to attain and maintain NAAQS. Under our major NSR applicability system, you could increase your emissions over your historical actual emissions by increasing utilization or hours of operation. If this occurs, there may be a discrepancy between the amount the State carries in the emissions inventory and the amount that you emit to the atmosphere. States should be cognizant of these issues and take appropriate measures in their SIP planning procedures to assure that emissions from any major stationary source, including a PAL participant, are properly characterized in the emissions inventory.

And finally, we agree with industry commenters that if we were to mandate an adjustment because your baseline actual emissions did not equal 100 percent of the PAL level, it would encourage you to increase production and emissions, and such an outcome would be counterproductive. We have accordingly provided your reviewing authority the ability to add a reasonable operating margin to your baseline actual emissions at the time of renewal. This

operating margin was discussed previously in section II.D.7 above—"Should a PAL include a reasonable operating margin?"

10. Are Certain New Emissions Units That Are Added Under a PAL Required To Meet Some Level of Emissions Control?

We solicited comments on whether we should require you to control emissions from new emissions units that are added under an established PAL. Several commenters believe that BACT or LAER should not be required for these emissions units. A few commenters favor adding a requirement that BACT or LAER be required on new emissions units.

We believe that it is unnecessary to mandate a specific control level on new emissions units that you add under an established PAL. After reviewing the performance of a limited number of facilities that are participating in PAL pilot projects, we have concluded that these facilities' desire to maintain a large degree of operational flexibility under a PAL system has encouraged them to voluntarily install state-of-the-art controls on new emissions units. (See footnote 26 regarding our study, "Evaluation of the Implementation Experience with Innovative Air Permits.") We anticipate similar results as we extend the PAL program more broadly. Alternatively, we believe that you will add emissions controls to existing emissions units if this is a more cost effective approach to controlling your emissions. This is precisely the type of flexibility you should have for managing your total source-wide emissions under a PAL system. Furthermore, this cost effective approach was contemplated and supported by the statements of the court in *Alabama Power*. The court concluded that you should be allowed to add new emissions units if the new emissions from this unit could be "set-off against decreases" from other emissions units at the major stationary source. Accordingly, we do not believe that it is necessary to mandate the installation of emissions controls on new emissions units if you are able to continue to comply with your PAL even after installing the new emissions unit. If our projections on this matter prove to be incorrect in practice, we will consider revising our regulations in the future to require a specific control level on new and/or existing emissions units.

11. Under What Circumstances Are You Allowed To Increase Your PAL and How Are the Major NSR Requirements Applied To That Increase?

We proposed that whenever a PAL is increased due to the addition of a new unit, or due to a physical or operational change to an existing emissions unit, the units associated with the increase would be reviewed for current BACT or current LAER, air quality impacts modeling, and emissions offsets, if applicable. We noted that it may be difficult for a reviewing authority to determine which emissions units are associated with a physical change or change in method of operation when the emissions increase is the result of a source-wide production increase. We requested comment on five possible ways to apply the major NSR requirements when emissions increases are not directly associated with a particular change.

Commenters offered various suggestions for addressing emissions increases above the PAL. Several commenters believe that major NSR should only be applied to the emissions unit primarily responsible for the increase. Among the various commenters, there are a few supporters for each one of the options we proposed. In addition, one commenter suggests that we add *de minimis* increase levels; another suggests that we require offsets for each increase. Several industry commenters believe that we should not apply major NSR when an increase above the PAL is solely due to a production increase. One commenter believes all increases should be subject to BACT.

After considering the comments received, we agree with the commenters who believe that major NSR should only be applied to the emissions units (either new or modifications of existing units) primarily causing the increase. Accordingly, in the final regulations, we are confirming our proposed requirement that only those emissions units that are part of a PAL major modification would be subject to major NSR.

As discussed earlier, we believe that a PAL provides you with an incentive to control existing and new emissions units to maximize your operational flexibility under your PAL. We also recognize that there may be valid economic reasons for requesting an upward adjustment in a PAL. We are, however, concerned that if there were no restrictions on your ability to request a PAL increase, you would not have an incentive to control emissions. Therefore, under today's final rules,

before the reviewing authority may approve a mid-term increase in your PAL, you must demonstrate that you are unable to maintain emissions below your current PAL even with a good faith effort to control emissions from existing emissions units. To make this demonstration, you must show that even if BACT equivalent control (adjusted for a current BACT level of control unless the emissions units are currently subject to a BACT or LAER requirement that has been determined within the preceding 10 years, in which case the assumed control level shall be equal to the emissions unit's existing BACT or LAER control level) were to be applied to all of your significant and major emissions units, the resulting emissions level will exceed your current PAL when combined with the emissions from both your small emissions units and your new emissions unit's allowable emissions.

12. What Compliance Monitoring, Reporting, Recordkeeping, and Testing (MRRT) Requirements Are Necessary to Ensure the Enforceability of PALs as a Practical Matter?

The MRRT requirements for PALs are addressed below. Numerous commenters, generally State agencies and environmental groups, state that adequate monitoring, reporting, and recordkeeping requirements would be necessary to ensure that the PAL limits were enforceable. Some commenters hold that the monitoring, recordkeeping, and reporting provisions would be too burdensome and restrictive. Some believe that PALs would not be viable because of these requirements.

Several commenters request that we clarify the monitoring that is necessary to show compliance with a PAL, especially in relation to the CAM and title V programs. Several commenters prefer that the monitoring requirements be flexible and simple. These commenters urge us not to use CAM, require CEMS, or establish stringent protocols. A few commenters prefer that we not define what would be enforceable as a practical matter for PAL limits. Others insisted that the PAL limits must be federally enforceable.

We believe that the PAL must assure that the source maintains emissions below the PAL level to assure that major NSR does not apply. Therefore, we agree with the commenters who stated that adequate data collection requirements through means such as monitoring, reporting, and recordkeeping requirements are necessary to ensure that the PAL limits are enforceable as a practical matter. In fact, we find that not only monitoring, recordkeeping, and

reporting requirements, but also emissions testing requirements, for emissions units subject to a PAL differ from other MRRT in one important aspect: actual unit emissions must be measured to provide a 12-month rolling total, and compared against a limit. Currently, many emissions units are required only to have MRRT suitable for initial or spot checks on emissions concentrations, not emissions quantification. Even emissions units whose MRRT meets the title V requirements in §§ 70.6(a)(3)(i)(B) or 70.6(c)(1), including those imposed by part 64 (the CAM rule), may need to be upgraded when those units are proposed to become subject to a PAL, because the approved title V MRRT may not be able to count emissions against a cap. While we believe you can obtain data for emissions quantification best through the use of CEMS or PEMS, in today's final rule we are allowing you to propose other types of emissions monitoring quantification systems, depending upon such factors as the size category of the emissions unit and its margin of compliance.

13. Is EPA Adopting an Approach That Allows Area-Wide PALs?

In 1996, we proposed an option that would allow a State to adopt an area-wide PAL approach. Under such an approach, all major stationary sources within a given geographic area would have a PAL. Our 1996 proposal contained little detail on how this would be implemented.

While a few commenters support area-wide PALs, many more oppose them. State agency commenters generally believe they would need time to develop PALs consistent with the approaches provided in the final NSR rule, as well as to develop data management and compliance assurance approaches that would accommodate the PAL approach. Thus, adding the area-wide PAL at the same time as the source-specific PAL may create several administrative headaches. Industry commenters maintain that area-wide PALs would ratchet down emissions and reduce flexibility.

We agree with the many commenters who opposed an area-wide PAL system, believing that the approach would be complex and resource and time intensive. We also perceived little interest in such an approach from the various stakeholders with whom we have met. Accordingly, we are not including any provisions in our final rules to implement an area-wide PAL system. However, we are not precluding such a program either. If a State currently has or wants to pursue an

area-wide PAL program, then it must demonstrate that its program is equivalent to or more stringent than our final rules.

14. When Should Modeling or Other Types of Ambient Impact Assessments Be Required for Changes Occurring Under a PAL?

In our 1996 proposal, we requested comment on when modeling or other air quality impacts analysis is needed for changes occurring under a PAL to demonstrate protection of NAAQS, increments, and AQRVs.

One environmental commenter recommends modeling or other types of ambient impacts assessment whenever a change in emissions occurred under the PAL. One commenter recommends that FLMs be consulted whenever changes under the PAL are proposed, to determine whether an impact analysis for adverse impact on AQRVs would be necessary. Several commenters recommend modeling whenever a significant change occurred, but also recommend that EPA define significant change and how the modeling would be conducted. A facility could report the modeled effects of a minor change after the change is made (in a quarterly, semi-annual, or perhaps annual modeling summary), while more significant changes should be modeled prior to construction. The facility could be given a lot of responsibility in these cases and then held accountable (that is, required to mitigate) should an air quality increment or NAAQS be exceeded. These commenters also recommend that the impacts evaluation should be conducted at the time the PAL is established and that the PAL should clearly define what flexibility the source is allowed without further review and the types of changes for which additional review will be required. Some commenters generally believe that the proposed regulatory language concerning changes to PALs for air quality reasons was too vague and broad, but only a few of these commenters directly oppose modeling for changes under the PAL. One commenter states that if many changes were to require ambient air quality analysis, the PAL approach would have little if any benefit. The commenter believes that sources ought to discuss up front with permit authorities which emissions shifts might have consequences that would later require additional modeling/monitoring. If questions existed about certain emissions sources under a PAL, PALs could be approved with conditions assuring that certain post-approval modeling analysis be submitted.

In today's final rules, we believe we can rely on the reviewing authority's existing programs for addressing air quality issues. Certain changes in effective stack parameters under the PAL would generally be covered by the reviewing authority's minor NSR construction permit program. The reviewing authority would ordinarily request air quality modeling for any changes if it believes that the changes under the PAL may affect the NAAQS and PSD increments.

V. Clean Units

A. Introduction

In today's final rulemaking, we are promulgating a new type of applicability test for emissions units that are designated as Clean Units. This new applicability test will measure whether an emissions increase occurs, based on whether the physical change or change in the method of operation affects the Clean Unit status of the unit. This new applicability test provides that when you meet emission limitations based on installing state-of-the-art emissions control technologies (add-on control technology, pollution prevention techniques, or work practices) that are determined to be BACT or LAER, you may make any physical or operational changes to the Clean Unit without triggering major NSR, unless the change causes the need for a revision in the emission limitations or work practice requirements in the permit for the unit adopted in conjunction with BACT, LAER, or Clean Unit determinations, or would alter any physical or operational characteristics that formed the basis for the BACT, LAER, or Clean Unit determination for a particular unit. Emissions units that have not been through major NSR may also qualify for the Clean Unit applicability test if you demonstrate that their emission limitations based on their emissions control technology (that is, add-on control technology, pollution prevention technique, or work practice) is comparable to BACT or LAER and you demonstrate that the allowable emissions will not cause or contribute to a NAAQS or PSD increment violation, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM and for which information is available to the general public. To be comparable to BACT/LAER, the controls must meet the specific comparability test that we describe in section V.C.3 of this preamble. That is, you must show that the air pollution control technology (which includes pollution prevention or work practices) is comparable to BACT/

LAER in one of two ways: (1) By comparing your emissions unit's control level to BACT/LAER determinations for other similar sources in the RACT/BACT/LAER Clearinghouse (RBLC); or (2) by making a case-by-case demonstration that your emissions control is "substantially as effective" as BACT or LAER.

The Clean Unit applicability test benefits the public and the environment by providing you with an incentive to install state-of-the-art emissions controls, even if you would not otherwise be required to control emissions to this level. You will benefit from these final rules because they provide you with increased operational flexibility. Once you have installed state-of-the-art emissions controls on an emissions unit and it is considered a Clean Unit, you may make changes to respond rapidly to market demands without having to obtain a preconstruction major NSR permit. Moreover, you and your reviewing authority will benefit from increased administrative efficiency. We believe that once you have installed state-of-the-art emissions control, an additional major NSR review will generally not result in any additional emissions controls for a period of years after the original control technology determination is made. In such cases, the major NSR permitting requirements impose a paperwork burden with little to no additional environmental benefit. The Clean Unit applicability test eliminates this unnecessary administrative action.

B. Summary of 1996 Clean Unit Proposal

In the 1996 NSR Reform package, we proposed an innovative approach to NSR applicability called the Clean Unit Exclusion. The proposed Clean Unit Exclusion would allow you to modify qualifying emissions units without being subject to the NSR permitting process for a period of 10 years, as long as your maximum hourly emissions rates would not increase. We proposed that your pre-change hourly potential emissions rate must be established at any time up to 6 months prior to the proposed activity or project.

We proposed three methods by which an emissions unit could qualify for the Clean Unit Exclusion. One was that the emissions unit went through a major NSR action within the last 10 years and had an enforceable limit based on BACT or LAER. The second was if the emissions unit was permitted under a State or local agency minor NSR program within the last 10 years and the minor NSR control technology

requirements were comparable to BACT or LAER. As part of this second method, we proposed that State and local agencies would submit their minor NSR programs for certification so that case-by-case determinations for emissions units permitted under a minor NSR program would not be necessary. The third method was a case-by-case determination that an emission limitation was comparable to BACT or LAER for that emissions unit. For these units, we proposed that the Clean Unit Exclusion would last for 5 years. We proposed that a determination that a limit was comparable to BACT or LAER could be based on one of two methods: (1) the average of the BACT or LAER for equivalent sources over a recent period of time (such as 3 years); or (2) the unit's control level is within some percentage (such as 5 or 10) of the most recent, BACT or LAER levels for equivalent or similar sources.

In addition, we asked for public comment on whether Clean Unit status should apply to emissions units with limits based on MACT or RACT. Although we did not propose accompanying regulatory language, we suggested that reviewing authorities use the title V permitting process to designate Clean Units.

C. Final Regulations for Clean Units

1. Summary of Final Action

Today's rule provides that your emissions unit qualifies as a Clean Unit, and qualifies to use the Clean Unit applicability test, if it has gone through a major NSR permitting review and is complying with BACT or LAER. Conversely, if your emissions unit has not gone through a major NSR permitting review, you do not automatically qualify for Clean Unit status. These emissions units must first go through a SIP-approved permitting process that includes a process for determining whether the emissions unit meets the criteria to be designated as a Clean Unit. This process must include public notice and opportunity for public comment.

To obtain Clean Unit status and qualify for the Clean Unit applicability test using a SIP-approved permitting process, you must pass a two-part test: (1) The air pollution control technology (which includes pollution prevention or work practices) must be comparable to BACT or LAER; and (2) you must demonstrate that the allowable emissions will not cause or contribute to a NAAQS or PSD increment violation, or adversely impact an AQRV (such as visibility) that has been identified for a

Federal Class I area by an FLM and for which information is available to the general public. You may make a showing that the air pollution control technology (which includes pollution prevention or work practices) is comparable to BACT/LAER in two ways: (1) By comparing your emissions unit's control level to BACT/LAER determinations for similar sources in the RBLC; or (2) by making a case-by-case demonstration that your emissions control is "substantially as effective" as BACT or LAER.

If your emissions unit automatically qualifies as a Clean Unit because it has been through major NSR permitting, you may use the Clean Unit applicability test for up to 10 years. Today's rules allow you to apply for Clean Unit status for control technologies you have installed in the past if you go through a SIP-approved permitting program that authorizes Clean Units and you qualify as a Clean Unit. The Clean Unit effective period for emissions units that must go through a SIP-approved permitting process to obtain Clean Unit status is consistent with the time frame for emissions units that automatically qualify as Clean Units. That is, you may only use the Clean Unit applicability test for a period of 10 years. If you meet the requirements that we describe in section V.C.9 of this preamble, you may re-qualify for Clean Unit status. Upon expiration of Clean Unit status, the Clean Unit applicability test no longer applies to changes at the emissions unit.

It is worth noting that in 1996, we proposed the provisions for Clean Units as a "Clean Unit Exclusion," although we discussed the provisions as a new applicability test. We received criticism from at least one commenter that our characterization of the test as an exclusion was inappropriate. We agree with this commenter, and have thus renamed the test as the Clean Unit applicability test. We believe that this title more appropriately reflects that the test is not whether you are excluded from review under major NSR, but whether using a more appropriate emissions test you trigger major NSR review.

2. Is Clean Unit Status Available in Both Attainment and Nonattainment Areas?

You may obtain Clean Unit status regardless of whether you are located in an attainment area or in a nonattainment area. Our proposed Clean Unit provisions were unclear on how emissions offsets and other nonattainment area requirements are affected by Clean Unit status. We want to clarify this issue. For sources in nonattainment areas which went

through major NSR permitting while the area was nonattainment or which have qualified for Clean Unit status showing they are comparable to LAER, the permitted emissions level for the Clean Unit must have been offset. The emissions reductions resulting from installation of the control technology that is the basis of an emissions unit's status as a Clean Unit may not be used as offsets; however, emissions reductions below the level that qualified the unit as a Clean Unit may be used as offsets if they are surplus, quantifiable, permanent, and federally enforceable. Furthermore, for emissions units that are designated as Clean Units and that are located in nonattainment areas, RACT and any other requirements for nonattainment area sources under the SIP will still apply. The only exception to this is that the specific major NSR requirements related to calculating emissions increases from a physical change or change in the method of operation for all other existing sources that we describe in this preamble and codify in today's rules are not applicable to Clean Units, because the Clean Units are subject to an alternative major NSR applicability requirement for calculating emissions increases when changes are made.

As we discuss in detail in section V.C.3 of this preamble, the "substantially as effective" test for sources in nonattainment areas must consider only LAER determinations, except that emissions units in nonattainment areas that went through major NSR permitting while the area was designated an attainment area for that regulated NSR pollutant, and that received a permit based on a qualifying air pollution control technology, automatically qualify as Clean Units.

If your emissions unit received Clean Unit status while the unit was located in an attainment area and the area's attainment status subsequently changes to nonattainment, your emissions unit retains Clean Unit status until expiration. However, to re-qualify as a Clean Unit (see section V.C.9), the unit will have to meet the requirements that apply in nonattainment areas.

3. How Do You Qualify As A Clean Unit?

Any emissions unit permitted through major NSR automatically qualifies as a Clean Unit, provided the BACT/LAER determination results in some degree of emissions control. (We discuss the specific requirements for qualifying controls in section V.C.4 of this preamble.) These units already meet both the control technology and air quality criteria of the CAA and the NSR

regulations. We believe that the emission limitations (based on the BACT/LAER determination) and other permit terms and conditions (such as any limits on hours of operation, raw materials, etc., that were used to determine BACT/LAER) are protective of air quality. Although emissions units that have been through major NSR automatically qualify for Clean Unit status, there are specific procedures for establishing and maintaining Clean Unit status. We discuss these procedures in detail in sections V.C.6 through 9 of this preamble.

Your emissions units that have not gone through a major NSR permitting action that resulted in a requirement to comply with BACT or LAER may qualify for Clean Unit status if they are permitted under a SIP-approved permitting program that provides for public notice of the proposed determination and opportunity for public comment. You must pass a two-part test to obtain Clean Unit status: (1) The air pollution control technology (which includes pollution prevention or work practices) must be comparable to BACT or LAER; and (2) the allowable emissions will not cause or contribute to a NAAQS or PSD increment violation, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM and for which information is available to the general public.

You may show that the air pollution control technology (which includes pollution prevention or work practices) is comparable to BACT/LAER in one of two ways: (1) By comparing your emissions unit's control level to BACT/LAER determinations for other similar sources in the RBLC; or (2) by making a case-by-case demonstration that your emissions control is "substantially as effective" as BACT or LAER.

To make a demonstration using the first methodology in a nonattainment area, you must compare your control technology to the best-performing 5 similar sources in the RBLC for which LAER has been determined within the past 5 years. If the emission limitation that is achieved by your control technology is at least as stringent as any one of the 5 best-performing units, and the emissions unit also passes the air quality test, then the reviewing authority shall presume that it qualifies as a Clean Unit. In attainment areas, you must compare your control technology to all BACT and LAER decisions that have been entered into the RBLC in the past 5 years, and for which it is technically feasible to apply the BACT or LAER control to your emissions unit type. If your control technology

achieves a level of control that is equal to or better than the average of these determinations, and the emissions unit also passes the air quality test, then the reviewing authority shall presume that your emissions unit qualifies as a Clean Unit.

After you have submitted your demonstration, the reviewing authority will also consider other BACT/LAER determinations that are not included in the RBLC to determine whether the proposed emissions rate is comparable to BACT/LAER, and incorporate this information into its determination as appropriate. In addition, the public will have an opportunity to review and comment on the reviewing authority's decision to designate an emissions unit as a Clean Unit. This approach ensures that you are meeting an emissions level comparable to that of BACT or LAER, while providing you flexibility to use the controls that are best suited to your processes.

We are providing this first methodology as a streamlined methodology for identifying Clean Units. Any unit that meets these qualifications shall be presumed to be a Clean Unit. Conversely, the opposite is not true. The reviewing authority shall not presume that a unit that does not meet the test is not a Clean Unit. The quality and number of determinations in the RBLC vary by different type of sources. The RBLC may not always identify all the types of control technology strategies that should qualify an emissions unit as a Clean Unit, or it may not provide a representative sample for making an appropriate determination. Therefore, even if you are unable to demonstrate that your emissions unit is a Clean Unit using this methodology, your reviewing authority shall not allow this outcome to prejudice its decision-making.

Accordingly, we are providing a second option for determining whether you qualify as a Clean Unit. If your emissions unit does not meet the emission limitation determined from the analysis of the RBLC described above (as appropriate for the area in which it is located), or if there is insufficient information in the RBLC to conduct the analysis, then you may still show, on a case-by-case basis, that your emissions unit will achieve a level of control that is "substantially as effective" as BACT or LAER, depending whether your emissions unit is in an attainment area or a nonattainment area. In an attainment area, your emissions unit must achieve a level of control that is "substantially as effective" as BACT. In a nonattainment area, your emissions unit must achieve a level of control that

is "substantially as effective" as LAER. The reviewing authority will make a decision on whether a particular air pollution control technology (which includes pollution prevention or work practices) is "substantially as effective" as the BACT/LAER technology for a specific source on a case-by-case basis.

We are not promulgating specific requirements or performance criteria for satisfying the "substantially as effective" test, because we believe reviewing authorities are in the best position to determine whether in fact a particular air pollution control technology (which includes pollution prevention or work practices) is "substantially as effective" as the BACT/LAER technology for a specific source. The case-by-case determinations must meet the same air quality test as those units going through a BACT/LAER determination. Moreover, the public has opportunity for public review and comment on the "substantially as effective" decision. With these safeguards, we believe the "substantially as effective" test will ensure determinations that meet both the control technology and air quality tests, as well as allow sources to implement the controls that are best suited to their individual processes.

Under the second part of the test to determine whether your unit qualifies for Clean Unit status, you must demonstrate that the allowable emissions will not cause or contribute to a NAAQS or PSD increment violation, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM and for which information is available to the general public. If your emissions unit has already been permitted under minor NSR or another SIP-approved permitting program, you may have already satisfied the second part of this test. If not, consistent with the requirements in sections 165(a)(3) and 173(a) of the CAA, you will be required to show that the allowable emissions will not cause or contribute to a NAAQS or PSD increment violation, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM and for which information is available to the general public. For areas that do not already attain the NAAQS, the source would be required to show that the emissions for the unit have been previously offset.

4. Can an Emissions Unit That Applies No Emissions Control Technology Qualify as a Clean Unit?

In most cases, BACT/LAER will result in significant emissions decreases (such as 90 percent control for many VOC

coating sources).³² In some circumstances, however, the outcome of a reviewing authority's BACT or LAER determination may result in an emission limitation that you will meet without using a control technology (add-on control, pollution prevention technique, or work practice). Under today's rules, you will not qualify as a Clean Unit in such circumstances. More specifically, today's rules also require you to make an investment to qualify initially as a Clean Unit. An investment includes any cost which would ordinarily qualify as a capital expense under the Internal Revenue Service's filing guidelines whether or not you actually choose to capitalize that cost. An investment also includes any cost you incur to change your emissions unit or process to implement a pollution prevention approach, including research expenses, or costs to retool or reformulate your emissions unit or process to accommodate an add-on control, pollution prevention approach, or work practice.

5. When Do the Major NSR Requirements Apply to Clean Units?

Once an emissions unit qualifies as a Clean Unit, it is subject to an alternative major NSR applicability test for calculating emissions increases for subsequent changes. As we discussed in section II of this preamble, we have codified our longstanding policy (for emissions units that are not Clean Units) that a major modification occurs if both of the following result from the modification: (1) A significant emissions increase following the physical or operational change; and (2) a significant net emissions increase from the major stationary source. The major NSR applicability test for Clean Units is a different process.

For Clean Units, you must first determine whether a project causes the need to change the emission limitations or work practice requirements in the permit which were established in conjunction with BACT, LAER, or Clean Unit determinations and any physical or operational characteristics that formed the basis for the BACT, LAER, or Clean Unit determination for a particular unit. If it does, you lose Clean Unit status,

and the project is subject to the applicability requirements as if the emissions unit were never a Clean Unit. If the project does not cause the need to change the emission limitations or work practice requirements in the permit which were established in conjunction with BACT, LAER, or Clean Unit determinations and any physical or operational characteristics that formed the basis for the BACT, LAER, or Clean Unit determination for a particular unit, then you maintain Clean Unit status, and no emissions increase is deemed to occur from the project for the purposes of major NSR. Once you have lost Clean Unit status, you can only re-qualify for Clean Unit status by going through the process that we describe in section V.C.9 of this preamble.

6. Can You Get Clean Unit Status for Controls That Have Already Been Installed?

As discussed in section V.C.3, emissions units that have been through major NSR permitting automatically qualify for Clean Unit status. This includes those emissions units that went through major NSR before promulgation of today's final rules. If an emissions unit automatically qualifies for Clean Unit status because it went through major NSR, its Clean Unit status is based on the BACT/LAER controls that went into service as a result of the major NSR review. That is, Clean Unit status is based on the BACT/LAER controls regardless of whether the actual process for designating Clean Unit status through title V occurs at some time after the controls went into service. However, Clean Unit status, and the ability to use the applicability process for Clean Units, does not begin until the Clean Unit effective date. We discuss the specific procedures for when Clean Unit status starts, when it ends, and how it is designated in sections V.C.7 through 9.

For emissions units that have not been through major NSR, our rules allow your reviewing authority to provide you with Clean Unit status for emissions control that you have already installed and operated. However, our final rules also limit the time frame under which your reviewing authority is allowed to make such determinations for Clean Unit status that is granted through a SIP-approved permitting process other than major NSR. Your reviewing authority will only be able to grant Clean Unit status for previously installed emissions controls if they were installed before the effective date of the program in your area. If the emissions unit's control technology is installed on or after the date that provisions for the

Clean Unit applicability test are effective in your area, you must apply for Clean Unit status from your reviewing authority at the time the control technology is installed. As for emissions units that went through major NSR review, Clean Unit status for emissions units permitted through SIP-approved programs other than major NSR does not begin until the Clean Unit effective date.

If you are applying for retroactive Clean Unit status, today's final rules allow your reviewing authority to compare your emissions control level to the BACT or LAER level that would have applied at the time you began construction of your emissions unit. However, in some cases, such a comparability analysis may be difficult for you to demonstrate because of lack of sufficient information from which your reviewing authority can make a reasoned determination. If this is the case, then you will have to demonstrate that your emissions controls are comparable to a BACT or LAER limit from a subsequent or current date.

7. When Can I Begin To Use the Clean Unit Test?

The exact effective date depends on the circumstances of the individual emissions unit, as explained further below. As a general principle, however, the effective date for Clean Unit status can never be before the Clean Unit provision becomes effective in the relevant jurisdiction.

For emissions units that automatically qualify for their original Clean Unit status because they have been through major NSR review, and for units that re-qualify for Clean Unit status (see section V.C.9) by going through major NSR review and implementing new control technology to meet current-day BACT/LAER, the effective date is the date the emissions unit's air pollution control technology is placed into service, or 3 years after the issuance date of the major NSR permit, whichever is earlier.

However, the effective date can be no sooner than the date that provisions for the Clean Unit applicability test are approved by the Administrator for incorporation into the SIP and become effective for the State in which the unit is located. That is, if the source had a major NSR permit and began operating before the Clean Unit provision becomes effective in the relevant jurisdiction, the effective date is the date the State or local agency begins authorizing Clean Unit status. As we noted earlier, if the emissions unit previously went through major NSR, it automatically qualifies as a Clean Unit. The original Clean Unit status would be based on the controls

³² It is possible that a BACT/LAER analysis will not always result in the requirement of add-on controls at a source. In some situations, a reviewing authority may appropriately determine that the control technology that best represents BACT/LAER is a work practice, or a combination of work practices and add-on controls. As a result, a requirement to use work practices, or a combination of add-on controls and work practices, as an emissions control technology, could qualify an emissions unit for Clean Unit status, provided it meets the criteria established.

that were installed to meet major NSR. An additional investment at the time the original Clean Unit status becomes effective is not required.

For emissions units that re-qualify for Clean Unit status (see section V.C.9) by going through major NSR using an existing control technology that continues to meet current-day BACT/LAER, the effective date is the date the new major NSR permit is issued.

If you obtain Clean Unit status from your State or local reviewing authority using a SIP-approved permitting process other than major NSR, the Clean Unit effective date is the later of the following dates: (1) The date that the State or local agency permit that designates the emissions unit as a Clean Unit is issued; and (2) the date that the emissions unit's air pollution control measures went into service. That is, if the controls went into service before the issuance date of the State or local agency permit that designates the unit as a Clean Unit, the Clean Unit effective date is the date that the permit is issued. As with units that have been through major NSR, additional investment is not required for the limited cases where there is a retroactive designation. If the issuance date of the State or local agency permit that designates the emissions unit as a Clean Unit is before the date the controls went into service (as would likely be the case for a unit that is new or modified after the State or local agency begins to authorize Clean Unit status), then the effective date of Clean Unit status is the date the controls went into service.

8. How Long Does Clean Unit Status Last?

In most cases, you may use the Clean Unit applicability test for a period of 10 years.³³ As a general principle, the Clean Unit expiration date can never be later than the date that is 10 years after the controls are brought into service.

For emissions units that automatically qualify for their original Clean Unit status because they have been through major NSR review, and for units that re-qualify for Clean Unit status (see section V.C.9) by going through major NSR review and implementing new control technology to meet current-day BACT/LAER, Clean Unit status expires 10 years after the effective date, or the date the equipment went into service,

³³ As discussed in section III.E of today's preamble, we believe that 15 years represents a reasonable time period for designating a Clean Unit. However, we proposed and took comment on a 10-year period; therefore, we are finalizing today's rule with a 10-year duration. In a separate **Federal Register** notice we will be proposing to change this duration to 15 years.

whichever is earlier. However, Clean Unit status expires sooner if, at any time, the owner or operator fails to comply with the provisions for maintaining Clean Unit status that are included in the final rules.

For emissions units that re-qualify for Clean Unit status (see section V.C.9) by going through major NSR using an existing control technology that continues to meet current-day BACT/LAER, Clean Unit status expires 10 years after the effective date. However, as noted above, Clean Unit status expires sooner if, at any time, the owner or operator fails to comply with the provisions for maintaining Clean Unit status that are included in the final rules.

The expiration date for Clean Units that have not been through major NSR permitting depends on whether the owner or operator qualifies for Clean Unit status based on current BACT/LAER, or on BACT/LAER at the time the control technology was installed. If the owner or operator of a previously installed unit demonstrates that the emission limitation achieved by the emissions unit's control technology is comparable to the BACT/LAER requirements that applied at the time the control technology was installed, then Clean Unit status expires 10 years from the date that the control technology was installed. For all other emissions units (that is, previously installed units that are demonstrated to be comparable to current BACT/LAER, new units, and units that re-qualify as Clean Units), Clean Unit status expires 10 years from the effective date of the Clean Unit status. In addition, for all emissions units, Clean Unit status expires any time the owner or operator fails to comply with the provisions for maintaining Clean Unit status that are included in the final rules.

When your Clean Unit status expires, you are subject to the major NSR applicability test as if your emissions unit is not a Clean Unit. The permitted emissions levels established for the Clean Unit do not expire.

9. Can I Re-qualify for Clean Unit Status?

You may re-qualify for Clean Unit status after the status has expired or you have otherwise lost Clean Unit status, if you meet the conditions in our final regulations. As we stated before, we believe that once you have installed state-of-the-art emissions control, an additional major NSR review will generally not result in any additional emissions controls for a period of years after the original control technology determination is made. Also, the period

for which any specific air pollution control technology (which includes pollution prevention or work practices) will continue to achieve the same level of control depends on many factors. As a practical matter, we have established a single time frame of 10 years for Clean Unit status, to provide simplicity in our final rules. However, for reasons we discuss in detail in section V.E.1 of this preamble, we determined that a reasonable average equipment life for a control technology is generally longer than 10 years. Certainly we want to encourage source owner/operators to install and maintain state-of-the-art control. We believe this is more likely when you can be assured that you can retain Clean Unit status for the useful life of the equipment, as long as air quality continues to be assured. The useful life of the equipment may extend beyond the original Clean Unit expiration date. Therefore, we are promulgating final regulations that allow you to apply to re-qualify for Clean Unit status.

To re-qualify for Clean Unit status, you would generally follow the same process that you used in first qualifying for Clean Unit status. However, we will not necessarily require you to meet an additional investment test to re-qualify for Clean Unit status for the same controls. That is, unless the controls used to establish Clean Unit status are no longer BACT/LAER or comparable, there will be no requirement for an investment to re-qualify for Clean Unit status.

You may re-qualify for Clean Unit status either by going through major NSR or by going through the alternative Clean Unit Test that we described in section V.C.3 of this preamble: (1) The air pollution control technology (which includes pollution prevention or work practices) must be comparable to BACT or LAER; and (2) the allowable emissions will not cause or contribute to a NAAQS or PSD increment violation, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM and for which information is available to the general public. Regardless of which process you used to establish Clean Unit status initially, you may choose to re-qualify for Clean Unit status by going through major NSR or by going through the alternative two-part test.

Once you have submitted an application to re-qualify for Clean Unit status, the reviewing authority will make a determination concerning current BACT/LAER or comparable control technology. For example, suppose you had Clean Unit status for an emissions unit for which the controls

went into service June 1, 1996, the permit application for Clean Unit re-qualification was submitted December 1, 2004, and the Clean Unit status expires June 1, 2006. In cases where the controls you installed in 1996 are still BACT/LAER or comparable when the reviewing authority makes the determination following your application submittal in 2004, the emissions unit can re-qualify for Clean Unit status based on the controls installed in 1996 if your emissions unit still meets all of the criteria for Clean Unit status. That is, in addition to the control technology review, the emissions unit must go through an air quality review and public participation.

A safeguard related to Clean Unit controls is that for re-qualifying for Clean Unit status when the emissions unit is located in a nonattainment area, the control determination must be LAER or comparable to LAER. If you previously received Clean Unit status based on the BACT level of control while the source was located in an attainment area and the attainment area becomes a nonattainment area by the time your Clean Unit status expires, the Clean Unit status for re-qualification must be based on controls that are LAER or comparable to LAER.

The air quality analysis for Clean Unit re-qualifications will be that of the path that you have chosen major NSR, or comparable. As we discuss in detail in section V.C.3 of this preamble, for emissions units qualifying for Clean Unit status through the comparable test, you must show that the allowable emissions will not cause or contribute to a NAAQS or PSD increment violation, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM and for which information is available to the general public.

We believe that the control technology determination, air quality review, and public participation requirements of the Clean Unit re-qualification process will ensure that Clean Units will continue to protect air quality throughout the 10-year re-qualification period. Moreover, any offset or mitigation requirements as a result of a previous major NSR determination will remain in force.

We expect that in many cases the controls used to initially establish Clean Unit status will still be operating efficiently and the Clean Unit status can be reestablished for an additional 10 years based on those controls. Suppose, however, you submitted an application to re-qualify for Clean Unit status and the reviewing authority determines that your existing controls do not meet the

level of current BACT/LAER or comparable controls. In this case, you must install new or upgraded controls to re-qualify for Clean Unit status. You must go through the control technology determination, air quality review, and public participation requirements of the Clean Unit re-qualification process as described above.

10. What Terms and Conditions Must the Permit for my Clean Unit Contain?

Major NSR permits contain the emission limitations based on BACT/LAER, other permit terms and conditions that the reviewing authority identifies as representative of BACT/LAER (such as limits on hours of operation), and monitoring, recordkeeping and reporting requirements for the emissions unit. If you are qualifying for Clean Unit status through the major NSR review, your major NSR permit will have such terms and conditions. Likewise, any permit under a SIP-approved permitting process other than major NSR that designates an emissions unit as a Clean Unit must specify: (1) The source-specific allowable permit emission limitations, the exceedance of which, in combination with a significant net emissions increase, will trigger major NSR review; (2) other permit terms and conditions that the reviewing authority identifies as representative or comparable to BACT/LAER for your control technology (such as limits on operating parameters, etc.); (3) any conditions used as the basis for the control technology determinations (hours of operation, limits on raw materials, etc.); and (4) the monitoring, recordkeeping, and reporting requirements necessary to demonstrate that a "clean" level of emissions control is being achieved. Additional monitoring, recordkeeping, and reporting may be required to assure compliance under §§ 70.6(a)(3) or 70.6(c)(1) (that is, to assure compliance under title V).

The State and local agency permits establishing Clean Unit status must contain a statement designating the emissions unit as a Clean Unit. The State or local agency permit must also include general terms and conditions indicating the Clean Unit effective date and expiration date. Suppose the State or local agency permit has an effective date of May 5, 2006, and the controls will be installed after this date. The SIP permit would state that the effective date of the Clean Unit status is the date the controls go into service. The permit would also state that Clean Unit status will expire no later than May 5, 2016.

Your title V permit must include the Clean Unit status, as well as the effective and expiration dates of the Clean Unit status. Your title V permit must also include: the emission limitation(s) that reflect BACT/LAER or comparable control; other permit terms and conditions that the reviewing authority has determined represent BACT/LAER or comparable control (such as limits on hours of operation) and that ensure that air quality is protected; and the monitoring, recordkeeping, and reporting requirements necessary to demonstrate that a "clean" level of emissions control is being achieved.

11. How Will my Clean Unit Status be Incorporated Into my Title V Permit?

Clean Unit status and other permit terms and conditions must be incorporated into the major stationary source's title V permit in accordance with the provisions of the applicable title V permit program under part 70 or part 71, but no later than when the title V permit is renewed.

The title V permit must also contain the specific dates on which your Clean Unit status is effective and on which it expires. We are aware that the specific Clean Unit effective and expiration dates will frequently not be determined at the time that Clean Unit status is established. Therefore, the initial title V permit action that incorporates Clean Unit status and other permit terms and conditions may need to state the Clean Unit effective and expiration dates in general terms. For example, for units that have been through major NSR, the initial title V permit might state that the expiration date is the earlier of the following dates: the date 10 years after (1) the Clean Unit's effective date, or (2) the date the equipment went into service. The permit does not have to include the specific Clean Unit effective and expiration dates where they cannot be determined at the time of initial incorporation, such as would be the case when the Clean Unit has yet to be constructed. Furthermore, in these instances, we are not requiring that the title V permit be modified to incorporate the specific Clean Unit effective and expiration dates until the next permit renewal, reopening, or modification after such dates are known.

As soon as the specific Clean Unit effective and expiration dates are known, the source must report them to the reviewing authority. The specific Clean Unit effective and expiration dates must then be incorporated into the title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V

permit for any reason, whichever comes first, but in no case later than the next renewal. However, it is not necessary to amend the SIP-approved permit to incorporate the specific Clean Unit effective and expiration dates, as long as these dates are incorporated into the title V permit at the next renewal. If you wish to incorporate the Clean Unit effective and expiration dates into the SIP permit, a title V modification would be required.

While the title V permit contains the Clean Unit permit terms and conditions, we want to emphasize that any changes to Clean Unit permit terms and conditions (other than incorporating the specific Clean Unit effective and expiration dates) must first be made through a SIP-approved permitting process that provides for public review and opportunity for comment. Any such changes would be incorporated into the title V permit in the manner described above.

12. Can a Clean Unit Be Used in a Netting Analysis?

Generally, for an emissions unit that has Clean Unit status because it has gone through major NSR permitting, you must not include emissions changes at the Clean Unit in a netting analysis, or use them for generating offsets, unless the emissions changes occur and you use them for these purposes before the effective date of Clean Unit status or after Clean Unit status expires. However, if you reduce emissions from the Clean Unit below the level that qualified the unit as a Clean Unit, you may generate a credit for the difference between the level that qualified the unit as a Clean Unit and the new emission limitation, if such reductions are surplus, quantifiable, permanent, and federally enforceable (for the purposes of generating offsets) and enforceable as a practical matter (for purposes of determining creditable net emissions increases and decreases). Such credits may be used for netting or as offsets. We are allowing the credit to be computed in this manner because the owner or operator has already obtained an actual emissions-based offset for the emissions up to the Clean Unit emission limitations. By the owner/operator's accepting a federally enforceable emission limitation below this level, these offsets are now available to create additional actual emissions reductions.

The final rules are similar for emissions units that are designated as Clean Units in a SIP-approved permitting process other than major NSR. You must not include emissions changes that occur at such units in a netting analysis, or use them for

generating offsets, unless the emissions changes occur and you use them for these purposes before the effective date of the SIP requirements adopted to implement the Clean Units or after Clean Unit status expires. However, if you reduce emissions from the Clean Unit below the level that qualified the unit as a Clean Unit, you may generate a credit for the difference between the level that qualified the unit as a Clean Unit and the new emission limitation, if such reductions are surplus, quantifiable, permanent, and federally enforceable (for purposes of generating offsets) and enforceable as a practical matter (for purposes of determining creditable net emissions increases and decreases). Such credits may be used for netting or as offsets.

13. How Does Clean Unit Status Apply When There Are Multiple Pollutants?

Clean Unit status is pollutant-specific and may not be granted for more than one pollutant, except in cases where a group of pollutants is characterized as a single pollutant, such as VOCs. You may, however, qualify for simultaneous Clean Unit status for other pollutants at those emissions units that are sufficiently controlled to independently qualify as "clean" for each pollutant. For units applying for Clean Unit status and that do not already have a major NSR permit, the reviewing authority must specify the pollutants for which Clean Unit status applies as part of the permitting process establishing Clean Unit status.

D. Legal Basis for the Clean Unit Test

As discussed above, the Clean Unit applicability test would provide an alternative emissions test for determining if a significant increase in emissions has occurred after a physical change or change in the method of operation at units that are designated as "clean." We believe that we have the authority to allow these specific types of units to use a different applicability test.

The CAA is silent on whether increases in emissions for purposes of determining whether a physical or operational change constitutes a modification must be measured in terms of actual emissions, potential emissions, or some other currency. We believe that it is a reasonable interpretation of the CAA to determine applicability of the major NSR program for units qualifying as Clean Units in terms of the emission limitations or work practice requirements in the permit, and that this interpretation is consistent with the statutory purposes of NSR.

The PSD permitting program has 5 key elements: (1) Control technology

review; (2) air quality review; (3) monitoring requirements; (4) information on the source; and (5) procedures for processing applications, including public notice and the opportunity for comment. A new major source or major modification in an attainment area must go through PSD permitting to become a Clean Unit. That process would have had to include the elements listed above. CAA section 165.

Similarly, the CAA requires new major sources or major modifications undertaken in nonattainment areas to obtain permits that require them to meet LAER and to obtain offsetting emissions reductions. CAA section 173. In order to be designated a Clean Unit, a major source or modification in a nonattainment area would have had to have gone through major NSR permitting review in the last 10 years.

We believe that units that have undergone minor source permitting in a manner that fulfills the statutory purposes of major NSR—either because a State's minor NSR program already contains equivalent provisions or because the existing program is enhanced for the purpose of allowing the reviewing authority to satisfy Clean Unit criteria—also will have satisfied the requirements of the CAA in a manner sufficient to justify Clean Unit status. As we have discussed in section V.C of this preamble, to obtain Clean Unit status through a minor NSR program, that process must include a requirement for public participation. Furthermore, emissions units that are designated as Clean Units through SIP-approved minor NSR programs must satisfy an air quality test. You must provide information demonstrating that you will not cause or contribute to a NAAQS or PSD increment violation or adverse impact on an AQRV in a Federal Class I area. If your emissions unit has already been permitted under minor NSR or another SIP-approved permitting program, you may have already satisfied the second part of this test. If not, consistent with the requirements in sections 165(a)(3) and 173(a) of the CAA, you will be required to show that the allowable emissions will not cause or contribute to a NAAQS or PSD increment violation, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM and for which information is available to the general public. For areas that do not already attain the NAAQS, the source would be required to show that the emissions for the unit have been previously offset, or the reviewing authority will have to show that these emissions will not

interfere with the State's ability to achieve attainment.

For Clean Units that have emission limitations and/or work practice requirements established through programs that fulfill relevant major NSR statutory requirements, we believe that the alternative way to estimate emissions increases to evaluate applicability set forth under the Clean Unit Test is appropriate and consistent with Congress's intent. A project at a Clean Unit that would require a revision to the emission limitations or work practice requirements established through permitting programs that meet the requirements of the Act, or that would alter any physical or operational characteristics that formed the basis for the permitting action, must go through a new permitting process. The reviewing authority must have already required state-of-the-art pollution control technology (or, through an investment, its pollution prevention or work practice equivalent), conducted the required air quality analyses based on the emissions level in the permit, and provided the public with an appropriate opportunity to comment on that level of emissions and air quality impact. Therefore, we believe that allowing an alternative means of evaluating applicability based on a revised emissions test for this category of unit is consistent with the CAA.

E. Summary of Major Comments and Responses

Although a few commenters categorically oppose the Clean Unit Test, most commenters support the concept. Practically all commenters oppose some aspect of the test or request that the test be clarified. Below are the major comments and our responses.

1. How Long Should You Be Eligible for the Clean Unit Applicability Test?

We received numerous comments on the duration of Clean Unit status. In the proposal, we suggested a 10-year duration and asked for comments regarding this period. We received comments supporting various lengths of time from 2 to 20 years. Although some commenters support a 10-year duration, other commenters oppose it.

Many commenters believe that 10 years is too short for Clean Unit status. These commenters argue that BACT/LAER technologies accomplish substantial pollutant removals, and that the cost of a slight increase in pollutant removal is usually significant. These commenters urge us to establish a Clean Unit status duration that comports with the useful life of the control equipment,

which would enable you to recover the costs of installing the pollution control technology. They believe that you should be able to recoup the investments in pollution control before being forced to abandon that technology and pay again for newer technology. Some commenters request that a presumptive life of 20 years be awarded to Clean Units, which is approximately how long the control equipment should be effective.

Some commenters believe that 10 years would be too long, because they believe that advances in control technology occur more rapidly. A 10-year duration would allow old, less effective technologies to be the basis of immunity from the NSR program. These commenters are particularly concerned about the 10-year duration for BACT/LAER determinations that were based on no controls.

We believe that we have discretion to determine the appropriate period for which you should be eligible for the Clean Unit applicability test. As a policy matter, we believe that this time period should reach a balance between the unit's useful emissions control equipment life and the time frame in which additional major NSR review is likely to result in no added environmental benefit. As a practical matter, we realize that the "ideal" time frame will vary by emissions control technology and by pollutant; however, we believe using a single time frame will provide simplicity in our final rules.

To determine an average life expectancy for a variety of control technologies, we relied on the guidelines for equipment life for 9 commonly used emissions control technologies published in "Estimating Costs of Air Pollution Control Systems, Part II, Factors for Estimating Capital and Operating Costs."³⁴ Using the average of the low, average, and high values, we determined that a reasonable average equipment life for a control technology is equal to 15 years.

We then looked at the incremental improvement in control technology over time. We found that the evolution of pollution control equipment over time is dominated by innovation, rather than invention. In other words, the change in design and capacity for any given device type occurs infrequently as a series of marginal improvements over the preceding design. Consequently, the marginal improvement in pollution abatement one can expect between

generations of the same type of device is also very small—too small to justify the cost of an entirely new unit. For example, flue gas desulfurization (FGD) units have been used in the United States for about 20 years, and were used in Japan and Germany for 10 years before that. During the early 1980's, a typical FGD system removed about 90 percent of the sulfur from a flue gas stream. Today, modern FGD systems typically average 95 to 99 percent removal efficiency—less than a 10 percent improvement in 20 years.

We also evaluated, from a cost-per-ton basis, whether the marginal improvement in removal efficiency is too expensive. Again, we considered the FGD example. From an actual NSR determination for a coal-fired electrical generating unit in the Midwest, the installation of an FGD system in 1985 would have cost \$189 million and had a removal efficiency of 90 percent (76,500 tons of sulfur per year). The identical boiler in 2001 would use an FGD system with a 95 percent efficiency, costing \$285 million, and removing 80,750 tpy, an additional 4,250 tons. The additional cost for the improved design for the 2001 installation (including the retrofit and upgrade of existing components and the new cost of larger pumps and other auxiliary equipment) would have been more than \$100 million, or greater than \$24,000 per ton. Consequently, from an efficiency standpoint, requiring an upgrade on this unit to BACT or LAER levels would not have been economical.

After reviewing all of this information, we determined that a 15-year period represents a reasonable and appropriate time frame during which you should be allowed to use your permitted allowable emissions to determine whether an increase triggers major NSR review. However, we proposed and took comment on a 10-year duration. Therefore, today we are finalizing a single time frame of 10 years that applies to all types of emissions control technologies and all types of pollutants. Because we believe that 15 years represents a reasonable time frame, we will be proposing a 15-year duration for Clean Unit status. After considering any public comments on a 15-year duration for Clean Unit status, we may amend today's final regulations.

We believe it is beneficial to allow emissions units using pollution prevention techniques or work practices to qualify for Clean Unit status where those units meet certain criteria. In some cases (coating operations, for example), pollution prevention techniques or work practices are state-of-the-art pollution control, and either

³⁴ Vataavuk, William, "Part II, Factors for Estimating Capital and Operating Costs," *Chemical Engineering*, Nov. 3, 1980.

there would not be an improvement in pollution control if the unit were required to install add-on controls or the incremental cost effectiveness of the add-on control installation would be too high for it to qualify as BACT. In other cases, the most stringent control is based on add-on control and pollution prevention. Therefore, under many circumstances, we believe that pollution prevention techniques and work practices can be implemented to achieve a level of emissions reductions comparable to that achieved by BACT/LAER add-on controls. Also, initiation of a pollution prevention technique or a work practice can require a substantial investment in research to retool or reformulate your operations. Thus, we do not believe that a blanket exclusion from Clean Unit status is appropriate for emissions units that are controlled with pollution control techniques.

Implementation of pollution prevention approaches and work practices usually requires research, followed by some retooling or reformulation of a process line or unit operation. As part of this retooling or reformulation, some equipment has to be purchased up front (for example, sniffers for leak detection and repair operations, improved process control consoles and/or software for recycle streams, initial modeling for combustion optimization systems). This equipment purchase or initial modeling involves a one-time investment; hence, there is an investment associated with pollution prevention or work practice implementation. Researching the application of an approach also qualifies as an investment for these purposes.

We received comment from a number of commenters who are concerned about Clean Unit status when BACT/LAER determinations are based on no control. As these commenters note, "no controls" does not equate to a well-controlled emissions unit. We agree with these commenters, and today's final rules clarify that Clean Unit status can be based on add-on control, pollution prevention techniques, work practices, or a combination of them. We recognize that there are some circumstances when the outcome of a reviewing authority's BACT or LAER determination may result in an emission limitation that you will meet without using an air pollution control technology (which includes pollution prevention or work practices). We believe that such emissions units should not qualify as Clean Units, because they fail the very premise under which we established the Clean Unit applicability test. That is, there is no period of time in which we can reach a balance

between the unit's useful emissions control equipment life and the time frame in which additional major NSR review is likely to result in no added environmental benefit. Source categories that currently have few or no control technology options are likely to be the categories that will experience a rapid advancement in emissions control technology over a short period of time. Accordingly, today's final rules contain two limitations on use of the Clean Unit applicability test. You may not use the Clean Unit applicability test for any emissions unit that is not using an air pollution control technology (which includes pollution prevention or work practices) and for which you have not made an investment to control emissions.

2. Does the Clean Unit Applicability Test Measure the Increase in Maximum Hourly Potential Emissions?

We proposed that the Clean Unit Test would continue to apply as long as the emissions unit's maximum hourly potential emissions did not increase. The baseline for the maximum hourly potential emissions rate could be established at any time in the 6 months before the activity or project that increases emissions. Almost all commenters oppose basing the Clean Unit Test on the hourly PTE, as well as the 6-month period for setting the emissions rate. Some commenters argue that an hourly PTE test is not environmentally protective enough. One commenter notes that we were inappropriately using the applicability test under the NSPS as the applicability test for major NSR, which should be based on tpy. Many commenters view the hourly PTE test as so restrictive that few sources would take advantage of the Clean Unit Test. These commenters believe that the hourly emissions rate obscures the real basis for Clean Unit status, which is the add-on control efficiency.

We agree with the commenters who maintain that Clean Unit status should be based on the emissions level achievable through the use of control technologies. As these commenters note, once an emissions level has been determined based on BACT/LAER, it is unlikely that additional review would result in a more stringent level of control. As a result, we are not finalizing the Clean Unit Test as proposed with the hourly PTE test. Instead, today's final rules for Clean Units are based on reduction of air pollution through the use of control technology (which includes pollution prevention or work practices) that meet both the following requirements. First,

the control technology achieves a BACT/LAER level of emissions reduction as determined through issuance of a major NSR permit within the past 10 years. However, the emissions unit is not eligible for Clean Unit status if the BACT/LAER determination resulted in no requirement to reduce emissions below the level of a standard, uncontrolled, new emissions unit of the same type. Second, the owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or expenses to apply a pollution prevention technique to an emissions unit.

By adopting this approach, we are allowing the reviewing authority to decide the appropriate emission limitations or work practice requirements that will be used to obtain and maintain Clean Unit status. If a project at a Clean Unit does not cause the need for a change in the emission limitations or work practice requirements that form the basis for Clean Unit status, the emissions unit remains a Clean Unit. On the other hand, if the project causes the need for such change to the emission limitations or work practice requirements, the emissions unit loses Clean Unit status and is subject to the applicability requirements of major NSR.

3. What Kind of Changes Are Allowed Under Clean Unit Status?

It is not our intention to limit increases in emissions unit capacity as long as emissions are under the source-specific allowable levels and the increase is within the capacity for which you obtained approval when applying for Clean Unit status. Incremental improvements to existing units are acceptable. However, complete changes to emissions units making them into completely different units than were originally permitted are not acceptable. For example, switching to a smaller but more polluting process than originally permitted may trigger stricter BACT/LAER requirements, even at the same annual emissions rate, since higher percentage removal rates and lower costs would be possible at higher concentrations.

We expect that changes such as, but not limited to, increasing production to permitted levels, reconfiguring the process, changing process chemicals if consistent with the original Clean Unit application, replacing components, replacing catalysts, or adding other controls, or other changes would be

allowable for Clean Units. In no instances are we authorizing violations of any existing permit conditions or other applicable requirements that may apply to the Clean Unit. You may not reconstruct a Clean Unit under an existing Clean Unit status.

4. Does the Clean Unit Applicability Test Apply to Units That Have Not Gone Through a Major NSR Permitting Review?

In 1996, we proposed that reviewing authorities submit their minor source permit decisions for us to determine whether the emission limitations were comparable to BACT or LAER. Commenters generally support allowing units permitted through minor NSR programs to qualify for Clean Unit status. These commenters believe State and local agencies are well-equipped to make control technology determinations. A few commenters are concerned that control technology determinations made under minor NSR programs do not always require adequate air quality review or opportunity for public comment and review. They maintain that these program elements are essential for making control technology determinations that are equivalent to BACT/LAER.

We also received comments on allowing Clean Unit status for emissions units that have not gone through either major or minor NSR, such as those that decrease emissions to meet other requirements under the Act. These comments are mixed. A few commenters support this option. Others believe it makes no sense to extend the status to units that had not had a recent control technology determination, particularly considering the burden the review would place on reviewing authorities.

We agree that control technology determinations made by State and local agencies can be comparable to BACT/LAER, regardless of the purpose for which the control technology decision is made. However, we also agree with those commenters who believe a thorough analysis is necessary to ensure that air quality is protected. Moreover, we agree that a control technology determination is incomplete unless it has been through public review.

Therefore, today we are promulgating regulations that allow emissions units that have not had a BACT/LAER determination to qualify for Clean Unit status, if they are permitted under a SIP-approved permitting program that provides for public notice of the proposed determination and opportunity for public comment to

determine whether you should qualify as a Clean Unit.

5. Does Clean Unit Status Apply to Units That Have RACT or MACT Limits?

A number of commenters maintain that emission limitations based on RACT and MACT achieve control comparable to those based on BACT and LAER. These commenters therefore believe Clean Unit status should be available for emissions units with RACT or MACT limits. However, other commenters agree with us that RACT and MACT limits should not automatically be considered equivalent to BACT/LAER limits.

We are maintaining our position in the proposal rule that Clean Unit status does not presumptively apply to units with limits based on RACT or MACT. However, when you believe a specific RACT or MACT limit is comparable to BACT/LAER, you may choose to use a SIP-approved permitting process to try to obtain Clean Unit status.

6. How Should We Determine Whether a Control Technology Is Comparable to BACT or LAER?

We proposed two methods for determining that control technology was comparable to BACT/LAER—average of the level of control for the last 3 years, and percent control. None of the commenters support using the average emissions rates to determine comparability. The commenters believe that in some cases this approach could lead to skewed results, or that the average control determination can differ substantially from the most recent determination. The commenters suggested that EPA consider all technologies required to be considered in a BACT/LAER determination, not just those listed in the RBLC. The commenters also say that it is not acceptable to call an uncontrolled unit a “clean” unit, when the Clean Unit Test is meant for companies that have taken the effort and expense to install controls or low emitting equipment. Although a few commenters support using percent control, several commenters oppose it. They maintain that defining control levels based on a certain percentage derived from BACT or LAER for equivalent sources is not simple and would require the frequent collection and maintenance of large quantities of information.

Based on the public comments on our two proposed methods, we have decided to develop a modified version of the proposed averaging method for determining when an air pollution control technology (which includes

pollution prevention or work practices) is comparable to BACT/LAER. You can make a showing that the air pollution control technology (which includes pollution prevention or work practices) is comparable to BACT/LAER in one of two ways: (1) by comparing your emissions unit's control level to BACT/LAER determinations for other similar sources in the RBLC; or (2) by making a case-by-case demonstration that your emissions control is “substantially as effective” as BACT or LAER.

Under the first approach, we have developed slightly different approaches for sources located in attainment and nonattainment areas. For those emissions units located in attainment areas, the emissions unit's control technology is presumed to be comparable to BACT if it achieves an emission limitation that is equal to or better than the average of the emission limitations achieved by all the sources for which a BACT or LAER determination has been made within the preceding 5 years and entered into the RBLC, and for which it is technically feasible to apply the BACT or LAER control technology to the emissions unit. To address the commenters' concerns regarding other BACT/LAER determinations that might not be in the RBLC, we have included a provision that allows the reviewing authority to also compare this presumption to any additional BACT or LAER determinations of which it is aware, and to consider any information on achieved-in-practice pollution control technologies provided during the public comment period, to determine whether any presumptive determination that the control technology is comparable to BACT is correct.

For sources in nonattainment areas, the emissions unit's control technology is presumed to be comparable to LAER if it achieves an emission limitation that is at least as stringent as any one of the 5 best-performing similar sources for which a LAER determination has been made within the preceding 5 years, and for which information has been entered into the RBLC. As is the case for units in attainment areas, the reviewing authority shall also compare this presumption to any additional LAER determinations of which it is aware, and shall consider any information on achieved-in-practice pollution control technologies provided during the public comment period, to determine whether any presumptive determination that the control technology is comparable to LAER is correct.

The second approach, the “substantially as effective” test, avoids a “one-size-fits-all” approach that could

preclude some well-controlled sources from benefitting from the Clean Unit Test simply because there is insufficient information in the RBLC or because they are using an innovative approach to emissions control. This provision will allow you to use alternative controls as long as they achieve comparable control and air quality results. We believe that the reviewing authority is in the best position to judge whether a particular control technology achieves an emissions control level that is comparable to BACT or LAER for a specific application, as well as to assure that air quality impacts have been accounted for. Thus, rather than requiring the reviewing authority to submit its permit decisions to us for approval as a comparable technology, our final rules allow the reviewing authority the ability to make this determination after the public comment process.

7. Can Clean Unit Status Be Made Using the Title V Permitting Process?

We proposed that for sources that had not undergone major NSR, Clean Unit status would occur as part of the title V permitting process. Although a few commenters support this concept, several State and local agency commenters strongly disagree. These commenters believe that title V is an appropriate mechanism for documenting Clean Units, but that the process for certifying sources should be separate from title V to avoid delays in title V permitting.

We agree with these commenters, and today are promulgating provisions that an emissions unit may be designated as a Clean Unit once it has gone through major NSR or another SIP-approved permitting program that provides for public notice and opportunity for comment. This allows the reviewing authority the flexibility to use the permitting process that it believes is most appropriate to make a Clean Unit status determination. However, once Clean Unit status has been established through a SIP-approved permitting program, it must be incorporated into the title V permit. See section V.C.7 for a discussion of this process.

VI. Pollution Control Projects

A. Description and Purpose of This Action

Our policy is to promote pollution control and prevention projects whenever possible. Today we are finalizing a rule provision that would exclude from major NSR permitting requirements certain work practices and the installation of qualifying pollution

control and pollution prevention projects. With these provisions, we are removing a regulatory disincentive that might otherwise prevent industry from undertaking pollution control and prevention measures that result in a net environmental benefit. The "Pollution Control Project Exclusion" (or "PCP Exclusion") will allow the installation of certain projects that result in net overall environmental benefits to avoid the permitting requirements of major NSR for their collateral emissions increases that exceed the significant level. This action was proposed on July 23, 1996, and closely paralleled our existing policy memorandum³⁵ which, in effect, enabled a control project exclusion for EUSGUs which was implemented under the electric utility-specific NSR rule (see 57 FR 32314, hereinafter "WEPCO PCP Exclusion") to apply to all types of sources, and enabled qualifying pollution prevention projects to apply for an exclusion as well. This action will replace both the WEPCO PCP Exclusion and the July 1, 1994 policy guidance with a single, comprehensive NSR exclusion for all types of qualifying PCPs—including add-on controls, switches to less polluting fuels, work practices, and pollution prevention projects. Moreover, this final rule will minimize procedural delays in getting a PCP approved, while ensuring appropriate environmental protection.

We define a PCP as an activity, set of work practices, or project at an existing emissions unit that reduces emissions of air pollution from the unit. The PCP Exclusion may be sought when a project is installed at an existing source where it reduces the emissions rate of one air pollutant while causing an increase in emissions of a different, "collateral" pollutant. A common example of such a project is installation of a thermal incinerator, which forms NO_x as a collateral pollutant while reducing VOC emissions. For evaluating the environmental impact of a collateral emissions increase, the source and reviewing authority will assess the difference between the emissions unit's post-change actual emissions and its pre-change baseline actual emissions. This test is discussed in section II of today's preamble. That increase is then weighed against the emissions decrease of the primary pollutant to determine whether the PCP, as a whole, provides an environmental benefit. The source

³⁵ July 1, 1994 memorandum from John S. Seitz, Director, OAQPS, "Pollution Control Projects and New Source Review (NSR) Applicability" and hereinafter referred to as the "July 1, 1994 policy guidance."

and reviewing authority also must ensure that the change does not cause or contribute to an air quality violation, that no ERCs are generated (through initial application of the PCP), and that any significant emissions increase of a nonattainment pollutant is accounted for with acceptable offsets or SIP measures. In performing the air quality analysis under this provision, the procedures established for conducting air quality analysis in conjunction with NSR permitting will be used.

This rule excludes the installation of qualifying PCPs—including add-on control devices, raw material substitutions, work practices, process changes and other pollution prevention strategies—from the definition of "physical or operational change" within the definition of major modification in our Federal regulations (e.g., § 52.21). We are also requiring that States adopt the same exclusion in their NSR programs.

The decision to make codifying changes to the existing WEPCO PCP Exclusion and the July 1, 1994 policy guidance draws largely from recommendations of the CAAAC Subcommittee on NSR Reform. The members of the Subcommittee included representatives of State and Federal regulatory agencies, Federal natural resource managers, industry, and environmental and public health interest groups. The Subcommittee's recommendations reflected the consensus of this balanced group of stakeholders.

B. What We Proposed and How Today's Action Compares To It

Our proposed PCP Exclusion provisions essentially restated the July 1, 1994 policy guidance, and incorporated a "primary purpose" test as an initial hurdle for candidate PCPs. The "primary purpose" test would have limited the exclusion to those projects whose primary function is to reduce air pollution. The proposal, like the previous PCP Exclusion rule and policy guidance, maintained that the exclusion was not applicable to air pollution controls and emissions associated with the construction of a new emissions unit, nor to the replacement or reconstruction of an entire existing emissions unit with a newer or different one. In addition, the fabrication, manufacture, or production of pollution control/prevention equipment and inherently less polluting fuels or raw materials would not, in and of themselves, qualify as a PCP. We also incorporated two safeguards that were taken directly from the WEPCO PCP Exclusion and the July 1, 1994 policy

guidance. First, the reviewing authority would be required to determine that the PCP is “environmentally beneficial.” A second safeguard from our proposal would direct reviewing authorities to evaluate the air quality impacts of a proposed PCP and ensure that it does not cause or contribute to a NAAQS or PSD increment violation, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM and for which information is available to the general public.

We proposed specific add-on control technologies that would be considered presumptively “environmentally beneficial” based on their proven history of positive environmental impact. The proposal also allowed for fuel switches to less polluting fuels and substitutions to less potent ozone depleting substances (ODS) to be presumptively environmentally beneficial projects. For other pollution prevention projects and new add-on control technologies to qualify as a PCP, the proposal required the reviewing authority to determine that the project was environmentally beneficial and, additionally for new add-on control devices, that they be “demonstrated in practice.”

We received comments on every key aspect of the proposed PCP Exclusion. Although most parties support the PCP Exclusion, their suggestions regarding implementation of the exclusion vary considerably. Industry commenters generally desire maximum flexibility, and suggest extending the exclusion to cross-media control projects, limiting the “environmentally beneficial” and “primary purpose” requirements, allowing for the generation of ERCs from PCPs, and broadening which pollution prevention projects qualified. Other commenters, including State agencies and environmental organizations, generally favor a more restrictive approach that involves more agency oversight and creates more enforceable mechanisms to ensure that the exclusion would not be abused. All comments are specifically addressed in the Technical Support Document.

Today’s rule revises the proposed PCP Exclusion in several ways, including the following.

- Eliminating the “primary purpose” requirement.
- Expanding the list of presumptively environmentally beneficial projects to include additional control technologies and strategies.
- Enabling projects that otherwise are PCPs and result in utilization increases to qualify for the exclusion.

- Using an actual-to-projected-actual format for determining emissions changes for all source categories to demonstrate net environmental benefit supplemented by air quality analysis under certain circumstances, regardless of their projected emissions increases resulting from utilization.

- Clarifying that the replacement, reconstruction, or modification of an existing emissions control technology could qualify for the exclusion.

- Detailing the calculations for determining whether a switch to a different ODS is environmentally beneficial.

- Changing the visibility component of the air quality analysis to “an air quality related value (such as visibility) that has been identified for a Federal Class I area by a FLM, and for which information is available to the general public”.

- Identifying which fuel switches are presumed “inherently less polluting”.

- Enabling work practice standards to qualify for the exclusion.

- Clarifying that modeling for air quality impacts analyses may use projected actual emissions.

- Detailing proper noticing requirements for listed projects to use this exclusion.

- Describing in detail the process for granting the PCP Exclusion for non-listed control technologies and pollution prevention strategies.

- Disqualifying projects that cannot secure acceptable offsetting emissions reductions or SIP measures for PCPs resulting in a significant net increase of a nonattainment pollutant.

- Disallowing generation of netting and offset credits from the initial application of PCPs that qualify for this exclusion.

- Clarifying that non-air pollution impacts will not be considered in the “environmentally beneficial” determination.

By today’s action we are superseding the PCP regulatory exclusion that applied only to EUSGUs. Today’s action covers all types of sources, including EUSGUs. The new, broader PCP Exclusion will ensure equitable treatment of all source categories and remove any disincentive for companies that wish to install pollution control and pollution prevention projects, to the extent allowed by the CAA. Thus, owners or operators of EUSGUs who want a PCP Exclusion may, like any other source category, use the expanded definition of “pollution control project,” which includes the lengthened list of environmentally acceptable control devices. Despite today’s rule revisions addressing a broader array of pollution

control and pollution prevention projects at a larger variety of sources, we feel that the rule’s procedures are less complex than and are clearer than the WEPCO PCP Exclusion and the July 1, 1994 policy guidance. We are satisfied that the final PCP Exclusion best achieves the goals of minimizing regulatory burden and reducing procedural delays for projects that ensure net overall environmental protection.

1. Applicability

a. *What types of projects may qualify for the PCP Exclusion?*

In the WEPCO PCP Exclusion, we found that installation of add-on emissions control projects, switches to less polluting fuels, and certain clean coal demonstration projects could be PCPs, “unless the project renders the unit less environmentally beneficial.” 57 FR 32319. Today’s rule affirms that these types of projects are appropriate candidates for the exclusion, and it expands the types of projects that can qualify to include installation of other control devices that were not previously listed in the regulations, as well as work practice standards and switches to less potent quantities of ODS. Some of the control technologies (for example, oxidation/absorption catalyst and biofiltration) listed in today’s revisions were either not well known or not demonstrated in practice as of the release of the WEPCO PCP Exclusion and the July 1, 1994 policy guidance exclusion; consequently, today’s rule brings the list of approved PCPs up to date.

We believe that the overall net impact of installing and operating the listed add-on control systems is environmentally beneficial and that such projects are desirable from an environmental perspective. The add-on controls in the approved list historically have been applied to many different kinds of sources to reduce emissions. They have been consistently used because it is generally understood that, from an overall environmental perspective, these controls are effective in reducing emissions when they are applied to existing plants in a manner consistent with standard and reasonable practices. Certain pollution prevention projects—for example, fuel switches and low-NO_x burners—are also presumed to be environmentally beneficial when properly applied. Consequently, as part of the exclusion for PCPs, we do not require a case-by-case “environmentally beneficial” demonstration for the “listed” PCPs, as long as they are properly applied and site-specific factors do not indicate that their

application would be environmentally harmful. Thus, the “environmentally beneficial” presumption created by the list may be rebutted. For companies wishing to install and operate non-listed PCPs, however, the process is more rigorous. In these cases, the reviewing authority first must consider case-specific factors to determine whether the non-listed project results in a net environmental benefit and then must provide an opportunity for, and respond to, public notice and comment before approving the project as a PCP.

b. Why does the PCP Exclusion not apply to greenfield sources?

Today’s rule restricts applicability of the PCP Exclusion to physical changes being made at existing sources. Installing or implementing a project on an existing source is more likely to improve the environment than is the construction of a new source, since one can reasonably expect a PCP to reduce overall emissions, barring a considerable utilization increase. New sources, however, introduce new emissions to the air without reducing existing emissions, and consequently should be as clean as possible. Furthermore, new emissions units are among the major capital investments in industrial equipment, which are the very types of projects that Congress intended to address in the NSR provisions when such projects result in an overall emissions increase from the major stationary source. Thus, when emissions from a new source exceed the significant level, they are subject to NSR, and all emissions that are generated from the new project should be addressed in the major NSR permit evaluation for the major stationary source.

c. Does the PCP Exclusion apply to rebuilt or upgraded control devices?

We are clarifying in today’s rule that upgrading or replacing existing emissions control equipment with a more effective emissions control project can qualify for the PCP Exclusion. However, the new PCP would have to result in a level of control more stringent than the original control equipment, in terms of emissions rate or output-based emissions rate, such as upgrading a scrubber to increase removal efficiency. Another example that would qualify is a control device that achieves an emissions reduction equivalent to that of the original device, but is more energy efficient. An example of this is the conversion of a thermal oxidizer to a catalytic oxidizer. As long as the catalytic oxidizer achieved emissions control equivalent to that of the thermal oxidizer, it would qualify

for a PCP Exclusion since it reduces energy use.

2. Environmental Benefits

a. What projects do we presume to be environmentally beneficial?

Commenters recommend that we expand the list of presumptively environmentally beneficial projects to include other add-on control technologies that are commonly used to reduce emissions at major stationary sources. We agree with this recommendation and have expanded the list of presumptively environmentally beneficial PCPs accordingly in today’s rule.

We presume the projects listed in Table 2 are environmentally beneficial. We based our decision to add certain projects to the list on two criteria: (1) The PCP is “demonstrated in practice”; and (2) its overall effectiveness in reducing emissions of the primary pollutant(s) when balanced against its potential for emissions increases of collateral pollutant(s).

TABLE 2.—ENVIRONMENTALLY BENEFICIAL POLLUTION CONTROL PROJECTS

Control device/PCP	Pollutant controlled
Conventional & advanced flue gas desulfurization. Sorbent injection Electrostatic precipitators	SO ₂
Baghouses High efficiency multiclones Scrubbers Flue gas recirculation	Particulates and other pollutants.
Low-NO _x burners or combustors Selective non-catalytic reduction Selective catalytic reduction Low emission combustion (for internal combustion engines) oxidation/absorption catalyst (e.g., SCONO _x ™) Regenerative thermal oxidizers ..	
Catalytic oxidizers Thermal incinerators Hydrocarbon combustion flares ³⁶ Condensers Absorbers & adsorbers Biofiltration	NO _x
	VOC and HAP.

TABLE 2.—ENVIRONMENTALLY BENEFICIAL POLLUTION CONTROL PROJECTS—Continued

Control device/PCP	Pollutant controlled
Floating roofs (for storage vessels)	

³⁶For the purposes of these rules, “Hydrocarbon combustion flare” means either a flare used to comply with an applicable NSPS or MACT standard (including use of flares during startup, shutdown, or malfunction permitted under such a standard), or a flare that serves to control emissions from waste streams comprised predominantly of hydrocarbons and containing no more than 230 mg/dscm hydrogen sulfide.

Other presumed environmentally beneficial PCPs include activities or projects undertaken to accommodate: (1) switching to different ODS with a less damaging ozone-depleting effect (factoring in its ozone depletion potential and projected usage); and (2) switching to an inherently less polluting fuel, to be limited to the following.

- Switching from a heavier grade of fuel oil to a lighter fuel oil, or any grade of oil to 0.05 percent sulfur diesel. (that is, from a higher sulfur content #2 fuel, or from #6 fuel, to CA 0.05 percent sulfur #2 diesel)
- Switching from coal, oil, or any solid fuel to natural gas, propane, or gasified coal.
- Switching from coal to wood, excluding construction or demolition waste, chemical or pesticide treated wood, and other forms of “unclean” wood
- Switching from coal to #2 fuel oil (0.5 percent maximum sulfur content)
- Switching from high sulfur coal to low sulfur coal (maximum 1.2 percent sulfur content)

We are presuming that the application of a PCP listed above is environmentally beneficial and would be eligible for a PCP Exclusion. This presumption is premised on an understanding that you will design and operate the controls in a manner that is consistent with proper industry, engineering, and reasonable practices, and that you minimize increases in collateral pollutants within the physical configuration and operational standards usually associated with the emissions control device or strategy. You will be required to certify that this is true in the notification you send your reviewing authority.

As stated before, the “environmentally beneficial” determination is a presumption, so it can be rebutted in cases in which a reviewing authority determines that a particular proposed PCP project would not be environmentally beneficial. Also,

this presumption does not apply when: (1) The PCP is not designed, operated, or maintained in a manner consistent with standard and reasonable practices; (2) the collateral pollutant emissions increases are not minimized within the physical configuration and operational standards usually associated with the emissions control device or strategy; or (3) the unit will be less environmentally beneficial. Also, when a reviewing authority determines that an otherwise listed project would not be constructed and operated consistent with standard practices, it may rebut the “environmentally beneficial” presumption for that application of the technology.

Finally, it should be noted that commenters on the proposed rule list several examples of specific projects they believe we should add to the list of presumptively environmentally beneficial projects. However, some of these suggested PCP scenarios would never trigger NSR because there would not be a significant increase in emissions, from either the collateral or primary pollutant. For example, one commenter says we should consider the termination or decommissioning of an emissions unit an environmentally beneficial technology. We have never required a unit to undergo NSR before terminating operation; consequently, there is no need for a PCP Exclusion. Commenters raised other scenarios but provided few examples and insufficient detail from which we could draw any conclusions. We believe that the PCP Exclusion will benefit only a subset of all PCPs undertaken at existing sources, in part because most control projects will not cause an emissions increase of any criteria pollutant and, thus, will not trigger NSR. As always, major NSR only applies to your physical or operational changes that result in a significant net emissions increase at your source.

b. What is Meant by “Environmentally Beneficial”?

The WEPCO PCP Exclusion defines a PCP as “any activity or project undertaken . . . for purposes of reducing emissions.” § 52.21(b)(32). We have explained that “EPA expects that most, if not all, pollution control projects will reduce net actual emissions.” 57 FR 32319 (1992). The WEPCO PCP Exclusion therefore “avoids the need to undertake a quantitative emissions increase calculation in every case” that a facility prepares to undertake a PCP. Rather, in recognition that while a PCP “could theoretically cause a small collateral increase in some emissions, it will substantially reduce emissions of other

pollutants,” the rule contemplates that sources proposing PCPs that are not listed will determine in the first instance whether they are entitled to the PCP Exclusion based on the “project’s net emissions and overall impact on the environment.” *Id.* at 32321. Nevertheless, “the reviewing authority can require additional modeling under certain circumstances to evaluate the air quality impact of a [PCP].” *Id.*

As for the WEPCO PCP Exclusion, “reducing emissions” is the bedrock of the PCP Exclusion. For the list of PCPs in today’s regulation, we are satisfied that the net impact on the environment from these projects is beneficial because of our broad experience with these technologies. Consequently, such projects are desirable from an environmental protection perspective, and we have no reason to doubt the validity of the “environmentally beneficial” presumption when such controls are applied to existing sources consistent with standard and reasonable practices.

For those projects not listed in Table 2, there is no presumption as to whether or not the projects are environmentally beneficial, and therefore the PCP Exclusion is not self-executing. On a case-by-case basis, your reviewing authority must consider the net environmental benefit of a non-listed project and approve requests for the PCP Exclusion for a specific application of the project upon a showing that it is environmentally beneficial. You must receive this approval from your reviewing authority before beginning actual construction of the PCP. This approval must be conducted through a SIP-approved permitting process that conforms to the requirements of §§ 51.160 and 51.161, including a requirement for a public hearing and 30-day public comment period on all aspects of the project. This includes an opportunity for the public and EPA to review and comment on the environmental benefits analysis and the air quality impacts assessment. The reviewing authority’s evaluation of the project’s net environmental benefits is limited to air quality considerations; specifically, the air quality benefits of emissions reductions of the primary pollutant must outweigh any detrimental effects from emissions increases in the collateral pollutant, when comparing the unit’s post-change emissions to its pre-change baseline actual emissions. Also, the reviewing authority’s decision on a case-specific approval of a PCP Exclusion does not serve to proclaim that a given technology is environmentally beneficial for purposes of subsequent

PCP Exclusion applications for the same technology.

We may add non-listed control devices, work practices, and pollution prevention projects to the approved list, such that a previously non-listed project can be considered for a self-executing PCP Exclusion. The technology must be reviewed by us to ensure that the project’s overall net impact on the environment is indeed beneficial. Our evaluation would hinge on the same factors mentioned above for the reviewing authority’s case-by-case reviews. Once “listed,” a subsequent project could be presumed environmentally beneficial unless case-specific factors or impacts would indicate otherwise.

Today’s rule also provides more guidance in this rule on what constitutes an environmentally beneficial fuel switch. In general, we lack sufficient information from which to categorically determine that a switch to solid fuel will be “inherently less polluting.” For instance, switching from oil to woodwaste may decrease sulfur emissions while increasing particulate emissions. Switching between solid fuels, such as coal, woodwaste, or tire-derived fuels, must therefore be evaluated more closely before we can determine whether such a switch could qualify as an environmentally beneficial PCP. Accordingly, we specify which fuel switches are presumptively available for the PCP Exclusion.

c. Why are not More Pollution Prevention Projects Presumed Environmentally Beneficial?

Switching to a less polluting fuel or to a less potent quantity of ODS are prime examples of pollution prevention projects, and both are already listed as presumptively environmentally beneficial. However, some commenters point out that there are far more end-of-pipe, add-on technologies that are listed as environmentally beneficial and recommend that we include more pollution prevention technologies. Although we fully support and encourage pollution prevention projects and strategies, special care must be taken in evaluating a pollution prevention project for the PCP Exclusion. Pollution prevention projects tend to be dependent on site-specific factors and lack an historical record of performance, which proves problematic in deciding whether they are environmentally beneficial when applied universally. We believe that both add-on control devices and pollution prevention projects have equal chances of being presumed environmentally beneficial, but we have

more data and history with the add-on control equipment, and this is why the list includes more of those types of pollution strategies. Pollution prevention projects can still qualify as environmentally beneficial PCPs, but they must be evaluated by the reviewing authority to confirm their environmental benefits.

d. How are Control Technologies and Pollution Prevention Strategies Added to the Presumptively "Environmentally Beneficial" List?

The proposal would have allowed the reviewing authority to add to the list of presumptively environmentally beneficial technologies, as long as it determined that a project had been "demonstrated in practice" and was comparable in effectiveness to the listed technologies on a pollutant-specific basis. We will continue to allow new control technologies that are demonstrated in practice to be added to the list of presumed environmentally beneficial technologies. However, unlike the proposed PCP Exclusion, we will not require that non-listed technologies be comparable in effectiveness on a pollutant-specific basis with the emissions reduction efficiency of currently listed technologies in order to qualify as environmentally beneficial, since this is difficult to compare when different pollutants must be considered. Also, today's rule vests the EPA Administrator with the sole authority to approve non-listed pollution strategies as presumptively environmentally beneficial. The reviewing authority may perform a case-specific approval of a PCP Exclusion in which it would determine that a non-listed technology is environmentally beneficial, but that determination only pertains to the particular case under evaluation and would not serve to presume that the technology is environmentally beneficial for subsequent applications.

Through notice and comment rulemaking, we will maintain and update the list as we deem additional technologies to be environmentally beneficial or to remove from the list any PCP that we erroneously listed.

Several commenters on the proposal suggest that we create a clearinghouse for newly added environmentally beneficial PCPs. We agree that additions to the approved PCP list need to be readily available to the public; however, since rulemaking will be used to add new PCPs to the approved list, no additional public notice will be necessary.

e. How do I Calculate Emissions Increases?

In order to calculate emissions increases for primary and collateral pollutants for the purpose of determining the environmental impact of the PCP, you must use the actual-to-projected-actual applicability test method for calculating the emissions increase. This test is discussed in section II of today's preamble, and is consistent with the remainder of today's rule revisions.

f. How do you Perform the Emissions Calculation for Switches to a Less Potent Amount of ODS?

We have determined that activities or projects undertaken to accommodate switching to an ODS with less potential for stratospheric ozone damage are presumptively environmentally beneficial, as long as the productive capacity of the equipment does not increase as a result of the activity or project.

For determining your emissions before and after the change, you must perform a weighted comparison of the switch based on ozone depleting potential (ODP), taken from 40 CFR part 82, and the past and projected future usage of each ODS. In cases where we have expressed a chemical's ODP in 40 CFR part 82 as a range, the most conservative value (that is, the upper bound value) should be used. The replaced ODP-weighted amount is then calculated by multiplying the baseline actual usage (using the annualized average of any 24 consecutive months of usage within the past 10 years) by the ODP of the replaced ODS. The projected ODP-weighted amount is computed by multiplying the projected future annual usage of the new substance by its ODP. The following example illustrates how to make these calculations in determining whether a switch to a different ODS is environmentally beneficial.

Example: Source plans to replace solvents in its batch process line. Its current solvent, CFC-12, a chlorofluorocarbon (CFC) with an ODP of 1.0, is emitted at 200 tpy. It will be substituted with a less potent solvent, a hydrochlorofluorocarbon (HCFC) with an ODP of 0.02. As a result of this change, the straight mass emissions coming from the solvent will increase twofold due to the new process solvent having a higher vapor pressure than the old solvent. However, this substitution most likely would be viewed as environmentally beneficial, since the ODP-weighted emissions would reveal a decreased risk in environmental harm. Specifically, the CFC-12 would be multiplied by its ODP of 1.0, resulting in 200 tpy for pre-change ODP-weighted emissions. In contrast, the 400 tpy of HCFC emissions would be multiplied by 0.02, giving it a post-change, ODP-weighted emission level of 8 tpy. The net effect is an emissions decrease of 192 tpy on an ODP-weighted basis.

g. Should Cross-Media Impacts be Considered in the "Environmentally Beneficial" Demonstration?

By definition, a PCP reduces emissions of air pollutants subject to regulation under the Act. Therefore, while the primary environmental benefit of the PCP would be to reduce air emissions, a secondary benefit could be reducing pollution in other media. However, these cross-media tradeoffs are difficult to compare, so it is difficult to weigh their importance in appraising the overall environmental benefit of a PCP. We solicited comments in the proposal on how to compare cross-media pollution, but we received no suggestions on how to design such a system. As a result, we have determined that it is inappropriate to consider non-air impacts when considering whether projects, activities, or work practices qualify for the PCP Exclusion.

3. Air Quality Impacts

a. What is the "Cause-or-Contribute Test"?

Another criterion for qualification for all PCPs is that the emissions from the PCP cannot cause or contribute to a violation of any NAAQS or PSD increment, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM, and for which information is available to the general public. This has been called the "cause-or-contribute test." We continue to believe that the PCP Exclusion must include such safeguards to ensure protection of the environment and public health. In the WEPCO PCP Exclusion, we said that the reviewing authority "under certain circumstances" may evaluate the air quality impact of a PCP. 57 FR 32321. Generally, these circumstances would include large secondary emissions increases in areas that are nonattainment, or marginally in attainment, for the pollutant in question. We anticipate, however, that such analyses would not normally be required, since collateral emissions increases from most relevant projects will be so small that additional modeling should not be required.

Commenters from industry complain that determining whether there would be an adverse impact on an AQRV is too difficult and believe that the proposal is ambiguous in defining roles of FLMs and reviewing authorities. The intention of the statutory structure for preconstruction permit review in section 165(d) of the Act unambiguously is to protect against any adverse impact on AQRVs in Class I lands. Therefore, we continue to believe that any air

quality assessment for a PCP should consider all relevant AQRVs in any Class I area that are identified by the FLM at the time you submit your notice or permit application for the project. For purposes of those projects on the list of projects presumptively qualifying for the PCP Exclusion, we are limiting the consideration of AQRVs to those that have already been identified by an FLM for the Federal Class I area. You should check with the National Park Service website and other public information to determine if the FLM has already identified an AQRV for a nearby Class I area. If you are required to obtain both approval from your reviewing authority and a permit before beginning actual construction of your project, then additional AQRVs may be identified by an FLM consistent with the procedures provided for in that permitting process.

b. What is Necessary for the Air Quality Impacts Analysis?

Reviewing authorities can require you to analyze your air quality impacts whenever they have reason to believe that: (1) the project will result in a significant emissions increase of any criteria pollutant over levels in the most recent analysis; and (2) such an increase would cause or contribute to a violation of any NAAQS or PSD increment or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM and for which information is available to the general public. The analysis must contain sufficient data to satisfy the reviewing authority that the new levels of emissions will not cause or contribute to a violation of the NAAQS or PSD increment, or adversely impact an AQRV (such as visibility) that has been identified for a Federal Class I area by an FLM and for which information is available to the general public. If the air quality analysis shows that a resulting violation is foreseeable, your project cannot receive the PCP Exclusion.

Many industry commenters complain that the proposed air quality analysis and Class I provisions for the exclusion were overly burdensome and needed to be either eliminated or streamlined. We agree in part with this point, even though we strongly contend that there need to be safeguards to protect against misuse of the exclusion with projects that will not provide positive environmental results. Although today's final rule contains the core safeguard to prevent an adverse air quality impact, a modeling exercise is not necessarily warranted in all cases.

While you are not required to notify the FLM of any Federal Class I area located near your facility as a

prerequisite for proceeding with a PCP, you must determine whether any AQRVs have been identified in these areas. FLMs have identified AQRVs for many of the Federal Class I areas and made this information available on a dedicated web site (<http://www2.nature.nps.gov>). If no AQRVs have been identified for a particular Class I area, your demonstration is simply a statement that no AQRVs exist in Class I areas that your source has the potential to affect. Similarly, if there are AQRVs in nearby Federal Class I areas, but the pollutants associated with these AQRVs either will not be emitted by your facility or will not increase by a significant amount as a result of the PCP, then your demonstration should simply indicate the lack of any association between your PCP project and the known AQRVs.

On the other hand, you should be prepared to conduct modeling with respect to any regulated NSR pollutant that your PCP will cause to increase by a significant amount when that pollutant is associated with a known AQRV in a nearby Federal Class I area. Oftentimes, a screening model may be used to estimate the ambient impacts of the increase from your facility. Special concern should be given in cases where an FLM has already identified adverse impacts for such AQRV. In such cases, you are expected to record and consider any information that the FLM has made available concerning the adverse effects, to help determine whether the pollutant impacts from your facility have the potential to cause further adverse impacts.

If a reviewing authority, upon receiving your notification of using the PCP Exclusion, believes that an air quality impacts analysis is reasonably necessary, it is entitled to request more information from you, including additional local or regional modeling.

c. How does the PCP Exclusion Apply to Projects With Collateral Pollutant Increases of Nonattainment Pollutants?

The PCP Exclusion is available, regardless of an area's attainment status or its severity of nonattainment. Nonetheless, because increases in a nonattainment pollutant contribute to the existing nonattainment problem, you or the reviewing authority must offset with acceptable emissions reductions any significant emissions increase in a nonattainment pollutant resulting from a PCP. We are promulgating the PCP Exclusion consistent with our proposal's approach of requiring mitigation of any significant emissions increase of a nonattainment pollutant resulting from a PCP.

Since less than significant collateral emissions increases (for example, less than 40 tpy of VOC in a moderate ozone nonattainment area) do not trigger major NSR, such mitigation requirements are not necessary for the PCP Exclusion when the increase of the nonattainment pollutant will be below the applicable significant level. Be aware, however, that a less than significant emissions increase may be subject to a State's minor NSR requirements.

4. Miscellaneous

a. Can you Generate ERCs From Your PCP-Excluded Project?

The proposal would have allowed certain projects approved for the PCP Exclusion to use their primary pollutant(s) emissions reductions as NSR offsets or netting credits. We included in the proposed rule a specialized "environmentally beneficial" test that would apply to PCPs that generate ERCs. Some commenters support allowing ERCs and creating more flexibility to use them. However, other commenters recommend that EPA avoid complicating the PCP Exclusion by factoring emissions trading credits with the exclusion. These commenters claim that the parceling out of the appropriate reductions for emissions credits and for the newly installed PCP would take an enormous amount of time, and cause problems with tracking emissions reductions and using the credits.

We no longer believe it would be prudent to allow PCPs to generate netting credits or offsets for the emissions reductions used to initially qualify the project for the PCP Exclusion, in light of the issues of increased complexity that the commenters raise. But perhaps more importantly, we feel that the emissions reductions initially achieved by the PCP are integral to the "environmentally beneficial" demonstration required in order for the PCP to qualify for the exclusion. The emissions reductions are traded, in effect, for the significant emissions increase of the collateral pollutants and for the benefits of being excluded from the major NSR permitting requirements. To then re-use the reductions would weaken the PCP Exclusion and would not ensure appropriate environmental protection. Consequently, you cannot use emissions reductions that initially qualified a project for the PCP Exclusion as netting credits or offsets.

However, you are allowed to continue to use these reductions to generate allowances for purposes of complying with the title IV Acid Rain program. In

1992, the PCP Exclusion was originally designed for use by EUSGUs because we did not envision that Congress intended for the NSR program to apply to projects undertaken to comply with title IV. Nothing in today's proposal is intended to change that design.

Moreover, once you qualify for the PCP Exclusion, you can apply for ERCs if you change your process conditions in such a way that further reduces emissions. For example, consider that you have an add-on control technology which receives a PCP Exclusion that, at full operation, allows the source to increase its emissions of a specific collateral pollutant and emit 100 tpy of a pollutant (either a targeted pollutant or a collateral pollutant). If you later decide to take an hours-of-operation limit for your process line and/or control technology that reduces your emissions of that pollutant to 75 tpy, then this 25 tpy reduction in emissions can be used as ERCs if deemed acceptable in all other respects by your reviewing authority.

b. Why Are We Deleting the "Primary Purpose" test?

The "primary purpose" test was proposed as an initial screening mechanism for reviewing authorities to screen out inappropriate projects and to streamline the approval process. This was designed to help reviewing authorities avoid dedicating unnecessary resources to non-qualifying projects. Furthermore, we recognized that all of the listed PCPs have a primary purpose of reducing air pollution, so it followed logically that any other PCP should have the same primary purpose.

However, we received comments from both industry and a State trade association stating that many activities and projects have multiple purposes in addition to reducing emissions, and they encourage EPA not to focus on the primary purpose of a project, but rather on the project's net environmental benefit, in considering it for a PCP Exclusion. A "primary purpose" requirement would disqualify projects that may be environmentally beneficial but happen to not have pollution control as their primary purpose. Further, one commenter stated that by focusing on the intent of the project rather than its end result, administrative agencies will unnecessarily be forced to devote scarce resources to making these determinations.

We concur with these comments and have determined that this test is potentially unnecessarily restrictive. Our primary objective in allowing for a PCP Exclusion is to offer NSR relief for

those projects that create a net environmental benefit, and thus we should not concern ourselves with a source's motivation for undertaking its project. Therefore, by today's rule revisions, even if a project's primary purpose is not to reduce emissions, it can still qualify for the PCP Exclusion if it meets the "environmentally beneficial" and air quality tests set forth in today's regulations.

c. How Do the Listed PCP Technologies Compare to BACT or LAER Determinations?

The list of presumed environmentally beneficial technologies contains several control strategies that do not qualify as BACT or LAER. For example, installing low-NO_x burners on large-sized turbines would rarely constitute an acceptable BACT level. However, these projects are presumed environmentally beneficial and are eligible for the PCP Exclusion from major NSR because these controls are cleaner than the existing equipment is without the controls. In addition, the PCP Exclusion only applies to sources that are installing PCPs, and not to the installation of new emissions units or changes that increase the capacity of the unit, both of which would be potentially subject to BACT or LAER. We reiterate, however, that merely because a control technology is listed as environmentally beneficial does not also imply that the technology is equivalent to BACT or LAER, and you should not rely on any such implication as a presumptive BACT or LAER determination.

d. Is the Intent of the PCP Exclusion to Allow Collateral Pollutant Emissions to go Uncontrolled?

To qualify for the PCP Exclusion, you must minimize emissions of collateral pollutants within the physical configuration and operational standards usually associated with the emissions control device or strategy. This typically occurs by inherent design of the control device that causes them. In most cases, no additional control requirements will be necessary.

e. What Does "Demonstrated in Practice" Mean?

Representatives from industry comment that we should ease restrictions that require new add-on technologies to be demonstrated in practice. We are continuing to require that new technologies be demonstrated in practice before being added to the list, in part because this is an important element in showing that the candidate technology is environmentally sound. However, we have expanded the meaning of "demonstrated in practice"

to include technologies demonstrated outside of the United States.

f. How Can the Public Participate in the PCP Exclusion Decision for Your Project?

By these rule revisions, we are not requiring any review of your PCP by the public or your reviewing authority prior to enabling the use of the exclusion. Nonetheless, existing State regulations for minor NSR will continue to apply to projects that qualify for the PCP Exclusion and are not otherwise excluded under the State program. Minor NSR programs are designed to consider the impact these increases could have on air quality, including whether local conditions justify rebutting the presumption that a listed project is environmentally beneficial. Nothing in this rule voids or otherwise creates an exclusion from any otherwise applicable minor NSR preconstruction review requirement in any SIP that has been approved pursuant to section 110(a)(2)(C) of the Act and 40 CFR 51.160 through 51.164. The minor NSR permits may afford the public an opportunity to review and comment on the use of the PCP Exclusion for a specific project. See §§ 51.160 and 51.161. Furthermore, to undertake a PCP Exclusion, you could use the title V permit revision process to officially effect the PCP Exclusion. This would enable the public to review the PCP determination at that time.

Thus, the process for implementing a PCP Exclusion would be similar to the other exemptions within NSR (routine maintenance, change in ownership, etc.) whereby you are empowered to make the proper decision based on the facts of the case and the rule requirements.

C. Legal Basis for PCP

In 1992, we revised the NSR regulations to exclude PCPs at existing EUSGUs. See 57 FR 32314 (July 21, 1992), amending §§ 51.165(a)(1)(v)(C)(8), 51.166(b)(2)(iii)(h), and 52.21(b)(2)(iii)(h). There, we stated that we believed "that Congress did not intend that PCPs be considered the type of activity that should trigger NSR." 57 FR 32319. Although the 1992 rulemaking applied only to EUSGUs, we believe that Congress's intention holds true for other industry sectors as well. Congress could not have intended to require that, and the Act should not be construed such that, physical or operational changes undertaken to reduce emissions undergo NSR. Therefore, in today's action, we are revising the PCP Exclusion and

removing the conditions limiting it to EUSGUs.

In the event that a PCP results in a significant emissions increase of a different pollutant, the reviewing authority may require an analysis of air quality impacts which would serve the same function as an air quality impacts analysis conducted as part of NSR permitting. Providing an exclusion for PCPs enables facilities to reduce emissions without having to wait for a major NSR permit to be issued. We believe that this result is consistent with the objectives of the NSR provisions in the CAA. Thus, we are revising our rules to remove disincentives to pollution control and pollution prevention projects to the extent allowed under the CAA.

D. Implementation

1. How Do You Apply For and Receive a PCP Exclusion?

The process for obtaining a PCP Exclusion basically breaks down into two separate scenarios, depending on whether your proposed project is "listed" or "non-listed" as environmentally beneficial. Both processes are presented below.

a. What Is the Process You Must Follow for Projects Involving Listed PCPs?

Before you begin actual construction on your PCP, you must submit a notice to your reviewing authority that includes the following information (and depending on your reviewing authority's requirements, this information may be submitted with a part 70, part 71 or other SIP-approved permit application such as a minor NSR permit application): (1) A description of project; (2) an analysis of the environmentally beneficial nature of the PCP, including a projection of emissions increases and decreases (speciated, using an appropriate emissions test for the emissions unit); and (3) a demonstration that the project will not have an adverse air quality impact.

You may begin construction on the PCP immediately upon submitting your notice to the reviewing authority. However, if your reviewing authority determines that the source does not qualify for a PCP Exclusion, you may be subject to a delay in the project or an order to not undertake the project.

b. What Is the Process You Must Follow for Projects Involving Non-Listed PCPs?

For projects not listed in Table 2, on a case-by-case basis your reviewing authority must consider the net environmental benefit of a non-listed project and, within a reasonable amount

of time, act upon your request for the exclusion for a specific application. You must receive this approval from your reviewing authority before beginning actual construction of the PCP. Your reviewing authority will provide an opportunity for public review and comment prior to granting its approval for the PCP.

Your application for case-specific approval of a PCP Exclusion should have the same information as required above for a notice to use a listed technology. The only difference between the two processes is that the use of a listed technology allows you to commence construction on your PCP immediately after submitting your notice to the reviewing authority, whereas the use of a non-listed technology requires you to first submit an application to your reviewing authority and obtain its approval prior to construction of your PCP.

2. What Process Will We Follow To Add New Projects to the List of Environmentally Beneficial PCPs?

We will use notice and comment rulemaking procedures to add new projects to the list of PCPs that are presumed to be environmentally beneficial. We may take this action on our own initiative or you may petition us, if you believe there is a project that should be added to the list.

If you submit a petition to us requesting that a non-listed air pollution control technology (which includes pollution prevention or work practices) be determined environmentally beneficial and presumptively qualified for the PCP Exclusion, you should describe the anticipated emissions consequence of installing the PCP, both for primary and collateral pollutants. We will review your submittal within a reasonable amount of time. If we believe that the project should be added to the list, we will amend the list of approved PCPs through rulemaking. Once the rule has been amended, you may use a newly listed PCP if you proceed in accordance with the process for implementing the PCP Exclusion for listed PCPs. (See section VI.D.1.a.)

3. What Are Our Operational Expectations for an Excluded PCP?

By this rule, we are creating a general duty for all sources approved to use a PCP Exclusion. This general duty clause requires you to operate the PCP in a manner consistent with reasonable engineering practices and with the basic applicability requirements for the exclusion (*i.e.*, being environmentally beneficial and having no adverse air quality impacts). This means that you

have a legal responsibility to operate in a manner that is consistent with your analysis of the environmental benefits and air quality impacts analysis, and that you will minimize collateral pollutant increases within the physical configuration and operational standards usually associated with the emissions control device or strategy.

4. What Are the Implications of Not Complying With the PCP Exclusion Process?

The PCP Exclusion is a mechanism for bypassing the major NSR permitting requirements. If you do not comply with the steps necessary to qualify for the PCP Exclusion under the terms of the PCP provisions, you can become subject to major NSR.

VII. Listed Hazardous Air Pollutants

The 1990 Amendments to the CAA at section 112(b)(6) exempted HAP listed under section 112(b)(1) from the PSD requirements in part C. In our 1996 **Federal Register** Notice, we proposed changes to the regulations at §§ 51.166 and 52.21 to implement this exemption. Specifically, we proposed the following.

- The HAP listed in section 112(b)(1), as well as any pollutant that may be added to the list, are excluded from the PSD provisions of part C. These HAP include arsenic, asbestos, benzene, beryllium, mercury, radionuclides, and vinyl chloride, all of which were previously regulated under the PSD rules. This exemption applies to the provisions for major stationary sources in §§ 51.166(b)(2) and 52.21(b)(2), the significant levels in §§ 51.166(b)(23)(i) and 52.21(b)(23)(i), and the significant monitoring concentrations in §§ 51.166(i)(8) and 52.21(i)(8).

- Pollutants listed in regulations pursuant to section 112(r)(1), Accidental Release, are not excluded from the PSD provisions of part C.

- Any HAP listed in section 112(b)(1) that are regulated as constituents or precursors of a more general pollutant listed under section 108 are still subject to PSD, despite the exemption in section 112(b)(6).

- If a pollutant is removed from the list under the provisions of section 112(b)(3) of the Act, that pollutant would be subject to the applicable PSD requirements of part C if it is otherwise regulated under the Act.

- Pollutants regulated under the Act and not on the list of HAP, such as fluorides, TRS compounds, and sulfuric acid mist, continue to be regulated under PSD.

Public commenters generally agree that our proposal reflects the statutory requirements. Therefore, today we are

taking final action to promulgate these proposed provisions at §§ 51.166(b)(23)(i), 51.166(i)(8), 52.21(b)(23)(i), and 52.21(i)(8).

As today's regulations provide, the following pollutants currently regulated under the Act are subject to Federal PSD review and permitting requirements.

- CO
- NO_x
- SO₂
- PM and particulate matter less than 10 microns in diameter (PM-10)
- Ozone (VOC)
- Lead (Pb) (elemental)
- Fluorides (excluding hydrogen fluoride)
- Sulfuric acid mist
- H₂S
- TRS compounds (including H₂S)
- CFCs 11, 12, 112, 114, 115
- Halons 1211, 1301, 2402
- Municipal Waste Combustor (MWC) acid gases, MWC metals, and MWC organics
- ODS regulated under title VI

The PSD program applies automatically to newly regulated NSR pollutants, which would include final promulgation of an NSPS applicable to a previously unregulated pollutant.

As we indicated in our proposal package, CAA section 112(b)(7) states that elemental Pb (the named chemical) may not be listed by the Administrator as a HAP under section 112(b)(1). Therefore, because section 112(b)(6) exempts only the pollutants listed in section 112, elemental Pb emissions are not exempt from the Federal PSD requirements. Elemental Pb continues to be a criteria pollutant subject to the Pb NAAQS and other requirements of the Act. As proposed, we are also continuing to maintain that the reference to Pb in the regulations regarding the significant levels and significant monitoring concentrations covers the Pb portion of Pb compounds. See §§ 51.166(b)(23), 51.166(i)(8), 52.21(b)(23), and 52.21(i)(8). Otherwise, the word elemental might imply that only Pb that is not part of a Pb compound is covered.

One commenter requests that we amend the regulations to include a definition of pollutants regulated under the Act. We agree with the commenter that such a provision would clarify which pollutants are covered under the PSD program. Moreover, the nonattainment NSR rules at § 51.165 would also benefit from this clarity. Therefore, today's final regulations include a definition for regulated NSR pollutant. This new definition replaces the terminology "pollutants regulated under the Act."

The term "Regulated NSR pollutant" includes the following pollutants.

- NO_x or any VOC
- Any pollutant for which a NAAQS has been promulgated
- Any pollutant that is subject to any standard promulgated under section 111 of the Act
- Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act.

The new definition excludes HAPs listed in section 112 of the Act (including any pollutants that may be added to the list pursuant to section 112(b)(2) of the Act). However, when any pollutant listed under section 112 of the Act is also a constituent or precursor of a more general pollutant that is regulated under section 108 of the Act, that listed pollutant may be regulated under NSR but only as part of regulation of the general pollutant.

As we indicated in our proposal, State and local agencies with an approved PSD program may continue to regulate the HAP now exempted from Federal PSD by section 112(b)(6) if their PSD regulations provide an independent basis to do so. These State and local rules remain in effect unless they are revised to provide similar exemptions. Such provisions that are part of the SIP are federally enforceable.

Section 112(q) retains existing NESHAP regulations by specifying that any standard under section 112 in effect before the enactment of the 1990 Amendments remains in force. Therefore, the requirements of §§ 61.05 to 61.08, including preconstruction permitting requirements for new and modified sources subject to existing NESHAP regulations, are still applicable.

Pollutants listed under section 112(r) are not included in the definition of regulated NSR pollutant. As we proposed, substances regulated under section 112(r) may still be subject to PSD if they are regulated under other provisions of the Act. For example, even though H₂S is listed under section 112(r), it is still regulated under the Federal PSD provisions because it is regulated under the NSPS program in section 111. This means that the listing of a substance under section 112(r) does not exclude the substance from the Federal PSD provisions; the PSD provisions apply if the substance is otherwise regulated under the Act.

We are not taking final action on ambient impact concentrations or maximum allowable increases in pollutant concentrations as proposed in § 51.166(b)(23)(iv) and (v) and § 52.21(b)(23)(iv) and (v). Although

these provisions are included in the definition of significant, they do not relate to the new provisions for HAP. Instead, they concern Class I issues, which we have not taken final action on.

VIII. Effective Date for Today's Requirements

As discussed above, today we are changing the existing NSR requirements in five ways.

- Providing a new method for determining baseline actual emissions
- Adopting the actual-to-projected-actual methodology for determining whether a major modification has occurred
- Allowing major stationary sources to comply with PALs to avoid having a significant emissions increase that triggers the requirements of the major NSR program
- Providing new applicability provisions for emissions units that are designated Clean Units
- Excluding PCPs from the definition of "physical change or change in the method of operation"

Today's rules codify our longstanding policy for calculating the baseline actual emissions for EUSGUs, which is any consecutive 2 years in the past 5 years, or another more representative period. In today's final rules we are also including a new section that outlines how a major modification is determined under the various major NSR applicability options and clarifies where you will find the provisions in our revised rules.

All of these changes will take effect in the Federal PSD program (codified at § 52.21) on March 3, 2003. This means that these rules will apply on March 3, 2003, in any area without an approved PSD program, for which we are the reviewing authority, or for which we have delegated our authority to issue permits to a State or local reviewing authority.

To be approvable under the SIP, State and local agency programs implementing part C (PSD permit program in § 51.166) or part D (nonattainment NSR permit program in § 51.165) must include today's changes as minimum program elements. State and local agencies should assure that any program changes under §§ 51.165 and 51.166 are consistently accounted for in other SIP planning measures. State and local agencies must adopt and submit revisions to their part 51 permitting programs implementing these minimum program elements no later than January 2, 2006. That is, for both nonattainment and attainment

areas, the SIP revisions must be adopted and submitted within 3 years from today. The Act does not specify a date for submission of SIPs when we revise the PSD and NSR rules. We believe it is appropriate to establish a date analogous to the date for submission of new SIPs when a NAAQS is promulgated or revised. Under section 110(a)(1) of the Act, as amended in 1990, that date is 3 years from promulgation or revision of the NAAQS. Accordingly, we have established 3 years from today's revisions as the required date for submission of conforming SIP revisions. We have made conforming changes to the PSD regulations at § 51.166(a)(6)(i) to indicate that State and local agencies must adopt and submit plan revisions within 3 years after new amendments are published in the **Federal Register**.

In our 1996 proposed rule, we solicited comment on a new approach for implementing the applicability-related NSR improvements (*i.e.*, PALs, the Clean Unit provision, the PCP Exclusion, and provisions related to measuring emissions increases). We noted that the Agency in the past "has essentially required States to follow a single applicability methodology," but that "States could, of course, have a more stringent approach." 61 FR 38253. Instead of following this normal course, we proposed to establish the new applicability provisions as a "menu" of options. Under this approach, we would have allowed States to adopt into their NSR programs all, some, or none of the new provisions.

In today's final rule, we have decided not to implement the menu approach. We have opted instead to retain our longstanding approach of incorporating all of the new provisions into our "base" NSR program requirements, which are set forth in §§ 51.165, 51.166, and 52.24. The same provisions will be included in § 52.21, our own PSD permitting program. Our decision is based primarily on our belief that the NSR program will work better as a practical matter and will produce better environmental results if all five of the new applicability provisions are adopted and implemented. We and our stakeholders invested unprecedented amounts of time, energy, and resources in deciding how best to improve the NSR program. After well over a decade of sustained effort, we believe that we have found effective solutions to many of the program's most intractable problems. We hope that making the new provisions part of our base programs will provide incentive for these provisions to be adopted on a widespread basis.

Notably, even without the menu approach, State and local jurisdictions have significant freedom to customize their NSR programs. Ever since our current NSR regulations were adopted in 1980, we have taken the position that States may meet the requirements of part 51 "with different but equivalent regulations." 45 FR 52676. Several States have, indeed, implemented programs that work every bit as well as our own base programs, yet depart substantially from the basic framework established in our rules. A good example is Oregon, where the SIP-approved program requires all major sources to obtain plantwide permits not unlike the PALs that we are finalizing today. Oregon's program plainly illustrates that we have not implemented our base programs with a one-size-fits-all mentality and certainly do not have the goal of "preempting" State creativity or innovation.

Perhaps the biggest potential disadvantages to implementing the new applicability provisions as part of our base programs are the time and effort required to revise existing State programs and to have the revised programs approved as part of the SIP. For States that choose to adopt all of the new applicability provisions, we expect that the SIP approval process will be expeditious. Of course, the review and approval process will be more complicated for States that choose to adopt a program that differs from our base programs. For example, if a State decides it does not want to implement any of the new applicability provisions, that State will need to show that its existing program is at least as stringent as our revised base program. It would be impossible for us to plan ahead for all of the possible variations that States might ultimately elect to pursue. We will, however, reach out to relevant stakeholders immediately after publication of these rules and try to develop streamlined methods for addressing common questions that may arise during the SIP approval process.

IX. Administrative Requirements

A. Executive Order 12866—Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or

adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB has notified us that it considers this rule a "significant regulatory action." As such, this action was submitted to OMB for review.

B. Executive Order 13132—Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

This final rule does not have federalism implications. It 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, as specified in Executive Order 13132. While this final rule will result in some expenditures by the States, we expect those expenditures to be limited to \$331,250 per year. This figure includes the small increase in the burden imposed upon reviewing authorities in order for them to revise the State's SIP. However, these revisions provide greater operational flexibility to sources permitted by the States, which will in turn reduce the overall burden of the program on State and local authorities by reducing the number of required permit modifications. Thus, Executive Order 13132 does not apply to this rule. Nevertheless, in the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, we specifically

solicited comment on the proposed rule from State and local officials.

C. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” We believe that this final rule does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

EPA began considering potential revisions to the NSR rules in the early 1990’s and proposed changes in 1996. The purpose of today’s final rule is to add greater flexibility to the existing major NSR regulations. These changes will benefit both reviewing authorities and the regulated community by providing increased certainty as to when the requirements apply, and by providing alternative ways to comply with the requirements. Taken as a whole, today’s final rule should result in no added burden or compliance costs and should not substantially change the level of environmental performance achieved under the previous rules.

We anticipate that initially these changes will result in a small increase in the burden imposed upon reviewing authorities in order for them to be included in the State’s SIP, as well as other small increases in burden discussed under “Paperwork Reduction Act.” Nevertheless, these revisions will ultimately provide greater operational flexibility to sources permitted by the States, which will in turn reduce the overall burden of the program on State and local authorities by reducing the number of required permit modifications. In comparison, no tribal government currently has an approved tribal implementation plan (TIP) under the CAA to implement the NSR program. The Federal government is currently the NSR reviewing authority in Indian country, thus tribal governments should not experience added burden, nor should their laws be affected with respect to implementation of this rule. Additionally, although major stationary sources affected by today’s final rule could be located in or near Indian country and/or be owned or operated by tribal governments, such sources would not incur additional costs or compliance burdens as a result of this rule. Instead, the only effect on such sources should be the benefit of

the added certainty and flexibility provided by the rule.

We recognize the importance of including tribal consultation as part of the rulemaking process. Although we did not include specific consultation with tribal officials as part of our outreach process on this final rule, which was developed largely prior to issuance of Executive Order 13175 and which does not have tribal implications under Executive Order 13175, we will continue to consult with tribes on future rulemakings to assess and address tribal implications, and will work with tribes interested in seeking TIP approval to implement the NSR program to ensure consistency of tribal plans with this rule.

D. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be “economically significant” as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children because we believe that this package as a whole will result in equal or better environmental protection than currently provided by the existing regulations, and do so in a more streamlined and effective manner.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with “Federal mandates” that may

result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost effective or least burdensome alternative if the Administrator publishes with the final rule an explanation as to why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan.

The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

We have determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. Although initially these changes are expected to result in a small increase in the burden imposed upon reviewing authorities in order for them to be included in the State’s SIP, as well as other small increases in burden discussed under “Paperwork Reduction Act,” these revisions will ultimately provide greater operational flexibility to sources permitted by the States, which will in turn reduce the overall burden of the program on State and local authorities by reducing the number of required permit modifications. In addition, we believe the rule changes will actually reduce the regulatory burden associated with the major NSR program by improving the operational flexibility of owners and operators, improving the clarity of requirements, and providing alternatives that sources may take advantage of to further improve their operational flexibility. Thus, today’s rule is not subject to the requirements of sections 202 and 205 of the UMRA.

For the same reasons stated above, we have determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Thus, today's rule is not subject to the requirements of section 203 of the UMRA.

F. Regulatory Flexibility Analysis

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) Any small business employing fewer than 500 employees; (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's final rule on small entities, we have concluded that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the proposed rule on small entities." 5 U.S.C. 603 and 604. Thus, an agency may conclude that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect, on all of the small entities subject to the rule.

A Regulatory Flexibility Act Screening Analysis (RFASA), developed as part of a 1994 draft Regulatory Impact Analysis (RIA) and incorporated into the September 1995 ICR renewal analysis, showed that the changes to the NSR program due to the 1990 CAA Amendments would not have an adverse impact on small entities. This analysis encompassed the entire universe of applicable major sources that were likely to also be small businesses (approximately 50 "small business" major sources). Because the administrative burden of the NSR program is the primary source of the

NSR program's regulatory costs, the analysis estimated a negligible "cost to sales" (regulatory cost divided by the business category mean revenue) ratio for this source group. Currently, and as reported in the current ICR, there is no economic basis for a different conclusion.

We believe these rule changes will reduce the regulatory burden associated with the major NSR program for all sources, including all small businesses, by improving the operational flexibility of owners and operators, improving the clarity of requirements, and providing alternatives that sources may take advantage of to further improve their operational flexibility. As a result, the program changes provided in the final rule are not expected to result in any increases in expenditure by any small entity.

We have therefore concluded that today's final rule will relieve regulatory burden for all small entities.

G. Paperwork Reduction Act

The information collection requirements in this rule will be contained in two different Information Collection Requests (ICRs).

The Office of Management and Budget (OMB) has approved the information collection requirements contained under the provisions of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060-0003 (ICR 1230.10). The EPA prepared an ICR document (ICR No. 1230.10) extending the approval of the ICR for the promulgated NSR regulations on March 30, 2001. On October 29, 2001, OMB approved EPA's request for extension for 3 years until October 31, 2004. The OMB number for this approval is 2060-0003.

In addition to the existing ICR, the information collection requirements in this final rule have been submitted for approval to OMB under the requirements of the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* An ICR document has been prepared by EPA (ICR No. 2074.01), and a copy may be obtained from Susan Auby, U.S. Environmental Protection Agency, Office of Environmental Information, Collection Strategies Division (2822T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001, by e-mail at auby.susan@epa.gov, or by calling (202) 566-1672. A copy may also be downloaded off the Internet at <http://www.epa.gov/icr>. The information requirements included in ICR No. 2074.01 are not effective until OMB approves them.

The information that ICR No. 2074.01 covers is required for the submittal of a

complete permit application for the construction or modification of all major new stationary sources of pollutants in attainment and nonattainment areas, as well as for applicable minor stationary sources of pollutants. This information collection is necessary for the proper performance of EPA's functions, has practical utility, and is not unnecessarily duplicative of information we otherwise can reasonably access. We have reduced, to the extent practicable and appropriate, the burden on persons providing the information to or for EPA.

According to ICR No. 2074.01, as a result of the rule changes, the total 3-year burden change of the revised collection is estimated at about 219,741 hours at a total cost of \$7.7 million. The annual burden change to industry is about 64,287 hours at a cost of \$2.2 million. The annual burden change to reviewing agencies is about 8,960 hours at a cost of \$331,520. The total annual respondent change is 73,247 hours for a total respondent change in cost of \$2.6 million. These costs changes are based upon 62 PSD and 123 NSR non-utility sources (185 total); and 85 PSD and 169 NSR (254 total) sources, including utilities. For the number of respondent reviewing authorities, the analysis uses the 112 reviewing authorities count used by other permitting ICRs for the one-time tasks (for example, SIP revisions) and the appropriate source count for individual permit-related items (for example, attending pre-application meetings with the source). There is only one Federal source listed in the ICR.

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 purpose of responding to the information collection; adjust existing ways to comply with any previously applicable instructions and requirements; train personnel to respond to a collection of information; search existing data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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. We will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9

of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the *Paperwork Reduction Act* (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104-113, 12(d) (15 U.S.C. 272 *note*) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical.

Voluntary consensus standards are technical standards (for example, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. This final rule does not create new requirements but, rather, revises an existing permitting program by providing a series of program options that affected facilities may choose to adopt. These options will reduce the regulatory burden associated with the major NSR program by improving the operational flexibility of owners and operators, improving the clarity of requirements, and providing alternatives that sources may take advantage of to further improve their operational flexibility. Therefore, EPA did not consider the use of any voluntary consensus standards.

I. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule

cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). Nonetheless, the Agency has decided to provide an effective date that is 60 days after publication in the **Federal Register**. This rule will be effective March 3, 2003.

J. Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This rule is not a "significant energy action" as defined in Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Today's rule improves the ability of sources to undertake pollution prevention or energy efficiency projects, switch to less polluting fuels or raw materials, maintain the reliability of production facilities, and effectively utilize and improve existing capacity. The rule also includes a number of provisions to streamline administrative and permitting processes so that facilities can quickly accommodate changes in supply and demand. The regulations provide several alternatives that are specifically designed to reduce administrative burden for sources that use pollution prevention or energy efficient projects.

X. Statutory Authority

The statutory authority for this action is provided by sections 101, 112, 114, 116, and 301 of the Act as amended (42 U.S.C. 7401, 7412, 7414, 7416, and 7601). This rulemaking is also subject to section 307(d) of the Act (42 U.S.C. 7407(d)).

XI. Judicial Review

Under section 307(b)(1) of the Act, judicial review of this final rule is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by March 3, 2003. Any such judicial review is limited to only those objections that are raised with reasonable specificity in timely comments. Under section 307(b)(2) of the Act, the requirements that are the subject of this final rule may not be challenged later in civil or criminal proceedings brought by us to enforce these requirements.

List of Subjects

40 CFR Part 51

Environmental protection, Administrative practices and

procedures, Air pollution control, BACT, Baseline emissions, Carbon monoxide, Clean Units, Hydrocarbons, Intergovernmental relations, LAER, Lead, Major modifications, Nitrogen oxides, Ozone, Particular matter, Plantwide applicability limitations, Pollution control projects, Sulfur oxides.

40 CFR Part 52

Environmental protection, Administrative practices and procedures, Air pollution control, BACT, Baseline emissions, Carbon monoxide, Clean Units, Hydrocarbons, Intergovernmental relations, LAER, Lead, Major modifications, Nitrogen oxides, Ozone, Particulate matter, Plantwide applicability limitations, Pollution control projects, Sulfur oxides.

Dated: November 22, 2002.

Christine Todd Whitman,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 51—[Amended]

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

Authority: 23 U.S.C. 101; 42 U.S.C. 7401—7671 q.

Subpart I—[Amended]

2. In 40 CFR 51.165(a)(1)(i), remove the words "any air pollutant subject to regulation under the Act," and add, in their place, the words "a regulated NSR pollutant."

3. In addition to the amendments set forth above, in 40 CFR 51.165(a)(1)(iv)(A)(1), remove the words "pollutant subject to regulation under the Act" and add, in their place, the words "regulated NSR pollutant."

4. In addition to the amendments set forth above, § 51.165 is amended:

- a. By revising the introductory text in paragraph (a).
- b. By revising paragraphs (a)(1)(v)(A) and (B).
- c. By revising paragraph (a)(1)(v)(C)(8).
- d. By adding paragraph (a)(1)(v)(D).
- e. By revising paragraph (a)(1)(vi)(A).
- f. By revising paragraph (a)(1)(vi)(C).
- g. By revising paragraph (a)(1)(vi)(E)(2).
- h. By revising paragraph (a)(1)(vi)(E)(4).
- i. By adding paragraph (a)(1)(vi)(E)(5).
- j. By adding paragraph (a)(1)(vi)(G).
- k. By revising paragraph (a)(1)(vii).

- l. By revising paragraph (a)(1)(xii).
 m. By revising the introductory text in paragraph (a)(1)(xiii).
 n. By revising paragraph (a)(1)(xviii).
 o. By reserving paragraph (a)(1)(xxi).
 p. By revising paragraph (a)(1)(xxv).
 q. By adding paragraphs (a)(1)(xxvi) through (xl).
 r. By revising paragraph (a)(2).
 s. By adding paragraphs (a)(3)(ii)(H) through (J).
 t. By adding paragraphs (a)(6) through (7).
 u. By adding paragraphs (c) through (g).

The revisions and additions read as follows:

§ 51.165 Permit requirements.

(a) State Implementation Plan and Tribal Implementation Plan provisions satisfying sections 172(c)(5) and 173 of the Act shall meet the following conditions:

- (1) * * *
 (v) * * *

(A) *Major modification* means any physical change in or change in the method of operation of a major stationary source that would result in:

(1) A significant emissions increase of a regulated NSR pollutant (as defined in paragraph (a)(1)(xxvii) of this section); and

(2) A significant net emissions increase of that pollutant from the major stationary source.

(B) Any significant emissions increase (as defined in paragraph (a)(1)(xxvii) of this section) from any emissions units or net emissions increase (as defined in paragraph (a)(1)(vi) of this section) at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.

- (C) * * *

(8) The addition, replacement, or use of a PCP, as defined in paragraph (a)(1)(xxv) of this section, at an existing emissions unit meeting the requirements of paragraph (e) of this section. A replacement control technology must provide more effective emissions control than that of the replaced control technology to qualify for this exclusion.

* * * * *

(D) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under paragraph (f) of this section for a PAL for that pollutant. Instead, the definition at paragraph (f)(2)(viii) of this section shall apply.

(vi)(A) *Net emissions increase* means, with respect to any regulated NSR pollutant emitted by a major stationary

source, the amount by which the sum of the following exceeds zero:

(1) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to paragraph (a)(2)(ii) of this section; and

(2) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this paragraph (a)(1)(vi)(A)(2) shall be determined as provided in paragraph (a)(1)(xxxv) of this section, except that paragraphs (a)(1)(xxxv)(A)(3) and (a)(1)(xxxv)(B)(4) of this section shall not apply.

* * * * *

(C) An increase or decrease in actual emissions is creditable only if:

(1) It occurs within a reasonable period to be specified by the reviewing authority; and

(2) The reviewing authority has not relied on it in issuing a permit for the source under regulations approved pursuant to this section, which permit is in effect when the increase in actual emissions from the particular change occurs; and

(3) The increase or decrease in emissions did not occur at a Clean Unit, except as provided in paragraphs (c)(8) and (d)(10) of this section.

* * * * *

(E) * * *

(2) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins; and

* * * * *

(4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(5) The decrease in actual emissions did not result from the installation of add-on control technology or application of pollution prevention practices that were relied on in designating an emissions unit as a Clean Unit under 40 CFR 52.21(y) or under regulations approved pursuant to paragraph (d) of this section or § 51.166(u). That is, once an emissions unit has been designated as a Clean Unit, the owner or operator cannot later use the emissions reduction from the air pollution control measures that the Clean Unit designation is based on in calculating the net emissions increase for another emissions unit (*i.e.*, must not use that reduction in a "netting analysis" for another emissions unit). However, any new emissions reductions

that were not relied upon in a PCP excluded pursuant to paragraph (e) of this section or for a Clean Unit designation are creditable to the extent they meet the requirements in paragraphs (e)(6)(iv) of this section for the PCP and paragraphs (c)(8) or (d)(10) of this section for a Clean Unit.

* * * * *

(G) Paragraph (a)(1)(xii)(B) of this section shall not apply for determining creditable increases and decreases or after a change.

* * * * *

(vii) *Emissions unit* means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric steam generating unit as defined in paragraph (a)(1)(xx) of this section. For purposes of this section, there are two types of emissions units as described in paragraphs (a)(1)(vii)(A) and (B) of this section.

(A) A new emissions unit is any emissions unit which is (or will be) newly constructed and which has existed for less than 2 years from the date such emissions unit first operated.

(B) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (a)(1)(vii)(A) of this section.

* * * * *

(xii)(A) *Actual emissions* means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with paragraphs (a)(1)(xii)(B) through (D) of this section, except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under paragraph (f) of this section. Instead, paragraphs (a)(1)(xxviii) and (xxxv) of this section shall apply for those purposes.

(B) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The reviewing authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(C) The reviewing authority may presume that source-specific allowable

emissions for the unit are equivalent to the actual emissions of the unit.

(D) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(xiii) *Lowest achievable emission rate (LAER)* means, for any source, the more stringent rate of emissions based on the following: * * *

* * * * *

(xviii) *Construction* means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

* * * * *

(xxi) [Reserved]

* * * * *

(xxv) *Pollution control project (PCP)* means any activity, set of work practices or project (including pollution prevention as defined under paragraph (a)(1)(xxvi) of this section) undertaken at an existing emissions unit that reduces emissions of air pollutants from such unit. Such qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. Other changes that may occur at the source are not considered part of the PCP if they are not necessary to reduce emissions through the PCP. Projects listed in paragraphs (a)(1)(xxv)(A) through (F) of this section are presumed to be environmentally beneficial pursuant to paragraph (e)(2)(i) of this section. Projects not listed in these paragraphs may qualify for a case-specific PCP exclusion pursuant to the requirements of paragraphs (e)(2) and (e)(5) of this section.

(A) Conventional or advanced flue gas desulfurization or sorbent injection for control of SO₂.

(B) Electrostatic precipitators, baghouses, high efficiency multiclones, or scrubbers for control of particulate matter or other pollutants.

(C) Flue gas recirculation, low-NO_x burners or combustors, selective non-catalytic reduction, selective catalytic reduction, low emission combustion (for IC engines), and oxidation/absorption catalyst for control of NO_x.

(D) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, hydrocarbon combustion flares, biofiltration, absorbers and adsorbers, and floating roofs for storage vessels for control of volatile organic compounds or hazardous air pollutants. For the purpose of this section, "hydrocarbon combustion flare" means

either a flare used to comply with an applicable NSPS or MACT standard (including uses of flares during startup, shutdown, or malfunction permitted under such a standard), or a flare that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing no more than 230 mg/dscm hydrogen sulfide.

(E) Activities or projects undertaken to accommodate switching (or partially switching) to an inherently less polluting fuel, to be limited to the following fuel switches:

(1) Switching from a heavier grade of fuel oil to a lighter fuel oil, or any grade of oil to 0.05 percent sulfur diesel (*i.e.*, from a higher sulfur content #2 fuel or from #6 fuel, to CA 0.05 percent sulfur #2 diesel);

(2) Switching from coal, oil, or any solid fuel to natural gas, propane, or gasified coal;

(3) Switching from coal to wood, excluding construction or demolition waste, chemical or pesticide treated wood, and other forms of "unclean" wood;

(4) Switching from coal to #2 fuel oil (0.5 percent maximum sulfur content); and

(5) Switching from high sulfur coal to low sulfur coal (maximum 1.2 percent sulfur content).

(F) Activities or projects undertaken to accommodate switching from the use of one ozone depleting substance (ODS) to the use of a substance with a lower or zero ozone depletion potential (ODP), including changes to equipment needed to accommodate the activity or project, that meet the requirements of paragraphs (a)(1)(xxv)(F)(1) and (2) of this section.

(1) The productive capacity of the equipment is not increased as a result of the activity or project.

(2) The projected usage of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS. To make this determination, follow the procedure in paragraphs (a)(1)(xxv)(F)(2)(i) through (iv) of this section.

(i) Determine the ODP of the substances by consulting 40 CFR part 82, subpart A, appendices A and B.

(ii) Calculate the replaced ODP-weighted amount by multiplying the baseline actual usage (using the annualized average of any 24 consecutive months of usage within the past 10 years) by the ODP of the replaced ODS.

(iii) Calculate the projected ODP-weighted amount by multiplying the projected future annual usage of the new substance by its ODP.

(iv) If the value calculated in paragraph (a)(1)(xxv)(F)(2)(ii) of this section is more than the value calculated in paragraph (a)(1)(xxv)(F)(2)(iii) of this section, then the projected use of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS.

(xxvi) *Pollution prevention* means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.

(xxvii) *Significant emissions increase* means, for a regulated NSR pollutant, an increase in emissions that is significant (as defined in paragraph (a)(1)(x) of this section) for that pollutant.

(xxviii)(A) *Projected actual emissions* means, the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(B) In determining the projected actual emissions under paragraph (a)(1)(xxviii)(A) of this section before beginning actual construction, the owner or operator of the major stationary source:

(1) Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under the approved plan; and

(2) Shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions; and

(3) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the

baseline actual emissions under paragraph (a)(1)(xxxv) of this section and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or,

(4) In lieu of using the method set out in paragraphs (a)(1)(xxviii)(B)(1) through (3) of this section, may elect to use the emissions unit's potential to emit, in tons per year, as defined under paragraph (a)(1)(iii) of this section.

(xxix) *Clean Unit* means any emissions unit that has been issued a major NSR permit that requires compliance with BACT or LAER, that is complying with such BACT/LAER requirements, and qualifies as a Clean Unit pursuant to regulations approved by the Administrator in accordance with paragraph (c) of this section; or any emissions unit that has been designated by a reviewing authority as a Clean Unit, based on the criteria in paragraphs (d)(3)(i) through (iv) of this section, using a plan-approved permitting process; or any emissions unit that has been designated as a Clean Unit by the Administrator in accordance with § 52.21(y)(3)(i) through (iv) of this chapter.

(xxx) *Nonattainment major new source review (NSR) program* means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of this section, or a program that implements part 51, appendix S, Sections I through VI of this chapter. Any permit issued under such a program is a major NSR permit.

(xxxi) *Continuous emissions monitoring system (CEMS)* means all of the equipment that may be required to meet the data acquisition and availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

(xxxii) *Predictive emissions monitoring system (PEMS)* means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

(xxxiii) *Continuous parameter monitoring system (CPMS)* means all of the equipment necessary to meet the data acquisition and availability requirements of this section, to monitor process and control device operational parameters (for example, control device secondary voltages and electric

currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and to record average operational parameter value(s) on a continuous basis.

(xxxiv) *Continuous emissions rate monitoring system (CERMS)* means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

(xxxv) *Baseline actual emissions* means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with paragraphs (a)(1)(xxxv)(A) through (D) of this section.

(A) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The reviewing authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(1) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(2) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

(3) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(4) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (a)(1)(xxxv)(A)(2) of this section.

(B) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately

preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the reviewing authority for a permit required either under this section or under a plan approved by the Administrator, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.

(1) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(2) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(3) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under part 63 of this chapter, the baseline actual emissions need only be adjusted if the State has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of paragraph (a)(3)(ii)(G) of this section.

(4) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used For each regulated NSR pollutant.

(5) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraphs (a)(1)(xxxv)(B)(2) and (3) of this section.

(C) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

(D) For a PAL for a major stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph (a)(1)(xxxv)(A) of this section, for other existing emissions units in accordance with the procedures contained in paragraph (a)(1)(xxxv)(B) of this section, and for a new emissions unit in accordance with the procedures contained in paragraph (a)(1)(xxxv)(C) of this section.

(xxxvi) [Reserved]

(xxxvii) *Regulated NSR pollutant*, for purposes of this section, means the following:

(A) Nitrogen oxides or any volatile organic compounds;

(B) Any pollutant for which a national ambient air quality standard has been promulgated; or

(C) Any pollutant that is a constituent or precursor of a general pollutant listed under paragraphs (a)(1)(xxxvii)(A) or (B) of this section, provided that a constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant.

(xxxviii) *Reviewing authority* means the State air pollution control agency, local agency, other State agency, Indian tribe, or other agency authorized by the Administrator to carry out a permit program under this section and § 51.166, or the Administrator in the case of EPA-implemented permit programs under § 52.21.

(xxxix) *Project* means a physical change in, or change in the method of operation of, an existing major stationary source.

(XL) *Best available control technology (BACT)* means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the reviewing authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR part 60 or 61. If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular emissions

unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

(XLi) *Prevention of Significant Deterioration (PSD) permit* means any permit that is issued under a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of § 51.166 of this chapter, or under the program in § 52.21 of this chapter.

(XLii) *Federal Land Manager* means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(2) *Applicability procedures.* (i) Each plan shall adopt a preconstruction review program to satisfy the requirements of sections 172(c)(5) and 173 of the Act for any area designated nonattainment for any national ambient air quality standard under subpart C of 40 CFR part 81. Such a program shall apply to any new major stationary source or major modification that is major for the pollutant for which the area is designated nonattainment under section 107(d)(1)(A)(i) of the Act, if the stationary source or modification would locate anywhere in the designated nonattainment area.

(ii) Each plan shall use the specific provisions of paragraphs (a)(2)(ii)(A) through (F) of this section. Deviations from these provisions will be approved only if the State specifically demonstrates that the submitted provisions are more stringent than or at least as stringent in all respects as the corresponding provisions in paragraphs (a)(2)(ii)(A) through (F) of this section.

(A) Except as otherwise provided in paragraphs (a)(2)(iii) and (iv) of this section, and consistent with the definition of major modification contained in paragraph (a)(1)(v)(A) of this section, a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases—a significant emissions increase (as defined in paragraph (a)(1)(xxvii) of this section), and a significant net emissions increase (as defined in paragraphs (a)(1)(vi) and (x) of this section). The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions

increase, then the project is a major modification only if it also results in a significant net emissions increase.

(B) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (*i.e.*, the first step of the process) will occur depends upon the type of emissions units being modified, according to paragraphs (a)(2)(ii)(C) through (F) of this section. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (*i.e.*, the second step of the process) is contained in the definition in paragraph (a)(1)(vi) of this section. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(C) *Actual-to-projected-actual applicability test for projects that only involve existing emissions units.* A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions (as defined in paragraph (a)(1)(xxviii) of this section) and the baseline actual emissions (as defined in paragraphs (a)(1)(xxxv)(A) and (B) of this section, as applicable), for each existing emissions unit, equals or exceeds the significant amount for that pollutant (as defined in paragraph (a)(1)(x) of this section).

(D) *Actual-to-potential test for projects that only involve construction of a new emissions unit(s).* A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit (as defined in paragraph (a)(1)(iii) of this section) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in paragraph (a)(1)(xxxv)(C) of this section) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in paragraph (a)(1)(x) of this section).

(E) *Emission test for projects that involve Clean Units.* For a project that will be constructed and operated at a Clean Unit without causing the emissions unit to lose its Clean Unit designation, no emissions increase is deemed to occur.

(F) *Hybrid test for projects that involve multiple types of emissions units.* A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (a)(2)(ii)(C) through (E) of this section as applicable with respect to each

emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in paragraph (a)(1)(x) of this section). For example, if a project involves both an existing emissions unit and a Clean Unit, the projected increase is determined by summing the values determined using the method specified in paragraph (a)(2)(ii)(C) of this section for the existing unit and using the method specified in paragraph (a)(2)(ii)(E) of this section for the Clean Unit.

(iii) The plan shall require that for any major stationary source for a PAL for a regulated NSR pollutant, the major stationary source shall comply with requirements under paragraph (f) of this section.

(iv) The plan shall require that an owner or operator undertaking a PCP (as defined in paragraph (a)(1)(xxv) of this section) shall comply with the requirements under paragraph (e) of this section.

(3) * * *

(ii) * * *

(H) Decreases in actual emissions resulting from the installation of add-on control technology or application of pollution prevention measures that were relied upon in designating an emissions unit as a Clean Unit or a project as a PCP cannot be used as offsets.

(I) Decreases in actual emissions occurring at a Clean Unit cannot be used as offsets, except as provided in paragraphs (c)(8) and (d)(10) of this section. Similarly, decreases in actual emissions occurring at a PCP cannot be used as offsets, except as provided in paragraph (e)(6)(iv) of this section.

(J) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset in accordance with section 173 of the Act shall be determined by summing the difference between the allowable emissions after the modification (as defined by paragraph (a)(1)(xi) of this section) and the actual emissions before the modification (as defined in paragraph (a)(1)(xii) of this section) for each emissions unit.

* * * * *

(6) Each plan shall provide that the following specific provisions apply to projects at existing emissions units at a major stationary source (other than projects at a Clean Unit or at a source with a PAL) in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in paragraphs

(a)(1)(xxviii)(B)(1) through (3) of this section for calculating projected actual emissions. Deviations from these provisions will be approved only if the State specifically demonstrates that the submitted provisions are more stringent than or at least as stringent in all respects as the corresponding provisions in paragraphs (a)(6)(i) through (v) of this section.

(i) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(A) A description of the project;

(B) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(C) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (a)(1)(xxviii)(B)(3) of this section and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(ii) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (a)(6)(i) of this section to the reviewing authority. Nothing in this paragraph (a)(6)(ii) shall be construed to require the owner or operator of such a unit to obtain any determination from the reviewing authority before beginning actual construction.

(iii) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions units identified in paragraph (a)(6)(i)(B) of this section; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.

(iv) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the reviewing authority within 60 days after the end of each year during which records must be generated under paragraph (a)(6)(iii) of this section setting out the unit's annual emissions during the year that preceded submission of the report.

(v) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the reviewing authority if the annual emissions, in tons per year, from the project identified in paragraph (a)(6)(i) of this section, exceed the baseline actual emissions (as documented and maintained pursuant to paragraph (a)(6)(i)(C) of this section, by a significant amount (as defined in paragraph (a)(1)(x) of this section) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph (a)(6)(i)(C) of this section. Such report shall be submitted to the reviewing authority within 60 days after the end of such year. The report shall contain the following:

(A) The name, address and telephone number of the major stationary source;

(B) The annual emissions as calculated pursuant to paragraph (a)(6)(iii) of this section; and

(C) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

(7) Each plan shall provide that the owner or operator of the source shall make the information required to be documented and maintained pursuant to paragraph (a)(6) of this section available for review upon a request for inspection by the reviewing authority or the general public pursuant to the requirements contained in § 70.4(b)(3)(viii) of this chapter.

* * * * *

(c) *Clean Unit Test for emissions units that are subject to LAER.* The plan shall provide an owner or operator of a major stationary source the option of using the Clean Unit Test to determine whether emissions increases at a Clean Unit are part of a project that is a major modification according to the provisions in paragraphs (c)(1) through (9) of this section.

(1) *Applicability.* The provisions of this paragraph (c) apply to any emissions unit for which the reviewing authority has issued a major NSR permit within the past 10 years.

(2) *General provisions for Clean Units.* The provisions in paragraphs (c)(2)(i) through (v) of this section apply to a Clean Unit.

(i) Any project for which the owner or operator begins actual construction after the effective date of the Clean Unit designation (as determined in accordance with paragraph (c)(4) of this section) and before the expiration date (as determined in accordance with

paragraph (c)(5) of this section) will be considered to have occurred while the emissions unit was a Clean Unit.

(ii) If a project at a Clean Unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with LAER and the project would not alter any physical or operational characteristics that formed the basis for the LAER determination as specified in paragraph (c)(6)(iv) of this section, the emissions unit remains a Clean Unit.

(iii) If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with LAER or the project would alter any physical or operational characteristics that formed the basis for the LAER determination as specified in paragraph (c)(6)(iv) of this section, then the emissions unit loses its designation as a Clean Unit upon issuance of the necessary permit revisions (unless the unit requalifies as a Clean Unit pursuant to paragraph (c)(3)(iii) of this section). If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the Clean Unit designation ends immediately prior to the time when actual construction begins.

(iv) A project that causes an emissions unit to lose its designation as a Clean Unit is subject to the applicability requirements of paragraphs (a)(2)(ii)(A) through (D) and paragraph (a)(2)(ii)(F) of this section as if the emissions unit is not a Clean Unit.

(v) *Certain Emissions Units with PSD permits.* For emissions units that meet the requirements of paragraphs (c)(2)(v)(A) and (B) of this section, the BACT level of emissions reductions and/or work practice requirements shall satisfy the requirement for LAER in meeting the requirements for Clean Units under paragraphs (c)(3) through (8) of this section. For these emissions units, all requirements for the LAER determination under paragraphs (c)(2)(ii) and (iii) of this section shall also apply to the BACT permit terms and conditions. In addition, the requirements of paragraph (c)(7)(i)(B) of this section do not apply to emissions units that qualify for Clean Unit status under this paragraph (c)(2)(v).

(A) The emissions unit must have received a PSD permit within the last 10 years and such permit must require the emissions unit to comply with BACT.

(B) The emissions unit must be located in an area that was redesignated as nonattainment for the relevant pollutant(s) after issuance of the PSD permit and before the effective date of

the Clean Unit Test provisions in the area.

(3) *Qualifying or re-qualifying to use the Clean Unit applicability test.* An emissions unit automatically qualifies as a Clean Unit when the unit meets the criteria in paragraphs (c)(3)(i) and (ii) of this section. After the original Clean Unit designation expires in accordance with paragraph (c)(5) of this section or is lost pursuant to paragraph (c)(2)(iii) of this section, such emissions unit may re-qualify as a Clean Unit under either paragraph (c)(3)(iii) of this section, or under the Clean Unit provisions in paragraph (d) of this section. To re-qualify as a Clean Unit under paragraph (c)(3)(iii) of this section, the emissions unit must obtain a new major NSR permit issued through the applicable nonattainment major NSR program and meet all the criteria in paragraph (c)(3)(iii) of this section. Clean Unit designation applies individually for each pollutant emitted by the emissions unit.

(i) *Permitting requirement.* The emissions unit must have received a major NSR permit within the past 10 years. The owner or operator must maintain and be able to provide information that would demonstrate that this permitting requirement is met.

(ii) *Qualifying air pollution control technologies.* Air pollutant emissions from the emissions unit must be reduced through the use of an air pollution control technology (which includes pollution prevention as defined under paragraph (a)(1)(xxvi) of this section or work practices) that meets both the following requirements in paragraphs (c)(3)(ii)(A) and (B) of this section.

(A) The control technology achieves the LAER level of emissions reductions as determined through issuance of a major NSR permit within the past 10 years. However, the emissions unit is not eligible for Clean Unit designation if the LAER determination resulted in no requirement to reduce emissions below the level of a standard, uncontrolled, new emissions unit of the same type.

(B) The owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or expenses to apply a pollution prevention technique to an emissions unit.

(iii) *Re-qualifying for the Clean Unit designation.* The emissions unit must obtain a new major NSR permit that requires compliance with the current-day LAER, and the emissions unit must

meet the requirements in paragraphs (c)(3)(i) and (c)(3)(ii) of this section.

(4) *Effective date of the Clean Unit designation.* The effective date of an emissions unit's Clean Unit designation (that is, the date on which the owner or operator may begin to use the Clean Unit Test to determine whether a project at the emissions unit is a major modification) is determined according to the applicable paragraph (c)(4)(i) or (c)(4)(ii) of this section.

(i) *Original Clean Unit designation, and emissions units that re-qualify as Clean Units by implementing a new control technology to meet current-day LAER.* The effective date is the date the emissions unit's air pollution control technology is placed into service, or 3 years after the issuance date of the major NSR permit, whichever is earlier, but no sooner than the date that provisions for the Clean Unit applicability test are approved by the Administrator for incorporation into the plan and become effective for the State in which the unit is located.

(ii) *Emissions units that re-qualify for the Clean Unit designation using an existing control technology.* The effective date is the date the new, major NSR permit is issued.

(5) *Clean Unit expiration.* An emissions unit's Clean Unit designation expires (that is, the date on which the owner or operator may no longer use the Clean Unit Test to determine whether a project affecting the emissions unit is, or is part of, a major modification) according to the applicable paragraph (c)(5)(i) or (ii) of this section.

(i) *Original Clean Unit designation, and emissions units that re-qualify by implementing new control technology to meet current-day LAER.* For any emissions unit that automatically qualifies as a Clean Unit under paragraphs (c)(3)(i) and (ii) of this section, the Clean Unit designation expires 10 years after the effective date, or the date the equipment went into service, whichever is earlier; or, it expires at any time the owner or operator fails to comply with the provisions for maintaining Clean Unit designation in paragraph (c)(7) of this section.

(ii) *Emissions units that re-qualify for the Clean Unit designation using an existing control technology.* For any emissions unit that re-qualifies as a Clean Unit under paragraph (c)(3)(iii) of this section, the Clean Unit designation expires 10 years after the effective date; or, it expires any time the owner or operator fails to comply with the provisions for maintaining the Clean Unit Designation in paragraph (c)(7) of this section.

(6) *Required title V permit content for a Clean Unit.* After the effective date of the Clean Unit designation, and in accordance with the provisions of the applicable title V permit program under part 70 or part 71 of this chapter, but no later than when the title V permit is renewed, the title V permit for the major stationary source must include the following terms and conditions in paragraphs (c)(6)(i) through (vi) of this section related to the Clean Unit.

(i) A statement indicating that the emissions unit qualifies as a Clean Unit and identifying the pollutant(s) for which this Clean Unit designation applies.

(ii) *The effective date of the Clean Unit designation.* If this date is not known when the Clean Unit designation is initially recorded in the title V permit (e.g., because the air pollution control technology is not yet in service), the permit must describe the event that will determine the effective date (e.g., the date the control technology is placed into service). Once the effective date is determined, the owner or operator must notify the reviewing authority of the exact date. This specific effective date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iii) *The expiration date of the Clean Unit designation.* If this date is not known when the Clean Unit designation is initially recorded into the title V permit (e.g., because the air pollution control technology is not yet in service), then the permit must describe the event that will determine the expiration date (e.g., the date the control technology is placed into service). Once the expiration date is determined, the owner or operator must notify the reviewing authority of the exact date. The expiration date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iv) All emission limitations and work practice requirements adopted in conjunction with the LAER, and any physical or operational characteristics that formed the basis for the LAER determination (e.g., possibly the emissions unit's capacity or throughput).

(v) Monitoring, recordkeeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for

maintaining the Clean Unit designation. (See paragraph (c)(7) of this section.)

(vi) Terms reflecting the owner or operator's duties to maintain the Clean Unit designation and the consequences of failing to do so, as presented in paragraph (c)(7) of this section.

(7) *Maintaining the Clean Unit designation.* To maintain the Clean Unit designation, the owner or operator must conform to all the restrictions listed in paragraphs (c)(7)(i) through (iii) of this section. This paragraph (c)(7) applies independently to each pollutant for which the emissions unit has the Clean Unit designation. That is, failing to conform to the restrictions for one pollutant affects Clean Unit designation only for that pollutant.

(i) The Clean Unit must comply with the emission limitation(s) and/or work practice requirements adopted in conjunction with the LAER that is recorded in the major NSR permit, and subsequently reflected in the title V permit.

(A) The owner or operator may not make a physical change in or change in the method of operation of the Clean Unit that causes the emissions unit to function in a manner that is inconsistent with the physical or operational characteristics that formed the basis for the LAER determination (e.g., possibly the emissions unit's capacity or throughput).

(B) The Clean Unit may not emit above a level that has been offset.

(ii) The Clean Unit must comply with any terms and conditions in the title V permit related to the unit's Clean Unit designation.

(iii) The Clean Unit must continue to control emissions using the specific air pollution control technology that was the basis for its Clean Unit designation. If the emissions unit or control technology is replaced, then the Clean Unit designation ends.

(8) *Offsets and netting at Clean Units.* Emissions changes that occur at a Clean Unit must not be included in calculating a significant net emissions increase (that is, must not be used in a "netting analysis"), or be used for generating offsets unless such use occurs before the effective date of the Clean Unit designation, or after the Clean Unit designation expires; or, unless the emissions unit reduces emissions below the level that qualified the unit as a Clean Unit. However, if the Clean Unit reduces emissions below the level that qualified the unit as a Clean Unit, then, the owner or operator may generate a credit for the difference between the level that qualified the unit as a Clean Unit and the new emission limitation if such reductions are surplus,

quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(9) *Effect of redesignation on the Clean Unit designation.* The Clean Unit designation of an emissions unit is not affected by redesignation of the attainment status of the area in which it is located. That is, if a Clean Unit is located in an attainment area and the area is redesignated to nonattainment, its Clean Unit designation is not affected. Similarly, redesignation from nonattainment to attainment does not affect the Clean Unit designation. However, if an existing Clean Unit designation expires, it must re-qualify under the requirements that are currently applicable in the area.

(d) *Clean Unit provisions for emissions units that achieve an emission limitation comparable to LAER.* The plan shall provide an owner or operator of a major stationary source the option of using the Clean Unit Test to determine whether emissions increases at a Clean Unit are part of a project that is a major modification according to the provisions in paragraphs (d)(1) through (11) of this section.

(1) *Applicability.* The provisions of this paragraph (d) apply to emissions units which do not qualify as Clean Units under paragraph (c) of this section, but which are achieving a level of emissions control comparable to LAER, as determined by the reviewing authority in accordance with this paragraph (d).

(2) *General provisions for Clean Units.* The provisions in paragraphs (d)(2)(i) through (iv) of this section apply to a Clean Unit (designated under this paragraph (d)).

(i) Any project for which the owner or operator begins actual construction after the effective date of the Clean Unit designation (as determined in accordance with paragraph (d)(5) of this section) and before the expiration date (as determined in accordance with paragraph (d)(6) of this section) will be considered to have occurred while the emissions unit was a Clean Unit.

(ii) If a project at a Clean Unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that have been determined (pursuant to paragraph (d)(4) of this section) to be comparable to LAER, and the project would not alter any physical or operational characteristics that formed

the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to LAER as specified in paragraph (d)(8)(iv) of this section, the emissions unit remains a Clean Unit.

(iii) If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that have been determined (pursuant to paragraph (d)(4) of this section) to be comparable to LAER, or the project would alter any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to LAER as specified in paragraph (d)(8)(iv) of this section, then the emissions unit loses its designation as a Clean Unit upon issuance of the necessary permit revisions (unless the unit re-qualifies as a Clean Unit pursuant to paragraph (d)(3)(iv) of this section). If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the Clean Unit designation ends immediately prior to the time when actual construction begins.

(iv) A project that causes an emissions unit to lose its designation as a Clean Unit is subject to the applicability requirements of paragraphs (a)(2)(ii)(A) through (D) and paragraph (a)(2)(ii)(F) of this section as if the emissions unit were never a Clean Unit.

(3) *Qualifying or re-qualifying to use the Clean Unit applicability test.* An emissions unit qualifies as a Clean Unit when the unit meets the criteria in paragraphs (d)(3)(i) through (iii) of this section. After the original Clean Unit designation expires in accordance with paragraph (d)(6) of this section or is lost pursuant to paragraph (d)(2)(iii) of this section, such emissions unit may re-qualify as a Clean Unit under either paragraph (d)(3)(iv) of this section, or under the Clean Unit provisions in paragraph (c) of this section. To re-qualify as a Clean Unit under paragraph (d)(3)(iv) of this section, the emissions unit must obtain a new permit issued pursuant to the requirements in paragraphs (d)(7) and (8) of this section and meet all the criteria in paragraph (d)(3)(iv) of this section. The reviewing authority will make a separate Clean Unit designation for each pollutant emitted by the emissions unit for which the emissions unit qualifies as a Clean Unit.

(i) *Qualifying air pollution control technologies.* Air pollutant emissions from the emissions unit must be reduced through the use of air pollution control technology (which includes

pollution prevention as defined under paragraph (a)(1)(xxvi) of this section or work practices) that meets both the following requirements in paragraphs (d)(3)(i)(A) and (B) of this section.

(A) The owner or operator has demonstrated that the emissions unit's control technology is comparable to LAER according to the requirements of paragraph (d)(4) of this section. However, the emissions unit is not eligible for the Clean Unit designation if its emissions are not reduced below the level of a standard, uncontrolled emissions unit of the same type (e.g., if the LAER determinations to which it is compared have resulted in a determination that no control measures are required).

(B) The owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or to retrofit the unit to apply a pollution prevention technique.

(ii) *Impact of emissions from the unit.* The reviewing authority must determine that the allowable emissions from the emissions unit will not cause or contribute to a violation of any national ambient air quality standard or PSD increment, or adversely impact an air quality related value (such as visibility) that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(iii) *Date of installation.* An emissions unit may qualify as a Clean Unit even if the control technology, on which the Clean Unit designation is based, was installed before the effective date of plan requirements to implement the requirements of this paragraph (d)(3)(iii). However, for such emissions units, the owner or operator must apply for the Clean Unit designation within 2 years after the plan requirements become effective. For technologies installed after the plan requirements become effective, the owner or operator must apply for the Clean Unit designation at the time the control technology is installed.

(iv) *Re-qualifying as a Clean Unit.* The emissions unit must obtain a new permit (pursuant to requirements in paragraphs (d)(7) and (8) of this section) that demonstrates that the emissions unit's control technology is achieving a level of emission control comparable to current-day LAER, and the emissions unit must meet the requirements in paragraphs (d)(3)(i)(A) and (d)(3)(ii) of this section.

(4) *Demonstrating control effectiveness comparable to LAER.* The

owner or operator may demonstrate that the emissions unit's control technology is comparable to LAER for purposes of paragraph (d)(3)(i) of this section according to either paragraph (d)(4)(i) or (ii) of this section. Paragraph (d)(4)(iii) of this section specifies the time for making this comparison.

(i) *Comparison to previous LAER determinations.* The administrator maintains an on-line data base of previous determinations of RACT, BACT, and LAER in the RACT/BACT/LAER Clearinghouse (RBLC). The emissions unit's control technology is presumed to be comparable to LAER if it achieves an emission limitation that is at least as stringent as any one of the five best-performing similar sources for which a LAER determination has been made within the preceding 5 years, and for which information has been entered into the RBLC. The reviewing authority shall also compare this presumption to any additional LAER determinations of which it is aware, and shall consider any information on achieved-in-practice pollution control technologies provided during the public comment period, to determine whether any presumptive determination that the control technology is comparable to LAER is correct.

(ii) *The substantially-as-effective test.* The owner or operator may demonstrate that the emissions unit's control technology is substantially as effective as LAER. In addition, any other person may present evidence related to whether the control technology is substantially as effective as LAER during the public participation process required under paragraph (d)(7) of this section. The reviewing authority shall consider such evidence on a case-by-case basis and determine whether the emissions unit's air pollution control technology is substantially as effective as LAER.

(iii) *Time of comparison.*
(A) *Emissions units with control technologies that are installed before the effective date of plan requirements implementing this paragraph.* The owner or operator of an emissions unit whose control technology is installed before the effective date of plan requirements implementing this paragraph (d) may, at its option, either demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to the LAER requirements that applied at the time the control technology was installed, or demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to current-day LAER requirements. The expiration date of the Clean Unit designation will depend on which option the owner or

operator uses, as specified in paragraph (d)(6) of this section.

(B) *Emissions units with control technologies that are installed after the effective date of plan requirements implementing this paragraph.* The owner or operator must demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to current-day LAER requirements.

(5) *Effective date of the Clean Unit designation.* The effective date of an emissions unit's Clean Unit designation (that is, the date on which the owner or operator may begin to use the Clean Unit Test to determine whether a project involving the emissions unit is a major modification) is the date that the permit required by paragraph (d)(7) of this section is issued or the date that the emissions unit's air pollution control technology is placed into service, whichever is later.

(6) *Clean Unit expiration.* If the owner or operator demonstrates that the emission limitation achieved by the emissions unit's control technology is comparable to the LAER requirements that applied at the time the control technology was installed, then the Clean Unit designation expires 10 years from the date that the control technology was installed. For all other emissions units, the Clean Unit designation expires 10 years from the effective date of the Clean Unit designation, as determined according to paragraph (d)(5) of this section. In addition, for all emissions units, the Clean Unit designation expires any time the owner or operator fails to comply with the provisions for maintaining the Clean Unit designation in paragraph (d)(9) of this section.

(7) *Procedures for designating emissions units as Clean Units.* The reviewing authority shall designate an emissions unit a Clean Unit only by issuing a permit through a permitting program that has been approved by the Administrator and that conforms with the requirements of §§ 51.160 through 51.164 of this chapter including requirements for public notice of the proposed Clean Unit designation and opportunity for public comment. Such permit must also meet the requirements in paragraph (d)(8).

(8) *Required permit content.* The permit required by paragraph (d)(7) of this section shall include the terms and conditions set forth in paragraphs (d)(8)(i) through (vi) of this section. Such terms and conditions shall be incorporated into the major stationary source's title V permit in accordance with the provisions of the applicable title V permit program under part 70 or

part 71 of this chapter, but no later than when the title V permit is renewed.

(i) A statement indicating that the emissions unit qualifies as a Clean Unit and identifying the pollutant(s) for which this designation applies.

(ii) *The effective date of the Clean Unit designation.* If this date is not known when the reviewing authority issues the permit (e.g., because the air pollution control technology is not yet in service), then the permit must describe the event that will determine the effective date (e.g., the date the control technology is placed into service). Once the effective date is known, then the owner or operator must notify the reviewing authority of the exact date. This specific effective date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iii) *The expiration date of the Clean Unit designation.* If this date is not known when the reviewing authority issues the permit (e.g., because the air pollution control technology is not yet in service), then the permit must describe the event that will determine the expiration date (e.g., the date the control technology is placed into service). Once the expiration date is known, then the owner or operator must notify the reviewing authority of the exact date. The expiration date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iv) All emission limitations and work practice requirements adopted in conjunction with emission limitations necessary to assure that the control technology continues to achieve an emission limitation comparable to LAER, and any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to LAER (e.g., possibly the emissions unit's capacity or throughput).

(v) Monitoring, recordkeeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for maintaining its Clean Unit designation. (See paragraph (d)(9) of this section.)

(vi) Terms reflecting the owner or operator's duties to maintain the Clean Unit designation and the consequences of failing to do so, as presented in paragraph (d)(9) of this section.

(9) *Maintaining Clean Unit designation.* To maintain Clean Unit designation, the owner or operator must conform to all the restrictions listed in paragraphs (d)(9)(i) through (v) of this section. This paragraph (d)(9) applies independently to each pollutant for which the reviewing authority has designated the emissions unit a Clean Unit. That is, failing to conform to the restrictions for one pollutant affects the Clean Unit designation only for that pollutant.

(i) The Clean Unit must comply with the emission limitation(s) and/or work practice requirements adopted to ensure that the control technology continues to achieve emission control comparable to LAER.

(ii) The owner or operator may not make a physical change in or change in the method of operation of the Clean Unit that causes the emissions unit to function in a manner that is inconsistent with the physical or operational characteristics that formed the basis for the determination that the control technology is achieving a level of emission control that is comparable to LAER (e.g., possibly the emissions unit's capacity or throughput).

(iii) The Clean Unit may not emit above a level that has been offset.

(iv) The Clean Unit must comply with any terms and conditions in the title V permit related to the unit's Clean Unit designation.

(v) The Clean Unit must continue to control emissions using the specific air pollution control technology that was the basis for its Clean Unit designation. If the emissions unit or control technology is replaced, then the Clean Unit designation ends.

(10) *Offsets and Netting at Clean Units.* Emissions changes that occur at a Clean Unit must not be included in calculating a significant net emissions increase (that is, must not be used in a "netting analysis"), or be used for generating offsets unless such use occurs before the effective date of plan requirements adopted to implement this paragraph (d) or after the Clean Unit designation expires; or, unless the emissions unit reduces emissions below the level that qualified the unit as a Clean Unit. However, if the Clean Unit reduces emissions below the level that qualified the unit as a Clean Unit, then the owner or operator may generate a credit for the difference between the level that qualified the unit as a Clean Unit and the emissions unit's new emission limitation if such reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of

determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(11) *Effect of redesignation on the Clean Unit designation.* The Clean Unit designation of an emissions unit is not affected by redesignation of the attainment status of the area in which it is located. That is, if a Clean Unit is located in an attainment area and the area is redesignated to nonattainment, its Clean Unit designation is not affected. Similarly, redesignation from nonattainment to attainment does not affect the Clean Unit designation. However, if a Clean Unit's designation expires or is lost pursuant to paragraphs (c)(2)(iii) and (d)(2)(iii) of this section, it must re-qualify under the requirements that are currently applicable.

(e) *PCP exclusion procedural requirements.* Each plan shall include provisions for PCPs equivalent to those contained in paragraphs (e)(1) through (6) of this section.

(1) Before an owner or operator begins actual construction of a PCP, the owner or operator must either submit a notice to the reviewing authority if the project is listed in paragraphs (a)(1)(xxv)(A) through (F) of this section, or if the project is not listed in paragraphs (a)(1)(xxv)(A) through (F) of this section, then the owner or operator must submit a permit application and obtain approval to use the PCP exclusion from the reviewing authority consistent with the requirements in paragraph (e)(5) of this section. Regardless of whether the owner or operator submits a notice or a permit application, the project must meet the requirements in paragraph (e)(2) of this section, and the notice or permit application must contain the information required in paragraph (e)(3) of this section.

(2) Any project that relies on the PCP exclusion must meet the requirements in paragraphs (e)(2)(i) and (ii) of this section.

(i) *Environmentally beneficial analysis.* The environmental benefit from the emission reductions of pollutants regulated under the Act must outweigh the environmental detriment of emissions increases in pollutants regulated under the Act. A statement that a technology from paragraphs (a)(1)(xxv)(A) through (F) of this section is being used shall be presumed to satisfy this requirement.

(ii) *Air quality analysis.* The emissions increases from the project will not cause or contribute to a violation of any national ambient air quality standard or PSD increment, or adversely impact an air quality related value (such as visibility) that has been

identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(3) *Content of notice or permit application.* In the notice or permit application sent to the reviewing authority, the owner or operator must include, at a minimum, the information listed in paragraphs (e)(3)(i) through (v) of this section.

(i) A description of the project.

(ii) The potential emissions increases and decreases of any pollutant regulated under the Act and the projected emissions increases and decreases using the methodology in paragraph (a)(2)(ii) of this section, that will result from the project, and a copy of the environmentally beneficial analysis required by paragraph (e)(2)(i) of this section.

(iii) A description of monitoring and recordkeeping, and all other methods, to be used on an ongoing basis to demonstrate that the project is environmentally beneficial. Methods should be sufficient to meet the requirements in part 70 and part 71.

(iv) A certification that the project will be designed and operated in a manner that is consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by paragraphs (e)(2)(i) and (ii) of this section, with information submitted in the notice or permit application, and in such a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(v) Demonstration that the PCP will not have an adverse air quality impact (e.g., modeling, screening level modeling results, or a statement that the collateral emissions increase is included within the parameters used in the most recent modeling exercise) as required by paragraph (e)(2)(ii) of this section. An air quality impact analysis is not required for any pollutant which will not experience a significant emissions increase as a result of the project.

(4) *Notice process for listed projects.* For projects listed in paragraphs (a)(1)(xxv)(A) through (F) of this section, the owner or operator may begin actual construction of the project immediately after notice is sent to the reviewing authority (unless otherwise prohibited under requirements of the applicable plan). The owner or operator shall respond to any requests by its reviewing authority for additional information that the reviewing authority determines is

necessary to evaluate the suitability of the project for the PCP exclusion.

(5) *Permit process for unlisted projects.* Before an owner or operator may begin actual construction of a PCP project that is not listed in paragraphs (a)(1)(xxv)(A) through (F) of this section, the project must be approved by the reviewing authority and recorded in a plan-approved permit or title V permit using procedures that are consistent with §§ 51.160 and 51.161 of this chapter. This includes the requirement that the reviewing authority provide the public with notice of the proposed approval, with access to the environmentally beneficial analysis and the air quality analysis, and provide at least a 30-day period for the public and the Administrator to submit comments. The reviewing authority must address all material comments received by the end of the comment period before taking final action on the permit.

(6) *Operational requirements.* Upon installation of the PCP, the owner or operator must comply with the requirements of paragraphs (e)(6)(i) through (iii) of this section.

(i) *General duty.* The owner or operator must operate the PCP in a manner consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by paragraphs (e)(2)(i) and (ii) of this section, with information submitted in the notice or permit application required by paragraph (e)(3) of this section, and in such a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(ii) *Recordkeeping.* The owner or operator must maintain copies on site of the environmentally beneficial analysis, the air quality impacts analysis, and monitoring and other emission records to prove that the PCP operated consistent with the general duty requirements in paragraph (e)(6)(i) of this section.

(iii) *Permit requirements.* The owner or operator must comply with any provisions in the plan-approved permit or title V permit related to use and approval of the PCP exclusion.

(iv) *Generation of emission reduction credits.* Emission reductions created by a PCP shall not be included in calculating a significant net emissions increase, or be used for generating offsets, unless the emissions unit further reduces emissions after qualifying for the PCP exclusion (e.g., taking an operational restriction on the hours of

operation). The owner or operator may generate a credit for the difference between the level of reduction which was used to qualify for the PCP exclusion and the new emission limitation if such reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(f) *Actuals PALs*. The plan shall provide for PALs according to the provisions in paragraphs (f)(1) through (15) of this section.

(1) *Applicability*.

(i) The reviewing authority may approve the use of an actuals PAL for any existing major stationary source (except as provided in paragraph (f)(1)(ii) of this section) if the PAL meets the requirements in paragraphs (f)(1) through (15) of this section. The term "PAL" shall mean "actuals PAL" throughout paragraph (f) of this section.

(ii) The reviewing authority shall not allow an actuals PAL for VOC or NO_x for any major stationary source located in an extreme ozone nonattainment area.

(iii) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements in paragraphs (f)(1) through (15) of this section, and complies with the PAL permit:

(A) Is not a major modification for the PAL pollutant;

(B) Does not have to be approved through the plan's nonattainment major NSR program; and

(C) Is not subject to the provisions in paragraph (a)(5)(ii) of this section (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the nonattainment major NSR program).

(iv) Except as provided under paragraph (f)(1)(iii)(C) of this section, a major stationary source shall continue to comply with all applicable Federal or State requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

(2) *Definitions*. The plan shall use the definitions in paragraphs (f)(2)(i) through (xi) of this section for the purpose of developing and implementing regulations that authorize the use of actuals PALs consistent with paragraphs (f)(1) through (15) of this section. When a term is not defined in

these paragraphs, it shall have the meaning given in paragraph (a)(1) of this section or in the Act.

(i) *Actuals PAL* for a major stationary source means a PAL based on the baseline actual emissions (as defined in paragraph (a)(1)(xxxv) of this section) of all emissions units (as defined in paragraph (a)(1)(vii) of this section) at the source, that emit or have the potential to emit the PAL pollutant.

(ii) *Allowable emissions* means "allowable emissions" as defined in paragraph (a)(1)(xi) of this section, except as this definition is modified according to paragraphs (f)(2)(ii)(A) through (B) of this section.

(A) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

(B) An emissions unit's potential to emit shall be determined using the definition in paragraph (a)(1)(iii) of this section, except that the words "or enforceable as a practical matter" should be added after "federally enforceable."

(iii) *Small emissions unit* means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in paragraph (a)(1)(x) of this section or in the Act, whichever is lower.

(iv) *Major emissions unit* means:

(A) Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or

(B) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Act for nonattainment areas. For example, in accordance with the definition of major stationary source in section 182(c) of the Act, an emissions unit would be a major emissions unit for VOC if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit 50 or more tons of VOC per year.

(v) *Plantwide applicability limitation (PAL)* means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with paragraphs (f)(1) through (f)(15) of this section.

(vi) *PAL effective date* generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any

emissions unit which is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(vii) *PAL effective period* means the period beginning with the PAL effective date and ending 10 years later.

(viii) *PAL major modification* means, notwithstanding paragraphs (a)(1)(v) and (vi) of this section (the definitions for major modification and net emissions increase), any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(ix) *PAL permit* means the major NSR permit, the minor NSR permit, or the State operating permit under a program that is approved into the plan, or the title V permit issued by the reviewing authority that establishes a PAL for a major stationary source.

(x) *PAL pollutant* means the pollutant for which a PAL is established at a major stationary source.

(xi) *Significant emissions unit* means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in paragraph (a)(1)(x) of this section or in the Act, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit as defined in paragraph (f)(2)(iv) of this section.

(3) *Permit application requirements*.

As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the reviewing authority for approval:

(i) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, Federal or State applicable requirements, emission limitations or work practices apply to each unit.

(ii) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown and malfunction.

(iii) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by paragraph (f)(13)(i) of this section.

(4) *General requirements for establishing PALs*.

(j) The plan allows the reviewing authority to establish a PAL at a major stationary source, provided that at a minimum, the requirements in paragraphs (f)(4)(i)(A) through (G) of this section are met.

(A) The PAL shall impose an annual emission limitation in tons per year, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly).

For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(B) The PAL shall be established in a PAL permit that meets the public participation requirements in paragraph (f)(5) of this section.

(C) The PAL permit shall contain all the requirements of paragraph (f)(7) of this section.

(D) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

(E) Each PAL shall regulate emissions of only one pollutant.

(F) Each PAL shall have a PAL effective period of 10 years.

(G) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs (f)(12) through (14) of this section for each emissions unit under the PAL through the PAL effective period.

(ii) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant, which occur during the PAL effective period, creditable as decreases for purposes of offsets under paragraph (a)(3)(ii) of this section unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

(5) *Public participation requirement for PALs.* PALs for existing major stationary sources shall be established, renewed, or increased through a procedure that is consistent with §§ 51.160 and 51.161 of this chapter. This includes the requirement that the reviewing authority provide the public

with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public comment. The reviewing authority must address all material comments before taking final action on the permit.

(6) *Setting the 10-year actuals PAL level.* The plan shall provide that the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions (as defined in paragraph (a)(1)(xxxv) of this section) of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant under paragraph (a)(1)(x) of this section or under the Act, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shutdown after this 24-month period must be subtracted from the PAL level. Emissions from units on which actual construction began after the 24-month period must be added to the PAL level in an amount equal to the potential to emit of the units. The reviewing authority shall specify a reduced PAL level(s) (in tons/yr) in the PAL permit to become effective on the future compliance date(s) of any applicable Federal or State regulatory requirement(s) that the reviewing authority is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO_x to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).

(7) *Contents of the PAL permit.* The plan shall require that the PAL permit contain, at a minimum, the information in paragraphs (f)(7)(i) through (x) of this section.

(i) The PAL pollutant and the applicable source-wide emission limitation in tons per year.

(ii) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

(iii) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with paragraph (f)(10) of this section before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective

period. It shall remain in effect until a revised PAL permit is issued by the reviewing authority.

(iv) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns and malfunctions.

(v) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of paragraph (f)(9) of this section.

(vi) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by paragraph (f)(13)(i) of this section.

(vii) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under paragraph (f)(12) of this section.

(viii) A requirement to retain the records required under paragraph (f)(13) of this section on site. Such records may be retained in an electronic format.

(ix) A requirement to submit the reports required under paragraph (f)(14) of this section by the required deadlines.

(x) Any other requirements that the reviewing authority deems necessary to implement and enforce the PAL.

(8) *PAL effective period and reopening of the PAL permit.* The plan shall require the information in paragraphs (f)(8)(i) and (ii) of this section.

(i) *PAL effective period.* The reviewing authority shall specify a PAL effective period of 10 years.

(ii) *Reopening of the PAL permit.*

(A) During the PAL effective period, the plan shall require the reviewing authority to reopen the PAL permit to:

(1) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL.

(2) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under paragraph (a)(3)(ii) of this section.

(3) Revise the PAL to reflect an increase in the PAL as provided under paragraph (f)(11) of this section.

(B) The plan shall provide the reviewing authority discretion to reopen the PAL permit for the following:

(1) Reduce the PAL to reflect newly applicable Federal requirements (for example, NSPS) with compliance dates after the PAL effective date.

(2) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and

that the State may impose on the major stationary source under the plan.

(3) Reduce the PAL if the reviewing authority determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(C) Except for the permit reopening in paragraph (f)(8)(ii)(A)(1) of this section for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of paragraph (f)(5) of this section.

(9) *Expiration of a PAL.* Any PAL which is not renewed in accordance with the procedures in paragraph (f)(10) of this section shall expire at the end of the PAL effective period, and the requirements in paragraphs (f)(9)(i) through (v) of this section shall apply.

(i) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the procedures in paragraphs (f)(9)(i)(A) through (B) of this section.

(A) Within the time frame specified for PAL renewals in paragraph (f)(10)(ii) of this section, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the reviewing authority) by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph (f)(10)(v) of this section, such distribution shall be made as if the PAL had been adjusted.

(B) The reviewing authority shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the reviewing authority determines is appropriate.

(ii) Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The reviewing authority may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS or CPMS to

demonstrate compliance with the allowable emission limitation.

(iii) Until the reviewing authority issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph (f)(9)(i)(A) of this section, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

(iv) Any physical change or change in the method of operation at the major stationary source will be subject to the nonattainment major NSR requirements if such change meets the definition of major modification in paragraph (a)(1)(v) of this section.

(v) The major stationary source owner or operator shall continue to comply with any State or Federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to paragraph (a)(5)(ii) of this section, but were eliminated by the PAL in accordance with the provisions in paragraph (f)(1)(iii)(C) of this section.

(10) *Renewal of a PAL.*

(i) The reviewing authority shall follow the procedures specified in paragraph (f)(5) of this section in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the reviewing authority.

(ii) *Application deadline.* The plan shall require that a major stationary source owner or operator shall submit a timely application to the reviewing authority to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(iii) *Application requirements.* The application to renew a PAL permit shall contain the information required in paragraphs (f)(10)(iii)(A) through (D) of this section.

(A) The information required in paragraphs (f)(3)(i) through (iii) of this section.

(B) A proposed PAL level.

(C) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).

(D) Any other information the owner or operator wishes the reviewing authority to consider in determining the appropriate level for renewing the PAL.

(iv) *PAL adjustment.* In determining whether and how to adjust the PAL, the reviewing authority shall consider the options outlined in paragraphs (f)(10)(iv)(A) and (B) of this section.

However, in no case may any such adjustment fail to comply with paragraph (f)(10)(iv)(C) of this section.

(A) If the emissions level calculated in accordance with paragraph (f)(6) of this section is equal to or greater than 80 percent of the PAL level, the reviewing authority may renew the PAL at the same level without considering the factors set forth in paragraph (f)(10)(iv)(B) of this section; or

(B) The reviewing authority may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the reviewing authority in its written rationale.

(C) Notwithstanding paragraphs (f)(10)(iv)(A) and (B) of this section,

(1) If the potential to emit of the major stationary source is less than the PAL, the reviewing authority shall adjust the PAL to a level no greater than the potential to emit of the source; and

(2) The reviewing authority shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of paragraph (f)(11) of this section (increasing a PAL).

(v) If the compliance date for a State or Federal requirement that applies to the PAL source occurs during the PAL effective period, and if the reviewing authority has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or title V permit renewal, whichever occurs first.

(11) *Increasing a PAL during the PAL effective period.*

(i) The plan shall require that the reviewing authority may increase a PAL emission limitation only if the major stationary source complies with the

provisions in paragraphs (f)(11)(i)(A) through (D) of this section.

(A) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(B) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s) exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(C) The owner or operator obtains a major NSR permit for all emissions unit(s) identified in paragraph (f)(11)(i)(A) of this section, regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the nonattainment major NSR program process (for example, LAER), even though they have also become subject to the PAL or continue to be subject to the PAL.

(D) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(ii) The reviewing authority shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in accordance with paragraph (f)(11)(i)(B)), plus the sum of the baseline actual emissions of the small emissions units.

(iii) The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph (f)(5) of this section.

(12) *Monitoring requirements for PALs.*

(i) *General Requirements.*

(A) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(B) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in paragraphs (f)(12)(ii)(A) through (D) of this section and must be approved by the reviewing authority.

(C) Notwithstanding paragraph (f)(12)(i)(B) of this section, you may also employ an alternative monitoring approach that meets paragraph (f)(12)(i)(A) of this section if approved by the reviewing authority.

(D) Failure to use a monitoring system that meets the requirements of this section renders the PAL invalid.

(ii) *Minimum Performance Requirements for Approved Monitoring Approaches.* The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs (f)(12)(iii) through (ix) of this section:

(A) Mass balance calculations for activities using coatings or solvents;

(B) CEMS;

(C) CPMS or PEMS; and

(D) Emission Factors.

(iii) *Mass Balance Calculations.* An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

(A) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

(B) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

(C) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the reviewing authority determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(iv) *CEMS.* An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

(A) CEMS must comply with applicable Performance Specifications found in 40 CFR part 60, appendix B; and

(B) CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.

(v) *CPMS or PEMS.* An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

(A) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and

(B) Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the reviewing authority, while the emissions unit is operating.

(vi) *Emission factors.* An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

(A) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

(B) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

(C) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the reviewing authority determines that testing is not required.

(vii) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

(viii) Notwithstanding the requirements in paragraphs (f)(12)(iii) through (vii) of this section, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the reviewing authority shall, at the time of permit issuance:

(A) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or

(B) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.

(ix) Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the reviewing authority. Such testing must occur at least once every 5 years after issuance of the PAL.

(13) *Recordkeeping requirements.*

(i) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of paragraph (f) of this section and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of such record.

(ii) The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus 5 years:

(A) A copy of the PAL permit application and any applications for revisions to the PAL; and

(B) Each annual certification of compliance pursuant to title V and the data relied on in certifying the compliance.

(14) *Reporting and notification requirements.* The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the reviewing authority in accordance with the applicable title V operating permit program. The reports shall meet the requirements in paragraphs (f)(14)(i) through (iii).

(i) Semi-Annual Report. The semi-annual report shall be submitted to the reviewing authority within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (f)(14)(i)(A) through (G) of this section.

(A) The identification of owner and operator and the permit number.

(B) Total annual emissions (tons/year) based on a 12-month rolling total for

each month in the reporting period recorded pursuant to paragraph (f)(13)(i) of this section.

(C) All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.

(D) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

(E) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

(F) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by paragraph (f)(12)(vii) of this section.

(G) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

(ii) Deviation report. The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to § 70.6(a)(3)(iii)(B) of this chapter shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the applicable program implementing § 70.6(a)(3)(iii)(B) of this chapter. The reports shall contain the following information:

(A) The identification of owner and operator and the permit number;

(B) The PAL requirement that experienced the deviation or that was exceeded;

(C) Emissions resulting from the deviation or the exceedance; and

(D) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

(iii) Re-validation results. The owner or operator shall submit to the

reviewing authority the results of any re-validation test or method within 3 months after completion of such test or method.

(15) *Transition requirements.*

(i) No reviewing authority may issue a PAL that does not comply with the requirements in paragraphs (f)(1) through (15) of this section after the Administrator has approved regulations incorporating these requirements into a plan.

(ii) The reviewing authority may supersede any PAL which was established prior to the date of approval of the plan by the Administrator with a PAL that complies with the requirements of paragraphs (f)(1) through (15) of this section.

(g) If any provision of this section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

5. In 40 CFR 51.166(b)(1)(i)(b) and (b)(5), remove the words "any air pollutant subject to regulation under the Act," and add, in their place, the words "a regulated NSR pollutant."

6. In addition to the amendments set forth above, section 51.166 is amended:

- a. By revising paragraph (a)(1).
- b. By revising paragraph (a)(6)(i).
- c. By adding paragraph (a)(7).
- d. By revising paragraphs (b)(2)(i) and (ii).
- e. By revising paragraph (b)(2)(iii)(h).
- f. By adding paragraph (b)(2)(iv).
- g. By revising paragraph (b)(3)(i).
- h. By revising paragraphs (b)(3)(iii) and (iv).
- i. By revising paragraphs (b)(3)(vi)(b) and (c).
- j. By adding paragraph (b)(3)(vi)(d).
- k. By adding paragraph (b)(3)(viii).
- l. By revising paragraphs (b)(7) and (8).
- m. By revising paragraph (b)(13).
- n. By revising paragraph (b)(21).
- o. By removing the following from paragraph (b)(23)(i): Asbestos: 0.007 tpy; Beryllium: 0.0004 tpy; Mercury: 0.1 tpy; and Vinyl Chloride: 1 tpy.
- p. By revising paragraph (b)(31).
- q. By reserving paragraph (b)(32).
- r. By adding paragraphs (b)(38) through (52).
- s. By revising the introductory text of paragraph (i).
- t. By removing paragraphs (i)(1) through (3).
- u. By re-designating paragraphs (i)(4) through (12) as paragraphs (i)(1) through (9).
- v. By revising newly redesignated paragraphs (i)(5)(i)(g) through (j).

w. By removing newly redesignated paragraphs (i)(5)(i)(k) through (m).

x. By adding paragraphs (r)(3) through (7).

y. By adding paragraphs (t) through (x).

7. In addition to the amendments set forth above, in 40 CFR 51.166, remove the words "pollutant subject to regulation under the Act" and add, in their place, the words "a regulated NSR pollutant" in the following places:

- a. (b)(1)(i)(a);
- c. (b)(12);
- d. (b)(23)(ii);
- e. newly redesignated (i)(4); and
- f. (j)(2) and (3).

The revisions and additions read as follows:

§ 51.166 Prevention of significant deterioration of air quality.

(a)(1) *Plan requirements.* In accordance with the policy of section 101(b)(1) of the Act and the purposes of section 160 of the Act, each applicable State Implementation Plan and each applicable Tribal Implementation Plan shall contain emission limitations and such other measures as may be necessary to prevent significant deterioration of air quality.

* * * * *

(6) * * *

(i) Any State required to revise its implementation plan by reason of an amendment to this section, including any amendment adopted simultaneously with this paragraph (a)(6)(i), shall adopt and submit such plan revision to the Administrator for approval no later than three years after such amendment is published in the **Federal Register**.

* * * * *

(7) *Applicability.* Each plan shall contain procedures that incorporate the requirements in paragraphs (a)(7)(i) through (vi) of this section.

(i) The requirements of this section apply to the construction of any new major stationary source (as defined in paragraph (b)(1) of this section) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under sections 107(d)(1)(A)(ii) or (iii) of the Act.

(ii) The requirements of paragraphs (j) through (r) of this section apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as this section otherwise provides.

(iii) No new major stationary source or major modification to which the requirements of paragraphs (j) through

(r)(5) of this section apply shall begin actual construction without a permit that states that the major stationary source or major modification will meet those requirements.

(iv) Each plan shall use the specific provisions of paragraphs (a)(7)(iv)(a) through (f) of this section. Deviations from these provisions will be approved only if the State specifically demonstrates that the submitted provisions are more stringent than or at least as stringent in all respects as the corresponding provisions in paragraphs (a)(7)(iv)(a) through (f) of this section.

(a) Except as otherwise provided in paragraphs (a)(7)(v) and (vi) of this section, and consistent with the definition of major modification contained in paragraph (b)(2) of this section, a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases—a significant emissions increase (as defined in paragraph (b)(39) of this section), and a significant net emissions increase (as defined in paragraphs (b)(3) and (b)(23) of this section). The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (*i.e.*, the first step of the process) will occur depends upon the type of emissions units being modified, according to paragraphs (a)(7)(iv)(c) through (f) of this section. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (*i.e.*, the second step of the process) is contained in the definition in paragraph (b)(3) of this section. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(c) *Actual-to-projected-actual applicability test for projects that only involve existing emissions units.* A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions (as defined in paragraph (b)(40) of this section) and the baseline actual emissions (as defined in paragraphs (b)(47)(i) and (ii) of this section) for each existing emissions unit, equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).

(d) *Actual-to-potential test for projects that only involve construction of a new emissions unit(s).* A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit (as defined in paragraph (b)(4) of this section) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in paragraph (b)(47)(iii) of this section) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).

(e) *Emission test for projects that involve Clean Units.* For a project that will be constructed and operated at a Clean Unit without causing the emissions unit to lose its Clean Unit designation, no emissions increase is deemed to occur.

(f) *Hybrid test for projects that involve multiple types of emissions units.* A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (a)(7)(iv)(c) through (e) of this section as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section). For example, if a project involves both an existing emissions unit and a Clean Unit, the projected increase is determined by summing the values determined using the method specified in paragraph (a)(7)(iv)(c) of this section for the existing unit and determined using the method specified in paragraph (a)(7)(iv)(e) of this section for the Clean Unit.

(v) The plan shall require that for any major stationary source for a PAL for a regulated NSR pollutant, the major stationary source shall comply with requirements under paragraph (w) of this section.

(vi) The plan shall require that an owner or operator undertaking a PCP (as defined in paragraph (b)(31) of this section) shall comply with the requirements under paragraph (v) of this section.

* * * * *

(b) * * *

(2)(i) *Major modification* means any physical change in or change in the method of operation of a major stationary source that would result in: a significant emissions increase (as defined in paragraph (b)(39) of this section) of a regulated NSR pollutant (as defined in paragraph (b)(49) of this

section); and a significant net emissions increase of that pollutant from the major stationary source.

(ii) Any significant emissions increase (as defined at paragraph (b)(39) of this section) from any emissions units or net emissions increase (as defined at paragraph (b)(3) of this section) at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.

(iii) * * *

(h) The addition, replacement, or use of a PCP, as defined in paragraph (b)(31) of this section, at an existing emissions unit meeting the requirements of paragraph (v) of this section. A replacement control technology must provide more effective emission control than that of the replaced control technology to qualify for this exclusion.

* * * * *

(iv) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under paragraph (w) of this section for a PAL for that pollutant. Instead, the definition at paragraph (w)(2)(viii) of this section shall apply.

(3)(i) *Net emissions increase* means, with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(a) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to paragraph (a)(7)(iv) of this section; and

(b) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. Baseline actual emissions for calculating increases and decreases under this paragraph (b)(3)(i)(b) shall be determined as provided in paragraph (b)(47), except that paragraphs (b)(47)(i)(c) and (b)(47)(ii)(d) of this section shall not apply.

* * * * *

(iii) An increase or decrease in actual emissions is creditable only if:

(a) It occurs within a reasonable period (to be specified by the reviewing authority); and

(b) The reviewing authority has not relied on it in issuing a permit for the source under regulations approved pursuant to this section, which permit is in effect when the increase in actual emissions from the particular change occurs; and

(c) The increase or decrease in emissions did not occur at a Clean Unit,

except as provided in paragraphs (t)(8) and (u)(10) of this section.

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

* * * * *

(vi) * * *

(b) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins;

(c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(d) The decrease in actual emissions did not result from the installation of add-on control technology or application of pollution prevention practices that were relied on in designating an emissions unit as a Clean Unit under § 52.21(y) or under regulations approved pursuant to paragraph (u) of this section or § 51.165(d). That is, once an emissions unit has been designated as a Clean Unit, the owner or operator cannot later use the emissions reduction from the air pollution control measures that the Clean Unit designation is based on in calculating the net emissions increase for another emissions unit (*i.e.*, must not use that reduction in a "netting analysis" for another emissions unit). However, any new emissions reductions that were not relied upon in a PCP excluded pursuant to paragraph (v) of this section or for the Clean Unit designation are creditable to the extent they meet the requirements in paragraph (v)(6)(iv) of this section for the PCP and paragraph (t)(8) or (u)(10) of this section for a Clean Unit.

* * * * *

(viii) Paragraph (b)(21)(ii) of this section shall not apply for determining creditable increases and decreases.

* * * * *

(7) *Emissions unit* means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric utility steam generating unit as defined in paragraph (b)(30) of this section. For purposes of this section, there are two types of emissions units as described in paragraphs (b)(7)(i) and (ii) of this section.

(i) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.

(ii) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (b)(7)(i) of this section.

(8) *Construction* means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

* * * * *

(13)(i) *Baseline concentration* means that ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

(a) The actual emissions, as defined in paragraph (b)(21) of this section, representative of sources in existence on the applicable minor source baseline date, except as provided in paragraph (b)(13)(ii) of this section;

(b) The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(ii) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

(a) Actual emissions, as defined in paragraph (b)(21) of this section, from any major stationary source on which construction commenced after the major source baseline date; and

(b) Actual emissions increases and decreases, as defined in paragraph (b)(21) of this section, at any stationary source occurring after the minor source baseline date.

* * * * *

(21)(i) *Actual emissions* means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with paragraphs (b)(21)(ii) through (iv) of this section, except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under paragraph (w) of this section. Instead, paragraphs (b)(40) and (b)(47) of this section shall apply for those purposes.

(ii) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The reviewing authority shall allow the use of a different time period

upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(iii) The reviewing authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(iv) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

* * * * *

(31) *Pollution control project (PCP)* means any activity, set of work practices or project (including pollution prevention as defined under paragraph (b)(38) of this section) undertaken at an existing emissions unit that reduces emissions of air pollutants from such unit. Such qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. Other changes that may occur at the source are not considered part of the PCP if they are not necessary to reduce emissions through the PCP. Projects listed in paragraphs (b)(31)(i) through (vi) of this section are presumed to be environmentally beneficial pursuant to paragraph (v)(2)(i) of this section. Projects not listed in these paragraphs may qualify for a case-specific PCP exclusion pursuant to the requirements of paragraphs (v)(2) and (v)(5) of this section.

(i) Conventional or advanced flue gas desulfurization or sorbent injection for control of SO₂.

(ii) Electrostatic precipitators, baghouses, high efficiency multiclones, or scrubbers for control of particulate matter or other pollutants.

(iii) Flue gas recirculation, low-NO_x burners or combustors, selective non-catalytic reduction, selective catalytic reduction, low emission combustion (for IC engines), and oxidation/absorption catalyst for control of NO_x.

(iv) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, hydrocarbon combustion flares, biofiltration, absorbers and adsorbers, and floating roofs for storage vessels for control of volatile organic compounds or hazardous air pollutants. For the purpose of this section, "hydrocarbon combustion flare" means either a flare used to comply with an applicable NSPS or MACT standard (including uses of flares during startup, shutdown, or malfunction permitted

under such a standard), or a flare that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing no more than 230 mg/dscm hydrogen sulfide.

(v) Activities or projects undertaken to accommodate switching (or partially switching) to an inherently less polluting fuel, to be limited to the following fuel switches:

(a) Switching from a heavier grade of fuel oil to a lighter fuel oil, or any grade of oil to 0.05 percent sulfur diesel (*i.e.*, from a higher sulfur content #2 fuel or from #6 fuel, to CA 0.05 percent sulfur #2 diesel);

(b) Switching from coal, oil, or any solid fuel to natural gas, propane, or gasified coal;

(c) Switching from coal to wood, excluding construction or demolition waste, chemical or pesticide treated wood, and other forms of "unclean" wood;

(d) Switching from coal to #2 fuel oil (0.5 percent maximum sulfur content); and

(e) Switching from high sulfur coal to low sulfur coal (maximum 1.2 percent sulfur content).

(vi) Activities or projects undertaken to accommodate switching from the use of one ozone depleting substance (ODS) to the use of a substance with a lower or zero ozone depletion potential (ODP), including changes to equipment needed to accommodate the activity or project, that meet the requirements of paragraphs (b)(31)(vi)(a) and (b) of this section.

(a) The productive capacity of the equipment is not increased as a result of the activity or project.

(b) The projected usage of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS. To make this determination, follow the procedure in paragraphs (b)(31)(vi)(b)(1) through (4) of this section.

(1) Determine the ODP of the substances by consulting 40 CFR part 82, subpart A, appendices A and B.

(2) Calculate the replaced ODP-weighted amount by multiplying the baseline actual usage (using the annualized average of any 24 consecutive months of usage within the past 10 years) by the ODP of the replaced ODS.

(3) Calculate the projected ODP-weighted amount by multiplying the projected annual usage of the new substance by its ODP.

(4) If the value calculated in paragraph (b)(31)(vi)(b)(2) of this section is more than the value calculated in paragraph (b)(31)(vi)(b)(3) of this section, then the projected use of the

new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS.

(32) [Reserved]

* * * * *

(38) *Pollution prevention* means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.

(39) *Significant emissions increase* means, for a regulated NSR pollutant, an increase in emissions that is significant (as defined in paragraph (b)(23) of this section) for that pollutant.

(40)(i) *Projected actual emissions* means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant, and full utilization of the unit would result in a significant emissions increase, or a significant net emissions increase at the major stationary source.

(ii) In determining the projected actual emissions under paragraph (b)(40)(i) of this section (before beginning actual construction), the owner or operator of the major stationary source:

(a) Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under the approved plan; and

(b) Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions; and

(c) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under paragraph (b)(47) of this section and that are also unrelated to the particular

project, including any increased utilization due to product demand growth; or,

(d) In lieu of using the method set out in paragraphs (b)(40)(ii)(a) through (c) of this section, may elect to use the emissions unit's potential to emit, in tons per year, as defined under paragraph (b)(4) of this section.

(41) *Clean Unit* means any emissions unit that has been issued a major NSR permit that requires compliance with BACT or LAER, is complying with such BACT/LAER requirements, and qualifies as a Clean Unit pursuant to regulations approved by the Administrator in accordance with paragraph (t) of this section; or any emissions unit that has been designated by a reviewing authority as a Clean Unit, based on the criteria in paragraphs (u)(3)(i) through (iv) of this section, using a plan-approved permitting process; or any emissions unit that has been designated as a Clean Unit by the Administrator in accordance with 52.21 (y)(3)(i) through (iv) of this chapter.

(42) *Prevention of Significant Deterioration Program (PSD) program* means a major source preconstruction permit program that has been approved by the Administrator and incorporated into the plan to implement the requirements of this section, or the program in § 52.21 of this chapter. Any permit issued under such a program is a major NSR permit.

(43) *Continuous emissions monitoring system (CEMS)* means all of the equipment that may be required to meet the data acquisition and availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

(44) *Predictive emissions monitoring system (PEMS)* means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

(45) *Continuous parameter monitoring system (CPMS)* means all of the equipment necessary to meet the data acquisition and availability requirements of this section, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and to record average operational parameter value(s) on a continuous basis.

(46) *Continuous emissions rate monitoring system (CERMS)* means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

(47) *Baseline actual emissions* means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with paragraphs (b)(47)(i) through (iv) of this section.

(i) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The reviewing authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(c) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(d) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (b)(47)(i)(b) of this section.

(ii) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the reviewing authority for a permit

required either under this section or under a plan approved by the Administrator, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(c) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under part 63 of this chapter, the baseline actual emissions need only be adjusted if the State has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of § 51.165(a)(3)(ii)(G).

(d) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(e) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraphs (b)(47)(ii)(b) and (c) of this section.

(iii) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

(iv) For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph (b)(47)(i) of this section, for other existing emissions units in

accordance with the procedures contained in paragraph (b)(47)(ii) of this section, and for a new emissions unit in accordance with the procedures contained in paragraph (b)(47)(iii) of this section.

(48) [Reserved]

(49) *Regulated NSR pollutant*, for purposes of this section, means the following:

(i) Any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator (e.g., volatile organic compounds are precursors for ozone);

(ii) Any pollutant that is subject to any standard promulgated under section 111 of the Act;

(iii) Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act; or

(iv) Any pollutant that otherwise is subject to regulation under the Act; except that any or all hazardous air pollutants either listed in section 112 of the Act or added to the list pursuant to section 112(b)(2) of the Act, which have not been delisted pursuant to section 112(b)(3) of the Act, are not regulated NSR pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

(50) *Reviewing authority* means the State air pollution control agency, local agency, other State agency, Indian tribe, or other agency authorized by the Administrator to carry out a permit program under § 51.165 and this section, or the Administrator in the case of EPA-implemented permit programs under § 52.21 of this chapter.

(51) *Project* means a physical change in, or change in method of operation of, an existing major stationary source.

(52) *Lowest achievable emission rate (LAER)* is as defined in § 51.165(a)(1)(xiii).

* * * * *

(i) *Exemptions.*

* * * * *

(5) * * *

(i) * * *

(g) Fluorides—0.25 µg/m³, 24-hour average;

(h) Total reduced sulfur—10 µg/m³, 1-hour average

(i) Hydrogen sulfide—0.2 µg/m³, 1-hour average;

(j) Reduced sulfur compounds—10 µg/m³, 1-hour average; or

* * * * *

(r) * * *

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) Each plan shall provide that the following specific provisions apply to projects at existing emissions units at a major stationary source (other than projects at a Clean Unit or at a source with a PAL) in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in paragraphs (b)(40)(ii)(a) through (c) of this section for calculating projected actual emissions. Deviations from these provisions will be approved only if the State specifically demonstrates that the submitted provisions are more stringent than or at least as stringent in all respects as the corresponding provisions in paragraphs (r)(6)(i) through (v) of this section.

(i) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(a) A description of the project;

(b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(c) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (b)(40)(ii)(c) of this section and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(ii) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (r)(6)(i) of this section to the reviewing authority. Nothing in this paragraph (r)(6)(ii) shall be construed to require the owner or operator of such a unit to obtain any determination from the reviewing authority before beginning actual construction.

(iii) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in paragraph (r)(6)(i)(b) of this section; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity

or potential to emit of that regulated NSR pollutant at such emissions unit.

(iv) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the reviewing authority within 60 days after the end of each year during which records must be generated under paragraph (r)(6)(iii) of this section setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(v) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the reviewing authority if the annual emissions, in tons per year, from the project identified in paragraph (r)(6)(i) of this section, exceed the baseline actual emissions (as documented and maintained pursuant to paragraph (r)(6)(i)(c) of this section) by a significant amount (as defined in paragraph (b)(23) of this section) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph (r)(6)(i)(c) of this section. Such report shall be submitted to the reviewing authority within 60 days after the end of such year. The report shall contain the following:

(a) The name, address and telephone number of the major stationary source;

(b) The annual emissions as calculated pursuant to paragraph (r)(6)(iii) of this section; and

(c) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

(7) Each plan shall provide that the owner or operator of the source shall make the information required to be documented and maintained pursuant to paragraph (r)(6) of this section available for review upon request for inspection by the reviewing authority or the general public pursuant to the requirements contained in § 70.4(b)(3)(viii) of this chapter.

* * * * *

(t) *Clean Unit Test for emissions units that are subject to BACT or LAER.* The plan shall provide an owner or operator of a major stationary source the option of using the Clean Unit Test to determine whether emissions increases at a Clean Unit are part of a project that is a major modification according to the provisions in paragraphs (t)(1) through (9) of this section.

(1) *Applicability.* The provisions of this paragraph (t) apply to any emissions unit for which the reviewing authority has issued a major NSR permit within the past 10 years.

(2) *General provisions for Clean Units.* The provisions in paragraphs (t)(2)(i) through (iv) of this section apply to a Clean Unit.

(i) Any project for which the owner or operator begins actual construction after the effective date of the Clean Unit designation (as determined in accordance with paragraph (t)(4) of this section) and before the expiration date (as determined in accordance with paragraph (t)(5) of this section) will be considered to have occurred while the emissions unit was a Clean Unit.

(ii) If a project at a Clean Unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with BACT and the project would not alter any physical or operational characteristics that formed the basis for the BACT determination as specified in paragraph (t)(6)(iv) of this section, the emissions unit remains a Clean Unit.

(iii) If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with BACT or the project would alter any physical or operational characteristics that formed the basis for the BACT determination as specified in paragraph (t)(6)(iv) of this section, then the emissions unit loses its designation as a Clean Unit upon issuance of the necessary permit revisions (unless the unit re-qualifies as a Clean Unit pursuant to paragraph (t)(3)(iii) of this section). If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the Clean Unit designation ends immediately prior to the time when actual construction begins.

(iv) A project that causes an emissions unit to lose its designation as a Clean Unit is subject to the applicability requirements of paragraphs (a)(7)(iv)(a) through (d) and paragraph (a)(7)(iv)(f) of this section as if the emissions unit is not a Clean Unit.

(3) *Qualifying or re-qualifying to use the Clean Unit Applicability Test.* An emissions unit automatically qualifies as a Clean Unit when the unit meets the criteria in paragraphs (t)(3)(i) and (ii) of this section. After the original Clean Unit designation expires in accordance with paragraph (t)(5) of this section or is lost pursuant to paragraph (t)(2)(iii) of this section, such emissions unit may re-qualify as a Clean Unit under either paragraph (t)(3)(iii) of this section, or under the Clean Unit provisions in paragraph (u) of this section. To re-qualify as a Clean Unit under paragraph (t)(3)(iii) of this section, the emissions

unit must obtain a new major NSR permit issued through the applicable PSD program and meet all the criteria in paragraph (t)(3)(iii) of this section. The Clean Unit designation applies individually for each pollutant emitted by the emissions unit.

(i) *Permitting requirement.* The emissions unit must have received a major NSR permit within the past 10 years. The owner or operator must maintain and be able to provide information that would demonstrate that this permitting requirement is met.

(ii) *Qualifying air pollution control technologies.* Air pollutant emissions from the emissions unit must be reduced through the use of air pollution control technology (which includes pollution prevention as defined under paragraph (b)(38) of this section or work practices) that meets both the following requirements in paragraphs (t)(3)(ii)(a) and (b) of this section.

(a) The control technology achieves the BACT or LAER level of emissions reductions as determined through issuance of a major NSR permit within the past 10 years. However, the emissions unit is not eligible for the Clean Unit designation if the BACT determination resulted in no requirement to reduce emissions below the level of a standard, uncontrolled, new emissions unit of the same type.

(b) The owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or expenses to apply a pollution prevention technique to an emissions unit.

(iii) *Re-qualifying for the Clean Unit designation.* The emissions unit must obtain a new major NSR permit that requires compliance with the current-day BACT (or LAER), and the emissions unit must meet the requirements in paragraphs (t)(3)(i) and (t)(3)(ii) of this section.

(4) *Effective date of the Clean Unit designation.* The effective date of an emissions unit's Clean Unit designation (that is, the date on which the owner or operator may begin to use the Clean Unit Test to determine whether a project at the emissions unit is a major modification) is determined according to the applicable paragraph (t)(4)(i) or (t)(4)(ii) of this section.

(i) *Original Clean Unit designation, and emissions units that re-qualify as Clean Units by implementing a new control technology to meet current-day BACT.* The effective date is the date the emissions unit's air pollution control technology is placed into service, or 3

years after the issuance date of the major NSR permit, whichever is earlier, but no sooner than the date that provisions for the Clean Unit applicability test are approved by the Administrator for incorporation into the plan and become effective for the State in which the unit is located.

(ii) *Emissions Units that re-qualify for the Clean Unit designation using an existing control technology.* The effective date is the date the new, major NSR permit is issued.

(5) *Clean Unit expiration.* An emissions unit's Clean Unit designation expires (that is, the date on which the owner or operator may no longer use the Clean Unit Test to determine whether a project affecting the emissions unit is, or is part of, a major modification) according to the applicable paragraph (t)(5)(i) or (ii) of this section.

(i) *Original Clean Unit designation, and emissions units that re-qualify by implementing new control technology to meet current-day BACT.* For any emissions unit that automatically qualifies as a Clean Unit under paragraphs (t)(3)(i) and (ii) of this section or re-qualifies by implementing new control technology to meet current-day BACT under paragraph (t)(3)(iii) of this section, the Clean Unit designation expires 10 years after the effective date, or the date the equipment went into service, whichever is earlier; or, it expires at any time the owner or operator fails to comply with the provisions for maintaining the Clean Unit designation in paragraph (t)(7) of this section.

(ii) *Emissions units that re-qualify for the Clean Unit designation using an existing control technology.* For any emissions unit that re-qualifies as a Clean Unit under paragraph (t)(3)(iii) of this section using an existing control technology, the Clean Unit designation expires 10 years after the effective date; or, it expires any time the owner or operator fails to comply with the provisions for maintaining the Clean Unit designation in paragraph (t)(7) of this section.

(6) *Required title V permit content for a Clean Unit.* After the effective date of the Clean Unit designation, and in accordance with the provisions of the applicable title V permit program under part 70 or part 71 of this chapter, but no later than when the title V permit is renewed, the title V permit for the major stationary source must include the following terms and conditions related to the Clean Unit in paragraphs (t)(6)(i) through (vi) of this section.

(i) A statement indicating that the emissions unit qualifies as a Clean Unit and identifying the pollutant(s) for

which this Clean Unit designation applies.

(ii) The effective date of the Clean Unit designation. If this date is not known when the Clean Unit designation is initially recorded in the title V permit (e.g., because the air pollution control technology is not yet in service), the permit must describe the event that will determine the effective date (e.g., the date the control technology is placed into service). Once the effective date is determined, the owner or operator must notify the reviewing authority of the exact date. This specific effective date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iii) The expiration date of the Clean Unit designation. If this date is not known when the Clean Unit designation is initially recorded into the title V permit (e.g., because the air pollution control technology is not yet in service), then the permit must describe the event that will determine the expiration date (e.g., the date the control technology is placed into service). Once the expiration date is determined, the owner or operator must notify the reviewing authority of the exact date. The expiration date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iv) All emission limitations and work practice requirements adopted in conjunction with BACT, and any physical or operational characteristics that formed the basis for the BACT determination (e.g., possibly the emissions unit's capacity or throughput).

(v) Monitoring, recordkeeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for maintaining the Clean Unit designation. (See paragraph (t)(7) of this section.)

(vi) Terms reflecting the owner or operator's duties to maintain the Clean Unit designation and the consequences of failing to do so, as presented in paragraph (t)(7) of this section.

(7) *Maintaining the Clean Unit designation.* To maintain the Clean Unit designation, the owner or operator must conform to all the restrictions listed in paragraphs (t)(7)(i) through (iii) of this section. This paragraph (t)(7) applies independently to each pollutant for which the emissions unit has the Clean Unit designation. That is, failing to

conform to the restrictions for one pollutant affects the Clean Unit designation only for that pollutant.

(i) The Clean Unit must comply with the emission limitation(s) and/or work practice requirements adopted in conjunction with the BACT that is recorded in the major NSR permit, and subsequently reflected in the title V permit. The owner or operator may not make a physical change in or change in the method of operation of the Clean Unit that causes the emissions unit to function in a manner that is inconsistent with the physical or operational characteristics that formed the basis for the BACT determination (e.g., possibly the emissions unit's capacity or throughput).

(ii) The Clean Unit must comply with any terms and conditions in the title V permit related to the unit's Clean Unit designation.

(iii) The Clean Unit must continue to control emissions using the specific air pollution control technology that was the basis for its Clean Unit designation. If the emissions unit or control technology is replaced, then the Clean Unit designation ends.

(8) *Netting at Clean Units.* Emissions changes that occur at a Clean Unit must not be included in calculating a significant net emissions increase (that is, must not be used in a "netting analysis"), unless such use occurs before the effective date of the Clean Unit designation, or after the Clean Unit designation expires; or, unless the emissions unit reduces emissions below the level that qualified the unit as a Clean Unit. However, if the Clean Unit reduces emissions below the level that qualified the unit as a Clean Unit, then the owner or operator may generate a credit for the difference between the level that qualified the unit as a Clean Unit and the new emission limitation if such reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(9) *Effect of redesignation on the Clean Unit designation.* The Clean Unit designation of an emissions unit is not affected by redesignation of the attainment status of the area in which it is located. That is, if a Clean Unit is located in an attainment area and the area is redesignated to nonattainment, its Clean Unit designation is not affected. Similarly, redesignation from nonattainment to attainment does not affect the Clean Unit designation.

However, if an existing Clean Unit designation expires, it must re-qualify under the requirements that are currently applicable in the area.

(u) *Clean Unit provisions for emissions units that achieve an emission limitation comparable to BACT.* The plan shall provide an owner or operator of a major stationary source the option of using the Clean Unit Test to determine whether emissions increases at a Clean Unit are part of a project that is a major modification according to the provisions in paragraphs (u)(1) through (11) of this section.

(1) *Applicability.* The provisions of this paragraph (u) apply to emissions units which do not qualify as Clean Units under paragraph (t) of this section, but which are achieving a level of emissions control comparable to BACT, as determined by the reviewing authority in accordance with this paragraph (u).

(2) *General provisions for Clean Units.* The provisions in paragraphs (u)(2)(i) through (iv) of this section apply to a Clean Unit.

(i) Any project for which the owner or operator begins actual construction after the effective date of the Clean Unit designation (as determined in accordance with paragraph (u)(5) of this section) and before the expiration date (as determined in accordance with paragraph (u)(6) of this section) will be considered to have occurred while the emissions unit was a Clean Unit.

(ii) If a project at a Clean Unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that have been determined (pursuant to paragraph (u)(4) of this section) to be comparable to BACT, and the project would not alter any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to BACT as specified in paragraph (u)(8)(iv) of this section, the emissions unit remains a Clean Unit.

(iii) If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that have been determined (pursuant to paragraph (u)(4) of this section) to be comparable to BACT, or the project would alter any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to BACT as specified in paragraph (u)(8)(iv) of this section, then the emissions unit loses its designation as a Clean Unit upon

issuance of the necessary permit revisions (unless the unit re-qualifies as a Clean Unit pursuant to paragraph (u)(3)(iv) of this section). If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the Clean Unit designation ends immediately prior to the time when actual construction begins.

(iv) A project that causes an emissions unit to lose its designation as a Clean Unit is subject to the applicability requirements of paragraphs (a)(7)(iv)(a) through (d) and paragraph (a)(7)(iv)(f) of this section as if the emissions unit is not a Clean Unit.

(3) *Qualifying or re-qualifying to use the Clean Unit applicability test.* An emissions unit qualifies as a Clean Unit when the unit meets the criteria in paragraphs (u)(3)(i) through (iii) of this section. After the original Clean Unit designation expires in accordance with paragraph (u)(6) of this section or is lost pursuant to paragraph (u)(2)(iii) of this section, such emissions unit may re-qualify as a Clean Unit under either paragraph (u)(3)(iv) of this section, or under the Clean Unit provisions in paragraph (t) of this section. To re-qualify as a Clean Unit under paragraph (u)(3)(iv) of this section, the emissions unit must obtain a new permit issued pursuant to the requirements in paragraphs (u)(7) and (8) of this section and meet all the criteria in paragraph (u)(3)(iv) of this section. The reviewing authority will make a separate Clean Unit designation for each pollutant emitted by the emissions unit for which the emissions unit qualifies as a Clean Unit.

(i) *Qualifying air pollution control technologies.* Air pollutant emissions from the emissions unit must be reduced through the use of air pollution control technology (which includes pollution prevention as defined under paragraph (b)(38) or work practices) that meets both the following requirements in paragraphs (u)(3)(i)(a) and (b) of this section.

(a) The owner or operator has demonstrated that the emissions unit's control technology is comparable to BACT according to the requirements of paragraph (u)(4) of this section. However, the emissions unit is not eligible for the Clean Unit designation if its emissions are not reduced below the level of a standard, uncontrolled emissions unit of the same type (e.g., if the BACT determinations to which it is compared have resulted in a determination that no control measures are required).

(b) The owner or operator made an investment to install the control

technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or to retool the unit to apply a pollution prevention technique.

(ii) *Impact of emissions from the unit.* The reviewing authority must determine that the allowable emissions from the emissions unit will not cause or contribute to a violation of any national ambient air quality standard or PSD increment, or adversely impact an air quality related value (such as visibility) that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(iii) *Date of installation.* An emissions unit may qualify as a Clean Unit even if the control technology, on which the Clean Unit designation is based, was installed before the effective date of plan requirements to implement the requirements of this paragraph (u)(3)(iii). However, for such emissions units, the owner or operator must apply for the Clean Unit designation within 2 years after the plan requirements become effective. For technologies installed after the plan requirements become effective, the owner or operator must apply for the Clean Unit designation at the time the control technology is installed.

(iv) *Re-qualifying as a Clean Unit.* The emissions unit must obtain a new permit (pursuant to requirements in paragraphs (u)(7) and (8) of this section) that demonstrates that the emissions unit's control technology is achieving a level of emission control comparable to current-day BACT, and the emissions unit must meet the requirements in paragraphs (u)(3)(i)(a) and (u)(3)(ii) of this section.

(4) *Demonstrating control effectiveness comparable to BACT.* The owner or operator may demonstrate that the emissions unit's control technology is comparable to BACT for purposes of paragraph (u)(3)(i) of this section according to either paragraph (u)(4)(i) or (ii) of this section. Paragraph (u)(4)(iii) of this section specifies the time for making this comparison.

(i) *Comparison to previous BACT and LAER determinations.* The Administrator maintains an on-line data base of previous determinations of RACT, BACT, and LAER in the RACT/BACT/LAER Clearinghouse (RBLCL). The emissions unit's control technology is presumed to be comparable to BACT if it achieves an emission limitation that is equal to or better than the average of the emission limitations achieved by all the sources for which a BACT or LAER determination has been made within the

preceding 5 years and entered into the RBLCL, and for which it is technically feasible to apply the BACT or LAER control technology to the emissions unit. The reviewing authority shall also compare this presumption to any additional BACT or LAER determinations of which it is aware, and shall consider any information on achieved-in-practice pollution control technologies provided during the public comment period, to determine whether any presumptive determination that the control technology is comparable to BACT is correct.

(ii) *The substantially-as-effective test.* The owner or operator may demonstrate that the emissions unit's control technology is substantially as effective as BACT. In addition, any other person may present evidence related to whether the control technology is substantially as effective as BACT during the public participation process required under paragraph (u)(7) of this section. The reviewing authority shall consider such evidence on a case-by-case basis and determine whether the emissions unit's air pollution control technology is substantially as effective as BACT.

(iii) *Time of comparison.*

(a) *Emissions units with control technologies that are installed before the effective date of plan requirements implementing this paragraph.* The owner or operator of an emissions unit whose control technology is installed before the effective date of plan requirements implementing this paragraph (u) may, at its option, either demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to the BACT requirements that applied at the time the control technology was installed, or demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to current-day BACT requirements. The expiration date of the Clean Unit designation will depend on which option the owner or operator uses, as specified in paragraph (u)(6) of this section.

(b) Emissions units with control technologies that are installed after the effective date of plan requirements implementing this paragraph. The owner or operator must demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to current-day BACT requirements.

(5) *Effective date of the Clean Unit designation.* The effective date of an emissions unit's Clean Unit designation (that is, the date on which the owner or operator may begin to use the Clean Unit Test to determine whether a project involving the emissions unit is a major

modification) is the date that the permit required by paragraph (u)(7) of this section is issued or the date that the emissions unit's air pollution control technology is placed into service, whichever is later.

(6) *Clean Unit expiration.* If the owner or operator demonstrates that the emission limitation achieved by the emissions unit's control technology is comparable to the BACT requirements that applied at the time the control technology was installed, then the Clean Unit designation expires 10 years from the date that the control technology was installed. For all other emissions units, the Clean Unit designation expires 10 years from the effective date of the Clean Unit designation, as determined according to paragraph (u)(5) of this section. In addition, for all emissions units, the Clean Unit designation expires any time the owner or operator fails to comply with the provisions for maintaining the Clean Unit designation in paragraph (u)(9) of this section.

(7) *Procedures for designating emissions units as Clean Units.* The reviewing authority shall designate an emissions unit a Clean Unit only by issuing a permit through a permitting program that has been approved by the Administrator and that conforms with the requirements of §§ 51.160 through 51.164 of this chapter, including requirements for public notice of the proposed Clean Unit designation and opportunity for public comment. Such permit must also meet the requirements in paragraph (u)(8) of this section.

(8) *Required permit content.* The permit required by paragraph (u)(7) of this section shall include the terms and conditions set forth in paragraphs (u)(8)(i) through (vi). Such terms and conditions shall be incorporated into the major stationary source's title V permit in accordance with the provisions of the applicable title V permit program under part 70 or part 71 of this chapter, but no later than when the title V permit is renewed.

(i) A statement indicating that the emissions unit qualifies as a Clean Unit and identifying the pollutant(s) for which the Clean Unit designation applies.

(ii) The effective date of the Clean Unit designation. If this date is not known when the reviewing authority issues the permit (e.g., because the air pollution control technology is not yet in service), then the permit must describe the event that will determine the effective date (e.g., the date the control technology is placed into service). Once the effective date is known, then the owner or operator must notify the reviewing authority of the

exact date. This specific effective date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iii) *The expiration date of the Clean Unit designation.* If this date is not known when the reviewing authority issues the permit (e.g., because the air pollution control technology is not yet in service), then the permit must describe the event that will determine the expiration date (e.g., the date the control technology is placed into service). Once the expiration date is known, then the owner or operator must notify the reviewing authority of the exact date. The expiration date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iv) All emission limitations and work practice requirements adopted in conjunction with emission limitations necessary to assure that the control technology continues to achieve an emission limitation comparable to BACT, and any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to BACT (e.g., possibly the emissions unit's capacity or throughput).

(v) Monitoring, recordkeeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for maintaining its Clean Unit designation. (See paragraph (u)(9) of this section.)

(vi) Terms reflecting the owner or operator's duties to maintain the Clean Unit designation and the consequences of failing to do so, as presented in paragraph (u)(9) of this section.

(9) *Maintaining the Clean Unit designation.* To maintain the Clean Unit designation, the owner or operator must conform to all the restrictions listed in paragraphs (u)(9)(i) through (v) of this section. This paragraph (u)(9) applies independently to each pollutant for which the reviewing authority has designated the emissions unit a Clean Unit. That is, failing to conform to the restrictions for one pollutant affects the Clean Unit designation only for that pollutant.

(i) The Clean Unit must comply with the emission limitation(s) and/or work practice requirements adopted to ensure that the control technology continues to achieve emission control comparable to BACT.

(ii) The owner or operator may not make a physical change in or change in the method of operation of the Clean Unit that causes the emissions unit to function in a manner that is inconsistent with the physical or operational characteristics that formed the basis for the determination that the control technology is achieving a level of emission control that is comparable to BACT (e.g., possibly the emissions unit's capacity or throughput).

(iii) [Reserved]

(iv) The Clean Unit must comply with any terms and conditions in the title V permit related to the unit's Clean Unit designation.

(v) The Clean Unit must continue to control emissions using the specific air pollution control technology that was the basis for its Clean Unit designation. If the emissions unit or control technology is replaced, then the Clean Unit designation ends.

(10) *Netting at Clean Units.* Emissions changes that occur at a Clean Unit must not be included in calculating a significant net emissions increase (that is, must not be used in a "netting analysis") unless such use occurs before the effective date of plan requirements adopted to implement this paragraph (u) or after the Clean Unit designation expires; or, unless the emissions unit reduces emissions below the level that qualified the unit as a Clean Unit. However, if the Clean Unit reduces emissions below the level that qualified the unit as a Clean Unit and the emissions unit's new emission limitation if such reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(11) *Effect of redesignation on the Clean Unit designation.* The Clean Unit designation of an emissions unit is not affected by redesignation of the attainment designation of the area in which it is located. That is, if a Clean Unit is located in an attainment area and the area is redesignated to nonattainment, its Clean Unit designation is not affected. Similarly, redesignation from nonattainment to attainment does not affect the Clean Unit designation. However, if a Clean Unit's designation expires or is lost pursuant to paragraphs (t)(2)(iii) and (u)(2)(iii) of this section, it must re-

qualify under the requirements that are currently applicable.

(v) *PCP exclusion procedural requirements.* Each plan shall include provisions for PCPs equivalent to those contained in paragraphs (v)(1) through (6) of this section.

(1) Before an owner or operator begins actual construction of a PCP, the owner or operator must either submit a notice to the reviewing authority if the project is listed in paragraphs (b)(31)(i) through (vi) of this section, or if the project is not listed in paragraphs (b)(31)(i) through (vi) of this section, then the owner or operator must submit a permit application and obtain approval to use the PCP exclusion from the reviewing authority consistent with the requirements in paragraph (v)(5) of this section. Regardless of whether the owner or operator submits a notice or a permit application, the project must meet the requirements in paragraph (v)(2) of this section, and the notice or permit application must contain the information required in paragraph (v)(3) of this section.

(2) Any project that relies on the PCP exclusion must meet the requirements in paragraphs (v)(2)(i) and (ii) of this section.

(i) *Environmentally beneficial analysis.* The environmental benefit from the emission reductions of pollutants regulated under the Act must outweigh the environmental detriment of emissions increases in pollutants regulated under the Act. A statement that a technology from paragraphs (b)(31)(i) through (vi) of this section is being used shall be presumed to satisfy this requirement.

(ii) *Air quality analysis.* The emissions increases from the project will not cause or contribute to a violation of any national ambient air quality standard or PSD increment, or adversely impact an air quality related value (such as visibility) that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(3) *Content of notice or permit application.* In the notice or permit application sent to the reviewing authority, the owner or operator must include, at a minimum, the information listed in paragraphs (v)(3)(i) through (v) of this section.

(i) A description of the project.

(ii) The potential emissions increases and decreases of any pollutant regulated under the Act and the projected emissions increases and decreases using the methodology in paragraph (a)(7)(vi) of this section, that will result from the project, and a copy of the

environmentally beneficial analysis required by paragraph (v)(2)(i) of this section.

(iii) A description of monitoring and recordkeeping, and all other methods, to be used on an ongoing basis to demonstrate that the project is environmentally beneficial. Methods should be sufficient to meet the requirements in part 70 and part 71.

(iv) A certification that the project will be designed and operated in a manner that is consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by paragraphs (v)(2)(i) and (ii) of this section, with information submitted in the notice or permit application, and in such a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(v) Demonstration that the PCP will not have an adverse air quality impact (e.g., modeling, screening level modeling results, or a statement that the collateral emissions increase is included within the parameters used in the most recent modeling exercise) as required by paragraph (v)(2)(ii) of this section. An air quality impact analysis is not required for any pollutant that will not experience a significant emissions increase as a result of the project.

(4) *Notice process for listed projects.* For projects listed in paragraphs (b)(31)(i) through (vi) of this section, the owner or operator may begin actual construction of the project immediately after notice is sent to the reviewing authority (unless otherwise prohibited under requirements of the applicable plan). The owner or operator shall respond to any requests by its reviewing authority for additional information that the reviewing authority determines is necessary to evaluate the suitability of the project for the PCP exclusion.

(5) *Permit process for unlisted projects.* Before an owner or operator may begin actual construction of a PCP project that is not listed in paragraphs (b)(31)(i) through (vi) of this section, the project must be approved by the reviewing authority and recorded in a plan-approved permit or title V permit using procedures that are consistent with §§ 51.160 and 51.161 of this chapter. This includes the requirement that the reviewing authority provide the public with notice of the proposed approval, with access to the environmentally beneficial analysis and the air quality analysis, and provide at least a 30-day period for the public and the Administrator to submit comments.

The reviewing authority must address all material comments received by the end of the comment period before taking final action on the permit.

(6) *Operational requirements.* Upon installation of the PCP, the owner or operator must comply with the requirements of paragraphs (v)(6)(i) through (iv) of this section.

(i) *General duty.* The owner or operator must operate the PCP consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by paragraphs (v)(2)(i) and (ii) of this section, with information submitted in the notice or permit application required by paragraph (v)(3), and in such a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(ii) *Recordkeeping.* The owner or operator must maintain copies on site of the environmentally beneficial analysis, the air quality impacts analysis, and monitoring and other emission records to prove that the PCP operated consistent with the general duty requirements in paragraph (v)(6)(i) of this section.

(iii) *Permit requirements.* The owner or operator must comply with any provisions in the plan-approved permit or title V permit related to use and approval of the PCP exclusion.

(iv) *Generation of Emission Reduction Credits.* Emission reductions created by a PCP shall not be included in calculating a significant net emissions increase unless the emissions unit further reduces emissions after qualifying for the PCP exclusion (e.g., taking an operational restriction on the hours of operation.) The owner or operator may generate a credit for the difference between the level of reduction which was used to qualify for the PCP exclusion and the new emission limitation if such reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(v) *Actuals PALs.* The plan shall provide for PALs according to the provisions in paragraphs (w)(1) through (15) of this section.

(1) *Applicability.*

(i) The reviewing authority may approve the use of an actuals PAL for any existing major stationary source if

the PAL meets the requirements in paragraphs (w)(1) through (15) of this section. The term "PAL" shall mean "actuals PAL" throughout paragraph (w) of this section.

(ii) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements in paragraphs (w)(1) through (15) of this section, and complies with the PAL permit:

(a) Is not a major modification for the PAL pollutant;

(b) Does not have to be approved through the plan's major NSR program; and

(c) Is not subject to the provisions in paragraph (r)(2) of this section (restrictions on relaxing enforceable emission limitations that a major stationary source used to avoid applicability of the major NSR program).

(iii) Except as provided under paragraph (w)(1)(ii)(c) of this section, a major stationary source shall continue to comply with all applicable Federal or State requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

(2) *Definitions.* The plan shall use the definitions in paragraphs (w)(2)(i) through (xi) of this section for the purpose of developing and implementing regulations that authorize the use of actuals PALs consistent with paragraphs (w)(1) through (15) of this section. When a term is not defined in these paragraphs, it shall have the meaning given in paragraph (b) of this section or in the Act.

(i) *Actuals PAL* for a major stationary source means a PAL based on the baseline actual emissions (as defined in paragraph (b)(47) of this section) of all emissions units (as defined in paragraph (b)(7) of this section) at the source, that emit or have the potential to emit the PAL pollutant.

(ii) *Allowable emissions* means "allowable emissions" as defined in paragraph (b)(16) of this section, except as this definition is modified according to paragraphs (w)(2)(ii)(a) and (b) of this section.

(a) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

(b) An emissions unit's potential to emit shall be determined using the definition in paragraph (b)(4) of this section, except that the words "or enforceable as a practical matter"

should be added after "federally enforceable."

(iii) *Small emissions unit* means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in paragraph (b)(23) of this section or in the Act, whichever is lower.

(iv) *Major emissions unit* means:

(a) Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or

(b) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Act for nonattainment areas. For example, in accordance with the definition of major stationary source in section 182(c) of the Act, an emissions unit would be a major emissions unit for VOC if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit 50 or more tons of VOC per year.

(v) *Plantwide applicability limitation (PAL)* means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with paragraphs (w)(1) through (15) of this section.

(vi) *PAL effective date* generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(vii) *PAL effective period* means the period beginning with the PAL effective date and ending 10 years later.

(viii) *PAL major modification* means, notwithstanding paragraphs (b)(2) and (b)(3) of this section (the definitions for major modification and net emissions increase), any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(ix) *PAL permit* means the major NSR permit, the minor NSR permit, or the State operating permit under a program that is approved into the plan, or the title V permit issued by the reviewing authority that establishes a PAL for a major stationary source.

(x) *PAL pollutant* means the pollutant for which a PAL is established at a major stationary source.

(xi) *Significant emissions unit* means an emissions unit that emits or has the potential to emit a PAL pollutant in an

amount that is equal to or greater than the significant level (as defined in paragraph (b)(23) of this section or in the Act, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major emissions unit as defined in paragraph (w)(2)(iv) of this section.

(3) *Permit application requirements.*

As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information in paragraphs (w)(3)(i) through (iii) of this section to the reviewing authority for approval.

(i) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, Federal or State applicable requirements, emission limitations, or work practices apply to each unit.

(ii) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.

(iii) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by paragraph (w)(13)(i) of this section.

(4) *General requirements for establishing PALs.*

(i) The plan allows the reviewing authority to establish a PAL at a major stationary source, provided that at a minimum, the requirements in paragraphs (w)(4)(i)(a) through (g) of this section are met.

(a) The PAL shall impose an annual emission limitation in tons per year, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(b) The PAL shall be established in a PAL permit that meets the public

participation requirements in paragraph (w)(5) of this section.

(c) The PAL permit shall contain all the requirements of paragraph (w)(7) of this section.

(d) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

(e) Each PAL shall regulate emissions of only one pollutant.

(f) Each PAL shall have a PAL effective period of 10 years.

(g) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs (w)(12) through (14) of this section for each emissions unit under the PAL through the PAL effective period.

(ii) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under § 51.165(a)(3)(ii) of this chapter unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

(5) *Public participation requirements for PALs.* PALs for existing major stationary sources shall be established, renewed, or increased, through a procedure that is consistent with §§ 51.160 and 51.161 of this chapter. This includes the requirement that the reviewing authority provide the public with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public comment. The reviewing authority must address all material comments before taking final action on the permit.

(6) *Setting the 10-year actuals PAL level.* The plan shall provide that the actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions (as defined in paragraph (b)(47) of this section) of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant under paragraph (b)(23) of this section or under the Act, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shutdown after this 24-

month period must be subtracted from the PAL level. Emissions from units on which actual construction began after the 24-month period must be added to the PAL level in an amount equal to the potential to emit of the units. The reviewing authority shall specify a reduced PAL level(s) (in tons/yr) in the PAL permit to become effective on the future compliance date(s) of any applicable Federal or State regulatory requirement(s) that the reviewing authority is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO_x to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).

(7) *Contents of the PAL permit.* The plan shall require that the PAL permit contain, at a minimum, the information in paragraphs (w)(7)(i) through (x) of this section.

(i) The PAL pollutant and the applicable source-wide emission limitation in tons per year.

(ii) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

(iii) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with paragraph (w)(10) of this section before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by the reviewing authority.

(iv) A requirement that emission calculations for compliance purposes include emissions from startups, shutdowns and malfunctions.

(v) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of paragraph (w)(9) of this section.

(vi) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by paragraph (w)(3)(i) of this section.

(vii) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under paragraph (w)(13) of this section.

(viii) A requirement to retain the records required under paragraph (w)(13) of this section on site. Such

records may be retained in an electronic format.

(ix) A requirement to submit the reports required under paragraph (w)(14) of this section by the required deadlines.

(x) Any other requirements that the reviewing authority deems necessary to implement and enforce the PAL.

(8) *PAL effective period and reopening of the PAL permit.* The plan shall require the information in paragraphs (w)(8)(i) and (ii) of this section.

(i) *PAL effective period.* The reviewing authority shall specify a PAL effective period of 10 years.

(ii) *Reopening of the PAL permit.*

(a) During the PAL effective period, the plan shall require the reviewing authority to reopen the PAL permit to:

(1) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;

(2) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under § 51.165(a)(3)(ii) of this chapter; and

(3) Revise the PAL to reflect an increase in the PAL as provided under paragraph (w)(11) of this section.

(b) The plan shall provide the reviewing authority discretion to reopen the PAL permit for the following:

(1) Reduce the PAL to reflect newly applicable Federal requirements (for example, NSPS) with compliance dates after the PAL effective date;

(2) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the State may impose on the major stationary source under the plan; and

(3) Reduce the PAL if the reviewing authority determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an AQRV that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(c) Except for the permit reopening in paragraph (w)(8)(ii)(a)(1) of this section for the correction of typographical/calculation errors that do not increase the PAL level, all reopenings shall be carried out in accordance with the public participation requirements of paragraph (w)(5) of this section.

(9) *Expiration of a PAL.* Any PAL that is not renewed in accordance with the procedures in paragraph (w)(10) of this section shall expire at the end of the PAL effective period, and the

requirements in paragraphs (w)(9)(i) through (v) of this section shall apply.

(i) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the procedures in paragraphs (w)(9)(i)(a) and (b) of this section.

(a) Within the time frame specified for PAL renewals in paragraph (w)(10)(ii) of this section, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the reviewing authority) by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph (w)(10)(v) of this section, such distribution shall be made as if the PAL had been adjusted.

(b) The reviewing authority shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the reviewing authority determines is appropriate.

(ii) Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The reviewing authority may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS or CPMS to demonstrate compliance with the allowable emission limitation.

(iii) Until the reviewing authority issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph (w)(9)(i)(b) of this section, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

(iv) Any physical change or change in the method of operation at the major stationary source will be subject to major NSR requirements if such change meets the definition of major modification in paragraph (b)(2) of this section.

(v) The major stationary source owner or operator shall continue to comply with any State or Federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been

established pursuant to paragraph (r)(2) of this section, but were eliminated by the PAL in accordance with the provisions in paragraph (w)(1)(ii)(c) of this section.

(10) *Renewal of a PAL.*

(i) The reviewing authority shall follow the procedures specified in paragraph (w)(5) of this section in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the reviewing authority.

(ii) *Application deadline.* The plan shall require that a major stationary source owner or operator shall submit a timely application to the reviewing authority to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(iii) *Application requirements.* The application to renew a PAL permit shall contain the information required in paragraphs (w)(10)(iii) (a) through (d) of this section.

(a) The information required in paragraphs (w)(3)(i) through (iii) of this section.

(b) A proposed PAL level.

(c) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).

(d) Any other information the owner or operator wishes the reviewing authority to consider in determining the appropriate level for renewing the PAL.

(iv) *PAL adjustment.* In determining whether and how to adjust the PAL, the reviewing authority shall consider the options outlined in paragraphs (w)(10)(iv) (a) and (b) of this section. However, in no case may any such adjustment fail to comply with paragraph (w)(10)(iv)(c) of this section.

(a) If the emissions level calculated in accordance with paragraph (w)(6) of this section is equal to or greater than 80 percent of the PAL level, the reviewing authority may renew the PAL at the same level without considering the factors set forth in paragraph (w)(10)(iv)(b) of this section; or

(b) The reviewing authority may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the reviewing authority in its written rationale.

(c) Notwithstanding paragraphs (w)(10)(iv) (a) and (b) of this section:

(1) If the potential to emit of the major stationary source is less than the PAL, the reviewing authority shall adjust the PAL to a level no greater than the potential to emit of the source; and

(2) The reviewing authority shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of paragraph (w)(11) of this section (increasing a PAL).

(v) If the compliance date for a State or Federal requirement that applies to the PAL source occurs during the PAL effective period, and if the reviewing authority has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or title V permit renewal, whichever occurs first.

(11) *Increasing a PAL during the PAL effective period.*

(i) The plan shall require that the reviewing authority may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs (w)(11)(i) (a) through (d) of this section.

(a) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(b) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s), exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the

application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(c) The owner or operator obtains a major NSR permit for all emissions unit(s) identified in paragraph (w)(11)(i)(a) of this section, regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the major NSR process (for example, BACT), even though they have also become subject to the PAL or continue to be subject to the PAL.

(d) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(ii) The reviewing authority shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in accordance with paragraph (w)(11)(i)(b) of this section), plus the sum of the baseline actual emissions of the small emissions units.

(iii) The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph (w)(5) of this section.

(12) *Monitoring requirements for PALs.*

(i) *General requirements.*

(a) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(b) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in paragraphs (w)(12)(ii) (a) through (d) of

this section and must be approved by the reviewing authority.

(c) Notwithstanding paragraph (w)(12)(i)(b) of this section, you may also employ an alternative monitoring approach that meets paragraph (w)(12)(i)(a) of this section if approved by the reviewing authority.

(d) Failure to use a monitoring system that meets the requirements of this section renders the PAL invalid.

(ii) Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in paragraphs (w)(12)(iii) through (ix) of this section:

(a) Mass balance calculations for activities using coatings or solvents;

(b) CEMS;

(c) CPMS or PEMS; and

(d) Emission factors.

(iii) Mass balance calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

(a) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

(b) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

(c) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the reviewing authority determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(iv) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

(a) CEMS must comply with applicable Performance Specifications found in 40 CFR part 60, appendix B; and

(b) CEMS must sample, analyze, and record data at least every 15 minutes while the emissions unit is operating.

(v) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

(a) The CPMS or the PEMS must be based on current site-specific data

demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and

(b) Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the reviewing authority, while the emissions unit is operating.

(vi) Emission factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

(a) All emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development;

(b) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

(c) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the reviewing authority determines that testing is not required.

(vii) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

(viii) Notwithstanding the requirements in paragraphs (w)(12)(iii) through (vii) of this section, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the reviewing authority shall, at the time of permit issuance:

(a) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or

(b) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.

(ix) Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the reviewing authority. Such testing must occur at least once every 5 years after issuance of the PAL.

(13) *Recordkeeping requirements.*

(i) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of paragraph (w) of this section and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of such record.

(ii) The PAL permit shall require an owner or operator to retain a copy of the following records, for the duration of the PAL effective period plus 5 years:

(a) A copy of the PAL permit application and any applications for revisions to the PAL; and

(b) Each annual certification of compliance pursuant to title V and the data relied on in certifying the compliance.

(14) *Reporting and notification requirements.* The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the reviewing authority in accordance with the applicable title V operating permit program. The reports shall meet the requirements in paragraphs (w)(14)(i) through (iii) of this section.

(i) *Semi-annual report.* The semi-annual report shall be submitted to the reviewing authority within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (w)(14)(i)(a) through (g) of this section.

(a) The identification of owner and operator and the permit number.

(b) Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded pursuant to paragraph (w)(13)(i) of this section.

(c) All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.

(d) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

(e) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

(f) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the

calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by paragraph (w)(12)(vii) of this section.

(g) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

(ii) *Deviation report.* The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL requirements, including periods where no monitoring is available. A report submitted pursuant to § 70.6(a)(3)(iii)(B) of this chapter shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the applicable program implementing § 70.6(a)(3)(iii)(B) of this chapter. The reports shall contain the following information:

(a) The identification of owner and operator and the permit number;

(b) The PAL requirement that experienced the deviation or that was exceeded;

(c) Emissions resulting from the deviation or the exceedance; and

(d) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

(iii) *Re-validation results.* The owner or operator shall submit to the reviewing authority the results of any re-validation test or method within three months after completion of such test or method.

(15) *Transition requirements.*

(i) No reviewing authority may issue a PAL that does not comply with the requirements in paragraphs (w)(1) through (15) of this section after the Administrator has approved regulations incorporating these requirements into a plan.

(ii) The reviewing authority may supersede any PAL which was established prior to the date of approval of the plan by the Administrator with a PAL that complies with the requirements of paragraphs (w)(1) through (15) of this section.

(x) If any provision of this section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

PART 52—[AMENDED]

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

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

Subpart A—[Amended]

2. In 40 CFR 52.21(b)(1)(i)(b) and (b)(5), remove the words “any air pollutant subject to regulation under the Act,” and add, in their place, the words “a regulated NSR pollutant.”

3. In addition to the amendments set forth above, section 52.21 is amended:

a. By redesignating paragraph (a) as paragraph (a)(1).

b. By adding paragraph (a)(2).

c. By revising paragraphs (b)(2)(i) and (ii).

d. By revising paragraph (b)(2)(iii)(h).

e. By adding paragraph (b)(2)(iv).

f. By revising paragraph (b)(3)(i).

g. By revising paragraphs (b)(3)(iii) and (iv).

h. By revising paragraphs (b)(3)(vi)(b) and (c).

i. By adding paragraph (b)(3)(vi)(d).

j. By adding paragraph (b)(3)(ix).

k. By revising paragraphs (b)(7) and (8).

l. By revising paragraph (b)(13).

m. By revising paragraph (b)(21).

n. By removing the following items from the list in paragraph (b)(23)(i): “Asbestos: 0.007 tpy”; “Beryllium: 0.0004 tpy”; “Mercury: 0.1 tpy”; and “Vinyl Chloride: 1 tpy”.

o. By revising paragraph (b)(32).

p. By removing and reserving paragraph (b)(33).

q. By adding paragraphs (b)(39) through (48), adding and reserving paragraph (b)(49), and by adding paragraphs (b)(50) through (b)(54).

r. By revising the introductory text of paragraph (i).

s. By removing paragraphs (i)(1) through (3).

t. By redesignating paragraphs (i)(4) through (13) as paragraphs (i)(1) through (10).

u. By removing the following items from the list in newly redesignated paragraph (i)(5)(i): “Mercury—0.25 µg/m³, 24-hour average”; “Beryllium—0.001 µg/m³, 24-hour average”; “Vinyl chloride—15 µg/m³, 24-hour average”.

v. By adding and reserving paragraphs (r)(5) and adding paragraphs (r)(6) through (7).

w. By adding paragraphs (x) through (bb).

4. In addition to the amendments set forth above, in 40 CFR 52.21, remove the words “pollutant subject to regulation under the Act” and add, in their place, the words “regulated NSR pollutant” in the following places:

- a. (b)(1)(i)(a);
- b. (b)(2)(i);
- c. (b)(23)(ii);
- d. newly redesignated (i)(4); and
- e. (j)(2) and (3).

The revisions and additions read as follows:

§ 52.21 Prevention of significant deterioration of air quality.

(a)(1) *Plan disapproval.* * * *

(2) *Applicability procedures.* (i) The requirements of this section apply to the construction of any new major stationary source (as defined in paragraph (b)(1) of this section) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under sections 107(d)(1)(A)(ii) or (iii) of the Act.

(ii) The requirements of paragraphs (j) through (r) of this section apply to the construction of any new major stationary source or the major modification of any existing major stationary source, except as this section otherwise provides.

(iii) No new major stationary source or major modification to which the requirements of paragraphs (j) through (r)(5) of this section apply shall begin actual construction without a permit that states that the major stationary source or major modification will meet those requirements. The Administrator has authority to issue any such permit.

(iv) The requirements of the program will be applied in accordance with the principles set out in paragraphs (a)(2)(iv)(a) through (f) of this section.

(a) Except as otherwise provided in paragraphs (a)(2)(v) and (vi) of this section, and consistent with the definition of major modification contained in paragraph (b)(2) of this section, a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases—a significant emissions increase (as defined in paragraph (b)(40) of this section), and a significant net emissions increase (as defined in paragraphs (b)(3) and (b)(23) of this section). The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (*i.e.*, the first step of the process) will occur depends upon the type of emissions units being modified, according to paragraphs (a)(2)(iv)(c) through (f) of this section. The procedure for calculating (before

beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (*i.e.*, the second step of the process) is contained in the definition in paragraph (b)(3) of this section. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(c) *Actual-to-projected-actual applicability test for projects that only involve existing emissions units.* A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions (as defined in paragraph (b)(41) of this section) and the baseline actual emissions (as defined in paragraphs (b)(48)(i) and (ii) of this section), for each existing emissions unit, equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).

(d) *Actual-to-potential test for projects that only involve construction of a new emissions unit(s).* A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit (as defined in paragraph (b)(4) of this section) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in paragraph (b)(48)(iii) of this section) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).

(e) *Emission test for projects that involve Clean Units.* For a project that will be constructed and operated at a Clean Unit without causing the emissions unit to lose its Clean Unit designation, no emissions increase is deemed to occur.

(f) *Hybrid test for projects that involve multiple types of emissions units.* A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (a)(2)(iv)(c) through (e) of this section as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section). For example, if a project involves both an existing emissions unit and a Clean Unit, the projected increase is determined by summing the values determined using the method specified in paragraph (a)(2)(iv)(c) of this section for the existing unit and using the method specified in paragraph

(a)(2)(iv)(e) of this section for the Clean Unit.

(v) For any major stationary source for a PAL for a regulated NSR pollutant, the major stationary source shall comply with the requirements under paragraph (aa) of this section.

(vi) An owner or operator undertaking a PCP (as defined in paragraph (b)(32) of this section) shall comply with the requirements under paragraph (z) of this section.

* * * * *

(b) * * *

(2)(i) *Major modification* means any physical change in or change in the method of operation of a major stationary source that would result in: a significant emissions increase (as defined in paragraph (b)(40) of this section) of a regulated NSR pollutant (as defined in paragraph (b)(50) of this section); and a significant net emissions increase of that pollutant from the major stationary source.

(ii) Any significant emissions increase (as defined in paragraph (b)(40) of this section) from any emissions units or net emissions increase (as defined in paragraph (b)(3) of this section) at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.

(iii) * * *

(h) The addition, replacement, or use of a PCP, as defined in paragraph (b)(32) of this section, at an existing emissions unit meeting the requirements of paragraph (z) of this section. A replacement control technology must provide more effective emission control than that of the replaced control technology to qualify for this exclusion.

* * * * *

(iv) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements under paragraph (aa) of this section for a PAL for that pollutant. Instead, the definition at paragraph (aa)(2)(viii) of this section shall apply.

(3)(i) *Net emissions increase* means, with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(a) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to paragraph (a)(2)(iv) of this section; and

(b) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable.

Baseline actual emissions for calculating increases and decreases under this paragraph (b)(3)(i)(b) shall be determined as provided in paragraph (b)(48) of this section, except that paragraphs (b)(48)(i)(c) and (b)(48)(ii)(d) of this section shall not apply.

* * * * *

(iii) An increase or decrease in actual emissions is creditable only if:

(a) The Administrator or other reviewing authority has not relied on it in issuing a permit for the source under this section, which permit is in effect when the increase in actual emissions from the particular change occurs; and

(b) The increase or decrease in emissions did not occur at a Clean Unit except as provided in paragraphs (x)(8) and (y)(10) of this section.

(iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides that occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.

* * * * *

(vi) * * *

(b) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins.

(c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(d) The decrease in actual emissions did not result from the installation of add-on control technology or application of pollution prevention practices that were relied on in designating an emissions unit as a Clean Unit under paragraph (y) of this section or under regulations approved pursuant to § 51.165(d) or to § 51.166(u) of this chapter. That is, once an emissions unit has been designated as a Clean Unit, the owner or operator cannot later use the emissions reduction from the air pollution control measures that the designation is based on in calculating the net emissions increase for another emissions unit (*i.e.*, must not use that reduction in a "netting analysis" for another emissions unit). However, any new emission reductions that were not relied upon in a PCP excluded pursuant to paragraph (z) of this section or for a Clean Unit designation are creditable to the extent they meet the requirements in paragraph (z)(6)(iv) of this section for the PCP and paragraphs (x)(8) or (y)(10) of this section for a Clean Unit.

* * * * *

(ix) Paragraph (b)(21)(ii) of this section shall not apply for determining creditable increases and decreases.

(7) *Emissions unit* means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric utility steam generating unit as defined in paragraph (b)(31) of this section. For purposes of this section, there are two types of emissions units as described in paragraphs (b)(7)(i) and (ii) of this section.

(i) A new emissions unit is any emissions unit that is (or will be) newly constructed and that has existed for less than 2 years from the date such emissions unit first operated.

(ii) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (b)(7)(i) of this section.

(8) *Construction* means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

* * * * *

(13)(i) *Baseline concentration* means that ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and shall include:

(a) The actual emissions, as defined in paragraph (b)(21) of this section, representative of sources in existence on the applicable minor source baseline date, except as provided in paragraph (b)(13)(ii) of this section; and

(b) The allowable emissions of major stationary sources that commenced construction before the major source baseline date, but were not in operation by the applicable minor source baseline date.

(ii) The following will not be included in the baseline concentration and will affect the applicable maximum allowable increase(s):

(a) Actual emissions, as defined in paragraph (b)(21) of this section, from any major stationary source on which construction commenced after the major source baseline date; and

(b) Actual emissions increases and decreases, as defined in paragraph (b)(21) of this section, at any stationary source occurring after the minor source baseline date.

* * * * *

(21)(i) *Actual emissions* means the actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with

paragraphs (b)(21)(ii) through (iv) of this section, except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a PAL under paragraph (aa) of this section. Instead, paragraphs (b)(41) and (b)(48) of this section shall apply for those purposes.

(ii) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The Administrator shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(iii) The Administrator may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(iv) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

* * * * *

(32) *Pollution control project (PCP)* means any activity, set of work practices or project (including pollution prevention as defined under paragraph (b)(39) of this section) undertaken at an existing emissions unit that reduces emissions of air pollutants from such unit. Such qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. Other changes that may occur at the source are not considered part of the PCP if they are not necessary to reduce emissions through the PCP. Projects listed in paragraphs (b)(32)(i) through (vi) of this section are presumed to be environmentally beneficial pursuant to paragraph (z)(2)(i) of this section. Projects not listed in these paragraphs may qualify for a case-specific PCP exclusion pursuant to the requirements of paragraphs (z)(2) and (z)(5) of this section.

(i) Conventional or advanced flue gas desulfurization or sorbent injection for control of SO₂.

(ii) Electrostatic precipitators, baghouses, high efficiency multiclones, or scrubbers for control of particulate matter or other pollutants.

(iii) Flue gas recirculation, low-NO_x burners or combustors, selective non-

catalytic reduction, selective catalytic reduction, low emission combustion (for IC engines), and oxidation/absorption catalyst for control of NO_x.

(iv) Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, hydrocarbon combustion flares, biofiltration, absorbers and adsorbers, and floating roofs for storage vessels for control of volatile organic compounds or hazardous air pollutants. For the purpose of this section, "hydrocarbon combustion flare" means either a flare used to comply with an applicable NSPS or MACT standard (including uses of flares during startup, shutdown, or malfunction permitted under such a standard), or a flare that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing no more than 230 mg/dscm hydrogen sulfide.

(v) Activities or projects undertaken to accommodate switching (or partially switching) to an inherently less polluting fuel, to be limited to the following fuel switches:

(a) Switching from a heavier grade of fuel oil to a lighter fuel oil, or any grade of oil to 0.05 percent sulfur diesel (*i.e.*, from a higher sulfur content #2 fuel or from #6 fuel, to CA 0.05 percent sulfur #2 diesel);

(b) Switching from coal, oil, or any solid fuel to natural gas, propane, or gasified coal;

(c) Switching from coal to wood, excluding construction or demolition waste, chemical or pesticide treated wood, and other forms of "unclean" wood;

(d) Switching from coal to #2 fuel oil (0.5 percent maximum sulfur content); and

(e) Switching from high sulfur coal to low sulfur coal (maximum 1.2 percent sulfur content).

(vi) Activities or projects undertaken to accommodate switching from the use of one ozone depleting substance (ODS) to the use of a substance with a lower or zero ozone depletion potential (ODP), including changes to equipment needed to accommodate the activity or project, that meet the requirements of paragraphs (b)(32)(vi)(a) and (b) of this section.

(a) The productive capacity of the equipment is not increased as a result of the activity or project.

(b) The projected usage of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS. To make this determination, follow the procedure in paragraphs (b)(32)(vi)(b)(1) through (4) of this section.

(1) Determine the ODP of the substances by consulting 40 CFR part 82, subpart A, appendices A and B.

(2) Calculate the replaced ODP-weighted amount by multiplying the baseline actual usage (using the annualized average of any 24 consecutive months of usage within the past 10 years) by the ODP of the replaced ODS.

(3) Calculate the projected ODP-weighted amount by multiplying the projected actual usage of the new substance by its ODP.

(4) If the value calculated in paragraph (b)(32)(vi)(b)(2) of this section is more than the value calculated in paragraph (b)(32)(vi)(b)(3) of this section, then the projected use of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS.

(33) [Reserved]

* * * * *

(39) *Pollution prevention* means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.

(40) *Significant emissions increase* means, for a regulated NSR pollutant, an increase in emissions that is significant (as defined in paragraph (b)(23) of this section) for that pollutant.

(41)(i) *Projected actual emissions* means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(ii) In determining the projected actual emissions under paragraph (b)(41)(i) of this section (before beginning actual construction), the owner or operator of the major stationary source:

(a) Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity

and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under the approved State Implementation Plan; and

(b) Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions; and

(c) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under paragraph (b)(48) of this section and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

(d) In lieu of using the method set out in paragraphs (a)(41)(ii)(a) through (c) of this section, may elect to use the emissions unit's potential to emit, in tons per year, as defined under paragraph (b)(4) of this section.

(42) *Clean Unit* means any emissions unit that has been issued a major NSR permit that requires compliance with BACT or LAER, is complying with such BACT/LAER requirements, and qualifies as a Clean Unit pursuant to paragraph (x) of this section; or any emissions unit that has been designated by the Administrator as a Clean Unit, based on the criteria in paragraphs (y)(3)(i) through (iv) of this section; or any emissions unit that has been issued a major NSR permit that requires compliance with BACT or LAER, is complying with such BACT/LAER requirements, and qualifies as a Clean Unit pursuant to regulations approved into the State Implementation Plan in accordance with § 51.165(c) or § 51.166(u) of this chapter; or any emissions unit that has been designated by the reviewing authority as a Clean Unit in accordance with regulations approved into the plan to carry out § 51.165(d) or § 51.166(u) of this chapter.

(43) *Prevention of Significant Deterioration (PSD) program* means the EPA-implemented major source preconstruction permit programs under this section or a major source preconstruction permit program that has been approved by the Administrator and incorporated into the State Implementation Plan pursuant to § 51.166 of this chapter to implement the requirements of that section. Any permit issued under such a program is a major NSR permit.

(44) *Continuous emissions monitoring system (CEMS)* means all of the equipment that may be required to meet the data acquisition and availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

(45) *Predictive emissions monitoring system (PEMS)* means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

(46) *Continuous parameter monitoring system (CPMS)* means all of the equipment necessary to meet the data acquisition and availability requirements of this section, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and to record average operational parameter value(s) on a continuous basis.

(47) *Continuous emissions rate monitoring system (CERMS)* means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

(48) *Baseline actual emissions* means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with paragraphs (b)(48)(i) through (iv) of this section.

(i) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Administrator shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally

enforceable during the consecutive 24-month period.

(c) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(d) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraph (b)(48)(i)(b) of this section.

(ii) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Administrator for a permit required under this section or by the reviewing authority for a permit required by a plan, whichever is earlier, except that the 10-year period shall not include any period earlier than November 15, 1990.

(a) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions.

(b) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

(c) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under part 63 of this chapter, the baseline actual emissions need only be adjusted if the State has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the

requirements of § 51.165(a)(3)(ii)(G) of this chapter.

(d) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

(e) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by paragraphs (b)(48)(ii)(b) and (c) of this section.

(iii) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit.

(iv) For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in paragraph (b)(48)(i) of this section, for other existing emissions units in accordance with the procedures contained in paragraph (b)(48)(ii) of this section, and for a new emissions unit in accordance with the procedures contained in paragraph (b)(48)(iii) of this section.

(49) [Reserved]

(50) *Regulated NSR pollutant*, for purposes of this section, means the following:

(i) Any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator (e.g., volatile organic compounds are precursors for ozone);

(ii) Any pollutant that is subject to any standard promulgated under section 111 of the Act;

(iii) Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act; or

(iv) Any pollutant that otherwise is subject to regulation under the Act; except that any or all hazardous air pollutants either listed in section 112 of the Act or added to the list pursuant to section 112(b)(2) of the Act, which have not been delisted pursuant to section 112(b)(3) of the Act, are not regulated NSR pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

(51) *Reviewing authority* means the State air pollution control agency, local agency, other State agency, Indian tribe, or other agency authorized by the Administrator to carry out a permit program under § 51.165 and § 51.166 of this chapter, or the Administrator in the case of EPA-implemented permit programs under this section.

(52) *Project* means a physical change in, or change in the method of operation of, an existing major stationary source.

(53) *Lowest achievable emission rate (LAER)* is as defined in § 51.165(a)(1)(xiii) of this chapter.

(54) *Reasonably available control technology (RACT)* is as defined in § 51.100(o) of this chapter.

* * * * *

(i) Exemptions. * * *

* * * * *

(r) * * *

(5) [Reserved]

(6) The provisions of this paragraph (r)(6) apply to projects at an existing emissions unit at a major stationary source (other than projects at a Clean Unit or at a source with a PAL) in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in paragraphs (b)(41)(ii)(a) through (c) of this section for calculating projected actual emissions.

(i) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(a) A description of the project;

(b) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(c) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (b)(41)(ii)(c) of this section and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(ii) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (r)(6)(i) of this section to the Administrator. Nothing in this paragraph (r)(6)(ii) shall be construed to require the owner or operator of such a unit to obtain any determination from the Administrator before beginning actual construction.

(iii) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in paragraph (r)(6)(i)(b) of this section; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit.

(iv) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the Administrator within 60 days after the end of each year during which records must be generated under paragraph (r)(6)(iii) of this section setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(v) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the Administrator if the annual emissions, in tons per year, from the project identified in paragraph (r)(6)(i) of this section, exceed the baseline actual emissions (as documented and maintained pursuant to paragraph (r)(6)(i)(c) of this section), by a significant amount (as defined in paragraph (b)(23) of this section) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph (r)(6)(i)(c) of this section. Such report shall be submitted to the Administrator within 60 days after the end of such year. The report shall contain the following:

(a) The name, address and telephone number of the major stationary source;

(b) The annual emissions as calculated pursuant to paragraph (r)(6)(iii) of this section; and

(c) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

(7) The owner or operator of the source shall make the information required to be documented and maintained pursuant to paragraph (r)(6) of this section available for review upon a request for inspection by the Administrator or the general public pursuant to the requirements contained in § 70.4(b)(3)(viii) of this chapter.

* * * * *

(x) *Clean Unit Test for emissions units that are subject to BACT or LAER.* An

owner or operator of a major stationary source has the option of using the Clean Unit Test to determine whether emissions increases at a Clean Unit are part of a project that is a major modification according to the provisions in paragraphs (x)(1) through (9) of this section.

(1) *Applicability.* The provisions of this paragraph (x) apply to any emissions unit for which a reviewing authority has issued a major NSR permit within the last 10 years.

(2) *General provisions for Clean Units.* The provisions in paragraphs (x)(2)(i) through (iv) of this section apply to a Clean Unit.

(i) Any project for which the owner or operator begins actual construction after the effective date of the Clean Unit designation (as determined in accordance with paragraph (x)(4) of this section) and before the expiration date (as determined in accordance with paragraph (x)(5) of this section) will be considered to have occurred while the emissions unit was a Clean Unit.

(ii) If a project at a Clean Unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with BACT and the project would not alter any physical or operational characteristics that formed the basis for the BACT determination as specified in paragraph (x)(6)(iv) of this section, the emissions unit remains a Clean Unit.

(iii) If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with BACT or the project would alter any physical or operational characteristics that formed the basis for the BACT determination as specified in paragraph (x)(6)(iv) of this section, then the emissions unit loses its designation as a Clean Unit upon issuance of the necessary permit revisions (unless the unit re-qualifies as a Clean Unit pursuant to paragraph (x)(3)(ii) of this section). If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the Clean Unit designation ends immediately prior to the time when actual construction begins.

(iv) A project that causes an emissions unit to lose its designation as a Clean Unit is subject to the applicability requirements of paragraphs (a)(2)(iv)(a) through (d) and paragraph (a)(2)(iv)(f) of this section as if the emissions unit is not a Clean Unit.

(3) *Qualifying or re-qualifying to use the Clean Unit Applicability Test.* An emissions unit automatically qualifies

as a Clean Unit when the unit meets the criteria in paragraphs (x)(3)(i) and (ii) of this section. After the original Clean Unit expires in accordance with paragraph (x)(5) of this section or is lost pursuant to paragraph (x)(2)(iii) of this section, such emissions unit may re-qualify as a Clean Unit under either paragraph (x)(3)(iii) of this section, or under the Clean Unit provisions in paragraph (y) of this section. To re-qualify as a Clean Unit under paragraph (x)(3)(iii) of this section, the emissions unit must obtain a new major NSR permit issued through the applicable PSD program and meet all the criteria in paragraph (x)(3)(iii) of this section. The Clean Unit designation applies individually for each pollutant emitted by the emissions unit.

(i) *Permitting requirement.* The emissions unit must have received a major NSR permit within the last 10 years. The owner or operator must maintain and be able to provide information that would demonstrate that this permitting requirement is met.

(ii) *Qualifying air pollution control technologies.* Air pollutant emissions from the emissions unit must be reduced through the use of air pollution control technology (which includes pollution prevention as defined under paragraph (b)(39) of this section or work practices) that meets both the following requirements in paragraphs (x)(3)(ii)(a) and (b) of this section.

(a) The control technology achieves the BACT or LAER level of emissions reductions as determined through issuance of a major NSR permit within the past 10 years. However, the emissions unit is not eligible for the Clean Unit designation if the BACT determination resulted in no requirement to reduce emissions below the level of a standard, uncontrolled, new emissions unit of the same type.

(b) The owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or expenses to apply a pollution prevention technique to an emissions unit.

(iii) *Re-qualifying for the Clean Unit designation.* The emissions unit must obtain a new major NSR permit that requires compliance with the current-day BACT (or LAER), and the emissions unit must meet the requirements in paragraphs (x)(3)(i) and (x)(3)(ii) of this section.

(4) *Effective date of the Clean Unit designation.* The effective date of an emissions unit's Clean Unit designation (that is, the date on which the owner or

operator may begin to use the Clean Unit Test to determine whether a project at the emissions unit is a major modification) is determined according to the applicable paragraph (x)(4)(i) or (x)(4)(ii) of this section.

(i) *Original Clean Unit designation, and emissions units that re-qualify as Clean Units by implementing new control technology to meet current-day BACT.* The effective date is the date the emissions unit's air pollution control technology is placed into service, or 3 years after the issuance date of the major NSR permit, whichever is earlier, but no sooner than March 3, 2003, that is the date these provisions become effective.

(ii) *Emissions units that re-qualify for the Clean Unit designation using an existing control technology.* The effective date is the date the new, major NSR permit is issued.

(5) *Clean Unit expiration.* An emissions unit's Clean Unit designation expires (that is, the date on which the owner or operator may no longer use the Clean Unit Test to determine whether a project affecting the emissions unit is, or is part of, a major modification) according to the applicable paragraph (x)(5)(i) or (ii) of this section.

(i) *Original Clean Unit designation, and emissions units that re-qualify by implementing new control technology to meet current-day BACT.* For any emissions unit that automatically qualifies as a Clean Unit under paragraphs (x)(3)(i) and (ii) of this section or re-qualifies by implementing new control technology to meet current-day BACT under paragraph (x)(3)(iii) of this section, the Clean Unit designation expires 10 years after the effective date, or the date the equipment went into service, whichever is earlier; or, it expires at any time the owner or operator fails to comply with the provisions for maintaining the Clean Unit designation in paragraph (x)(7) of this section.

(ii) *Emissions units that re-qualify for the Clean Unit designation using an existing control technology.* For any emissions unit that re-qualifies as a Clean Unit under paragraph (x)(3)(iii) of this section using an existing control technology, the Clean Unit designation expires 10 years after the effective date; or, it expires any time the owner or operator fails to comply with the provisions for maintaining the Clean Unit designation in paragraph (x)(7) of this section.

(6) *Required title V permit content for a Clean Unit.* After the effective date of the Clean Unit designation, and in accordance with the provisions of the applicable title V permit program under part 70 or part 71 of this chapter, but no

later than when the title V permit is renewed, the title V permit for the major stationary source must include the following terms and conditions in paragraphs (x)(6)(i) through (vi) of this section related to the Clean Unit.

(i) A statement indicating that the emissions unit qualifies as a Clean Unit and identifying the pollutant(s) for which this designation applies.

(ii) *The effective date of the Clean Unit designation.* If this date is not known when the Clean Unit designation is initially recorded in the title V permit (e.g., because the air pollution control technology is not yet in service), the permit must describe the event that will determine the effective date (e.g., the date the control technology is placed into service). Once the effective date is determined, the owner or operator must notify the Administrator of the exact date. This specific effective date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iii) *The expiration date of the Clean Unit designation.* If this date is not known when the Clean Unit designation is initially recorded into the title V permit (e.g., because the air pollution control technology is not yet in service), then the permit must describe the event that will determine the expiration date (e.g., the date the control technology is placed into service). Once the expiration date is determined, the owner or operator must notify the Administrator of the exact date. The expiration date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iv) All emission limitations and work practice requirements adopted in conjunction with BACT, and any physical or operational characteristics which formed the basis for the BACT determination (e.g., possibly the emissions unit's capacity or throughput).

(v) Monitoring, recordkeeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for maintaining the Clean Unit designation. (See paragraph (x)(7) of this section.)

(vi) Terms reflecting the owner or operator's duties to maintain the Clean Unit designation and the consequences of failing to do so, as presented in paragraph (x)(7) of this section.

(7) *Maintaining the Clean Unit designation.* To maintain the Clean Unit

designation, the owner or operator must conform to all the restrictions listed in paragraphs (x)(7)(i) through (iii) of this section. This paragraph (x)(7) applies independently to each pollutant for which the emissions unit has the Clean Unit designation. That is, failing to conform to the restrictions for one pollutant affects the Clean Unit designation only for that pollutant.

(i) The Clean Unit must comply with the emission limitation(s) and/or work practice requirements adopted in conjunction with the BACT that is recorded in the major NSR permit, and subsequently reflected in the title V permit. The owner or operator may not make a physical change in or change in the method of operation of the Clean Unit that causes the emissions unit to function in a manner that is inconsistent with the physical or operational characteristics that formed the basis for the BACT determination (e.g., possibly the emissions unit's capacity or throughput).

(ii) The Clean Unit must comply with any terms and conditions in the title V permit related to the unit's Clean Unit designation.

(iii) The Clean Unit must continue to control emissions using the specific air pollution control technology that was the basis for its Clean Unit designation. If the emissions unit or control technology is replaced, then the Clean Unit designation ends.

(8) *Netting at Clean Units.* Emissions changes that occur at a Clean Unit must not be included in calculating a significant net emissions increase (that is, must not be used in a "netting analysis"), unless such use occurs before the effective date of the Clean Unit designation, or after the Clean Unit designation expires; or, unless the emissions unit reduces emissions below the level that qualified the unit as a Clean Unit. However, if the Clean Unit reduces emissions below the level that qualified the unit as a Clean Unit, then the owner or operator may generate a credit for the difference between the level that qualified the unit as a Clean Unit and the new emissions limit if such reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(9) *Effect of redesignation on the Clean Unit designation.* The Clean Unit designation of an emissions unit is not affected by re-designation of the attainment status of the area in which it

is located. That is, if a Clean Unit is located in an attainment area and the area is redesignated to nonattainment, its Clean Unit designation is not affected. Similarly, redesignation from nonattainment to attainment does not affect the Clean Unit designation. However, if an existing Clean Unit designation expires, it must re-qualify under the requirements that are currently applicable in the area.

(y) *Clean Unit provisions for emissions units that achieve an emission limitation comparable to BACT.* An owner or operator of a major stationary source has the option of using the Clean Unit Test to determine whether emissions increases at a Clean Unit are part of a project that is a major modification according to the provisions in paragraphs (y)(1) through (11) of this section.

(1) *Applicability.* The provisions of this paragraph (y) apply to emissions units which do not qualify as Clean Units under paragraph (x) of this section, but which are achieving a level of emissions control comparable to BACT, as determined by the Administrator in accordance with this paragraph (y).

(2) *General provisions for Clean Units.* The provisions in paragraphs (y)(2)(i) through (iv) of this section apply to a Clean Unit (designated under this paragraph (y)).

(i) Any project for which the owner or operator begins actual construction after the effective date of the Clean Unit designation (as determined in accordance with paragraph (y)(5) of this section) and before the expiration date (as determined in accordance with paragraph (y)(6) of this section) will be considered to have occurred while the emissions unit was a Clean Unit.

(ii) If a project at a Clean Unit does not cause the need for a change in the emission limitations or work practice requirements in the permit for the unit that have been determined (pursuant to paragraph (y)(4) of this section) to be comparable to BACT, and the project would not alter any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to BACT as specified in paragraph (y)(8)(iv) of this section, the emissions unit remains a Clean Unit.

(iii) If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that have been determined (pursuant to paragraph (y)(4) of this section) to be comparable to BACT, or the project would alter any physical or operational characteristics

that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to BACT as specified in paragraph (y)(8)(iv) of this section, then the emissions unit loses its designation as a Clean Unit upon issuance of the necessary permit revisions (unless the unit re-qualifies as a Clean Unit pursuant to paragraph (u)(3)(iv) of this section). If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the Clean Unit designation ends immediately prior to the time when actual construction begins.

(iv) A project that causes an emissions unit to lose its designation as a Clean Unit is subject to the applicability requirements of paragraphs (a)(2)(iv)(a) through (d) and paragraph (a)(2)(iv)(f) of this section as if the emissions unit is not a Clean Unit.

(3) *Qualifying or re-qualifying to use the Clean Unit applicability test.* An emissions unit qualifies as a Clean Unit when the unit meets the criteria in paragraphs (y)(3)(i) through (iii) of this section. After the original Clean Unit designation expires in accordance with paragraph (y)(6) of this section or is lost pursuant to paragraph (y)(2)(iii) of this section, such emissions unit may re-qualify as a Clean Unit under either paragraph (y)(3)(iv) of this section, or under the Clean Unit provisions in paragraph (x) of this section. To re-qualify as a Clean Unit under paragraph (y)(3)(iv) of this section, the emissions unit must obtain a new permit issued pursuant to the requirements in paragraphs (y)(7) and (8) of this section and meet all the criteria in paragraph (y)(3)(iv) of this section. The Administrator will make a separate Clean Unit designation for each pollutant emitted by the emissions unit for which the emissions unit qualifies as a Clean Unit.

(i) *Qualifying air pollution control technologies.* Air pollutant emissions from the emissions unit must be reduced through the use of air pollution control technology (which includes pollution prevention as defined under paragraph (b)(39) of this section or work practices) that meets both the following requirements in paragraphs (y)(3)(i)(a) and (b) of this section.

(a) The owner or operator has demonstrated that the emissions unit's control technology is comparable to BACT according to the requirements of paragraph (y)(4) of this section. However, the emissions unit is not eligible for a Clean Unit designation if its emissions are not reduced below the level of a standard, uncontrolled

emissions unit of the same type (e.g., if the BACT determinations to which it is compared have resulted in a determination that no control measures are required).

(b) The owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or to retool the unit to apply a pollution prevention technique.

(ii) *Impact of emissions from the unit.* The Administrator must determine that the allowable emissions from the emissions unit will not cause or contribute to a violation of any national ambient air quality standard or PSD increment, or adversely impact an air quality related value (such as visibility) that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(iii) *Date of installation.* An emissions unit may qualify as a Clean Unit even if the control technology, on which the Clean Unit designation is based, was installed before March 3, 2003.

However, for such emissions units, the owner or operator must apply for the Clean Unit designation before December 31, 2004. For technologies installed on and after March 3, 2003, the owner or operator must apply for the Clean Unit designation at the time the control technology is installed.

(iv) *Re-qualifying as a Clean Unit.* The emissions unit must obtain a new permit (pursuant to requirements in paragraphs (y)(7) and (8) of this section) that demonstrates that the emissions unit's control technology is achieving a level of emission control comparable to current-day BACT, and the emissions unit must meet the requirements in paragraphs (y)(3)(i)(a) and (y)(3)(ii) of this section.

(4) *Demonstrating control effectiveness comparable to BACT.* The owner or operator may demonstrate that the emissions unit's control technology is comparable to BACT for purposes of paragraph (y)(3)(i) of this section according to either paragraph (y)(4)(i) or (ii) of this section. Paragraph (y)(4)(iii) of this section specifies the time for making this comparison.

(i) *Comparison to previous BACT and LAER determinations.* The Administrator maintains an on-line data base of previous determinations of RACT, BACT, and LAER in the RACT/BACT/LAER Clearinghouse (RBLC). The emissions unit's control technology is presumed to be comparable to BACT if it achieves an emission limitation that is equal to or better than the average of the

emission limitations achieved by all the sources for which a BACT or LAER determination has been made within the preceding 5 years and entered into the RBLC, and for which it is technically feasible to apply the BACT or LAER control technology to the emissions unit. The Administrator shall also compare this presumption to any additional BACT or LAER determinations of which he or she is aware, and shall consider any information on achieved-in-practice pollution control technologies provided during the public comment period, to determine whether any presumptive determination that the control technology is comparable to BACT is correct.

(ii) *The substantially-as-effective test.* The owner or operator may demonstrate that the emissions unit's control technology is substantially as effective as BACT. In addition, any other person may present evidence related to whether the control technology is substantially as effective as BACT during the public participation process required under paragraph (y)(7) of this section. The Administrator shall consider such evidence on a case-by-case basis and determine whether the emissions unit's air pollution control technology is substantially as effective as BACT.

(iii) *Time of comparison.*

(a) *Emissions units with control technologies that are installed before March 3, 2003.* The owner or operator of an emissions unit whose control technology is installed before March 3, 2003 may, at its option, either demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to the BACT requirements that applied at the time the control technology was installed, or demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to current-day BACT requirements. The expiration date of the Clean Unit designation will depend on which option the owner or operator uses, as specified in paragraph (y)(6) of this section.

(b) *Emissions units with control technologies that are installed on and after March 3, 2003.* The owner or operator must demonstrate that the emission limitation achieved by the emissions unit's control technology is comparable to current-day BACT requirements.

(5) *Effective date of the Clean Unit designation.* The effective date of an emissions unit's Clean Unit designation (that is, the date on which the owner or operator may begin to use the Clean Unit Test to determine whether a project involving the emissions unit is a major

modification) is the date that the permit required by paragraph (y)(7) of this section is issued or the date that the emissions unit's air pollution control technology is placed into service, whichever is later.

(6) *Clean Unit expiration.* If the owner or operator demonstrates that the emission limitation achieved by the emissions unit's control technology is comparable to the BACT requirements that applied at the time the control technology was installed, then the Clean Unit designation expires 10 years from the date that the control technology was installed. For all other emissions units, the Clean Unit designation expires 10 years from the effective date of the Clean Unit designation, as determined according to paragraph (y)(5) of this section. In addition, for all emissions units, the Clean Unit designation expires any time the owner or operator fails to comply with the provisions for maintaining the Clean Unit designation in paragraph (y)(9) of this section.

(7) *Procedures for designating emissions units as Clean Units.* The Administrator shall designate an emissions unit a Clean Unit only by issuing a permit through a permitting program that has been approved by the Administrator and that conforms with the requirements of §§ 51.160 through 51.164 of this chapter including requirements for public notice of the proposed Clean Unit designation and opportunity for public comment. Such permit must also meet the requirements in paragraph (y)(8) of this section.

(8) *Required permit content.* The permit required by paragraph (y)(7) of this section shall include the terms and conditions set forth in paragraphs (y)(8)(i) through (vi) of this section. Such terms and conditions shall be incorporated into the major stationary source's title V permit in accordance with the provisions of the applicable title V permit program under part 70 or part 71 of this chapter, but no later than when the title V permit is renewed.

(i) A statement indicating that the emissions unit qualifies as a Clean Unit and identifying the pollutant(s) for which this designation applies.

(ii) *The effective date of the Clean Unit designation.* If this date is not known when the Administrator issues the permit (e.g., because the air pollution control technology is not yet in service), then the permit must describe the event that will determine the effective date (e.g., the date the control technology is placed into service). Once the effective date is known, then the owner or operator must notify the Administrator of the exact date. This specific effective date must be

added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iii) The expiration date of the Clean Unit designation. If this date is not known when the Administrator issues the permit (e.g., because the air pollution control technology is not yet in service), then the permit must describe the event that will determine the expiration date (e.g., the date the control technology is placed into service). Once the expiration date is known, then the owner or operator must notify the Administrator of the exact date. The expiration date must be added to the source's title V permit at the first opportunity, such as a modification, revision, reopening, or renewal of the title V permit for any reason, whichever comes first, but in no case later than the next renewal.

(iv) All emission limitations and work practice requirements adopted in conjunction with emission limitations necessary to assure that the control technology continues to achieve an emission limitation comparable to BACT, and any physical or operational characteristics that formed the basis for determining that the emissions unit's control technology achieves a level of emissions control comparable to BACT (e.g., possibly the emissions unit's capacity or throughput).

(v) Monitoring, recordkeeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for maintaining its Clean Unit designation. (See paragraph (y)(9) of this section.)

(vi) Terms reflecting the owner or operator's duties to maintain the Clean Unit designation and the consequences of failing to do so, as presented in paragraph (y)(9) of this section.

(9) *Maintaining a Clean Unit designation.* To maintain the Clean Unit designation, the owner or operator must conform to all the restrictions listed in paragraphs (y)(9)(i) through (v) of this section. This paragraph (y)(9) applies independently to each pollutant for which the Administrator has designated the emissions unit a Clean Unit. That is, failing to conform to the restrictions for one pollutant affects the Clean Unit designation only for that pollutant.

(i) The Clean Unit must comply with the emission limitation(s) and/or work practice requirements adopted to ensure that the control technology continues to achieve emission control comparable to BACT.

(ii) The owner or operator may not make a physical change in or change in

the method of operation of the Clean Unit that causes the emissions unit to function in a manner that is inconsistent with the physical or operational characteristics that formed the basis for the determination that the control technology is achieving a level of emission control that is comparable to BACT (e.g., possibly the emissions unit's capacity or throughput).

(iii) [Reserved]

(iv) The Clean Unit must comply with any terms and conditions in the title V permit related to the unit's Clean Unit designation.

(v) The Clean Unit must continue to control emissions using the specific air pollution control technology that was the basis for its Clean Unit designation. If the emissions unit or control technology is replaced, then the Clean Unit designation ends.

(10) *Netting at Clean Units.* Emissions changes that occur at a Clean Unit must not be included in calculating a significant net emissions increase (that is, must not be used in a "netting analysis") unless such use occurs before March 3, 2003 or after the Clean Unit designation expires; or, unless the emissions unit reduces emissions below the level that qualified the unit as a Clean Unit. However, if the Clean Unit reduces emissions below the level that qualified the unit as a Clean Unit, then the owner or operator may generate a credit for the difference between the level that qualified the unit as a Clean Unit and the emissions unit's new emissions limit if such reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(11) *Effect of redesignation on a Clean Unit designation.* The Clean Unit designation of an emissions unit is not affected by redesignation of the attainment status of the area in which it is located. That is, if a Clean Unit is located in an attainment area and the area is redesignated to nonattainment, its Clean Unit designation is not affected. Similarly, redesignation from nonattainment to attainment does not affect the Clean Unit designation. However, if a Clean Unit's designation expires or is lost pursuant to paragraphs (x)(2)(iii) and (y)(2)(iii) of this section, it must re-qualify under the requirements that are currently applicable.

(z) *PCP exclusion procedural requirements.* PCPs shall be provided according to the provisions in

paragraphs (z)(1) through (6) of this section.

(1) Before an owner or operator begins actual construction of a PCP, the owner or operator must either submit a notice to the Administrator if the project is listed in paragraphs (b)(32)(i) through (vi) of this section, or if the project is not listed in paragraphs (b)(32)(i) through (vi) of this section, then the owner or operator must submit a permit application and obtain approval to use the PCP exclusion from the Administrator consistent with the requirements in paragraph (z)(5) of this section. Regardless of whether the owner or operator submits a notice or a permit application, the project must meet the requirements in paragraph (z)(2) of this section, and the notice or permit application must contain the information required in paragraph (z)(3) of this section.

(2) Any project that relies on the PCP exclusion must meet the requirements of paragraphs (z)(2)(i) and (ii) of this section.

(i) *Environmentally beneficial analysis.* The environmental benefit from the emissions reductions of pollutants regulated under the Act must outweigh the environmental detriment of emissions increases in pollutants regulated under the Act. A statement that a technology from paragraphs (b)(32)(i) through (vi) of this section is being used shall be presumed to satisfy this requirement.

(ii) *Air quality analysis.* The emissions increases from the project will not cause or contribute to a violation of any national ambient air quality standard or PSD increment, or adversely impact an air quality related value (such as visibility) that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(3) *Content of notice or permit application.* In the notice or permit application sent to the Administrator, the owner or operator must include, at a minimum, the information listed in paragraphs (z)(3)(i) through (v) of this section.

(i) A description of the project.

(ii) The potential emissions increases and decreases of any pollutant regulated under the Act and the projected emissions increases and decreases using the methodology in paragraph (a)(2)(iv) of this section, that will result from the project, and a copy of the environmentally beneficial analysis required by paragraph (z)(2)(i) of this section.

(iii) A description of monitoring and recordkeeping, and all other methods, to

be used on an ongoing basis to demonstrate that the project is environmentally beneficial. Methods should be sufficient to meet the requirements in part 70 and part 71 of this chapter.

(iv) A certification that the project will be designed and operated in a manner that is consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by paragraphs (z)(2)(i) and (ii) of this section, with information submitted in the notice or permit application, and in such a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(v) Demonstration that the PCP will not have an adverse air quality impact (e.g., modeling, screening level modeling results, or a statement that the collateral emissions increase is included within the parameters used in the most recent modeling exercise) as required by paragraph (z)(2)(ii) of this section. An air quality impact analysis is not required for any pollutant that will not experience a significant emissions increase as a result of the project.

(4) *Notice process for listed projects.* For projects listed in paragraphs (b)(32)(i) through (vi) of this section, the owner or operator may begin actual construction of the project immediately after notice is sent to the Administrator (unless otherwise prohibited under requirements of the applicable State Implementation Plan). The owner or operator shall respond to any requests by the Administrator for additional information that the Administrator determines is necessary to evaluate the suitability of the project for the PCP exclusion.

(5) *Permit process for unlisted projects.* Before an owner or operator may begin actual construction of a PCP project that is not listed in paragraphs (b)(32)(i) through (vi) of this section, the project must be approved by the Administrator and recorded in a State Implementation Plan-approved permit or title V permit using procedures that are consistent with §§ 51.160 and 51.161 of this chapter. This includes the requirement that the Administrator provide the public with notice of the proposed approval, with access to the environmentally beneficial analysis and the air quality analysis, and provide at least a 30-day period for the public and the Administrator to submit comments. The Administrator must address all material comments received by the end

of the comment period before taking final action on the permit.

(6) *Operational requirements.* Upon installation of the PCP, the owner or operator must comply with the requirements of paragraphs (z)(6)(i) through (iv) of this section.

(i) *General duty.* The owner or operator must operate the PCP in a manner consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by paragraphs (z)(2)(i) and (ii) of this section, with information submitted in the notice or permit application required by paragraph (z)(3) of this section, and in such a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

(ii) *Recordkeeping.* The owner or operator must maintain copies on site of the environmentally beneficial analysis, the air quality impacts analysis, and monitoring and other emission records to prove that the PCP operated consistent with the general duty requirements in paragraph (z)(6)(i) of this section.

(iii) *Permit requirements.* The owner or operator must comply with any provisions in the State Implementation Plan-approved permit or title V permit related to use and approval of the PCP exclusion.

(iv) *Generation of emission reduction credits.* Emission reductions created by a PCP shall not be included in calculating a significant net emissions increase unless the emissions unit further reduces emissions after qualifying for the PCP exclusion (e.g., taking an operational restriction on the hours of operation). The owner or operator may generate a credit for the difference between the level of reduction which was used to qualify for the PCP exclusion and the new emissions limit if such reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

(aa) *Actuals PALs.* The provisions in paragraphs (aa)(1) through (15) of this section govern actuals PALs.

(1) *Applicability.*

(i) The Administrator may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements in

paragraphs (aa)(1) through (15) of this section. The term "PAL" shall mean "actuals PAL" throughout paragraph (aa) of this section.

(ii) Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements in paragraphs (aa)(1) through (15) of this section, and complies with the PAL permit:

(a) Is not a major modification for the PAL pollutant;

(b) Does not have to be approved through the PSD program; and

(c) Is not subject to the provisions in paragraph (r)(4) of this section (restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the major NSR program).

(iii) Except as provided under paragraph (aa)(1)(ii)(c) of this section, a major stationary source shall continue to comply with all applicable Federal or State requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

(2) *Definitions.* For the purposes of this section, the definitions in paragraphs (aa)(2)(i) through (xi) of this section apply. When a term is not defined in these paragraphs, it shall have the meaning given in paragraph (b) of this section or in the Act.

(i) *Actuals PAL* for a major stationary source means a PAL based on the baseline actual emissions (as defined in paragraph (b)(48) of this section) of all emissions units (as defined in paragraph (b)(7) of this section) at the source, that emit or have the potential to emit the PAL pollutant.

(ii) *Allowable emissions* means "allowable emissions" as defined in paragraph (b)(16) of this section, except as this definition is modified according to paragraphs (aa)(2)(ii)(a) and (b) of this section.

(a) The allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit.

(b) An emissions unit's potential to emit shall be determined using the definition in paragraph (b)(4) of this section, except that the words "or enforceable as a practical matter" should be added after "federally enforceable."

(iii) *Small emissions unit* means an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in

paragraph (b)(23) of this section or in the Act, whichever is lower.

(iv) *Major emissions unit* means:

(a) Any emissions unit that emits or has the potential to emit 100 tons per year or more of the PAL pollutant in an attainment area; or

(b) Any emissions unit that emits or has the potential to emit the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Act for nonattainment areas. For example, in accordance with the definition of major stationary source in section 182(c) of the Act, an emissions unit would be a major emissions unit for VOC if the emissions unit is located in a serious ozone nonattainment area and it emits or has the potential to emit 50 or more tons of VOC per year.

(v) *Plantwide applicability limitation (PAL)* means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with paragraphs (aa)(1) through (15) of this section.

(vi) *PAL effective date* generally means the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(vii) *PAL effective period* means the period beginning with the PAL effective date and ending 10 years later.

(viii) *PAL major modification* means, notwithstanding paragraphs (b)(2) and (b)(3) of this section (the definitions for major modification and net emissions increase), any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL.

(ix) *PAL permit* means the major NSR permit, the minor NSR permit, or the State operating permit under a program that is approved into the State Implementation Plan, or the title V permit issued by the Administrator that establishes a PAL for a major stationary source.

(x) *PAL pollutant* means the pollutant for which a PAL is established at a major stationary source.

(xi) *Significant emissions unit* means an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the significant level (as defined in paragraph (b)(23) of this section or in the Act, whichever is lower) for that PAL pollutant, but less than the amount that would qualify the unit as a major

emissions unit as defined in paragraph (aa)(2)(iv) of this section.

(3) *Permit application requirements.*

As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the Administrator for approval:

(i) A list of all emissions units at the source designated as small, significant or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, Federal or State applicable requirements, emission limitations, or work practices apply to each unit.

(ii) Calculations of the baseline actual emissions (with supporting documentation). Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction.

(iii) The calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by paragraph (aa)(13)(i) of this section.

(4) *General requirements for establishing PALs.*

(i) The Administrator is allowed to establish a PAL at a major stationary source, provided that at a minimum, the requirements in paragraphs (aa)(4)(i)(a) through (g) of this section are met.

(a) The PAL shall impose an annual emission limitation in tons per year, that is enforceable as a practical matter, for the entire major stationary source. For each month during the PAL effective period after the first 12 months of establishing a PAL, the major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a 12-month average, rolled monthly). For each month during the first 11 months from the PAL effective date, the major stationary source owner or operator shall show that the sum of the preceding monthly emissions from the PAL effective date for each emissions unit under the PAL is less than the PAL.

(b) The PAL shall be established in a PAL permit that meets the public participation requirements in paragraph (aa)(5) of this section.

(c) The PAL permit shall contain all the requirements of paragraph (aa)(7) of this section.

(d) The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or

have the potential to emit the PAL pollutant at the major stationary source.

(e) Each PAL shall regulate emissions of only one pollutant.

(f) Each PAL shall have a PAL effective period of 10 years.

(g) The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in paragraphs (aa)(12) through (14) of this section for each emissions unit under the PAL through the PAL effective period.

(ii) At no time (during or after the PAL effective period) are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under § 51.165(a)(3)(ii) of this chapter unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

(5) *Public participation requirements for PALs.* PALs for existing major stationary sources shall be established, renewed, or increased through a procedure that is consistent with §§ 51.160 and 51.161 of this chapter. This includes the requirement that the Administrator provide the public with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public comment. The Administrator must address all material comments before taking final action on the permit.

(6) *Setting the 10-year actuals PAL level.* The actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions (as defined in paragraph (b)(48) of this section) of the PAL pollutant for each emissions unit at the source; plus an amount equal to the applicable significant level for the PAL pollutant under paragraph (b)(23) of this section or under the Act, whichever is lower. When establishing the actuals PAL level, for a PAL pollutant, only one consecutive 24-month period must be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shutdown after this 24-month period must be subtracted from the PAL level. Emissions from units on which actual construction began after the 24-month period must be added to the PAL level in an amount equal to the potential to emit of the units. The Administrator shall specify a reduced PAL level(s) (in tons/yr) in the PAL permit to become effective on the future

compliance date(s) of any applicable Federal or State regulatory requirement(s) that the Administrator is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO_x to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such unit(s).

(7) *Contents of the PAL permit.* The PAL permit must contain, at a minimum, the information in paragraphs (aa)(7)(i) through (x) of this section.

(i) The PAL pollutant and the applicable source-wide emission limitation in tons per year.

(ii) The PAL permit effective date and the expiration date of the PAL (PAL effective period).

(iii) Specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with paragraph (aa)(10) of this section before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period. It shall remain in effect until a revised PAL permit is issued by a reviewing authority.

(iv) A requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions.

(v) A requirement that, once the PAL expires, the major stationary source is subject to the requirements of paragraph (aa)(9) of this section.

(vi) The calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total as required by paragraph (aa)(13)(i) of this section.

(vii) A requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under paragraph (aa)(12) of this section.

(viii) A requirement to retain the records required under paragraph (aa)(13) of this section on site. Such records may be retained in an electronic format.

(ix) A requirement to submit the reports required under paragraph (aa)(14) of this section by the required deadlines.

(x) Any other requirements that the Administrator deems necessary to implement and enforce the PAL.

(8) *PAL effective period and reopening of the PAL permit.* The requirements in paragraphs (aa)(8)(i)

and (ii) of this section apply to actuals PALs.

(i) *PAL effective period.* The Administrator shall specify a PAL effective period of 10 years.

(ii) *Reopening of the PAL permit.*

(a) During the PAL effective period, the Administrator must reopen the PAL permit to:

(1) Correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;

(2) Reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets under § 51.165(a)(3)(ii) of this chapter; and

(3) Revise the PAL to reflect an increase in the PAL as provided under paragraph (aa)(11) of this section.

(b) The Administrator shall have discretion to reopen the PAL permit for the following:

(1) Reduce the PAL to reflect newly applicable Federal requirements (for example, NSPS) with compliance dates after the PAL effective date;

(2) Reduce the PAL consistent with any other requirement, that is enforceable as a practical matter, and that the State may impose on the major stationary source under the State Implementation Plan; and

(3) Reduce the PAL if the reviewing authority determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public.

(c) Except for the permit reopening in paragraph (aa)(8)(ii)(a)(1) of this section for the correction of typographical/calculation errors that do not increase the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of paragraph (aa)(5) of this section.

(9) *Expiration of a PAL.* Any PAL that is not renewed in accordance with the procedures in paragraph (aa)(10) of this section shall expire at the end of the PAL effective period, and the requirements in paragraphs (aa)(9)(i) through (v) of this section shall apply.

(i) Each emissions unit (or each group of emissions units) that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the procedures in paragraphs (aa)(9)(i)(a) and (b) of this section.

(a) Within the time frame specified for PAL renewals in paragraph (aa)(10)(ii) of this section, the major stationary

source shall submit a proposed allowable emission limitation for each emissions unit (or each group of emissions units, if such a distribution is more appropriate as decided by the Administrator) by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under paragraph (aa)(10)(v) of this section, such distribution shall be made as if the PAL had been adjusted.

(b) The Administrator shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the Administrator determines is appropriate.

(ii) Each emissions unit(s) shall comply with the allowable emission limitation on a 12-month rolling basis. The Administrator may approve the use of monitoring systems (source testing, emission factors, etc.) other than CEMS, CERMS, PEMS, or CPMS to demonstrate compliance with the allowable emission limitation.

(iii) Until the Administrator issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under paragraph (aa)(9)(i)(b) of this section, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

(iv) Any physical change or change in the method of operation at the major stationary source will be subject to major NSR requirements if such change meets the definition of major modification in paragraph (b)(2) of this section.

(v) The major stationary source owner or operator shall continue to comply with any State or Federal applicable requirements (BACT, RACT, NSPS, etc.) that may have applied either during the PAL effective period or prior to the PAL effective period except for those emission limitations that had been established pursuant to paragraph (r)(4) of this section, but were eliminated by the PAL in accordance with the provisions in paragraph (aa)(1)(ii)(c) of this section.

(10) *Renewal of a PAL.*

(i) The Administrator shall follow the procedures specified in paragraph (aa)(5) of this section in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a

written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the Administrator.

(ii) *Application deadline.* A major stationary source owner or operator shall submit a timely application to the Administrator to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.

(iii) *Application requirements.* The application to renew a PAL permit shall contain the information required in paragraphs (aa)(10)(iii)(a) through (d) of this section.

(a) The information required in paragraphs (aa)(3)(i) through (iii) of this section.

(b) A proposed PAL level.

(c) The sum of the potential to emit of all emissions units under the PAL (with supporting documentation).

(d) Any other information the owner or operator wishes the Administrator to consider in determining the appropriate level for renewing the PAL.

(iv) *PAL adjustment.* In determining whether and how to adjust the PAL, the Administrator shall consider the options outlined in paragraphs (aa)(10)(iv)(a) and (b) of this section. However, in no case may any such adjustment fail to comply with paragraph (aa)(10)(iv)(c) of this section.

(a) If the emissions level calculated in accordance with paragraph (aa)(6) of this section is equal to or greater than 80 percent of the PAL level, the Administrator may renew the PAL at the same level without considering the factors set forth in paragraph (aa)(10)(iv)(b) of this section; or

(b) The Administrator may set the PAL at a level that he or she determines to be more representative of the source's baseline actual emissions, or that he or she determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Administrator in his or her written rationale.

(c) Notwithstanding paragraphs (aa)(10)(iv)(a) and (b) of this section:

(1) If the potential to emit of the major stationary source is less than the PAL, the Administrator shall adjust the PAL to a level no greater than the potential to emit of the source; and

(2) The Administrator shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of paragraph (aa)(11) of this section (increasing a PAL).

(v) If the compliance date for a State or Federal requirement that applies to the PAL source occurs during the PAL effective period, and if the Administrator has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or title V permit renewal, whichever occurs first.

(11) *Increasing a PAL during the PAL effective period.*

(i) The Administrator may increase a PAL emission limitation only if the major stationary source complies with the provisions in paragraphs (aa)(11)(i)(a) through (d) of this section.

(a) The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

(b) As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s) exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

(c) The owner or operator obtains a major NSR permit for all emissions unit(s) identified in paragraph (aa)(11)(i)(a) of this section, regardless of the magnitude of the emissions

increase resulting from them (that is, no significant levels apply). These emissions unit(s) shall comply with any emissions requirements resulting from the major NSR process (for example, BACT), even though they have also become subject to the PAL or continue to be subject to the PAL.

(d) The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

(ii) The Administrator shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in accordance with paragraph (aa)(11)(i)(b)), plus the sum of the baseline actual emissions of the small emissions units.

(iii) The PAL permit shall be revised to reflect the increased PAL level pursuant to the public notice requirements of paragraph (aa)(5) of this section.

(12) *Monitoring requirements for PALs.*

(i) General requirements.

(a) Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

(b) The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in paragraphs (aa)(12)(ii)(a) through (d) of this section and must be approved by the Administrator.

(c) Notwithstanding paragraph (aa)(12)(i)(b) of this section, you may also employ an alternative monitoring approach that meets paragraph (aa)(12)(i)(a) of this section if approved by the Administrator.

(d) Failure to use a monitoring system that meets the requirements of this section renders the PAL invalid.

(ii) Minimum performance requirements for approved monitoring approaches. The following are acceptable general monitoring

approaches when conducted in accordance with the minimum requirements in paragraphs (aa)(12)(iii) through (ix) of this section:

(a) Mass balance calculations for activities using coatings or solvents;

(b) CEMS;

(c) CPMS or PEMS; and

(d) Emission factors.

(iii) Mass balance calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

(a) Provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

(b) Assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

(c) Where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the Administrator determines there is site-specific data or a site-specific monitoring program to support another content within the range.

(iv) CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

(a) CEMS must comply with applicable Performance Specifications found in 40 CFR part 60, appendix B; and

(b) CEMS must sample, analyze and record data at least every 15 minutes while the emissions unit is operating.

(v) CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

(a) The CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameter(s) and the PAL pollutant emissions across the range of operation of the emissions unit; and

(b) Each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the Administrator, while the emissions unit is operating.

(vi) Emission factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

(a) All emission factors shall be adjusted, if appropriate, to account for

the degree of uncertainty or limitations in the factors' development;

(b) The emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

(c) If technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within 6 months of PAL permit issuance, unless the Administrator determines that testing is not required.

(vii) A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

(viii) Notwithstanding the requirements in paragraphs (aa)(12)(iii) through (vii) of this section, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameter(s) and the PAL pollutant emissions rate at all operating points of the emissions unit, the Administrator shall, at the time of permit issuance:

(a) Establish default value(s) for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating point(s); or

(b) Determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameter(s) and the PAL pollutant emissions is a violation of the PAL.

(ix) Re-validation. All data used to establish the PAL pollutant must be re-validated through performance testing or other scientifically valid means approved by the Administrator. Such testing must occur at least once every 5 years after issuance of the PAL.

(13) *Recordkeeping requirements.*

(i) The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of paragraph (aa) of this section and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for 5 years from the date of such record.

(ii) The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus 5 years:

(a) A copy of the PAL permit application and any applications for revisions to the PAL; and

(b) Each annual certification of compliance pursuant to title V and the data relied on in certifying the compliance.

(14) *Reporting and notification requirements.* The owner or operator shall submit semi-annual monitoring reports and prompt deviation reports to the Administrator in accordance with the applicable title V operating permit program. The reports shall meet the requirements in paragraphs (aa)(14)(i) through (iii) of this section.

(i) *Semi-annual report.* The semi-annual report shall be submitted to the Administrator within 30 days of the end of each reporting period. This report shall contain the information required in paragraphs (aa)(14)(i)(a) through (g) of this section.

(a) The identification of owner and operator and the permit number.

(b) Total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded pursuant to paragraph (aa)(13)(i) of this section.

(c) All data relied upon, including, but not limited to, any Quality Assurance or Quality Control data, in calculating the monthly and annual PAL pollutant emissions.

(d) A list of any emissions units modified or added to the major stationary source during the preceding 6-month period.

(e) The number, duration, and cause of any deviations or monitoring malfunctions (other than the time associated with zero and span calibration checks), and any corrective action taken.

(f) A notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by (aa)(12)(vii).

(g) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

(ii) *Deviation report.* The major stationary source owner or operator shall promptly submit reports of any deviations or exceedance of the PAL

requirements, including periods where no monitoring is available. A report submitted pursuant to § 70.6(a)(3)(iii)(B) of this chapter shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by the applicable program implementing § 70.6(a)(3)(iii)(B) of this chapter. The reports shall contain the following information:

(a) The identification of owner and operator and the permit number;

(b) The PAL requirement that experienced the deviation or that was exceeded;

(c) Emissions resulting from the deviation or the exceedance; and

(d) A signed statement by the responsible official (as defined by the applicable title V operating permit program) certifying the truth, accuracy, and completeness of the information provided in the report.

(iii) *Re-validation results.* The owner or operator shall submit to the Administrator the results of any re-validation test or method within 3 months after completion of such test or method.

(15) *Transition requirements.*

(i) The Administrator may not issue a PAL that does not comply with the requirements in paragraphs (aa)(1) through (15) of this section after March 3, 2003.

(ii) The Administrator may supersede any PAL that was established prior to March 3, 2003 with a PAL that complies with the requirements of paragraphs (aa)(1) through (15) of this section.

(bb) If any provision of this section, or the application of such provision to any person or circumstance, is held invalid, the remainder of this section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

[FR Doc. 02-31899 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[FRL-7414-6; Docket A-2002-4]

RIN 2060-AK28

Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Routine Maintenance, Repair and Replacement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing revisions to the regulations governing the NSR programs mandated by parts C and D of title I of the Clean Air Act (CAA). These proposed changes reflect the EPA's consideration of the President's National Energy Policy (NEP), EPA's Report to the President on the impact of NSR pursuant to the NEP, and EPA's recommended changes to NSR based on the Report findings and discussions with various stakeholders including representatives from industry,

State and local governments, and environmental groups. The proposed changes provide a future category of activities that would be considered to be routine maintenance, repair and replacement (RMRR) under the NSR program. The changes are intended to provide greater regulatory certainty without sacrificing the current level of environmental protection and benefit derived from the program. We believe that these changes will facilitate the safe, efficient, and reliable operation of affected facilities.

DATES: *Comments.* Comments must be received on or before March 3, 2003.

Public Hearing. If anyone contacts us requesting to speak at a public hearing by January 21, 2003, we will hold a public hearing approximately 30 days after publication in the **Federal Register**.

ADDRESSES: *Comments.* Comments may be submitted electronically, by mail, by facsimile, or through hand delivery/ courier. Follow the detailed instructions as provided in section I.C. of the **SUPPLEMENTARY INFORMATION** section.

Public Hearing. The public hearing, if requested, will be held at the EPA's facilities at 109 TW Alexander Drive, Research Triangle Park, NC 27709 or at an alternate facility nearby. The EPA will not hold a hearing if one is not requested. Please check EPA's web page at <http://www.epa.gov/ttn/nsr/whatsnew.html> on January 21, 2003 for the announcement of whether the hearing will be held.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Svendsgaard, Information Transfer and Program Integration Division (C339-03), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541-2380, or electronic mail at svendsgaard.dave@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. What Are the Regulated Entities?

Entities potentially affected by this proposed action include sources in all industry groups. The majority of sources potentially affected are expected to be in the following groups.

Industry group	SEC ^a	NAICS ^b
Electric Services	491	221111, 221112, 221113, 221119, 221121, 221122
Petroleum Refining	291	32411
Chemical Processes	281	325181, 32512, 325131, 325182, 211112, 325998, 331311, 325188
Natural Gas Transport	492	48621, 22121
Pulp and Paper Mills	261	32211, 322121, 322122, 32213
Paper Mills	262	322121, 322122
Automobile Manufacturing	371	336111, 336112, 336712, 336211, 336992, 336322, 336312, 33633, 33634, 33635, 336399, 336212, 336213
Pharmaceuticals	283	325411, 325412, 325413, 325414

^a Standard Industrial Classification

^b North American Industry Classification System. Entities potentially affected by this proposed action also would include State, local, and tribal governments that are delegated authority to implement these regulations.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under Docket ID No. A-2002-04. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, (Air Docket), U.S. Environmental Protection Agency, 1301 Constitution Ave., NW., Room: B108, Mail Code: 6102T, Washington, DC, 20004. The EPA Docket Center Public

Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1742. A reasonable fee may be charged for copying.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search,"

then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may

be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in section I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

For additional information about EPA's electronic public docket visit EPA Dockets online or see 67 FR 38102, May 31, 2002.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, by facsimile, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in section I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address,

and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

a. EPA Dockets. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. To access EPA's electronic public docket from the EPA Internet Home Page, select "Information Sources," "Dockets," and "EPA Dockets." Once in the system, select "search," and then key in Docket ID No. A-2002-04. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

b. E-mail. Comments may be sent by electronic mail (e-mail) to *a-and-r-docket@epamail.epa.gov*, Attention Docket ID No. A-2002-04. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

c. Disk or CD ROM. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in section I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send two copies of your comments to: U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Ave., NW, Room: B108, Mail code: 6102T, Washington, DC, 20460, Attention Docket ID No. A-2002-04.

3. *By Hand Delivery or Courier.* Deliver your comments to: EPA Docket Center, (Air Docket), U.S. Environmental Protection Agency, 1301 Constitution Ave., NW., Room: B108, Mail Code: 6102T, Washington, DC, 20004., Attention Docket ID No. A-2002-04. Such deliveries are only accepted during the Docket's normal hours of operation as identified in section I.B.1.

4. *By Facsimile.* Fax your comments to the EPA Docket Center at (202) 566-1741, Attention Docket ID. No. A-2002-04.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. Send or deliver information identified as CBI only to the following address: Mr. David Svendsgaard, c/o OAQPS Document Control Officer (C339-03), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, Attention Docket ID No. A-2002-04. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI. (If you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

E. What Should I Consider as I Prepare my Comments for EPA?

You may find the following suggestions helpful for preparing your comments.

- Explain your views as clearly as possible.
- Describe any assumptions that you used.
- Provide any technical information and/or data you used that support your views.
- If you estimate potential burden or costs, explain how you arrived at your estimate.
- Provide specific examples to illustrate your concerns.
- Offer alternatives.
- Make sure to submit your comments by the comment period deadline identified.
- To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

F. How Can I Find Information About a Possible Public Hearing?

Persons interested in presenting oral testimony or inquiring as to whether a hearing is to be held should contact Ms. Pamela J. Smith, Integrated Implementation Group, Information Transfer and Program Integration Division (C339-03), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-0641, at least 2 days in advance of the public hearing. Persons interested in attending the public hearing should also contact Ms. Smith to verify the time, date, and location of the hearing. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning these proposed emission standards.

G. Where Can I Obtain Additional Information?

In addition to being available in the docket, an electronic copy of this proposed rule is also available on the WWW through the Technology Transfer Network (TTN). Following signature by the EPA Administrator, a copy of the proposed rule will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

H. How is This Preamble Organized?

The information presented in this preamble is organized as follows:

- I. General Information
 - A. What are the regulated entities?
 - B. How can I get copies of this document and other related information?
 - C. How and to whom do I submit comments?
 - D. How should I submit CBI to the Agency?
 - E. What should I consider as I prepare my comments for EPA?
 - F. How can I find information about a possible public hearing?
 - G. Where can I obtain additional information?
 - H. How is this preamble organized?
- II. Purpose
- III. Background
 - A. How does the process of using the RMRR exclusion currently work?
 - B. Why is the specification of categories of RMRR activities appropriate?
 - C. Process Used to Develop This Rule
- IV. Overview of Recommended Approaches for RMRR
 - A. Annual Maintenance, Repair and Replacement Allowance
 - B. Equipment Replacement Provision
- V. Legal Basis for Recommended Approaches
- VI. Discussion of Issues Under Annual Maintenance, Repair and Replacement Allowance Approach
 - A. Appropriate Time Period for a Maintenance, Repair and Replacement Allowance
 - B. Cost Basis
 - C. Basis for Annual Allowance—Stationary Source vs Process Unit
 - D. Basis for Annual Maintenance, Repair and Replacement Allowance Percentage
 - E. How to Calculate Costs
 - F. Applicability Safeguards
 - G. Timing of Determination
- VII. Discussion of Issues under the Equipment Replacement Approach
 - A. Replacement of Existing Equipment with Identical or Functionally Equivalent Equipment
 - B. Defining "Process Unit" for Evaluating Equipment Replacement Cost Percentage
 - C. Miscellaneous Issues
 - D. Quantitative Analysis
- VIII. Other Options Considered
 - A. Capacity-Based Option
 - B. Age-Based Option
- IX. Administrative Requirements for this Proposed Rulemaking
 - A. Executive Order 12866—Regulatory Planning and Review
 - B. Executive Order 13132—Federalism
 - C. Executive Order 13175—Consultation and Coordination with Indian Tribal Governments
 - D. Executive Order 13045—Protection of Children from Environmental Health Risks and Safety Risks
 - E. Paperwork Reduction Act
 - F. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*
 - G. Unfunded Mandates Reform Act of 1995
 - H. National Technology Transfer and Advancement Act of 1995

- I. Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
- X. Statutory Authority

II. Purpose

We are proposing a change to the NSR program to provide specific categories of activities that EPA will consider RMRR in the future. We are seeking comment on all aspects of our proposed approaches to specifying categories of RMRR activities under the NSR program, and on other options considered. These approaches would be voluntary, in that owners or operators could opt to continue using the current procedures for determining what activities constitute RMRR at their facilities. This proposal seeks public comments in accordance with section 307(d) of the CAA and should not be used or cited in any litigation as the final position of the Agency.

III. Background

A. How Does the Process of Using the RMRR Exclusion Currently Work?

Under the changes promulgated today to 40 CFR parts 51 and 52, "major modification" is defined as any physical change in or change in the method of operation of a major stationary source that would result in: (1) A significant emissions increase of a regulated NSR pollutant; and (2) a significant net emissions increase of that pollutant from the major stationary source. Owners/operators of major stationary sources are required to obtain a major NSR permit prior to beginning actual construction of a modification that meets this definition. The regulations exclude certain activities from the definition of "major modification." One such exclusion is for RMRR activities. The regulations do not define this term. (See 40 CFR 51.165(a)(1)(v)(C)(1), 51.166(b)(2)(iii)(a), 52.21(b)(2)(iii)(a) and 52.24(f)(5)(iii)(a).)

Under our current approach, the RMRR exclusion is applied on a case-by-case basis. In interpreting this exclusion, we have followed certain criteria. The preamble to the 1992 "WEPCO Rule" (57 FR 32314) and applicability determinations made to date describe our current approach to assessing what activities constitute RMRR. These applicability determinations are available electronically from the Region 7 NSR Policy and Guidance Database (<http://www.epa.gov/Region7/programs/artd/air/nsr/nsrpg.htm>).

To summarize these documents, to determine whether proposed work at a facility is routine, EPA makes a case-by-

case determination by weighing the nature, extent, purpose, frequency, and the cost of the work as well as other relevant factors to arrive at a common sense finding. WEPCO at 910. None of these factors, in and of itself, is conclusive. Instead, a reviewing authority should take account of how each of these factors might apply in a particular circumstance to arrive at a conclusion considering the project as a whole. If an owner or operator is uncertain whether he or she is applying the NSR regulations correctly, we encourage the owner or operator to consult the appropriate reviewing authority for assistance.

B. Why Is Specification of Categories of RMRR Activities Appropriate?

There has been some debate over the years as to the case-by-case approach and the types of activities that qualify as RMRR under our current case-by-case approach. The case-specific approach works well in many respects. For example, it is a flexible tool that accommodates the broad range of industries and the diversity of activities that are potentially subject to the NSR program.

However, the case-by-case approach has certain drawbacks. Unless an owner or operator seeks an applicability determination from his or her reviewing authority or from EPA, it can be difficult for the owner or operator to know with certainty whether a particular activity constitutes RMRR. Applicability determinations can be costly and time consuming for reviewing authorities and industry alike. If a source proceeds without a determination and is later proven to have made an incorrect determination, that source faces potentially serious enforcement consequences. Moreover, under the current case-by-case approach, State and local reviewing authorities must devote scarce resources to making complex determinations and consult with other agencies to ensure that any determinations are consistent with determinations made for similar circumstances in other jurisdictions and/or that EPA or other reviewing authorities would concur with the conclusion.

On the other hand, if a source foregoes or defers activities that are important to maintaining its plant when the activities in question are in fact within scope of the exclusion, that can have adverse consequences for the source's reliability, efficiency, and safety. Finally, the source may install less efficient or less modern equipment in order to be more certain that it is within the regulatory bounds, or it may

agree to limit its hours of operation or capacity. Any of these approaches will make the source less productive than it would be otherwise. In fact, we concluded in our recent report to the President on the impacts of NSR on the energy sector that there have been cases in which uncertainty about the exclusion for RMRR resulted in delay or cancellation of activities that would have maintained and improved the reliability, efficiency, and safety of existing energy capacity. Such discouragement results in lost capacity and lost opportunities to improve energy efficiency and reduce air pollution.

We believe that these problems would be significantly reduced by adding to our current RMRR provision specific categories of activities that will be considered to be RMRR in the future. Such categories would remove disincentives to undertaking RMRR activities and provide more certainty both to source owners and operators who could better plan activities at their facilities, and to reviewing authorities who could better focus resources on activities outside these RMRR categories. Accordingly, the establishment of categories of activities as RMRR is consistent with the central purpose of the CAA, "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." CAA section 101.

It should be noted that there may be some activities which, while fitting within the ambit of the RMRR exclusion could, if implemented, violate other applicable CAA requirements. As has always been the case, compliance with NSR requirements is not a license to violate any of the other applicable CAA requirements such as title V permitting requirements.

C. Process Used To Develop This Rule

In the 1992 "WEPCO Rule" preamble, we indicated that we planned to issue guidance on the subject of RMRR. In 1994, as part of our meetings with the Clean Air Act Advisory Committee, we developed, for discussion purposes only, a document on how RMRR could be defined. We received a substantial volume of comments on this document. We subsequently decided not to include a definition of RMRR in our 1996 NSR proposed rulemaking.

In 2001, the President's NEP Report¹ directed EPA in consultation with the

¹ Reliable, Affordable, and Environmentally Sound Energy for America's Future, Report of the National Energy Policy Development Group, May 17, 2001.

Department of Energy (DOE) and other federal agencies to review the impact of NSR on investment in new utility and refinery generation capacity, energy efficiency and environmental protection. The release of the report in May 2001 triggered a review of the impacts of NSR rules. EPA's Report to the President underscored the desirability of specifying certain categories of activities that qualify as RMRR. In parallel with this review, we renewed our exploration of recommendations for improving the NSR program. Recommended improvements suggested during this time represented a continuation of discussions on NSR issues that had taken place during the 1990's, as well as new ideas.

The process of discussing possible improvements to the NSR program included significant interagency consultation, including meetings with representatives from the DOE, the Department of the Interior, and the Office of Management and Budget. Building on what we heard, we held conference calls with various stakeholders during October 2001 (including representatives from industry, State and local governments, and environmental groups) to discuss new ideas that were raised. During many of these meetings, we discussed ideas for how to define RMRR in order to create more certainty for the industry and reviewing authorities. Today's proposed rule is an outgrowth of ideas discussed in those meetings.

IV. Overview of Recommended Approaches for RMRR

Ever since EPA's promulgation of its original Prevention of Significant Deterioration (PSD) regulations in 1980, EPA has defined "modification" in its NSR regulations to include common-sense exclusions from the "physical or operational change" component of the definition, including an exclusion for RMRR. Today, we are proposing two categories of activities that will in the future be considered RMRR activities: activities within an annual maintenance, repair and replacement allowance and replacements that meet our equipment replacement provision criteria.

Under the proposal, when an activity falls within either of these categories, it would be considered RMRR and a source's owners or operators would know that the activity was excluded from NSR without regard to other considerations. When an activity did not fall within one of these categories, then it still could qualify as routine

maintenance, repair, and replacement under the case-by-case test.

A. Annual Maintenance, Repair and Replacement Allowance

First, we are proposing to add new language to the RMRR exclusion at 40 CFR 51.165 (a)(1)(v)(C)(1), 40 CFR 51.166 (b)(2)(iii)(a), 40 CFR part 51, Appendix S (A)(5)(iii)(a), 40 CFR 52.21(b)(2)(iii)(a), and 40 CFR 52.24 (f)(5)(iii)(a). This proposal would allow certain activities engaged in to promote the safe, reliable and efficient operation of a facility—that is, those that involve relatively small capital expenditures compared with the replacement cost of the facility—to be excluded from NSR provided that total costs did not exceed the annual maintenance, repair and replacement allowance. The annual maintenance, repair and replacement allowance and the rules for calculation and summation of activities under the allowance would be defined in new provisions at 40 CFR 51.165(a)(1)(xxxiii), 40 CFR 51.166(b)(53), 40 CFR 52.21(b)(55), and 40 CFR 52.24(f)(25).

Under our proposed approach, a calendar year maintenance, repair and replacement allowance would be established for each stationary source. The owner or operator may elect to use a fiscal year period instead of a calendar year if financial records are typically kept for a period other than calendar year at a facility.² Although the proposal contemplates a one-year allowance, in recognition of the fact that maintenance cycles in many industries extend for more than 1 year, we also seek comment on whether a stationary source should have the option of a multi-year allowance, such as over 5 years.

Under our 1-year allowance proposal, an owner or operator would sum the costs of the relevant activities performed at the stationary source during the fiscal or calendar year (from the least expensive to the most expensive) to get a yearly cost. For activities taking more than 1 year to complete, costs associated with those activities would be included in the cost calculations for the year that the costs were incurred (using an accounting method consistent with that used for other purposes by the stationary source). If the total costs for all activities undertaken for these purposes came within the annual maintenance, repair and replacement allowance, these activities would all be considered RMRR activities. Other than documentation of the results of this assessment, the owner or operator

would not have to do anything further with respect to those activities for purposes of major NSR.

Where total yearly costs for all activities undertaken for these purposes at a source exceed the annual maintenance, repair and replacement allowance, the activities would be reviewed as follows.

- The owner or operator would subtract activities from the total yearly cost, starting with the most expensive activity, until the remainder is less than or equal to the annual maintenance, repair and replacement allowance.
- The owner or operator would evaluate on a case-by-case basis in accordance with EPA's case-by-case test any activities that did not come within the allowance and that are not otherwise excluded, in order to determine whether they are RMRR. If uncertain about a particular activity the owner or operator could seek an applicability determination.
- If an owner or operator concluded that any such activity was not RMRR, he or she would then have to determine whether it constitutes a "major modification" that requires an NSR permit.

The annual maintenance, repair and replacement allowance would be equal to the product of the replacement cost of the source and a specified maintenance, repair and replacement percentage. (See §§ 51.165(a)(1)(xxxiii), 51.166(b)(53), 52.21(b)(55) and 52.24(f)(25) of proposed rules.) EPA intends to set this percentage on an industry-specific basis. There are several ways in which the percentage could be established. One way is to set the threshold so as to cover the RMRR capital and non-capital costs that an owner or operator incurs to maintain, facilitate, restore, or improve the safety, reliability, availability, or efficiency of the source. We are also requesting comment on other approaches. For example, we could apply a discount factor to the typical costs in order to account for variability within an industry. We also ask for comment on how to determine typical costs for particular industries. We are considering using the Internal Revenue Service "Annual Asset Guideline Repair Allowance Percentages" (AAGRAP), which we use for an exclusion under the New Source Performance Standard (NSPS) program for increases in production. We also could rely on industry specific data for choosing an appropriate threshold, such as the North American Electric Reliability Council Generating Availability Data System (NERC/GADS) database or standard industry reference manuals.

The replacement cost used in the calculation described above would be an estimate of the total capital investment necessary to replace the stationary source. The accounting procedures used to document eligibility under this rule should conform to the accounting procedures used for other purposes at a facility. Where several accounting procedures are used at a facility (e.g., methods for tax accounting and for setting rates often are different), the most appropriate procedures should be used for the purpose of determining costs pursuant to this regulation.

EPA also seeks to standardize practices for estimating this investment, along the lines described in the *EPA Air Pollution Control Cost Manual*, excluding the costs for installing and maintaining pollution control equipment. See section V.E. of this document for further information on our recommended approach to calculating costs. The control cost manual is available electronically via the internet at http://www.epa.gov/ttn/catc/dir1/c_allchs.pdf. We acknowledge that this manual is geared toward cost calculations for add-on control equipment but believe the basic concepts can be applied to process equipment as well. These concepts are taken from work done by the American Association of Cost Engineers to define the components of cost calculations for all types of processes, not just emission control equipment. We seek comment on whether this manual or other reference documents or tools provide the best approach for standardizing estimation of these costs, whether different methods should be provided, and whether provision should be made in the form of a requirement or an assurance that if a method is used, we will accept it.

Our recommended approach will contain safeguards to help ensure that activities that should be considered a physical change or change in the method of operation under the regulations are ineligible for exclusion from NSR under the annual maintenance, repair and replacement allowance. We are proposing to exclude the following from use of the annual allowance.

- The construction of a new "process unit," which is a collection of structures and/or equipment that uses material inputs to produce or store a completed product. See discussion below at section VII for further information regarding process units.
- The replacement of an entire process unit
- Any change that would result in an increase in the source's maximum

² A fiscal year period would have to be 12 consecutive months.

achievable hourly emissions rate of any regulated NSR pollutant, or in the emission of any regulated NSR pollutant not previously emitted by the stationary source.

If an owner or operator uses the annual maintenance, repair and replacement allowance to determine that certain activities at a stationary source are RMRR, all relevant activities performed at that source must be included in the annual cost calculations unless the owner or operator elects to obtain a major NSR permit for the activity. In other words, an owner or operator may not select which activities to review case-by-case and which to include in the cost calculations when using the annual maintenance, repair and replacement allowance to determine RMRR activities. This is because, assuming the threshold is set to approximate the total amount that an owner or operator would typically be expected to spend on RMRR activities (or a discounted portion of this value selected to account for variability within an industry), the fact that a given activity's cost comes within the allowance can only reasonably assure that it is RMRR if all other relevant activities also are included. If the owner

or operator could pick and choose among activities that he or she wished to include in the allowance, such an approach might allow the owner or operator to include large, atypical activities that do not constitute RMRR within the allowance, while applying the case-by-case test to smaller activities that quite clearly constitute RMRR under that test. The rule that all relevant activities must be included in the calculation and that lowest cost activities would be counted first should provide sufficient protection against this risk.

Owners or operators electing to use the annual maintenance, repair and replacement allowance to determine RMRR activities will be required to submit an annual report to the appropriate reviewing authority within 60 days after the end of the year over which activity costs have been summed. The report will provide a summary of the estimated replacement value of the stationary source, the annual maintenance, repair and replacement allowance for the stationary source, a brief description of all maintenance, repair and replacement activities undertaken at the stationary source, and the costs associated with those

activities. If the costs of activities in question exceed the annual maintenance, repair and replacement allowance for a stationary source, the report must identify the activities included within the allowance and the activities that fell outside the allowance. The procedures set out in 40 CFR part 2 are available for confidential and business-sensitive information submitted as part of this report.

The following provides an example of how the process would work. Assume the source's annual maintenance, repair and replacement allowance equals \$2,000,000. During a given year, the owner or operator spends \$1,000,000 on running maintenance activities, and implements five other discrete maintenance activities at the source with costs as follows in Table 1 (none of these activities involves the construction of a new process unit, replacement of an existing process unit, or an increase in the maximum achievable hourly emissions rate of a regulated NSR pollutant or in the emission of any regulated NSR pollutant not previously emitted by the stationary source).

TABLE 1.—EXAMPLE SUMMARY OF ACTIVITIES COMMENCED DURING YEAR

Change	Month	Cost
Activity 1	January	\$200,000
Activity 2	March	600,000
Activity 3	April	360,000
Activity 4	July	150,000
Activity 5	November	250,000

The sum of costs incurred during the year is \$2,560,000, \$560,000 above the annual maintenance, repair and replacement allowance. The most expensive activity commencing during the year was the \$600,000 activity commencing in March. The source must evaluate on a case-by-case basis whether this activity is RMRR. When the cost of Activity 2 is subtracted from the total annual cost, the remainder is \$1,960,000, less than the annual maintenance, repair and replacement allowance. The remaining activities (Activities 1, 3, 4, and 5) are considered to be RMRR.

We note that this example is framed as if the owner or operator would make these calculations for the first time at the end of the year. In reality, however, an owner or operator who is considering relying on the maintenance, repair and replacement allowance as the basis for his or her conclusion that a particular activity is RMRR is likely to make these

calculations before beginning construction on any activity. This is because the owner or operator would know that he or she will only be able to rely on the allowance if the costs of the activity in question, when added with the costs of other activities to assure the safe, efficient, and reliable operation of the plant that the owner or operator is planning for the year, will in fact be within the allowance.

B. Equipment Replacement Provision

In addition to our proposed annual maintenance, repair and replacement allowance, today we are also soliciting comment on an additional approach to be used in the future for those replacement activities that should qualify without regard to other considerations as RMRR. Specifically, we are soliciting comment on whether replacing existing equipment with equipment that serves the same function and that does not alter the basic design

parameters of a unit should also qualify without regard for other considerations for RMRR treatment provided the cost of the replacement equipment does not exceed a certain percentage of the cost of the process unit to which the equipment belongs. While we believe the annual maintenance, repair and replacement provisions described above will significantly improve implementation of the RMRR exclusion, we recognize that the allowance may apply only to a subset of the activities that appropriately fall within the exclusion and that are susceptible of being identified as categorically constituting RMRR.³

³Of course, as noted earlier, the traditional case-by-case approach to administering the RMRR exclusion will continue to apply to activities that do not qualify under the annual maintenance, repair and replacement allowance approach described above, but for the reasons noted earlier, we believe that approach would be improved on by the identification of activities that may be found to

Accordingly, today we are soliciting comment on an additional approach to be used in the future for determining that certain replacement activities whose costs fall below a specified threshold qualify as RMRR without regard for other considerations. Under this approach, EPA would establish a percentage of the replacement value of a process unit as a threshold for applying the equipment replacement provision. If the replacement component is functionally equivalent to the replaced component, does not change the basic design parameters of the process unit, and does not exceed the cost threshold, it would constitute RMRR. This approach should enable the owner or operator to streamline the RMRR analysis and make this determination more readily and should further alleviate some of the problems noted above. We are soliciting comment on whether this approach would serve to streamline the RMRR determination process for activities that involve the replacement of existing equipment with identical new equipment and the replacement of existing equipment with functionally equivalent equipment. We are also soliciting comment on whether this approach should be adopted along with the annual maintenance, repair and replacement allowance described above, or whether this approach is preferred over the other such that we should only offer the equipment replacement provision in the final rule.

We also solicit comment on what provisions might be needed to clarify and facilitate implementation of a combined approach. For example, should the costs of activities that qualify as an excluded equipment replacement count toward the annual maintenance, repair and replacement allowance? And, if so, how should they be counted? We are also soliciting comment on whether any other category of activity undertaken for these purposes should be excludable by the owner or operator from the annual maintenance, repair and replacement allowance. For example, activities undertaken to address unanticipated forced outages or catastrophic events such as fires or explosions may be the kind of unforeseeable expenditure that an owner or operator should not have to include because it is not possible to plan for it. Also, the absence of an exclusion for such activities might be a disincentive for maintaining and ensuring safe operation. If excluded from the maintenance, repair and replacement allowance, these activities

constitute RMRR without requiring case-by-case consideration of this type.

could still qualify for RMRR status under the equipment replacement provision of this rule if they meet the criteria for that allowance or under the case-by-case analysis.

Finally, we are soliciting comment on other approaches that might be effective in streamlining the RMRR determination process.

V. Legal Basis for Recommended Approaches

The modification provisions of the NSR program in parts C and D of title I of the CAA are based on the broad definition of modification in section 111(a)(4) of the CAA. The term "modification" means "any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted." That definition contemplates that you will first determine whether a physical or operational change will occur. If so, then you proceed to determine whether the physical or operational change will result in an emissions increase over baseline levels.

The expression "any physical change * * * or change in the method of operation" in section 111(a)(4) of the CAA is not defined. We have recognized that Congress did not intend to make every activity at a source subject to the major NSR program. As a result, we have previously adopted nine exclusions from what may constitute a "physical or operational change." One of these is an exclusion for routine maintenance, repair, and replacement. Today's rulemaking proposes two provisions that will improve and help carry out the purposes of this exclusion.

VI. Discussion of Issues Under Annual Maintenance, Repair and Replacement Allowance Approach

The following provides a discussion of the key issues we considered in developing our preferred approaches to addressing RMRR under the NSR program. We are requesting comment on all alternatives considered and any other viable alternatives. We are also interested in the impact the use of a cost-based approach such as the annual maintenance, repair and replacement allowance will have on reviewing authorities, such as the need for staff knowledgeable in cost estimation, and are requesting comment on this issue.

A. Appropriate Time Period for a Maintenance, Repair and Replacement Allowance

In developing a maintenance, repair and replacement allowance, we considered setting an allowance based on either a calendar or fiscal year or a multi-year limit. We believe that a limit applied over a specified period of time is more appropriate than an activity-based limit. We are proposing an annual limit, but we also believe that a multi-year limit is worthy of serious consideration as a possible option that could be chosen by owners or operators with multi-year maintenance cycles.

Under NSR, to determine applicability, the owner or operator of a major source must determine whether an activity performed at a source is a physical change or change in the method of operation that results in a significant emissions increase and a significant net emissions increase. NSR may apply to a single physical change or operational change at a single process unit, to several physical or operational changes at a single process unit, or to multiple changes across multiple process units, each of which changes can vary widely in scope and cost. Developing a maintenance, repair and replacement allowance on an activity basis would be consistent with this framework. However, the variability in the scope of such activities makes it difficult to establish an appropriate cost allowance for individual activities based on data currently available to us. On the other hand, the majority of information that is currently available to us does provide a reasonable basis for developing facility-wide, annual maintenance, repair and replacement cost estimates. In addition to the difficulty in establishing an activity cost limit, maintenance budgets are typically set on an annual basis rather than an activity basis, making an annual allowance more consistent with industry financial practices.

In choosing between an annual versus a multi-year limit, there are considerations pointing in both directions. The most important argument in favor of a multi-year option is that in a number of industries, maintenance cycles extend over multiple years. For example, petroleum refineries conduct regularly scheduled maintenance, referred to as a "turnaround," in cycles that can be as long as 8 years depending on the type of units and equipment involved and the particulars of the unit's operations. During a turnaround, all or part of the refinery is shut down, and the owner or operator undertakes numerous

maintenance, repair and/or replacement activities during the shutdown.

Similarly, the power generation sector performs regularly scheduled maintenance, inspections, and repair on varying cycles, which, depending on the equipment involved, can range from 12 months to a number of years. Like refineries, power generation facilities must conduct much of the inspection, maintenance, repair and replacement work when the units are shut down, and to minimize the frequency of scheduled outages, the owner or operator will undertake numerous activities during a given shutdown to minimize maintenance costs, minimize the need for replacement power, and maximize the availability of the units. As a result, for industries of this type, the cost of maintenance will vary significantly from year to year and may be distributed across several years.

An annual allowance for industries of this type may be unworkable if the allowance is set at the average of their maintenance costs during their maintenance cycle. But setting the level higher than the average runs the risk of sweeping in non-routine activity. In addition, an annual allowance might lead owners or operators in such industries to engage in more outages than is efficient in order to make sure that they were not losing a portion of their allowance. This could increase energy costs and reduce energy availability to consumers.

If a multi-year allowance were used, the same principles of summing the costs of activities from least to most costly and excluding the most costly activities from the allowance and instead subjecting them to case-by-case scrutiny would continue to apply.

This approach also may have its difficulties. For example, as the cycle gets longer, it is harder for owners or operators to project their costs for safeguarding the safety, reliability and efficiency of their plants farther into the future. This, in turn, may contribute to a rule that is more difficult to implement and enforce. If, through the after the fact case-by-case review, it is determined that certain activities should have been subject to the NSR program, all parties may be placed in the difficult situation of implementing a preconstruction review program for an activity that was begun or completed significantly prior to the applicability determination. This difficulty may arise to some extent even with a 1-year allowance period. But extending the period beyond 1 year increases both the possibility for this occurrence and the potential difficulties of an after-the-fact applicability determination for older

activities. Thus, while using a single year as the time period will reduce the flexibility for some owners or operators, we believe it will help to reduce the likelihood that an after-the-fact NSR review will be required. For these reasons, we are proposing the annual maintenance, repair and replacement allowance approach, but will also be giving serious consideration to the multi-year approach of up to 5 years. We are requesting comments on the approaches discussed above.

We are also proposing that the time period for the annual maintenance, repair and replacement allowance should be a calendar or fiscal year. If the owner or operator of a major stationary source uses a fiscal year that differs from a calendar year for accounting purposes, the proposed rule would allow the stationary source to elect to use that fiscal year for purposes of applying the annual maintenance, repair and replacement allowance. As proposed, once the choice is made, the choice is permanent. (See § 51.165(a)(1)(xxxii)(A)(1), § 51.166(b)(53)(i)(a), § 52.21(b)(55)(i)(a), and § 52.24(f)(25)(i)(a) of proposed rules.) We specifically ask for comment on this aspect of the proposal.

B. Cost Basis

Under our proposal, the replacement cost of a source would be multiplied by the maintenance percentage established by rule to determine the annual maintenance, repair and replacement allowance. (See § 51.165(a)(1)(xxxii), § 51.166(b)(53), § 52.21(b)(55), and § 52.24(f)(25) of proposed rules.) In developing the proposal, we also considered using an invested cost basis adjusted for inflation.

There can be advantages to using invested cost. The most obvious advantage is that knowledge of cost estimation is not necessary, because actual cost data would be used. However, complete invested cost information may no longer exist for older stationary sources, or it may not have been provided to the buyer when a source was purchased. As a result, we would still need to provide for an alternative for situations where invested cost data were not available.

In addition, even when adjusted for inflation, there could be inequities between facilities if an invested cost basis was used. Adjustment for inflation between sources will not likely take into account variations in site-specific costs such as land, labor, and materials, among others. Use of replacement cost, which takes into account site-specific factors to a greater degree, will put all regulated entities on a more equitable

footing. Moreover, most decisions regarding maintenance, repair and replacement are more likely to take into consideration the cost of replacement rather than the original invested cost.

We are proposing to use source replacement cost; however, we are requesting comment on other potentially appropriate bases for source cost, including invested cost, invested cost adjusted for inflation or any other viable methodology.

C. Basis for Annual Allowance—Stationary Source vs Process Unit

We are considering two approaches for administering the annual maintenance, repair and replacement allowance—the allowance could be established at either an entire stationary source (source) or at the process unit level. A comprehensive discussion of the term “process unit,” along with a proposed definition, is set forth in section VII, below. If we opt for the “process unit” approach, we would use the definition and concepts proposed in section VII. We are proposing the stationary source approach but seeking comment on both.

If the annual maintenance, repair and replacement allowance is established for the entire stationary source, the owner or operator would only have to track compliance with a single annual maintenance, repair and replacement allowance and would have greater flexibility in decision making with respect to maintenance, repair and replacement activities. It is our understanding that accounting of maintenance activities is most often performed at the facility level and, consequently, managing the RMRR annual maintenance, repair and replacement allowance from a facility-wide standpoint is more consistent with current industry practices. In large, complex manufacturing facilities such as refineries, several major processes are constantly being maintained but larger maintenance activities may be rotated throughout the plant during different years to accommodate fiscal and operating cycles. Requiring these facilities to divide their plants into separate process units for maintenance accounting would create disincentives to the source in administering the allowance. A source-wide approach also may be more sensible to account for situations in which shared services (e.g., electrical distribution, wastewater treatment) cannot be attributed to a single process at a facility.

On the other hand, setting the annual maintenance, repair and replacement allowance at the source-wide level presents the possibility that an owner or

operator could forego maintenance at some process units and engage in activities at others that are not truly RMRR and seek to use the maintenance, repair and replacement allowance as a shield for these activities. Setting the annual maintenance, repair and replacement allowance at the process unit level would help to alleviate this concern.

On balance, however, we are not persuaded that this concern is well-founded. If the allowance level is set correctly, the only way an owner or operator could attempt the kind of misuse of the allowance described above would be to forego maintenance, repair and replacement activities at other process units—activities that are important to keep those other process units in good working order. It seems unlikely that an owner or operator would think that a prudent or sensible course.

Finally, we note that it likely is more difficult to develop reliable estimates of what it typically costs an owner or operator to maintain a process unit. That being the case, the most likely way a process-unit-based allowance would be developed would be by taking the numbers that would underlie a source-wide allowance and allocating them to process units. This approach could present its own opportunities for gaming the system.

We are proposing to set the annual maintenance, repair and replacement allowance at the source-wide level. (See § 51.165(a)(1)(v)(C)(1), § 51.166(b)(2)(iii)(a), § 52.21(b)(2)(iii)(a), and § 52.24(f)(5)(iii)(a) of proposed rules.) We believe that this approach is, on balance, easier to implement for both the reviewing authorities and the industry and is more consistent with current industry maintenance and financial practices. We specifically request comment on the use of a source-wide limit, a process unit limit, or any other means of applying a cost threshold. In addition, as noted in section VII, we request comment on our proposed definition of process unit.

D. Basis for Annual Maintenance, Repair and Replacement Allowance Percentage

The proposed annual maintenance, repair and replacement allowance for each source would be determined by multiplying the replacement cost of the source by an annual maintenance, repair and replacement allowance percentage specified by rule. (See § 51.165(a)(1)(xxxii), § 51.166(b)(53), § 52.21(b)(55), and § 52.24(f)(25) of proposed rules.) As stated previously, the goal of this portion of the rule is to

provide a clear exclusion for the activities whose total costs fall below specified thresholds. We intend to set these thresholds on an industry-specific basis, and believe the following sources of information should be useful in establishing these thresholds: the IRS AAGRAP, standard engineering reference manuals, and actual industry data available to the EPA.

The IRS AAGRAP is the value used in an exclusion under the NSPS for increases in production. The IRS AAGRAP values provide repair allowance percentages for specific industries in order to reflect differing maintenance needs. These percentages range from 0.5 percent to 20 percent of invested cost. For instance, the aerospace industry has an AAGRAP value of 7.5 percent, electric utility steam generation has a value of 5 percent, and cement plants have a value of 3 percent. There is good reason to think that the industry-specific basis and the specific percentages are appropriate in the RMRR context. For example, the AAGRAP values have been used for over 20 years in the NSPS program, so they are time-tested and appear to work well in that context. Moreover, because the values were developed in the first instance to differentiate between costs that should be capitalized for tax accounting purposes and costs that properly should be expensed, the values should be well suited to distinguishing maintenance, repair and replacement from non-routine activities in the NSR context.

However, the AAGRAP is based on the invested cost of the facility, not the replacement cost, which may or may not require us to make some adjustments. Also, there are some industries for which an AAGRAP is not available. The policy reasons behind the use of AAGRAP in the tax context also may not be the same as those we need to consider in the NSR context, notwithstanding the fact that the AAGRAP has been used in the NSPS context. Finally, the IRS has moved to other approaches. We solicit comment on the extent to which the AAGRAP, or some derivative of the AAGRAP, may appropriately be employed if we determine that a safe harbor based on replacement cost is preferable.

There are also standard reference manuals that provide cost estimation information that is considered to be up to date. *Plant Design and Economics for Chemical Engineers*, by Peters and Timmerhaus, and *Perry's Chemical Engineer's Handbook*, by Perry and Green, are two widely used resources. They provide a range of annual maintenance and repair costs from 2

percent to 10 percent of the fixed capital investment of the stationary source. These two resources, however, are limited to the chemical process industry and may not have broader applicability to other industry sectors (although there may be comparable resources for other industries). Based on information contained in the resources mentioned above, the appropriate annual maintenance percentages would be in the range of 0.5 percent to 20 percent, depending on the industry.

To the extent that we have data, we intend in the final rule to set different percentages for specific industry categories. In selecting appropriate industry-specific percentages, it would be helpful if further information is made available to us during the public comment period for this proposal; therefore, we are requesting that information relating to types of maintenance, repair and replacement activities undertaken and costs associated with those activities be provided during the public comment period on this proposed rule. For example, relevant information for the electric utility industry might be available from the NERC/GADS database, the Federal Energy Regulatory Commission, or the Integrated Environmental Control Model maintained by the Energy and Environmental Center at Carnegie-Mellon University. Commenters should provide actual source, company or industry information, as well as any other data underlying summaries. Substantiated claims and estimates will be given greater consideration than information not supported by actual data. If there is a lack of information with which to set industry specific percentages, we may elect to set a default value. We are seeking comment on the appropriate default percentage to be used, and/or methods available to determine that percentage.

E. How To Calculate Costs

In order for a cost-based approach to be equitable, all owners or operators must include the same categories of expenses in both the replacement cost and the cost sought to be covered by the allowance. Therefore, we believe it may be appropriate to require that costs be calculated using an approach along the lines set out as the elements of Total Capital Investment as defined in the *EPA Air Pollution Control Cost Manual* (http://www.epa.gov/ttn/catc/dir1/c_allchs.pdf). While the manual contains basic concepts that could be used to estimate total capital investment at a process unit, it is geared toward cost calculations for add-on control

equipment. On the other hand, the underlying concepts are taken from work done by the American Association of Cost Engineers to define the components of cost calculations for all types of processes, not just emission control equipment.

We invite comment on whether we should use the manual as the mechanism for standardizing these calculations, whether we should use other manuals, or whether it might make sense to give sources a range of manuals whose approach to this question we believe may be appropriate for their circumstances. We also invite comment on whether EPA should require use of the manuals identified or simply provide assurance that if methods in an identified manual are used, EPA will accept them.

Under the EPA Manual, Total Capital Investment includes the costs required to purchase equipment, the costs of labor and materials for installing the equipment (direct installation costs), costs for site preparation and buildings, and certain other indirect installation costs. However, any costs associated with the installation and maintenance of pollution control equipment would be excluded from the cost calculation. For the purposes of this maintenance, repair and replacement allowance, we believe that equipment that serves a dual purpose of process equipment and control equipment (that is, combustion equipment used to produce steam and to control Hazardous Air Pollutant emissions, exhaust conditioning in the semiconductor industry, etc.) should be considered process equipment. We ask for comment on this point.

Direct installation costs include costs for foundations and supports, erecting and handling the equipment, electrical work, piping, insulation, and painting. Indirect installation costs include such costs as engineering costs; construction and field expenses (that is, costs for construction supervisory personnel, office personnel, rental of temporary offices, etc.); contractor fees (for construction and engineering firms involved in the activity); startup and performance test costs; and contingencies.

We are also considering whether or not to exclude costs associated with the unanticipated shutdown of equipment, due to component failure or catastrophic failures such as explosions or fires, from the costs that must be included in the allowance. If costs associated with unanticipated outages are excluded, these activities would be subjected to a case-by-case review of NSR applicability. We request comment on whether or not repairs and

replacements resulting from the unanticipated shutdown of equipment, or of an entire source, should be included in the annual maintenance, repair and replacement allowance calculations.

F. Applicability Safeguards

We are proposing to include some safeguards in our rules. There are some relatively inexpensive activities that can be undertaken at a facility that we believe should not be included within the maintenance, repair and replacement allowance because, due to their very nature, they may significantly alter the design of the source or they may result in significantly greater emissions. Ineligibility for the allowance does not mean that the activities will necessarily be subject to NSR. These activities will still be eligible for treatment as RMRR under a case-by-case review, may qualify for other exclusions, may not require a major NSR permit because of emissions limitations in a synthetic minor limitation, or may be netted out of NSR applicability. We are proposing to include three such safeguards. (See § 51.165(a)(1)(xxxii)(B), § 51.166(b)(53)(ii), § 52.21(b)(55)(ii), and § 52.24(f)(25)(ii) of proposed rules.)

The first of the safeguards is that no new process unit may be added under the annual maintenance, repair and replacement allowance. The addition of a new process unit is not maintenance, repair or replacement of existing equipment at a stationary source in order to ensure continued safe and reliable operation and hence should not qualify for the allowance.

The second safeguard is that an owner or operator may not use the maintenance, repair and replacement allowance to replace an entire process unit. We do not believe that replacement of an entire process unit should qualify for the allowance. Because of their nature, wholesale exchanges of a process unit should be subject to greater scrutiny in determining NSR applicability than use of the maintenance, repair and replacement allowance would entail.

The third safeguard is not allowing any activity that results in an increase in maximum achievable hourly emissions rate of a regulated NSR pollutant at the stationary source or in the emission of any regulated NSR pollutant not previously emitted to be excluded under the annual maintenance, repair and replacement allowance. Such activities are more likely to result in possible significant emissions increases and, therefore, should not be excluded from NSR on

the basis that they fall within the maintenance, repair and replacement allowance. We request comment on the appropriateness and adequacy of these proposed safeguards or any additional safeguards that may be appropriate.

G. Timing of Determination

Under the annual maintenance, repair and replacement allowance as proposed, an owner or operator will sum the costs of maintenance, repair and replacement activities from least to most expensive to determine which activities are excluded pursuant to the allowance. Actual activity costs will not be known until activities are underway or completed. We have considered two options for the timing of the decision regarding qualification of activities under the annual maintenance, repair and replacement allowance when summing activities in this manner. The first is to require application of the allowance prior to construction based on planned activities and estimated costs. The second is to perform an end-of-year reconciliation after the activity costs are known.

If an end-of-year reconciliation is used, actual costs incurred would be known. However, if costs exceed the annual maintenance, repair and replacement allowance, some activities that have already been started or completed will have to be evaluated on a case-by-case basis unless already excluded from major NSR on some other basis. If it is determined that the activity is not RMRR and does not qualify for another exclusion, and it results in a significant emissions increase and a significant net emissions increase, and it is consequently subject to the requirements of NSR, the owner or operator would be in violation of the CAA for failure to obtain the necessary permit prior to commencing construction. In addition, if in a nonattainment area, the owner or operator could be required to obtain offsets, which may not be readily available in the area. The owner or operator may also be faced with penalties for constructing without a permit.

In practice, however, we do not believe this scenario is likely to occur. We expect that an owner or operator who intended to rely on the annual maintenance, repair and replacement allowance would have planned the year's activities accordingly and would be tracking activities throughout the year in order to avoid this situation.

We believe requiring an end-of-year reconciliation strikes a reasonable balance, since it will lead owners or operators to make preconstruction

estimates of activities and costs in order to determine qualification for the exclusion but will not require them to become involved in permitting-type actions with respect to excluded activities. Finally, it is not possible for an owner or operator to plan all maintenance, repair and replacement needs, so there will be inaccuracies in any estimation no matter how diligent an owner or operator may be in seeking to plan these activities.

We have considered two other possible ways to address this situation. The first is to allow any unplanned activity to undergo a case-by-case determination of RMRR. However, this method might create an incentive to omit smaller, less expensive activities from the preconstruction estimation in order to avoid a case-by-case review on larger activities. The second is to make ineligible for the use of the maintenance, repair and replacement allowance any activity that was not included in the preconstruction estimation. But that seems unreasonable, since as noted above actual activity costs may be unintentionally underestimated or omitted, resulting in actual activity costs exceeding the annual maintenance, repair and replacement estimates.

After considering the options, we believe that an evaluation based on actual data rather than estimates is preferable. Careful planning by an owner or operator should reduce the likelihood that the annual allowance is exceeded for activities that the owner believes will come within the allowance. Moreover, a prudent owner or operator who believes his RMRR activities will be close to exceeding the allowance will determine whether more costly activities are otherwise excluded, evaluate them under the case-by-case test, or seek an applicability determination or a permit to assure compliance with NSR requirements. Therefore, we are proposing to determine qualification for the exclusion through an end-of-year reconciliation. (See § 51.165(a)(1)(xxxxii)(A)(5), § 51.166(b)(53)(i)(e), § 52.21(b)(55)(i)(e), and § 52.24(f)(25)(i)(e) of proposed rules).

One other possible approach to this question would be to sum costs in the order they occur, rather than from least expensive to most expensive.

Under that approach, an owner or operator would maintain a running total of maintenance, repair and replacement costs and could determine before beginning construction on a subsequent activity if there was room under the

annual maintenance, repair and replacement allowance. However, this process might encourage an owner or operator to delay less costly activities in order to use the annual maintenance, repair and replacement allowance for activities that are both larger and more atypical and, therefore, might not qualify for RMRR treatment.

Maintaining the least expensive to most expensive methodology discussed above, we could address the issue through an expedited case-by-case review of larger activities. An owner or operator would be responsible for obtaining a case-by-case determination from the reviewing authority for larger activities to ensure that an activity would still be considered RMRR if it is later found that the activity could not be accommodated under the annual maintenance, repair and replacement allowance. This, however, is inconsistent with our intent that owners or operators be able to use these provisions without obtaining an advance determination from the reviewing authority.

Finally, rather than establishing an annual cost threshold to define what activities fit within the allowance, we could establish a threshold per activity. Activities whose costs fell below the threshold could proceed as RMRR. Activities with costs above the threshold would be ineligible to use the allowance, and thus could only constitute RMRR if they either fell within the portion of the RMRR exclusion for equipment replacements or constitute RMRR upon an application of the case-by-case test. We are proposing a similar approach for replacement of equipment with functional equivalents. But we believe that any broader activity-based approach would have the undesirable consequence of forcing industry and the reviewing authorities to address potentially complex questions about how to define whether activities are truly separate and hence below the threshold or whether they are part of some larger activity that exceeds the threshold.

To summarize, at this time we are proposing an annual maintenance, repair and replacement allowance; to sum activities from least expensive to most expensive to determine eligibility; and an end-of-year review and report. We request comment on each of these aspects of the proposal and any additional approaches that commenters wish to recommend.

VII. Discussion of Issues Under the Equipment Replacement Approach

We recognize that there are numerous occasions when, to maintain, facilitate, restore, or improve efficiency, reliability, availability, or safety within normal facility operations, facilities replace existing equipment with either identical equipment or equipment that serves the same function. Such replacements may be conducted immediately after component failure or they may be conducted preventively to assure a source's continued safe, reliable and efficient operation. We believe that many such replacements typically should be considered RMRR activities. But, allowing replacement of equipment with "functionally equivalent" or "identical" equipment to qualify as RMRR, if unbounded, could theoretically allow replacement of an entire production line or utility boiler. Thus, there must also be some reasonable bound to equipment replacements that qualify.

The following discussion addresses key considerations in determining the appropriate boundary for the types of replacement activities that should be excluded under the equipment replacement provision of the RMRR exclusion.

A. Replacement of Existing Equipment With Identical or Functionally Equivalent Equipment

One of today's proposals deals with replacing equipment with identical or functionally equivalent equipment. This proposal is based on our view that most replacements of existing equipment that are necessary for the safe, efficient, and reliable operation of practically all industrial operations are not of regulatory concern and should qualify for the RMRR exclusion. Industrial facilities are constructed with the understanding that equipment failures are common and ongoing maintenance programs are routine. Delaying or foregoing maintenance could lead to failure of the production unit and may create or add to safety concerns.

When such equipment replacement occurs and the replacement is identical, the replacement is inherent to both the original design and purposes of the facility, and ordinarily will not increase emissions. For example, if a pump associated with a distillation column fails and is replaced with an identical new pump, we believe that such a common activity is and should be considered an excluded replacement. We believe that activities like such pump replacements are routine and

should not trigger NSR permitting requirements.

We also recognize that this principle extends beyond the replacement of equipment with identical equipment. When equipment is wearing out or breaks down, it often is replaced with equipment that serves the same purpose or function but is different in some respect or improved in some way in comparison to the equipment that is removed. For example, when worn out pipes are replaced in a chemical process plant, the replacement pipes sometimes are constructed of new or different materials to help reduce corrosion, erosion, or chemical compatibility problems.

Moreover, the technology employed in certain types of equipment is constantly changing and evolving. When equipment of this sort needs to be replaced, it often is simply not possible to find the old-style technology. Owners or operators may have no choice but to purchase and install equipment reflecting current design innovations. Even if it is possible to find old-style equipment, owners or operators have obvious incentives for wanting to use the best equipment that suits the given need when replacements must be installed.

A good example was presented to us by the forest products industry during our review of the NSR program's impacts on the energy sector. A company in that sector needed to replace outdated analog controllers at a series of six batch digesters. The original controllers were no longer manufactured. The new digital controllers, costing approximately \$50,000, are capable of receiving inputs from the digester vessel temperature, pressure, and chemical/steam flow. The new controllers would have more precisely filled and pressurized digesters with chips, chemicals, and steam, thus bringing a batch digester on line faster. The source determined that this activity would not be considered routine under today's NSR rules and decided not to proceed with the project.

The limiting principle here is that the replacement equipment must be identical or functionally equivalent and must not change the basic design parameters of the affected process unit (for example, for electric utility steam generating units, this would mean maximum heat input and fuel consumption specifications). Efficiency, however, should not be considered a basic design parameter, as NSR should not impede industry in making energy and process efficiency improvements which, on balance, will be beneficial both economically and environmentally.

This should address the concern and perception that the NSR program serves as a barrier to activities undertaken to facilitate, restore, or improve efficiency, reliability, availability, or safety of a facility.

We also note, however, that taken to the extreme, even without a change in basic design parameters, an identical or functionally equivalent replacement activity can still go beyond the bounds of the RMRR exclusion. For example, instead of replacing a pump, what if a chemical manufacturing facility replaced an entire production unit? Even if the replacement was identical, we likely would not consider the activity to be an excluded replacement. Such an activity effectively constitutes construction of a new process unit in much the same way the construction of an entirely new process unit at an existing stationary source could not constitute RMRR. This is not the kind of activity that sources typically engage in to maintain their plants, and it is the kind of activity that would likely be a logical point for owners or operators to install state-of-the-art controls.

We recognize that it may sometimes be difficult to determine where to draw the line between an activity that should be treated as an excluded replacement activity and one that should be viewed as a physical change that might constitute a major modification when the replacement of equipment with identical or functionally equivalent equipment involves a large portion of an existing unit. At the same time, we believe it is important to provide some clear parameters for making this determination.

To that end, we are soliciting comment on an equipment replacement cost approach based on the NSPS program to determine whether identical or functionally equivalent replacement activities constitute RMRR without regard to other considerations. Under the NSPS program, a project at an existing affected source triggers any applicable NSPS when the cost of the project exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new unit—that is, the current capital replacement value of the existing affected source. 40 CFR 60.15(b). In essence, such a “reconstruction” is tantamount to new construction and, therefore, triggers any applicable NSPS even if the project would otherwise be excluded.

We recognize that, in some respects, an equipment replacement cost threshold such as the NSPS reconstruction test may be viewed as the proper tool to be used in the future for

distinguishing between routine and non-routine identical and functionally equivalent replacements under the NSR program. As noted above, we do not believe it is reasonable to exclude from NSR activities that involve the total replacement of an existing entire process unit. By extension, it is therefore logical and consistent to conclude that activities which, based on their cost, effectively constitute replacement of the process unit should not qualify as RMRR. Thus, we believe that the 50 percent capital replacement threshold used under the NSPS might constitute an appropriate limitation on when identical or functionally equivalent replacements should qualify as RMRR under the equipment replacement provision without regard to other considerations.

We also recognize, however, that there are other considerations pointing in favor of a threshold lower than the 50 percent reconstruction threshold that may be appropriate to bound the equipment replacement provision. For example, since under NSPS half of the capital replacement value of an existing affected facility effectively constitutes construction of a new unit, it could be argued that some percentage less than the 50 percent reconstruction threshold might be a suitable line of demarcation in determining whether identical replacements constitute a modification of an existing unit.

We are soliciting comment on whether the proposed approach is workable, whether the capital replacement percentage should be 50 percent or another lesser percentage, and whether different percentages should apply to different industrial groupings or different types of industrial processes. For example, it may be appropriate to set a higher percentage for process operations that involve heat and corrosive compounds. Such processes may require more expensive replacements, and a greater degree of maintenance activities than other types of processes. In addition, we solicit comment on whether this equipment replacement provision should be implemented on a component-by-component basis, or some other reasoned basis such as applying the percentage to components that are replaced collectively over a fixed period of time.

We recognize that there are widely divergent views as to how expansive the RMRR exclusion should be. From our perspective, the most important thing we can do to improve air quality in the United States with respect to stationary sources is to make substantial reductions in NO_x and SO₂ emissions

from facilities in the utility sector. Our current view, however, is that if the rules clearly establish a narrow RMRR exclusion and set out to require permits for replacement of larger components or the replacement of components with more efficient ones, owners or operators will comply with these rules but will find ways to make the replacements without having to obtain permits and install state-of-the-art controls. As a result, such rules will not achieve significant reductions in NO_x or SO₂ on a prospective basis. As discussed below, these owners or operators will likely avoid having to make such reductions through one of several ways plainly permissible under NSR.

For example, when a power plant operator plans to undertake an activity that the operator believes may not qualify as RMRR and is assessing compliance alternatives, that operator is faced with three options: (1) Proceed with the activity pursuant to an NSR permit, which could require more than \$100 million to be spent on air pollution controls; (2) forego the activity, which likely would result in a permanent reduction in capacity or utilization of the facility or might reduce efficiency and increase emissions per unit of product manufactured or energy produced; or (3) proceed with the activity, but take steps to limit future emissions such that the activity would not result in a significant net emissions increase.

We also believe that few owners or operators would choose the first option. This option would make economic sense only in circumstances where the current capacity and utilization of the facility are so low that the major investment in air pollution controls would provide an incrementally better payback than the option of investing the same money in other assets or in the development of a new power plant.

We also believe that few owners or operators would elect the second option. It makes no sense in most cases for the owners or operators of costly power plants to let these assets significantly deteriorate over time, because the value of the asset will eventually be lost.

We believe that most owners or operators would select the third option. We note that industry commenters during our review of the impact of NSR on the energy sector argued that this option would, over time, result in a substantial reduction in the capacity of their facilities. For example, the Tennessee Valley Authority reported that, over the last 20 years, it would have lost 32 percent of its coal system's energy capability if it had capped

emissions under a "narrow" routine maintenance exclusion. In similar analyses, Southern Company estimated that it would have experienced an energy shortfall of 57.5 million MW-hr, and First Energy estimated that it would have lost 39 percent of its coal-fired generating capacity between 1981 and 2000. West Associates, the Western System Coordinating Council, and the National Rural Electric Cooperative Association reported similar results.

Notwithstanding these assessments, we believe that most owners or operators would proceed with activities and take emissions limitations. To the extent that such limitations might curtail full utilization of the facility, incremental control measures of modest cost would likely be taken to recover the "lost" utilization. For example, use of a slightly lower sulfur coal could produce the marginally lower SO₂ emissions that would be needed to recapture some capacity. Likewise, various types of relatively low-cost combustion or process control modifications could be employed to reduce NO_x emissions.

Thus, it is not probable that owners or operators would respond to a narrow exclusion by installing state-of-the-art controls every time they need to replace a major component. At the same time, a narrow RMRR exclusion of this type would not allow in many cases the replacement of equipment with equipment that improves process efficiency. This would cause owners or operators to forego replacements that would improve air quality because they would allow greater efficiency.

For these reasons, a narrow RMRR exclusion that is clearly established is not expected to achieve significant reductions in historic emissions levels, and might even lead to area wide emissions increases. Most facilities would take lawful steps to avoid having to obtain an NSR permit that would impose strict limitations, even when replacements would be found under this narrow exclusion to be non-routine.

B. Defining "Process Unit" for Evaluating Equipment Replacement Cost Percentage

In this section, we discuss issues related to what collection of equipment should be considered in applying the equipment replacement approach. We are proposing the term "process unit" as the appropriate collection. A definition of process unit currently is included in 40 CFR 63.41. We have built upon that definition to accommodate the intended coverage of activities under the equipment replacement approach. The purpose of this term is, as best as possible, to align implementation of the

provision with generally accepted and practical understandings of what constitutes a discrete production process. The general definition would read as follows:

Process unit means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store a completed product. A single facility may contain more than one process unit.

Our primary goal in defining this term is to encompass integrated manufacturing operations that produce a completed product rather than smaller pieces of such operations.

To help illustrate these concepts, we developed and have included in the proposed rules some industry-specific examples of how this definition might be applied. The examples are drawn from a few selected industry categories—electric utilities, refineries, cement manufacturers, pulp and paper producers, and incinerators. Because of the centrality of the "process unit" concept to the usefulness of the equipment replacement provision, it is our desire to include a version of these examples in the final rule to make sure sources have a benchmark against which they can evaluate with greater confidence whether a particular replacement comes within the equipment replacement provision of the RMRR exclusion. We also request comment on whether associated pollution control equipment should typically not be considered part of the process unit. We are proposing to exclude such equipment from the definition.

- For a steam electric generating facility, the process unit would consist of those portions of the plant that contribute directly to the production of electricity. For example, at a pulverized coal-fired facility, the process unit would generally be the combination of those systems from the coal receiving equipment through the emission stack, including the coal handling equipment, pulverizers or coal crushers, feedwater heaters, boiler, burners, turbine-generator set, air preheaters, and operating control systems. Each separate generating unit would be considered a separate process unit. Components shared between two or more process units would be proportionately allocated based on capacity.

- For a petroleum refinery, there are several categories of process units: those that separate and distill petroleum feedstocks; those that change molecular structures; petroleum treating processes; auxiliary facilities, such as boilers and hydrogen production; and those that load, unload, blend or store products.

- For a cement plant, the process unit would generally consist of the kiln and equipment that supports it, including all components that process or store raw materials, preheaters, and components that process or store products from the kilns, and associated emission stacks.

- For a pulp and paper mill, there are several types of process units. One is the system that processes wood products, another is the digester and its associated heat exchanger, blow tank, pulp filter, accumulator, oxidation tower, and evaporators. A third is the chemical recovery system, which includes the recovery furnace, lime kiln, storage vessels, and associated oxidation processes feeding regenerated chemicals to the digester.

- For an incinerator, the process unit would consist of components from the feed pit or refuse pit to the stack, including conveyors, combustion devices, heat exchangers and steam generators, quench tanks, and fans.

We solicit comment on the proposed definition of "process unit" and whether another approach might be more effective. We also solicit comment on the particular process units identified in specific industries, whether there are better ways of identifying those process units in those industries, and whether other process units should be specifically identified as part of the rule.

Finally, today's proposed approaches for replacement of existing equipment with identical or functionally equivalent equipment rely on the concept of a process unit, but it is possible that it is not appropriate for replacement of non-emitting components because such replacements may not have emissions consequences in the first place and hence would not warrant scrutiny under NSR. Similarly, it is possible that maintenance, repair and replacement activities performed on non-emitting units should not be included in the activities that would have to be accounted for under the annual maintenance, repair and replacement allowance provision of the RMRR exclusion. We solicit comment on how these various activities should be handled in the context of today's proposal, bearing in mind that forthcoming proposed NSR rules for future activities involving debottlenecking will specifically address changes made at non-emitting units that affect emissions at other process units at a stationary source among other issues. However, we request comment on limiting today's proposed approaches to changes made at emitting units or modifying them so as to differentiate between changes

made at emitting versus non-emitting units.

C. Miscellaneous Issues

In addition to the issues noted above, we also request comment on the following matters. First, we solicit comments on the topic of basic design parameters. Our proposal states that maximum heat input and fuel consumption specifications (for electric utility steam generating units) and maximum material/fuel input specifications (for other types of units) are basic design parameters. We solicit comment on whether that provides sufficient definition of this term, whether further definition is appropriate, or whether there are industry-specific considerations that should be taken into account.

Second, in calculating costs, we propose that owners or operators should use the same principles and guidelines as discussed above with respect to calculating costs for the maintenance, repair and replacement allowance. We request comment on whether these same principles and requirements are applicable and workable for the equipment replacement provision.

Third, in addition to soliciting comment on the approaches described above, we are also soliciting comment on whether the maintenance, repair and replacement allowance and this equipment replacement provision should both be adopted or whether just the equipment replacement provision is sufficient? In addition, if we assume that both approaches are adopted, how should they work together? Should an RMRR activity that is excluded under the equipment replacement provision also count against your annual maintenance, repair and replacement allowance? We are soliciting comment on whether to adopt any or all of these approaches and how they might fit together.

Lastly, EPA strongly supports efforts to improve energy efficiency at existing power plants. These activities reduce the amount of criteria pollutants (SO₂ and NO_x) emitted per unit of electricity generated and also reduce greenhouse gas emissions. During our study of the impact of NSR on the energy sector, we received information concerning a number of instances where activities that would have improved energy efficiency were not implemented because they would have resulted in significant annual emission increases that would have triggered NSR. Some have commented that any activity that produces any improvement in energy efficiency should be exempt from NSR. However, given the continuing

improvement in materials and design, almost any component replacement can be expected to have some beneficial impact on the energy efficiency of the unit and, left unbounded, this approach could result in the replacement of an entire boiler with a new, more efficient boiler without state-of-the-art pollution controls. As mentioned above, however, we do not think replacement of an entire boiler is properly viewed as routine. We also do not believe that the need to install state-of-the-art controls on new boilers will deter sources from installing new boilers if they are otherwise prepared to do so.

These issues prompt EPA to solicit comment in several areas. To the extent that an activity is the replacement of existing equipment that serves the same function as the equipment replaced, does not alter the basic design parameters of the process unit, and otherwise meets the provisions of our proposed equipment replacement approach, described above, it would be excluded from NSR under the proposal. There may, however, be rare instances where activities do not involve replacing existing equipment, are not otherwise excluded from NSR, and nevertheless promote efficiency. Is there a need for a separate "stand-alone" exclusion for such activities? If so, should there be other limitations on the scope of such activities? Are there activities that result in a minor improvement in efficiency but a very large increase in annual emissions? If so, what are the characteristics of such activities and how should EPA treat them? Today, we solicit comment broadly on the impact of the NSR program on decisions to proceed with activities that produce net benefits to human health and the environment, including, but not limited, to energy efficiency activities. We also solicit comments on the extent to which our proposals can promote energy efficiency while preserving the benefits of the NSR program.

D. Quantitative Analysis

We have attempted to analyze quantitatively the possible emissions consequences of the range of different approaches to the RMRR exclusion described above to evaluate if our policy conclusions are correct. Our analysis was conducted using the Integrated Planning Model (IPM). This analysis was done for electric utilities because we have a powerful model to perform such an analysis that we do not have for other industries. We think the results for the electric utilities accurately reflects the trends we would see in other industries. This model and technical

information describing it can be found in the docket. The analysis included several relevant scenarios. In the first scenario, we assumed that efficiency and capacity of relevant units modestly decrease over time. This scenario was intended to reflect the consequences of a new rule with a relatively "narrow" RMRR exclusion, under which we would assume that there would be slow and steady deterioration of relevant generating assets. As explained above, we do not actually believe that such a trend would occur under such a new RMRR exclusion, because plants would take steps to limit emissions and perhaps implement incremental controls to recapture lost capacity. Nevertheless, we believe that this scenario offers a bounding analysis for seeing whether a narrow RMRR exclusion can have significant emissions benefits because our model assumes well controlled and highly efficient new generating assets rather than recaptured capacity from incrementally better controlled existing units.

In the other scenarios, we assumed that utilization, efficiency, or capacity of relevant units modestly increases over time. These scenarios were intended to reflect the consequences of a new rule with a "broader" RMRR exclusion, which would allow facility availability and/or output over time without triggering major NSR. These scenarios present various combinations of assumptions on possible incremental changes to relevant operational parameters and are intended to encompass the range of possible operational outcomes that might be associated with the proposed RMRR exclusion.

The IPM analyses of these scenarios proves the point made above, that the breadth of the RMRR exclusion would have no practical impact on, let alone being the controlling factor in determining, the emissions reductions that will be achieved in the future under the major NSR program. The analyses show that emissions of SO₂ are essentially the same under all scenarios. This stands to reason because nationwide emissions of SO₂ from the power sector are capped by the title IV Acid Rain Program. For NO_x, these analyses show modest relative decreases in some cases and modest relative increases in other cases. These predicted changes represent only a modest fraction of nationwide NO_x emissions from the power sector, which hover around 4.3 million tons per year (tpy). At this time, we do not have adequate information to predict with confidence which modeled scenario is

most likely to occur if the options under consideration are adopted. What these analyses indicate, however, is that regardless of which scenario is closest to what comes to pass, none of the proposed provisions related to the RMRR exclusion will have a significant impact on emissions from the power sector.

The DOE also attempted to analyze quantitatively the possible emissions consequences of the range of different approaches to the RMRR exclusion described above. Using the National Energy Modeling System (NEMS), a variety of changes in energy efficiency and availability were evaluated, as well as the effect on emissions resulting from these changes. This analysis concluded that efficiency improvements resulting from increased maintenance are expected to decrease emissions, whereas availability improvements are expected to increase emissions. In the cases represented in this analysis, the impacts of the assumed reductions in heat rates tend to dominate the corresponding effects of the assumed availability increases.

Data regarding the emissions reductions that are achieved under other CAA programs further illustrate the relative limits of the major NSR program as a tool for achieving significant emissions reductions. For example, the title IV Acid Rain Program has reduced SO₂ emissions from the electric utility industry by more than 7 million tpy and will ultimately result in reductions of approximately 10 million tpy. The Tier 2 motor vehicle emissions standards and gasoline sulfur control requirements will ultimately achieve NO_x reductions of 2.8 million tpy. Standards for highway heavy-duty vehicles and engines will reduce NO_x emissions by 2.6 million tpy. Standards for non-road diesel engines are anticipated to reduce NO_x emissions by about 1.5 million tpy. The NO_x "SIP call" will reduce NO_x emissions by over 1 million tpy. Altogether, these and other similar programs achieve emissions reductions that far exceed those attributable to the major NSR program and dwarf any possible emissions consequences attributable to future promulgation of a rule based on today's proposal.

A copy of our IPM analysis and the DOE NEMS analysis are included in the docket for this rulemaking. We ask for comment on all aspects of these analyses and on the policy discussion provided above.

VIII. Other Options Considered

In addition to the cost-based approaches discussed above, we are considering two additional options for

addressing RMRR. These options are discussed below, and we are requesting comment on these options. We are also interested in other possible alternatives.

A. Capacity-Based Option

We are considering the alternative option of developing an RMRR provision based on the capacity of a process unit. Under such an approach, an owner or operator could undertake any activity that did not increase the capacity of the process unit. Such an approach would require safeguards similar to those in the proposed cost-based approaches in order to ensure that activities that should be subject to the NSR program are not inappropriately excluded. These safeguards would exclude the construction of a new process unit, the replacement of an entire process unit, and activities that result in an increase in maximum achievable hourly emissions rate of a regulated NSR pollutant from use of the exclusion or the emission of any regulated NSR pollutant not previously emitted by the stationary source.

Basing RMRR on capacity is appealing for several reasons. The primary objective of RMRR is to keep a unit operating at capacity and/or availability. In addition, the linkage between capacity and environmental impact is more apparent than cost and environmental impact. Finally, this type of approach might, in principle, be easier to use before beginning actual construction than the cost-based approaches.

The difficulty with using a capacity-based approach is defining the capacity of a process unit. Capacity may be defined based on input or output. Nameplate capacity of a process unit may vary greatly from the capacity at which the process unit may be able to operate. It may be more appropriate in some industries to measure capacity based on input while in others on output. As an example, in a review of promulgated and proposed Maximum Achievable Control Technology standards, six of eleven standards measured capacity based on unit output while five based capacity on input. In fact, the NSPS exclusion for increases in production rate at 40 CFR 60.14(e) originally was dependent upon the "operating design capacity" of an affected unit. In proposed revisions to the NSPS program published on October 15, 1974, we state (39 FR 36948):

The exemption of increases in production rate is no longer dependent upon the "operating design capacity." This term is not easily defined, and for certain industries the "design capacity" bears little relationship to the actual operating capacity of the facility.

We are requesting comment on this capacity-based option, as well as comments on possible methods to address any of the issues relating to implementation of such an option.

B. Age-Based Option

Under an age-based approach, any process unit under a specified age could undergo any activity that does not increase the capacity of a process unit on a maximum hourly basis without triggering the requirements of the major NSR program. However, the activities could not constitute reconstruction of the process unit; that is, their cost could not exceed 50 percent of the cost of a replacement process unit. The age of the process unit would likely be in the range of 25–50 years. An owner or operator would have to become a Clean Unit as defined at 40 CFR 51.165(c)(3), 51.166(t)(3), and 52.21(x)(3), once the age of a process unit exceeds the age threshold.

Such an approach would provide an owner or operator a clear understanding of RMRR for an extended period of time. It also may provide the owner or operator greater flexibility than under the current system for a limited period of time. Like the capacity-based approach, this approach would, in principle, allow for a fairly simple preconstruction determination of applicability.

We see several difficulties in developing this type of approach. The first is defining capacity. The second is establishing the age cut-off for the exclusion. The useful life of equipment is difficult to establish and may vary greatly. The third is that some of the activities that would be allowed at newer sources do not fit within any ordinary meaning of RMRR and some of the activities that would be forbidden at older facilities would come within that meaning. Fourth, some sources may consciously, and appropriately, engage in aggressive RMRR as a method of maximizing the life span of its process units, and an age-based approach would discriminate against them.

We are requesting comment on this age-based option, as well as comments on possible methods to address the issues raised above with respect to this option.

IX. Administrative Requirements for This Proposed Rulemaking

A. Executive Order 12866—Regulatory Planning and Review

Under Executive Order 12866 [58 FR 51,735 (October 4, 1993)], we must determine whether the regulatory action is “significant” and therefore subject to

review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines “significant regulatory action” as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB has notified us that it considers this an “economically significant regulatory action” within the meaning of the Executive Order. We have submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record. All written comments from OMB to EPA and any written EPA response to any of those comments are included in the docket listed at the beginning of this notice under **ADDRESSES**. In addition, consistent with Executive Order 12866, EPA consulted extensively with the State, local and tribal agencies that will be affected by this rule. We have also sought involvement from industry and public interest groups.

B. Executive Order 13132—Federalism

Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999), requires us to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” are defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

This proposed rule does not have federalism implications. Nevertheless, in developing this rule, we consulted with affected parties and interested stakeholders, including State and local authorities, to enable them to provide

timely input in the development of this rule. A summary of stakeholder involvement appears above in section III.C. of today’s proposed rule. It will not have substantial direct effects on the States, on the relationship between the national government and the State and local programs, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. While this proposed rule will result in some expenditures by the States, we expect those expenditures to be limited to \$580,160 for the estimated 112 affected reviewing authorities. This figure includes the small increase in burden imposed upon reviewing authorities in order for them to revise the State’s State Implementation Plan (SIP). However, this revision provides sources permitted by the States greater certainty in application of the program, which should in turn reduce the overall burden of the program on State and local authorities. Thus, the requirements of Executive Order 13132 do not apply to this rule.

C. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” EPA believes that this proposed rule does not have tribal implications as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

The purpose of today’s proposed rule is to add greater flexibility to the existing major NSR regulations. These changes will benefit reviewing authorities and the regulated community, including any major source owned by a tribal government or located in or near tribal land, by providing increased certainty as to when the requirements of the NSR program apply. Taken as a whole, today’s proposed rule should result in no added burden or compliance costs and should not substantially change the level of environmental performance achieved under the previous rules.

The EPA anticipates that initially these changes will result in a small increase in the burden imposed upon reviewing authorities in order for them to be included in the State’s SIP. Nevertheless, these options and revisions will ultimately provide greater operational flexibility to sources

permitted by the States, which will in turn reduce the overall burden on the program on State and local authorities by reducing the number of required permit modifications. In comparison, no tribal government currently has an approved Tribal Implementation Plan (TIP) under the CAA to implement the NSR program. The Federal government is currently the NSR reviewing authority in Indian country. Thus, tribal governments should not experience added burden, nor should their laws be affected with respect to implementation of this rule. Additionally, although major stationary sources affected by today's proposed rule could be located in or near Indian country and/or be owned or operated by tribal governments, such affected sources would not incur additional costs or compliance burdens as a result of this rule. Instead, the only effect on such sources should be the benefit of the added certainty and flexibility provided by the rule.

The EPA recognizes the importance of including tribal consultation as part of the rulemaking process. Nonetheless, to this point we have not specifically consulted with tribal officials on this proposed rule. We are committed to work with any tribal government to resolve any issues that we may have overlooked in today's proposed rules and that may have an adverse impact in Indian country. As a result, today we are announcing our intention to develop and implement a consultation process with tribal governments to ensure that the concerns of tribal officials are considered before finalizing this proposed rule. EPA specifically solicits additional comment on this proposed rule from tribal officials.

D. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 *FR* 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonable alternatives that we considered.

This proposed rule is not subject to Executive Order 13045, because we do not have reason to believe the

environmental health or safety risks addressed by this action present a disproportionate risk to children. We believe that this package as a whole will result in equal or better environmental protection than currently provided by the existing regulations, and do so in a more streamlined and effective manner.

E. Paperwork Reduction Act

The EPA prepared an Information Collection Request (ICR) document (ICR No. 1713.04). You may obtain a copy from Sandy Farmer by mail at the U.S. Environmental Protection Agency, Office of Environmental Information, Collection Strategies Division (2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001, by e-mail at farmer.sandy@epa.gov, or by calling (202) 260-2740. A copy may also be downloaded from the internet at <http://www.epa.gov/icr>.

The information that ICR No. 1713.04 covers is required for EPA to carry out its required oversight function of reviewing preconstruction permits and assuring adequate implementation of the program. In order to carry out its oversight function, EPA must have available to it information on proposed construction and modifications. This information collection is necessary for the proper performance of EPA's functions, has practical utility, and is not unnecessarily duplicative of information we otherwise can reasonably access. We have reduced, to the extent practicable and appropriate, the burden on persons providing the information to or for EPA. The collection of information is authorized under 42 U.S.C. 7401 *et seq.*

According to ICR No. 1713.04, the first 3 years of this proposed rulemaking will potentially incur a burden of 17,400 hours and 1,305,000 dollars to affected sources, and 2,906 hours and 107,522 dollars for the Federal government, and 15,680 hours and 580,160 hours for reviewing authorities. These costs are based upon an estimated number of 1,450 affected sources.

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 purpose of responding to the information collection; adjust existing ways to comply with any previously applicable instructions and requirements; train personnel to respond to a collection of information; search existing data sources; complete and review the

collection of information; and transmit or otherwise disclose the information.

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. We will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and record keeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

F. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) Any small business employing fewer than 500 employees; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant *adverse* economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact of the

proposed rule on small entities.” 5 U.S.C. 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. Today’s proposed rule will not have a significant economic impact on a substantial number of small entities because it will decrease the regulatory burden of the existing regulations and have a positive effect on all small entities subject to the rule. This rule improves operational flexibility for owners and operators of major stationary sources and clarifies applicable requirements for determining if a change qualifies as a major modification. We have therefore concluded that today’s proposed rule will relieve regulatory burden for all small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

G. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of UMRA, we generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with “Federal mandates” that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted.

Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, we must have developed under section 203 of the UMRA a small government agency plan.

The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

We believe the proposed rule changes will actually reduce the regulatory burden associated with the major NSR program by improving the operational flexibility of owners and operators and clarifying the requirements. Because the program changes provided in the proposed rule are not expected to result in any increases in the expenditure by State, local, and tribal governments, or the private sector, we have not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, we are not required to develop a plan with regard to small governments. Therefore, this proposed rule is not subject to the requirements of section 203 of the UMRA.

H. National Technology Transfer and Advancement Act of 1995

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs us to use voluntary consensus standards (VCS) in our regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. VCS are technical standards (for example, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs us to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

Although this rule does involve the use of technical standards, it does not preclude the State, local, and tribal reviewing agencies from using VCS. Today’s proposed rulemaking is an improvement of the existing NSR permitting program. As such, it only ensures that promulgated technical standards are considered and appropriate controls are installed, prior to the construction of major sources of air emissions. Therefore, we are not considering the use of any VCS in today’s rulemaking.

I. Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not a “significant energy action” as defined in Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution or use of energy.

Today’s proposed rule improves the ability of sources to maintain the reliability of production facilities, and effectively utilize and improve existing capacity.

X. Statutory Authority

The statutory authority for this action is provided by sections 101, 111, 114, 116, and 301 of the CAA as amended (42 U.S.C. 7401, 7411, 7414, 7416, and 7601). This rulemaking is also subject to section 307(d) of the CAA (42 U.S.C. 7407(d)).

List of Subjects in 40 CFR Parts 51 and 52

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: November 22, 2002.

Christine Todd Whitman,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 51—[AMENDED]

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

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

Subpart I—[Amended]

2. Section 51.165 is amended:

- a. By revising paragraph (a)(1)(v)(C)(i).
- b. By adding paragraphs (a)(1)(xliii) through (xlvii).

The revision and additions read as follows:

§ 51.165 Permit requirements.

- (a) * * *
- (1) * * *
- (v) * * *
- (C) * * *

(1) Routine maintenance, repair and replacement, which shall include but not be limited to the activities set out in paragraphs (a)(1)(v)(C)(1)(i) and (ii) of

this section. Without regard to other considerations, the activities specified in paragraphs (a)(1)(v)(C)(1)(i) and (ii) shall constitute routine maintenance, repair and replacement:

(i) Activities performed at a stationary source in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source, whose total cost, when added together with the total costs of all previous activities performed at the same stationary source in the same year in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source, does not exceed that stationary source's annual maintenance, repair and replacement allowance. "Annual maintenance, repair and replacement allowance" is defined in paragraph (a)(1)(xliv) of this section. Rules for calculation and summation of costs are provided in paragraph (a)(1)(xlv)(A) of this section. A stationary source may elect to calculate an annual maintenance, repair and replacement allowance for either all or none, but not some, of the maintenance, repair, and replacement activities performed at the stationary source.

(ii) The replacement of components of a process unit with identical or functionally equivalent components, provided that: The fixed capital cost of the components does not exceed [x]¹ percent of the fixed capital cost that would be required to construct an entirely new process unit; and the replacement does not change the basic design parameters of the process unit. The basic design parameters for electric utility steam generating units are maximum heat input and fuel consumption specifications. For non-utilities, basic design parameters are the maximum fuel or material input specifications to the process unit. An improvement in efficiency does not change a process unit's basic design parameters. "Functionally equivalent components" and "fixed capital cost" are defined in paragraphs (a)(1)(xlv) and (a)(1)(xlvi) of this section, respectively.

* * * * *

(xliii) *Annual maintenance, repair and replacement allowance* means a dollar amount calculated according to the following equation: (Industry sector percentage) × (replacement cost of the stationary source) where "industry sector percentage" is drawn from Table 1 of this section.

TABLE 1 OF § 51.165(A)(1)(XLIII).—
INDUSTRY SECTOR PERCENTAGES

Industry sector	Industry sector percentage
Electric Services	
Petroleum Refining	
Chemical Processes	
Natural Gas Transport	
Pulp and Paper Mills	
Paper Mills	
Automobile Manufacturing	
Pharmaceuticals	
Other	

(A) A stationary source's annual maintenance costs shall be calculated and summed according to the following rules:

(1) The owner or operator may choose to sum costs over either a calendar year or initially specified fiscal year. The initially specified fiscal year must remain in use unless other accounting procedures at the stationary source subsequently change to a different fiscal year.

(2) Costs incurred for all activities performed at the stationary source in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source that are not excluded under paragraph (a)(1)(xliii)(B) of this section, or that have not been issued a preconstruction permit, shall be tracked chronologically and summed at the end of the year.

(i) At the end of the year, these costs shall be listed and summed in order from least cost to highest cost.

(ii) All activities prior to the point on the cost-ordered list at which the sum of activity costs exceeds the annual maintenance, repair and replacement allowance shall automatically qualify as routine maintenance, repair, or replacement.

(3) Costs associated with maintaining or installing pollution control equipment shall not be included in the calculation and summation of costs for routine maintenance, repair, and replacement. Costs shall remain included if they are associated with maintaining or installing equipment that serves a dual function as both process and control equipment.

(4) The owner or operator shall provide an annual report to the reviewing authority containing complete information on all maintenance, repair and replacement costs and process unit replacement cost estimates at the stationary source. The report shall be provided within 60 days after the end of the year over which activity costs have been summed.

(B) An activity otherwise eligible for inclusion in the annual maintenance, repair and replacement allowance shall not be eligible to be included in the allowance if it:

(1) Results in an increase in the maximum achievable hourly emissions rate of the stationary source of a regulated NSR pollutant, or results in emissions of a regulated NSR pollutant not previously emitted;

(2) Constitutes construction of a new process unit; or

(3) Removes an entire existing process unit and installs a different process unit in its place.

(xlv)(A) In general, *process unit* means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store a completed product. A single stationary source may contain more than one process unit.

(B) The following list identifies the process units at specific kinds of stationary sources.

(1) For a steam electric generating facility, the process unit would consist of those portions of the plant which contribute directly to the production of electricity. For example, at a pulverized coal-fired facility, the process unit would generally be the combination of those systems from the coal receiving equipment through the emission stack, including the coal handling equipment, pulverizers or coal crushers, feedwater heaters, boiler, burners, turbine-generator set, air preheaters, and operating control systems. Each separate generating unit would be considered a separate process unit. Components shared between two or more process units would be proportionately allocated based on capacity.

(2) For a petroleum refinery, there are several categories of process units: those that separate and distill petroleum feedstocks; those that change molecular structures; petroleum treating processes; auxiliary facilities, such as boilers and hydrogen production; and those that load, unload, blend or store products.

(3) For a cement plant, the process unit would generally consist of the kiln and equipment that supports it, including all components that process or store raw materials, preheaters, and components that process or store products from the kilns, and associated emission stacks.

(4) For a pulp and paper mill, there are several types of process units. One is the system that processes wood products, another is the digester and its associated heat exchanger, blow tank, pulp filter, accumulator, oxidation tower, and evaporators. A third is the

¹ EPA has not determined this value.

chemical recovery system, which includes the recovery furnace, lime kiln, storage vessels, and associated oxidation processes feeding regenerated chemicals to the digester.

(5) For an incinerator, the process unit would consist of components from the feed pit or refuse pit to the stack, including conveyors, combustion devices, heat exchangers and steam generators, quench tanks, and fans.

(xlv) *Functionally equivalent component* means a component that serves the same purpose as the replaced component.

(xlvi) *Fixed capital cost* means the capital needed to provide all the depreciable components. "Depreciable components" refers to all components of fixed capital cost and is calculated by subtracting land and working capital from the total capital investment, as defined in paragraph (a)(1)(xlvii) of this section.

(xlvii) *Total capital investment* means the sum of the following: all costs required to purchase needed process equipment (purchased equipment costs); the costs of labor and materials for installing that equipment (direct installation costs); the costs of site preparation and buildings; other costs such as engineering, construction and field expenses, fees to contractors, startup and performance tests, and contingencies (indirect installation costs); land for the process equipment; and working capital for the process equipment.

* * * * *

3. Section 51.166 is amended:

- a. By revising paragraph (b)(2)(iii)(a).
- b. By adding paragraphs (b)(53)

through (57). The revision and additions read as follows:

§ 51.166 Prevention of significant deterioration of air quality.

* * * * *

- (b) * * *
- (2) * * *
- (iii) * * *

(a) Routine maintenance, repair and replacement, which shall include but not be limited to the activities set out in paragraphs (b)(2)(iii)(a)(1) and (2) of this section. Without regard to other considerations, the activities specified in paragraphs (b)(2)(iii)(a)(1) and (2) shall constitute routine maintenance, repair and replacement:

(1) Activities performed at a stationary source in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source, whose total cost, when added together with the total costs of all previous activities performed at the same stationary source in the same year in order to maintain,

facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source, does not exceed that stationary source's annual maintenance, repair and replacement allowance. "Annual maintenance, repair and replacement allowance" is defined in paragraph (b)(53) of this section. Rules for calculation and summation of costs are provided in paragraph (b)(53)(i) of this section. A stationary source may elect to calculate an annual maintenance, repair and replacement allowance for either all or none, but not some, of the maintenance, repair, and replacement activities performed at the stationary source.

(2) The replacement of components of a process unit with identical or functionally equivalent components, provided that:

(i) The fixed capital cost of the components does not exceed [x]¹ percent of the fixed capital cost that would be required to construct an entirely new process unit; and

(ii) The replacement does not change the basic design parameters of the process unit. The basic design parameters for electric utility steam generating units are maximum heat input and fuel consumption specifications. For non-utilities, basic design parameters are the maximum fuel or material input specifications to the process unit. An improvement in efficiency does not change a process unit's basic design parameters. "Functionally equivalent components" and "fixed capital cost" are defined in paragraphs (b)(55) and (b)(56) of this section.

* * * * *

(53) *Annual maintenance, repair and replacement allowance* means a dollar amount calculated according to the following equation: (Industry sector percentage) × (replacement cost of the stationary source) where "industry sector percentage" is drawn from Table 1 of this section.

TABLE 1 OF § 51.166(B)(53).—
INDUSTRY SECTOR PERCENTAGES

Industry sector	Industry sector percentage
Electric Services	
Petroleum Refining	
Chemical Processes	
Natural Gas Transport	
Pulp and Paper Mills	
Paper Mills	
Automobile Manufacturing	
Pharmaceuticals	
Other	

¹ EPA has not determined this value.

(i) A stationary source's annual maintenance costs shall be calculated and summed according to the following rules:

(a) The owner or operator may choose to sum costs over either a calendar year or initially specified fiscal year. The initially specified fiscal year must remain in use unless other accounting procedures at the stationary source subsequently change to a different fiscal year.

(b) Costs incurred for all activities performed at the stationary source in order to maintain, facilitate, restore, or improve the efficiency, reliability, availability, or safety of that stationary source that are not excluded under paragraph (b)(53)(ii) of this section, or that have not been issued a preconstruction permit, shall be tracked chronologically and summed at the end of the year.

(1) At the end of the year, these costs shall be listed and summed in order from least cost to highest cost.

(2) All activities prior to the point on the cost-ordered list at which the sum of activity costs exceeds the annual maintenance, repair and replacement allowance shall automatically qualify as routine maintenance, repair, or replacement.

(c) Costs associated with maintaining or installing pollution control equipment shall not be included in the calculation and summation of costs for routine maintenance, repair, and replacement. Costs shall remain included if they are associated with maintaining or installing equipment that serves a dual function as both process and control equipment.

(d) The owner or operator shall provide an annual report to the reviewing authority containing complete information on all maintenance, repair and replacement costs and process unit replacement cost estimates at the stationary source. The report shall be provided within 60 days after the end of the year over which activity costs have been summed.

(ii) An activity otherwise eligible for inclusion in the annual maintenance, repair and replacement allowance shall not be eligible to be included in the allowance if it:

(a) Results in an increase in the maximum achievable hourly emissions

rate of the stationary source of a regulated NSR pollutant, or results in emissions of a regulated NSR pollutant not previously emitted;

(b) Constitutes construction of a new process unit; or

(c) Removes an entire existing process unit and installs a different process unit in its place.

(54)(i) In general, *process unit* means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store a completed product. A single stationary source may contain more than one process unit.

(ii) The following list identifies the process units at specific kinds of stationary sources.

(a) For a steam electric generating facility, the process unit would consist of those portions of the plant which contribute directly to the production of electricity. For example, at a pulverized coal-fired facility, the process unit would generally be the combination of those systems from the coal receiving equipment through the emission stack, including the coal handling equipment, pulverizers or coal crushers, feedwater heaters, boiler, burners, turbine-generator set, air preheaters, and operating control systems. Each separate generating unit would be considered a separate process unit. Components shared between two or more process units would be proportionately allocated based on capacity.

(b) For a petroleum refinery, there are several categories of process units: those that separate and distill petroleum feedstocks; those that change molecular structures; petroleum treating processes; auxiliary facilities, such as boilers and hydrogen production; and those that load, unload, blend or store products.

(c) For a cement plant, the process unit would generally consist of the kiln and equipment that supports it, including all components that process or store raw materials, preheaters, and components that process or store products from the kilns, and associated emission stacks.

(d) For a pulp and paper mill, there are several types of process units. One is the system that processes wood products, another is the digester and its associated heat exchanger, blow tank, pulp filter, accumulator, oxidation tower, and evaporators. A third is the chemical recovery system, which includes the recovery furnace, lime kiln, storage vessels, and associated oxidation processes feeding regenerated chemicals to the digester.

(e) For an incinerator, the process unit would consist of components from the

feed pit or refuse pit to the stack, including conveyors, combustion devices, heat exchangers and steam generators, quench tanks, and fans.

(55) *Functionally equivalent component* means a component that serves the same purpose as the replaced component.

(56) *Fixed capital cost* means the capital needed to provide all the depreciable components. "Depreciable components" refers to all components of fixed capital cost and is calculated by subtracting land and working capital from the total capital investment, as defined in paragraph (b)(57) of this section.

(57) *Total capital investment* means the sum of the following: all costs required to purchase needed process equipment (purchased equipment costs); the costs of labor and materials for installing that equipment (direct installation costs); the costs of site preparation and buildings; other costs such as engineering, construction and field expenses, fees to contractors, startup and performance tests, and contingencies (indirect installation costs); land for the process equipment; and working capital for the process equipment.

* * * * *

Appendix S—[Amended]

4. In Appendix S to Part 51 Section II is amended:

- a. By revising paragraph A.5(iii) (a).
- b. By adding paragraphs A.21 through 25.

The revision and additions read as follows:

Appendix S to part 51—Emission Offset Interpretative Ruling

* * * * *

II. Initial Screening Analyses and Determination of Applicable Requirements

- A. * * *
- 5. * * *
- (iii) * * *

(a) Routine maintenance, repair and replacement, which shall include but not be limited to the activities set out in paragraphs A.5 (iii)(a)(1) and (2) of this section. Without regard to other considerations, the activities specified in paragraphs A.5 (iii)(a)(1) and (2) shall constitute routine maintenance, repair and replacement:

(1) Activities performed at a stationary source in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source, whose total cost, when added together with the total costs of all previous activities

performed at the same stationary source in the same year in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source, does not exceed that stationary source's annual maintenance, repair and replacement allowance. "Annual maintenance, repair and replacement allowance" is defined in paragraph A.21 of this section. Rules for calculation and summation of costs are provided in paragraph A.21 (i) of this section. A stationary source may elect to calculate an annual maintenance, repair and replacement allowance for either all or none, but not some, of the maintenance, repair, and replacement activities performed at the stationary source.

(2) The replacement of components of a process unit with identical or functionally equivalent components, provided that:

(i) The fixed capital cost of the components does not exceed [x]¹ percent of the fixed capital cost that would be required to construct an entirely new process unit; and

(ii) The replacement does not change the basic design parameters of the process unit. The basic design parameters for electric utility steam generating units are maximum heat input and fuel consumption specifications. For non-utilities, basic design parameters are the maximum fuel or material input specifications to the process unit. An improvement in efficiency does not change a process unit's basic design parameters. "Functionally equivalent components" and "fixed capital cost" are defined in paragraphs A.23 and A.24 of this section, respectively.

* * * * *

21. *Annual maintenance, repair and replacement allowance* means a dollar amount calculated according to the following equation: (Industry sector percentage) × (replacement cost of the stationary source) where "industry sector percentage" is drawn from Table 1 of this section.

TABLE 1. OF SECTION II.A.21.—INDUSTRY SECTOR PERCENTAGES

Industry sector	Industry sector percentage
Electric Services	
Petroleum Refining	
Chemical Processes	
Natural Gas Transport	
Pulp and Paper Mills	
Paper Mills	
Automobile Manufacturing	
Pharmaceuticals	

¹ EPA has not determined this value.

TABLE 1. OF SECTION II.A.21.—INDUSTRY SECTOR PERCENTAGES—Continued

Industry sector	Industry sector percentage
Other	

(i) A stationary source's annual maintenance costs shall be calculated and summed according to the following rules:

(a) The owner or operator may choose to sum costs over either a calendar year or initially specified fiscal year. The initially specified fiscal year must remain in use unless other accounting procedures at the stationary source subsequently change to a different fiscal year.

(b) Costs incurred for all activities not performed at the stationary source in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source that are not excluded under A.21 (ii) of this section, or that have not been issued a preconstruction permit, shall be tracked chronologically and summed at the end of the year.

(1) At the end of the year, these costs shall be listed and summed in order from least cost to highest cost.

(2) All activities prior to the point on the cost-ordered list at which the sum of activity costs exceeds the annual maintenance, repair and replacement allowance shall automatically qualify as routine maintenance, repair, or replacement.

(c) Costs associated with maintaining or installing pollution control equipment shall not be included in the calculation and summation of costs for routine maintenance, repair, and replacement. Costs shall remain included if they are associated with maintaining or installing equipment that serves a dual function as both process and control equipment.

(d) The owner or operator shall provide an annual report to the reviewing authority containing complete information on all maintenance, repair and replacement costs and process unit replacement cost estimates at the stationary source. The report shall be provided within 60 days after the end of the year over which activity costs have been summed.

(ii) An activity otherwise eligible for inclusion in the annual maintenance, repair and replacement allowance shall not be eligible to be included in the allowance if it:

(a) Results in an increase in the maximum achievable hourly emissions rate of the stationary source of a regulated NSR pollutant, or results in emissions of a regulated NSR pollutant not previously emitted;

(b) Constitutes construction of a new process unit; or

(c) Removes an entire existing process unit and installs a different process unit in its place.

22. (i) In general, *process unit* means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store a completed product. A single stationary source may contain more than one process unit.

(ii) The following list identifies the process units at specific kinds of stationary sources.

(a) For a steam electric generating facility, the process unit would consist of those portions of the plant which contribute directly to the production of electricity. For example, at a pulverized coal-fired facility, the process unit would generally be the combination of those systems from the coal receiving equipment through the emission stack, including the coal handling equipment, pulverizers or coal crushers, feedwater heaters, boilers, burners, turbine-generator set, air preheaters, and operating control systems. Each separate generating unit would be considered a separate process unit. Components shared between two or more process units would be proportionately allocated based on capacity.

(b) For a petroleum refinery, there are several categories of process units: those that separate and distill petroleum feedstocks; those that change molecular structures; petroleum treating processes; auxiliary facilities, such as boilers and hydrogen production; and those that load, unload, blend or store products.

(c) For a cement plant, the process unit would generally consist of the kiln and equipment that supports it, including all components that process or store raw materials, preheaters, and components that process or store products from the kilns, and associated emission stacks.

(d) For a pulp and paper mill, there are several types of process units. One is the system that processes wood products, another is the digester and its associated heat exchanger, blow tank, pulp filter, accumulator, oxidation tower, and evaporators. A third is the chemical recovery system, which includes the recovery furnace, lime kiln, storage vessels, and associated oxidation processes feeding regenerated chemicals to the digester.

(e) For an incinerator, the process unit would consist of components from the feed pit or refuse pit to the stack, including conveyors, combustion devices, heat exchangers and steam generators, quench tanks, and fans.

23. *Functionally equivalent component* means a component that serves the same purpose as the replaced component.

24. *Fixed capital cost* means the capital needed to provide all the depreciable components. "Depreciable components" refers to all components of fixed capital cost and is calculated by subtracting land and working capital from the total capital investment, as defined in paragraph A.25 of this section.

25. *Total capital investment* means the sum of the following: all costs required to

purchase needed process equipment (purchased equipment costs); the costs of labor and materials for installing that equipment (direct installation costs); the costs of site preparation and buildings; other costs such as engineering, construction and field expenses, fees to contractors, startup and performance tests, and contingencies (indirect installation costs); land for the process equipment; and working capital for the process equipment.

* * * * *

PART 52—[AMENDED]

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

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

Subpart A—[Amended]

2. Section 52.21 is amended:

- a. By revising paragraph (b)(2)(iii)(a).
- b. By adding paragraphs (b)(55)

through (59).

The revision and additions are revised to read as follows:

§ 52.21 Prevention of significant deterioration of air quality.

* * * * *

- (b) * * *
- (2) * * *
- (iii) * * *

(a) Routine maintenance, repair and replacement, which shall include but not be limited to the activities set out in paragraphs (b)(2)(iii)(a)(1) and (2) of this section. Without regard to other considerations, the activities specified in paragraphs (b)(2)(iii)(a)(1) and (2) shall constitute routine maintenance, repair and replacement:

(1) Activities performed at a stationary source in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source, whose total cost, when added together with the total costs of all previous activities performed at the same stationary source in the same year in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source, does not exceed that stationary source's annual maintenance, repair and replacement allowance. "Annual maintenance, repair and replacement allowance" is defined in paragraph (b)(55) of this section. Rules for calculation and summation of costs are provided in paragraph (b)(55)(i) of this section. A stationary source may elect to calculate an annual maintenance, repair and replacement allowance for either all or none, but not some, of the maintenance, repair, and replacement activities performed at the stationary source.

(2) The replacement of components of a process unit with identical or

functionally equivalent components, provided that:

- (i) The fixed capital cost of the components does not exceed [x]¹ percent of the fixed capital cost that would be required to construct an entirely new process unit; and
- (ii) The replacement does not change the basic design parameters of the process unit. The basic design parameters for electric utility steam generating units are maximum heat input and fuel consumption specifications. For non-utilities, basic design parameters are the maximum fuel or material input specifications to the process unit. An improvement in efficiency does not change a process unit's basic design parameters. "Functionally equivalent components" and "fixed capital cost" are defined in paragraphs (b)(57) and (b)(58) of this section.

* * * * *

(55) *Annual maintenance, repair and replacement allowance* means a dollar amount calculated according to the following equation: (Industry sector percentage) x (replacement cost of the stationary source) where "industry sector percentage" is drawn from Table 1 of this section.

TABLE 1 OF § 52.21(B)(55).—
INDUSTRY SECTOR PERCENTAGES

Industry sector	Industry sector percentage
Electric Services	
Petroleum Refining	
Chemical Processes	
Natural Gas Transport	
Pulp and Paper Mills	
Paper Mills	
Automobile Manufacturing	
Pharmaceuticals	
Other	

(i) A stationary source's annual maintenance costs shall be calculated and summed according to the following rules:

(a) The owner or operator may choose to sum costs over either a calendar year or initially specified fiscal year. The initially specified fiscal year must remain in use unless other accounting procedures at the stationary source subsequently change to a different fiscal year.

(b) Costs incurred for all activities not performed at the stationary source in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source that are not excluded under paragraph (b)(55)(ii) of this section, or

that have not been issued a preconstruction permit, shall be tracked chronologically and summed at the end of the year.

(1) At the end of the year, these costs shall be listed and summed in order from least cost to highest cost.

(2) All activities prior to the point on the cost-ordered list at which the sum of activity costs exceeds the annual maintenance, repair and replacement allowance shall automatically qualify as routine maintenance, repair, or replacement.

(c) Costs associated with maintaining or installing pollution control equipment shall not be included in the calculation and summation of costs for routine maintenance, repair, and replacement. Costs shall remain included if they are associated with maintaining or installing equipment that serves a dual function as both process and control equipment.

(d) The owner or operator shall provide an annual report to the reviewing authority containing complete information on all maintenance, repair and replacement costs and process unit replacement cost estimates at the stationary source. The report shall be provided within 60 days after the end of the year over which activity costs have been summed.

(ii) An activity otherwise eligible for inclusion in the annual maintenance, repair and replacement allowance shall not be eligible to be included in the allowance if it:

(a) Results in an increase in the maximum achievable hourly emissions rate of the stationary source of a regulated NSR pollutant, or results in emissions of a regulated NSR pollutant not previously emitted;

(b) Constitutes construction of a new process unit; or

(c) Removes an entire existing process unit and installs a different process unit in its place.

(56) (i) In general, *process unit* means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store a completed product. A single stationary source may contain more than one process unit.

(ii) The following list identifies the process units at specific kinds of stationary sources.

(a) For a steam electric generating facility, the process unit would consist of those portions of the plant which contribute directly to the production of electricity. For example, at a pulverized coal-fired facility, the process unit would generally be the combination of those systems from the coal receiving

equipment through the emission stack, including the coal handling equipment, pulverizers or coal crushers, feedwater heaters, boiler, burners, turbine-generator set, air preheaters, and operating control systems. Each separate generating unit would be considered a separate process unit. Components shared between two or more process units would be proportionately allocated based on capacity.

(b) For a petroleum refinery, there are several categories of process units: those that separate and distill petroleum feedstocks; those that change molecular structures; petroleum treating processes; auxiliary facilities, such as boilers and hydrogen production; and those that load, unload, blend or store products.

(c) For a cement plant, the process unit would generally consist of the kiln and equipment that supports it, including all components that process or store raw materials, preheaters, and components that process or store products from the kilns, and associated emission stacks.

(d) For a pulp and paper mill, there are several types of process units. One is the system that processes wood products, another is the digester and its associated heat exchanger, blow tank, pulp filter, accumulator, oxidation tower, and evaporators. A third is the chemical recovery system, which includes the recovery furnace, lime kiln, storage vessels, and associated oxidation processes feeding regenerated chemicals to the digester.

(e) For an incinerator, the process unit would consist of components from the feed pit or refuse pit to the stack, including conveyors, combustion devices, heat exchangers and steam generators, quench tanks, and fans.

(57) *Functionally equivalent component* means a component that serves the same purpose as the replaced component.

(58) *Fixed capital cost* means the capital needed to provide all the depreciable components. "Depreciable components" refers to all components of fixed capital cost and is calculated by subtracting land and working capital from the total capital investment, as defined in paragraph (b)(59) of this section.

(59) *Total capital investment* means the sum of the following: all costs required to purchase needed process equipment (purchased equipment costs); the costs of labor and materials for installing that equipment (direct installation costs); the costs of site preparation and buildings; other costs such as engineering, construction and field expenses, fees to contractors, startup and performance tests, and

¹ EPA has not determined this value.

contingencies (indirect installation costs); land for the process equipment; and working capital for the process equipment.

* * * * *

3. Section 52.24 is amended:

- a. By revising paragraph (f)(5)(iii)(a).
- b. By adding paragraphs (f)(25)

through (29).

The revision and additions read as follows:

§ 52.24 Statutory restriction on new sources.

* * * * *

- (f) * * *
- (5) * * *
- (iii) * * *

(a) Routine maintenance, repair and replacement, which shall include but not be limited to the activities set out in paragraphs (f)(5)(iii)(a)(1) and (2) of this section. Without regard to other considerations, the activities specified in paragraphs (f)(5)(iii)(a)(1) and (2) shall constitute routine maintenance, repair and replacement:

(1) Activities performed at a stationary source in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source, whose total cost, when added together with the total costs of all previous activities performed at the same stationary source in the same year in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source, does not exceed that stationary source's annual maintenance, repair and replacement allowance. "Annual maintenance, repair and replacement allowance" is defined in paragraph (f)(25) of this section. Rules for calculation and summation of costs are provided in paragraph (f)(25)(i) of this section. A stationary source may elect to calculate an annual maintenance, repair and replacement allowance for either all or none, but not some, of the maintenance, repair, and replacement activities performed at the stationary source.

(2) The replacement of components of a process unit with identical or functionally equivalent components, provided that:

(i) The fixed capital cost of the components does not exceed [x]¹ percent of the fixed capital cost that would be required to construct an entirely new process unit; and

(ii) The replacement does not change the basic design parameters of the process unit. The basic design parameters for electric utility steam generating units are maximum heat

input and fuel consumption specifications. For non-utilities, basic design parameters are the maximum fuel or material input specifications to the process unit. An improvement in efficiency does not change a process unit's basic design parameters. "Functionally equivalent components" and "fixed capital cost" are defined in paragraphs (f)(27) and (f)(28) of this section, respectively.

* * * * *

(25) *Annual maintenance, repair and replacement allowance* means a dollar amount calculated according to the following equation: (Industry sector percentage) x (replacement cost of the stationary source) where "industry sector percentage" is drawn from Table 1 of this section.

TABLE 1 OF § 52.24(F)(25).—
INDUSTRY SECTOR PERCENTAGES

Industry sector	Industry sector percentage
Electric Services	
Petroleum Refining	
Chemical Processes	
Natural Gas Transport	
Pulp and Paper Mills	
Paper Mills	
Automobile Manufacturing	
Pharmaceuticals	
Other	

(i) A stationary source's annual maintenance costs shall be calculated and summed according to the following rules:

(a) The owner or operator may choose to sum costs over either a calendar year or initially specified fiscal year. The initially specified fiscal year must remain in use unless other accounting procedures at the stationary source subsequently change to a different fiscal year.

(b) Costs incurred for all activities not performed at the stationary source in order to maintain, facilitate, restore or improve the efficiency, reliability, availability or safety of that stationary source that are not excluded under paragraph (f)(25)(ii) of this section, or that have not been issued a preconstruction permit, shall be tracked chronologically and summed at the end of the year.

(1) At the end of the year, these costs shall be listed and summed in order from least cost to highest cost.

(2) All activities prior to the point on the cost-ordered list at which the sum of activity costs exceeds the annual maintenance, repair and replacement allowance shall automatically qualify as routine maintenance, repair, or replacement.

(c) Costs associated with maintaining or installing pollution control equipment shall not be included in the calculation and summation of costs for routine maintenance, repair, and replacement. Costs shall remain included if they are associated with maintaining or installing equipment that serves a dual function as both process and control equipment.

(d) The owner or operator shall provide an annual report to the reviewing authority containing complete information on all maintenance, repair and replacement costs and process unit replacement cost estimates at the stationary source. The report shall be provided within 60 days after the end of the year over which activity costs have been summed.

(ii) An activity otherwise eligible for inclusion in the annual maintenance, repair and replacement allowance shall not be eligible to be included in the allowance if it:

(a) Results in an increase in the maximum achievable hourly emissions rate of the stationary source of a regulated NSR pollutant, or results in emissions of a regulated NSR pollutant not previously emitted;

(b) Constitutes construction of a new process unit; or

(c) Removes an entire existing process unit and installs a different process unit in its place.

(26) (i) In general, *process unit* means any collection of structures and/or equipment that processes, assembles, applies, blends, or otherwise uses material inputs to produce or store a completed product. A single stationary source may contain more than one process unit.

(ii) The following list identifies the process units at specific kinds of stationary sources.

(a) For a steam electric generating facility, the process unit would consist of those portions of the plant which contribute directly to the production of electricity. For example, at a pulverized coal-fired facility, the process unit would generally be the combination of those systems from the coal receiving equipment through the emission stack, including the coal handling equipment, pulverizers or coal crushers, feedwater heaters, boiler, burners, turbine-generator set, air preheaters, and operating control systems. Each separate generating unit would be considered a separate process unit. Components shared between two or more process units would be proportionately allocated based on capacity.

(b) For a petroleum refinery, there are several categories of process units: those that separate and distill petroleum

¹ EPA has not determined this value.

feedstocks; those that change molecular structures; petroleum treating processes; auxiliary facilities, such as boilers and hydrogen production; and those that load, unload, blend or store products.

(c) For a cement plant, the process unit would generally consist of the kiln and equipment that supports it, including all components that process or store raw materials, preheaters, and components that process or store products from the kilns, and associated emission stacks.

(d) For a pulp and paper mill, there are several types of process units. One is the system that processes wood products, another is the digester and its associated heat exchanger, blow tank, pulp filter, accumulator, oxidation tower, and evaporators. A third is the chemical recovery system, which

includes the recovery furnace, lime kiln, storage vessels, and associated oxidation processes feeding regenerated chemicals to the digester.

(e) For an incinerator, the process unit would consist of components from the feed pit or refuse pit to the stack, including conveyors, combustion devices, heat exchangers and steam generators, quench tanks, and fans.

(27) *Functionally equivalent component* means a component that serves the same purpose as the replaced component.

(28) *Fixed capital cost* means the capital needed to provide all the depreciable components. "Depreciable components" refers to all components of fixed capital cost and is calculated by subtracting land and working capital from the total capital investment, as

defined in paragraph (f)(29) of this section.

(29) *Total capital investment* means the sum of the following: all costs required to purchase needed process equipment (purchased equipment costs); the costs of labor and materials for installing that equipment (direct installation costs); the costs of site preparation and buildings; other costs such as engineering, construction and field expenses, fees to contractors, startup and performance tests, and contingencies (indirect installation costs); land for the process equipment; and working capital for the process equipment.

* * * * *

[FR Doc. 02-31900 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-P



Federal Register

**Tuesday,
December 31, 2002**

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Parts 91 and 93

Special Flight Rules in the Vicinity of Los Angeles International Airport; Proposed Rule

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Parts 91 and 93**

[Docket No. FAA-2002-14149; Notice No. 02-21]

RIN 2120-AH92

Special Flight Rules in the Vicinity of Los Angeles International Airport**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: In this action the FAA proposes to revise and codify Special Federal Aviation Regulation (SFAR) No. 51-1, Special Flight Rules in the Vicinity of the Los Angeles International Airport. This action proposes to change the northern boundary of the Los Angeles Special Flight Rules Area (SFRA), established by SFAR No. 51-1, to align the area with the Los Angeles Class B airspace area revisions adopted in 1997. Also, this action would revise the description of the SFRA airspace to make the requirement to operate at fixed altitudes clearer. The FAA is proposing this action to reduce the potential for climb/descent conflicts, to ensure compatibility with current traffic flows, and to increase overall system efficiency and safety.

DATES: Send your comments to reach us on or before February 14, 2003.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet at <http://dms.dot.gov>. You may review the public docket containing comments about this proposed regulation in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the Nassif Building at the Department of Transportation at the above address. Also, you may review public dockets through the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA-400, Office of Air Traffic Airspace Management, Federal Aviation

Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments refer to a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. We ask that you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 9 am and 5 pm, Monday through Friday, except Federal holidays. You may also review the docket using the Internet at the Web address in the **ADDRESSES** section.

Before acting on this proposal, we will consider all substantive and material comments received on, or before, the closing date for comments. We will consider comments filed late, to the extent practicable. We may change this proposal in light of the comments we receive.

If you want the FAA to acknowledge receipt of your comments on this proposal, include a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by:

- (1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page <http://dms.dot.gov/search>;
- (2) Visiting the Office of Rulemaking's Web page at <http://www.faa.gov/avr/armhome.htm>; or
- (3) Accessing the Government Printing Office's Web page at http://www.access.gpo.gov/su_docs/aces/aces140.html.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-9680. Make sure to

identify the docket number, notice number, or amendment number of this rulemaking.

Background

The FAA issued SFAR No. 51-1 in February, 1988, to provide Visual Flight Rule (VFR) pilots with a safe and direct north/south route through the Los Angeles (LAX) Terminal Control Area (TCA), now known as the Los Angeles Class B area (53 FR 3812, February 9, 1988). Specifically, SFAR No. 51-1 allows certain aircraft operating under VFR to fly through the Special Flight Rules Area (SFRA) without contacting air traffic control personnel provided that specific conditions are met. The conditions include equipment, use of lights, maximum indicated airspeed and operations at fixed altitudes.

In 1993, the FAA reclassified airspace terminology and replaced the term TCA with Class B Airspace Area (56 FR 242, December 17, 1991). In 1997, the FAA modified the Los Angeles B airspace area, but did not re-describe the SFAR No. 51-1 airspace in conjunction with the changes (61 FR 66902, December 19, 1996).

Discussion of the Proposal

The FAA proposes to add subpart G to part 93 of title 14 of the Code of Federal Regulations to revise, and codify, the airspace designated as the Los Angeles (LAX) SFRA and the special flight procedures for that area. Codifying these special flight rules in subpart G of part 93 of title 14 of the Code of Federal Regulations requires an amendment to remove SFAR No. 51-1. The FAA proposes to remove SFAR No. 51-1 from part 91 of title 14 of the Code of Federal Regulations to accomplish that end.

Also, the FAA proposes to change the northern boundary of the LAX SFRA to align it with the 1997 Class B revisions as discussed above. Further, the FAA proposes to revise the language in the current SFAR No. 51-1 by removing the words "inclusive" and "between" from the airspace description in section 1 of the SFAR.

Section 2 of SFAR No. 51-1 now requires certain aircraft to operate at fixed altitudes in the LAX SFRA. The FAA's 2001 biennial study of LAX Class B operations concluded that the regulatory description of the special flight rules area could be misunderstood by pilots to imply that they could climb or descend while in the area because it uses the words "inclusive" and "between" when describing the boundaries of the LAX SFRA. That was not the intent of the SFAR. This proposal would remove "inclusive" and

“between” from the airspace description to make the requirement to operate at fixed altitudes clearer.

Paperwork Reduction Act

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

International Compatibility

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

Executive Order 12866 and DOT Regulatory Policies and Procedures

Executive Order 12866, Regulatory Planning and Review, directs the FAA to assess both the costs and benefits of a regulatory change. We are not allowed to propose or adopt a regulation unless we make a reasoned determination that the benefits of the intended regulation justify the costs. Our assessment of this rulemaking indicates that its economic impact is minimal. Because the costs and benefits of this action do not make it a “significant regulatory action” as defined in the Order, we have not prepared a “regulatory evaluation,” which is the written cost/benefit analysis ordinarily required for all rulemaking under the DOT Regulatory Policies and Procedures. We do not need to do a full evaluation where the economic impact of a rule is minimal.

Economic Evaluation

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866, Regulatory Planning and Review, directs that each Federal agency propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In

developing U.S. standards, this Trade Act also requires agencies to consider international standards and, where appropriate, use them as the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by private sector, of \$100 million or more annually (adjusted for inflation).

For regulations with an expected minimal impact, the above-specified analyses are not required. The Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If it is determined that the expected impact is so minimal that the regulation does not warrant a full evaluation, a statement to that effect and the basis for it is included in proposed regulation.

This NPRM would codify current flight restrictions for aircraft operating under VFR in the vicinity of Los Angeles International Airport, California. This action also proposes to revise the boundary of the LAX SFRA to align with Los Angeles Class B airspace area revisions adopted in 1997, and revise the description of airspace area to clarify the fixed altitudes for aircraft operating in the SFRA and reduce the potential climb/descent conflicts.

The FAA has determined that the proposed rule would result in no incremental costs to persons operating under VFR in the LAX Class B airspace area. This assessment is based on the fact that this NPRM revises and codifies existing special flight rules. These rules are already applicable to flight operations in the LAX Area. The proposed rule would align the LAX SFRA boundaries with the LAX Class B airspace area and would insure that climb/descent conflicts are eliminated in the SFRA. Therefore, the FAA has determined that this proposed rule would be cost-beneficial.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes “as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.” To achieve that principle, the Act requires agencies to solicit and

consider flexible regulatory proposals and to explain the rationale for their actions. The Act covers a wide range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

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

If an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the 1980 act provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

In view of the no cost impact of the rule, the FAA has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities. Consequently, the FAA certifies that the rule would not have a significant economic impact on a substantial number of small entities. The FAA solicits comments concerning this finding.

International Trade Impact Analysis

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

In accordance with the above statute, the FAA has assessed the potential effect of this proposed rule and has determined that it would have only a domestic impact and therefore create no obstacles to the foreign commerce of the United States.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104–4 on March 22, 1995, is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal

mandate in a proposed or final agency rule that may result in a \$100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action."

This proposed rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

Executive Order 13132, Federalism

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

Environmental Analysis

FAA Order 1050.1 defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1, this rulemaking action qualifies for a categorical exclusion.

Energy Impact

We have assessed the energy impact of this NPRM in accord with the Energy Policy and Conservation Act (EPCA), Public Law 94-163, as amended (42 U.S.C. 6362), and FAA Order 1053.1. We have determined that this NPRM is not a major regulatory action under the provisions of the EPCA.

List of Subjects

14 CFR Part 91

Afghanistan, Agriculture, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Canada, Cuba, Ethiopia, Freight, Mexico, Noise control, Political candidates, Reporting and recordkeeping requirements, Yugoslavia.

14 CFR Part 93

Air traffic control, Airspace, Alaska, Navigation (air), Puerto Rico.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend parts 91 and 93 of title 14 of the Code of Federal Regulations as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

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

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

Special Federal Aviation Regulation No. 51-1

2. Remove SFAR No. 51-1.

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

3. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44719, 46301.

4. Add subpart G to part 93 to read as follows:

Subpart G—Special Flight Rules in the Vicinity of Los Angeles International Airport

Sec.

- 93.91 Applicability.
- 93.93 Description of area.
- 93.95 General operating procedures.
- 93.97 Operations in the SFRA.

§ 93.91 Applicability.

This subpart prescribes special air traffic rules for aircraft conducting VFR operations in the vicinity of Los Angeles International Airport, California.

§ 93.93 Description of area.

The Los Angeles Special Flight Rules Area is designated as that part of Area A of the Los Angeles Class B airspace area at 3,500 feet above mean sea level (MSL) and at 4,500 feet MSL, beginning at Ballona Creek/Pacific Ocean (lat. 33°57'42" N, long. 118°27'23" W), then eastbound along Manchester Blvd. to the intersection of Manchester/405 Freeway (lat. 33°57'42" N, long. 118°22'10" W), then southbound along the 405 Freeway to the

intersection of the 405 Freeway/Imperial Highway (lat. 33°55'51" N, long. 118° 22'06" W), then westbound along Imperial Highway to the intersection of Imperial Highway/Pacific Ocean (lat. 33°55'51" N, long. 118°26'05" W), then northbound along the shoreline to the point of beginning.

§ 93.95 General operating procedures.

Unless otherwise authorized by the Administrator, no person may operate an aircraft in the airspace described in § 93.93 unless the operation is conducted in accordance with the following procedures:

(a) The flight must be conducted under VFR and only when operation may be conducted in compliance with § 91.155(a) of this chapter.

(b) The aircraft must be equipped as specified in § 91.215(b) of this chapter replying on code 1201 prior to entering and while operating in this area.

(c) The pilot shall have a current Los Angeles Terminal Area Chart in the aircraft.

(d) The pilot shall operate on the Santa Monica very high frequency omni-directional radio range (VOR) 132° radial.

(e) Operations in a southeasterly direction shall be in level flight at 3,500 feet MSL.

(f) Operations in a northwesterly direction shall be in level flight at 4,500 feet MSL.

(g) Indicated airspeed shall not exceed 140 knots.

(h) Anti-collision lights and aircraft position/navigation lights shall be on. Use of landing lights is recommended.

(i) Turbojet aircraft are prohibited from VFR operations in this area.

§ 93.97 Operations in the SFRA.

Notwithstanding the provisions of § 91.131(a) of this chapter, an air traffic control authorization is not required in the Los Angeles Special Flight Rules Area for operations in compliance with § 93.95. All other provisions of § 91.131 of this chapter apply to operations in the Los Angeles Special Flight Rules Area.

Issued in Washington, DC, on December 23, 2002.

Nancy B. Kalinowski,

Acting Program Director, Air Traffic Airspace Management.

[FR Doc. 02-32939 Filed 12-30-02; 8:45 am]

BILLING CODE 4910-13-P



Federal Register

**Tuesday,
December 31, 2002**

Part V

**Department of
Defense**

**General Services
Administration**

**National Aeronautics
and Space
Administration**

**48 CFR Chapter 1
Federal Acquisition Regulations; Final
Rules**

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Circular 2001-11; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final and interim rules.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 2001-11. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at <http://www.arnet.gov/far>.

DATES: For effective dates and comment dates, see separate documents which follow.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. For clarification of content, contact the analyst whose name appears in the table below in relation to each FAR case or subject area. Please cite FAC 2001-11 and specific FAR case number(s). Interested parties may also visit our Web site at <http://www.arnet.gov/far>.

Item	Subject	FAR case	Analyst
I	Special Simplified Procedures For Purchases of Commercial Items in Excess of the Simplified Acquisition Threshold.	2002-028	Moss
II	Section 508 Micro-purchase Exception Sunset Provision	2002-012	Nelson.

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow. For the actual revisions and/or amendments to these FAR cases, refer to the specific item number and subject set forth in the documents following these item summaries.

FAC 2001-11 amends the FAR as specified below:

Item I—Special Simplified Procedures for Purchases of Commercial Items in Excess of the Simplified Acquisition Threshold (FAR Case 2002-028)

This final rule amends FAR Subpart 13.5 to extend the expiration date of the test of special simplified procedures for purchases of commercial items greater than the simplified acquisition threshold but not exceeding \$5,000,000 to January 1, 2004. This change implements Section 812 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314). Section 812 amended Section 4202(e) of the Clinger-Cohen Act of 1996 (Divisions D and E of Public Law 104-106; 110 Stat. 654; 10 U.S.C. 2304 note).

Item II—Section 508 Micro-Purchase Exception Sunset Provision (FAR Case 2002-012)

This interim rule extends the Electronic and Information Technology (Section 508) micro-purchase exception to October 1, 2004. This rule is of special interest to contracting officers and other individuals designated in accordance with FAR 1.603-3.

Dated: December 20, 2002.

Jeremy F. Olson,
Acting Director, Acquisition Policy Division.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 2001-11 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2001-11 are effective January 1, 2003.

Dated: December 20, 2002.

Deidre A. Lee,
Director, Defense Procurement and Acquisition Policy.

Dated: December 19, 2002.

David A. Drabkin,
Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration.

Dated: December 19, 2002.

Tom Luedtke,
Assistant Administrator for Procurement, National Aeronautics and Space Administration.

[FR Doc. 02-32741 Filed 12-30-02; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 13

[FAC 2001-11; FAR Case 2002-028; Item I]

RIN 9000-AJ52

Federal Acquisition Regulation; Special Simplified Procedures for Purchases of Commercial Items in Excess of the Simplified Acquisition Threshold

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to implement Section 812 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314). Section 812 extends the test of the special simplified procedures for purchases of commercial items greater than the simplified acquisition threshold, but not exceeding \$5,000,000, until January 1, 2004.

DATES: *Effective Date:* January 1, 2003.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to

status or publication schedules. For clarification of content, contact Ms. Victoria Moss, Procurement Analyst, at (202) 501-4764. Please cite FAC 2001-11, FAR case 2002-028.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends FAR Subpart 13.5 to implement Section 812 of the National Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314). Section 812 amends Section 4202(e) of the Clinger-Cohen Act of 1996 (Divisions D and E of Pub. L. 104-106; 110 Stat. 654; 10 U.S.C. 2304 note) to extend through January 1, 2004, the expiration of the test of special simplified procedures for purchases of commercial items greater than the simplified acquisition threshold, but not exceeding \$5,000,000.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule. This final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comments is not required. However, the Councils will consider comments from small entities concerning the affected FAR Part 13 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 2001-11, FAR case 2002-028), in correspondence.

C. Paperwork Reduction Act

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

List of Subjects in 48 CFR Part 13

Government procurement.

Dated: December 20, 2002.

Jeremy F. Olson,

Acting Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR part 13 as set forth below:

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

1. The authority citation for 48 CFR part 13 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

13.500 [Amended]

2. Amend section 13.500 by removing from the first sentence of paragraph (d) "January 1, 2003" and adding "January 1, 2004" in its place.

[FR Doc. 02-32742 Filed 12-30-02; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 39

[FAC 2001-11; FAR Case 2002-012; Item II]

RIN 9000-AJ53

Federal Acquisition Regulation; Section 508 Micro-Purchase Exception Sunset Provision

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to extend the electronic and information technology (Section 508) micro-purchase exception to October 1, 2004.

DATES: *Effective Date:* January 1, 2003.

Comment Date: Interested parties should submit comments to the FAR Secretariat at the address shown below on or before March 3, 2003 to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to: General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW., Room 4035, Attn: Ms. Laurie Duarte, Washington, DC 20405.

Submit electronic comments via the Internet to: farcase.2002-012@gsa.gov.

Please submit comments only and cite FAC 2001-11, FAR case 2002-012, in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755, for information pertaining to status or publication schedules. The TTY Federal Relay Number for further

information is 1-800-877-8973. For clarification of content, contact Ms. Linda Nelson, Procurement Analyst, at (202) 501-1900, or Ms. Angelena Moy, Case Manager, at (703) 602-1302. Please cite FAC 2001-11, FAR case 2002-012.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule extends the electronic and information technology (EIT) micro-purchase exception until October 1, 2004. Previously, in incorporating the Access Board standards, the FAR provided an exception from the procurement regulations for micro-purchases until January 1, 2003. The Councils fully expected that many products would conform to the standards within that timeframe and be marketed and labeled by the manufacturer accordingly. However, industry is providing products at varying levels of conformance to the standards, and product packaging does not currently provide Section 508 conformance information, in most cases.

The Government is continuing to make compliance a high priority, and the award of many Federal EIT procurements have hinged on accessibility. While the "Buy Accessible" information on the Section508.gov Web site is helpful, not all firms have templates completed for their products making it especially difficult for Government purchase cardholders who are not contracting officers to make informed EIT purchases through reasonable effort.

Typically, Government personnel who are not warranted contracting officers use the purchase card to purchase commercial-off-the-shelf items. Use of the purchase card makes it generally impractical to comply with the EIT accessibility standards unless commercial-off-the-shelf products are labeled for Section 508 standards compliance. The Councils recognize the fact that almost all micro-purchases are made using the Governmentwide commercial purchase cards, but also recognize that the Government purchases \$52 billion per year for EIT products and services, of which only a very small percentage are acquired through the micro-purchase process with credit cards. Most Government desktop personal computers and other infrastructure are purchased and controlled through large agency acquisitions.

By October 1, 2004, we are hopeful that vendors will provide statements related to product conformance to the Section 508 standards as part of their marketing information and their outer

packaging labeling. As this occurs, Federal Government cardholders can make informed EIT purchases that conform to the Access Board's standards, and the micro-purchase exception will no longer be needed.

Without the extension of the micro-purchase exception, all micro-purchases may have to go through a special evaluation to ensure they comply with EIT Standards. EIT micro-purchases would be forwarded to contracting offices for purchase. This would significantly increase the workload in procurement offices and the finance offices, causing a reduction in efficiency and delivery (increased procurement lead-times). The potential costs to industry cannot be measured.

The Councils realized there might be some concern within the disability advocacy groups and the Government that extending the micro-purchase exemption will signal that the Government is relaxing the implementation period. That is not the case. It is only intended to deal with the small portion of EIT that is acquired with credit cards (micro-purchases) and the practical reality that the lack of package labeling, or other manufacturer accessibility information, makes informed decision making by cardholders especially difficult. To help in determining the appropriate next steps for addressing the accessibility of EIT micro-purchases, the Councils invite respondents to address the following questions in addition to providing comments on the rule.

Any and all comments related to this rule are welcomed. Note that public comments provided in response to this notice will be available in their entirety to any requester, including any requester under the Freedom of Information Act (5 U.S.C. 552). Therefore, we caution respondents not to provide proprietary or other business sensitive information. Under no circumstances should respondents provide any information unless they do so with a clear understanding that it will be made available to the public.

1. For EIT industry respondents, please include in your comments responses to the following questions:

a. What type of training is your company employing to educate your developers (hardware and software) and salespersons regarding the section 508 requirements?

b. What mechanisms or approaches should the Government consider to ensure EIT micro-purchases (products and services) are accessible?

c. Do you anticipate your company will label its EIT products with buyer information regarding the accessibility

aspects of the product being offered for sale? If so, when?

d. Do you offer a complete template of accessibility information for each of your EIT products and services on your Web site? If no, why not?

e. Currently, what process does your company employ to provide information to potential Government purchasers regarding the accessibility features of the products manufactured or sold?

2. For other respondents, please include in your comments responses to the following questions:

a. What mechanisms or approaches should the Government consider to ensure EIT micro-purchases (products and services) are accessible?

b. Currently, what type of training is being employed by your organization to educate purchasers and users regarding the Section 508 requirements? Is any training specifically geared towards cardholders and micro-purchases? If so, how do you explain and communicate the Section 508 requirements?

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because for purchases under \$2,500 (a "micro-purchase"), no competitive quotations have to be obtained and micro-purchases are no longer reserved exclusively for small firms. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Part in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 2001-11, FAR case 2002-012), in correspondence.

C. Paperwork Reduction Act

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

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General

Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because the rule extends an exception that would otherwise impose burdens that the Government and contractors are not prepared to meet. However, pursuant to Public Law 98-577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Part 39

Government procurement.

Dated: December 20, 2002.

Jeremy F. Olson,

Acting Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR part 39 as set forth below:

PART 39—ACQUISITION OF INFORMATION TECHNOLOGY

1. The authority citation for 48 CFR part 39 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

39.204 [Amended]

2. Amend section 39.204 in the first sentence of paragraph (a) by removing "January 1, 2003" and adding "October 1, 2004" in its place.

[FR Doc. 02-32743 Filed 12-30-02; 8:45 am]

BILLING CODE 6820-EP-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Regulation; Small Entity Compliance Guide

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121). It consists of a summary of the rules appearing in Federal Acquisition Circular (FAC) 2001-11 which amend the FAR. An asterisk (*) next to a rule indicates that

a regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604. Interested parties may obtain further information regarding these rules by referring to FAC 2001-11 which precedes this document. These

documents are also available via the Internet at <http://www.arnet.gov/far>.
FOR FURTHER INFORMATION CONTACT:
 Laurie Duarte, FAR Secretariat, (202) 501-4225. For clarification of content, contact the analyst whose name appears in the table below.

LIST OF RULES IN FAC 2001-11

Item	Subject	FAR Case	Analyst
I	Special Simplified Procedures For Purchases Of Commercial Items in Excess of the Simplified Acquisition Threshold.	2002-028	Moss.
II	Section 508 Micro-purchase Exception Sunset Provision	2002-012	Nelson.

Item I—Special Simplified Procedures for Purchases of Commercial Items in Excess of the Simplified Acquisition Threshold (FAR Case 2002-028)

This final rule amends FAR Subpart 13.5 to extend the expiration date of the test of special simplified procedures for purchases of commercial items greater than the simplified acquisition threshold but not exceeding \$5,000,000 to January 1, 2004. This change implements Section 812 of the National

Defense Authorization Act for Fiscal Year 2003 (Pub. L. 107-314). Section 812 amended Section 4202(e) of the Clinger-Cohen Act of 1996 (Divisions D and E of Public Law 104-106; 110 Stat. 654; 10 U.S.C. 2304 note).

Item II—Section 508 Micro-purchase Exception Sunset Provision (FAR Case 2002-012)

This interim rule extends the Electronic and Information Technology

(Section 508) micro-purchase exception to October 1, 2004. This rule is of special interest to contracting officers and other individuals designated in accordance with FAR 1.603-3.

Dated: December 20, 2002.

Jeremy F. Olson,
Acting Director, Acquisition Policy Division.
 [FR Doc. 02-32740 Filed 12-30-02; 8:45 am]

BILLING CODE 6820-EP-P



Federal Register

**Tuesday,
December 31, 2002**

Part VI

Environmental Protection Agency

40 CFR Part 58

**National Ambient Air Quality Standard:
Particulate Matter; Final Rule and
Proposed Rule**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 58**

[AD-FRL-7388-4]

RIN 2060-AK05

National Ambient Air Quality Standard: Particulate Matter**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: The EPA is taking direct final action to amend the national ambient air quality standards for particulate matter. The revision reduces to 15 percent the requirement that reporting organizations collocate 25 percent of State and local air monitoring station (SLAMS) sites with a second sampler in order to estimate precision at a reporting organization level.

The regulations describe the number of collocated sites required within a reporting organization. With today's action, EPA is making a simple change in the regulations by changing the requirement to collocate 25 percent of reporting organizations sites to 15 percent of the reporting organizations sites. The effect of this change will be to reduce the number of monitors which must be collocated. This in turn will reduce the cost of implementing and maintaining monitoring networks but without significantly affecting our confidence in the precision at the reporting organization level or in providing acceptable estimates of achievement of the precision Data Quality Objectives (DQOs). Since reporting organizations are of unequal size in the number of monitors they implement, 15 percent was considered an acceptable limit of providing enough precision information for smaller reporting organizations while not unduly burdening larger reporting organizations.

DATES: This direct final rule will be effective on March 31, 2003 without further notice, unless significant adverse comments are received by January 30, 2003. If significant adverse comments are received, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments should be submitted (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention: Docket No. A96-51, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. In person or by courier, deliver comments (in duplicate if possible) to:

Air and Radiation Docket and Information Center (6102), Attention Docket A96-51, U.S. EPA, 401 M Street, SW., Washington, DC 20460. We request that you send a separate copy of your comments to Mr. Michael Papp, Monitoring and Quality Assurance Group (C339-02), Emissions, Monitoring, and Analysis Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: For information concerning the direct final rule, contact Mr. Michael Papp, Monitoring and Quality Assurance Group (C339-02), Emissions, Monitoring, and Analysis Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2408.

SUPPLEMENTARY INFORMATION: We are publishing this direct final without prior proposal because we view this as noncontroversial and do not anticipate adverse comments. However, in the Proposed Rule section of this **Federal Register**, we are publishing a separate document that will serve as the proposal in the event that adverse comments are filed.

If we receive any significant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this direct final rule. Any parties interested in commenting must do so at this time.

Docket. The docket is an organized and complete file of information compiled by EPA in developing this direct final rule. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the docket contains the record in the case of judicial review. The docket number for this rulemaking is A-96-51.

Worldwide Web (WWW). In addition to being available in the docket, electronic copies of this action will be posted on the Technology Transfer Network (TTN). Following signature, we will post a copy of the supplemental proposal on the Air Monitoring Technology Information Center's TTN

Web site at <http://www.epa.gov/ttn/amtic/pmcfr.html> under the title "PM_{2.5} Collocated Precision Reduction." The TTN provides information and technology exchange in various areas of air pollution control. If you need more information regarding the TTN, call the TTN HELP line at (919) 541-5384.

Authority. Sections 110, 301(a), and 319 of the Clean Air Act, as amended, 42 U.S.C. 7410, 7601 (a), 7619.

I. Background

The Clean Air Act as amended (1990 Amendments), established requirements for States to prepare and submit State Implementation plans (SIPs) to EPA to implement and enforce national ambient air quality standards (NAAQS). 42 U.S.C. 7401 *et seq.* Specifically, section 110 of the Clean Air Act (Act) identifies particular requirements for these SIPs and lists the elements which each must contain in order to be approvable by EPA. Included in these provisions is the requirement that each SIP:

provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to—

- (i) monitor, compile, and analyze data on ambient air quality, and
- (ii) upon request, make such data available to the Administrator;

42 U.S.C 7410(a)(2)(B). Any air quality monitoring systems required in such SIP's were further required to utilize standard criteria and methodologies established by regulations to be promulgated by EPA pursuant to section 319 of the Act.

When EPA promulgated NAAQS for fine particulate matter (PM_{2.5}), it also adopted regulations for air sampling (62 FR 38833, July 18, 1997). These regulations included quality assurance (QA) requirements in Appendix A based on data quality objectives developed using PM_{2.5} data available in EPA's Aerometric Information Retrieval System (AIRS) and other sources prior to the July 18, 1997 rulemaking. These QA objectives were developed to ensure that decision makers would have PM_{2.5} data of adequate quality to support important decisions such as the comparison to the PM_{2.5} NAAQS.

In response to complaints that arose under previous regulations about the burden of QA requirements, 62 FR 38767, July 18, 1997 section IV, "Discussion of Regulatory Revisions and Major Comments on Part 58," EPA stated that "[i]n an effort to assist State and local agencies in achieving the data quality objectives of the PM_{2.5} monitoring program, an incentive program has been established that is based on network performance and

maturity that can reduce these QA requirements.” Within 40 CFR part 58, appendix A data quality objectives for precision (10 percent) and bias (± 10 percent) were identified. In order to meet the precision data quality objective, reporting organizations are currently required by the regulations to collocate 25 percent of the monitoring sites with a second federal reference method monitor. This second monitor would collect a sample every 6 days. The data quality objective is assessed using 3 years of this collocated information, which would provide approximately 182 values for any one site. Over the data collection years of 1999 and 2000, EPA performed data quality assessments on PM_{2.5} data and found that the majority of the reporting organizations are achieving the precision data quality objective.

In 2001, EPA also reviewed the original 1997 data quality objectives using the 1999 and 2000 PM_{2.5} data set. Using this more robust data set, EPA determined that the precision data quality objective was less influential on decision errors than the bias data quality objective and therefore greater imprecision could be tolerated in the network without adverse effect on overall uncertainty and therefore decision making. Based on the data quality assessments and the evaluation of the original data quality objective, EPA concluded that a reduction in the precision siting requirement would not significantly affect confidence in precision estimates at the reporting organization level or in providing acceptable estimates of achievement of the precision DQO. Therefore, in keeping with the commitment established in the July 18, 1997 **Federal Register** document, EPA has determined that it would be appropriate to reduce the monitor collocation requirements. We view these amendments as noncontroversial and anticipate no adverse comments, and we are publishing these amendments in a direct final rule.

II. Administrative Requirements

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether a regulatory action is “significant” and therefore subject to review by the Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines “significant regulatory action” as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligation of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the Executive Order.

We have determined that this direct final rule does not qualify as a “significant regulatory action” under the terms of Executive Order 12866 and therefore, is not subject to review by OMB.

B. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use.

This direct final rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

C. Executive Order 13132, Federalism

Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999), requires that we develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

Under section 6 of Executive Order 13132, we may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the State and local governments, or we consult with State and local officials early in the process of developing the proposed regulation. We also may not issue a regulation that has federalism implications and that preempts State law unless we consult with State and

local officials early in the process of developing the proposed regulation.

This direct final rule does not have federalism implications. It 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, as specified in Executive Order 13132. This rule is a revision to an existing rule governing the requirements for State and local monitoring networks and reduces the burden on affected States. Thus, the requirements of section 6 of the Executive Order do not apply to this direct final rule.

D. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This direct final rule does not impose substantial direct compliance costs but lessens the existing requirements on the tribal governments. This rule revises an existing regulation which details the requirements for State, local and tribal air monitoring networks. Accordingly, the requirements of Executive Order 13175 do not apply to this action.

E. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that we determine (1) is “economically significant” as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

We interpret Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This proposed rule is not subject to Executive Order 13045 because this does not establish an environmental

standard intended to mitigate health or safety risks.

F. Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

We have determined that this direct final rule does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector in any 1 year. This rule does not impose new requirements, but rather reduces somewhat the requirements of existing regulations for State and local air monitoring networks. We have also determined that this rule does not significantly or uniquely impact small

governments. Therefore, the requirements of the Unfunded Mandates Act do not apply to this rule.

G. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires that we conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. This direct final rule does not have a significant impact on a substantial number of small entities because no additional cost will be incurred by such entities because of the changes specified by the rule. The rule reduces the requirements for the number of sites at which collocated monitors are required. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

H. Paperwork Reduction Act

This proposed rule does not contain any information collection requirements subject to the Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Pub. L. 104-113, § 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

In this direct final rule there is no consensus standard for the setting of a precision requirement for a monitoring network. The determination of the confidence needed in the estimates

derived for a particular monitoring network determine the amount and quality of the precision information. EPA used accepted statistical practices for the generation of the number of collocated sites it felt was appropriate for use in the network and used similar techniques for determining that the requirement could be reduced.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801, et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. We will submit a report containing this direct final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this direct final rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This direct final is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 58

Environmental protection, Air pollution control, Reporting and recordkeeping requirements.

Dated: December 18, 2002.

Christine Todd Whitman,
Administrator.

For the reasons set forth in the preamble, title 40, chapter I, is amended as follows:

PART 58—[AMENDED]

1. The authority citation for part 58 continues to read as follows: 42 U.S.C. 7401, 7416, 7601, and 7619.

2. In Appendix A to part 58, section 3.5.2 is amended by revising paragraph (a)(1) to read as follows:

Appendix A to Part 58—Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS)

* * * * *

3.5.2 * * *
(a) * * *

(1) Have 15 percent of the monitors collocated (values of .5 and greater round up).

* * * * *

[FR Doc. 02-32384 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 58**

[AD-FRL-7388-3]

RIN 2060-AK05

**National Ambient Air Quality Standard:
Particulate Matter****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA is taking direct final action to revise the national ambient air quality standards for particulate matter. This requirement describes the number of collocated sites required within a reporting organization.

In the "Rules and Regulations" section of today's **Federal Register**, we are approving revisions to "Quality Assurance Requirements for State and Local Air Monitoring Stations" (SLAMS) as a direct final rule without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this

approval in the preamble to the direct final rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: Comments must be submitted on or before March 3, 2003.

ADDRESSES: Written comments should be submitted (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention: Docket No. A96-51, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. In person or by courier, deliver comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention: Docket A96-51, U.S. EPA, 401 M Street, SW., Washington, DC 20460. We request that you send a separate copy of your comments to Mr. Michael Papp, Monitoring and Quality Assurance Group (C339-02), Emissions, Monitoring, and Analysis Division, U.S.

Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: For information concerning the proposed rule, contact Mr. Michael Papp, Monitoring and Quality Assurance Group (C339-02), Emissions, Monitoring, and Analysis Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2408.

SUPPLEMENTARY INFORMATION: This document concerns revising the national ambient air quality standards for particulate matter, 40 CFR part 58, appendix A, section 3.5.2. For further information, please see the information provided in the direct final action that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: December 18, 2002.

Christine Todd Whitman,
Administrator.

[FR Doc. 02-32385 Filed 12-30-02; 8:45 am]

BILLING CODE 6560-50-P



Federal Register

**Tuesday,
December 31, 2002**

Part VII

Department of Justice

**Office of Juvenile Justice and
Delinquency Prevention**

**Drug-Free Communities Support Program;
Notice**

DEPARTMENT OF JUSTICE**Office of Juvenile Justice and
Delinquency Prevention****[OJP (OJJDP)—1366]****Drug-Free Communities Support
Program**

AGENCY: Office of National Drug Control Policy, Executive Office of the President, and Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of funding availability.

SUMMARY: The Executive Office of the President, Office of National Drug Control Policy (ONDCP), and the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), are requesting applications for the fiscal year 2003 Drug-Free Communities Support Program to reduce substance abuse among youth and, over time, among adults. Approximately 150 grants of up to \$100,000 each will be awarded to community coalitions that are working to prevent and reduce substance abuse among youth.

DATES: Applications must be received by March 11, 2003.

ADDRESS: All applications must be completed online using OJP's Grants

Management System (ojp.usdoj.gov/fundopps.htm). Faxed or e-mailed applications will not be accepted. Interested applicants can access the program announcement for the FY 2003 Drug-Free Communities Support Program at OJJDP's Web site (ojjdp.ncjrs.org, click on "Grants & Funding").

FOR FURTHER INFORMATION CONTACT: drugfree@ncjrs.org.

SUPPLEMENTARY INFORMATION: The Drug-Free Communities Support Program was established by the Drug-Free Communities Act of 1997 (Pub. L. 105–20). The program was reauthorized for 5 years on December 14, 2001, and is now Pub. L. 107–82. The program is designed to strengthen community anti-drug coalitions and reduce substance abuse among youth.

Grantees will receive up to \$100,000 in funding, in addition to training and technical assistance. These grants are to be used to address the two major goals of the Drug-Free Communities Support Program: (1) Reduce substance abuse among youth by reducing risk factors and promoting protective factors in the community and (2) establish and strengthen collaboration among communities, private nonprofit organizations, and Federal, State, local, and tribal governments to support the efforts of community coalitions to

prevent and reduce substance abuse among youth.

Eligible applicants are community coalitions whose members have worked together on substance abuse reduction initiatives for a period of not less than 6 months and that meet all the coalition eligibility requirements outlined in the program announcement. The coalition will use entities such as task forces, subcommittees, community boards, and any other community resources that will enhance the coalition's collaborative efforts. With substantial participation from volunteer community leaders, the coalition will implement multi-sector, multi-strategy, long-term plans designed to reduce substance abuse among youth. Coalitions may be umbrella coalitions serving multi-county areas. No statewide grants will be awarded, however.

Authority: Pub. L. 105–20, 111 Stat. 225 (21 U.S.C. 1501, *et seq.*); Pub. L. 107–82, 115 Stat. 815, 21 U.S.C. 1521.

Gregory L. Dixon,

Administrator, Drug-Free Communities Support Program, Office of National Drug Control Policy.

William Woodruff,

Deputy Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 02–33008 Filed 12–30–02; 8:45 am]

BILLING CODE 4410–18–P

Reader Aids

Federal Register

Vol. 67, No. 251

Tuesday, December 31, 2002

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	202-741-6000
Laws	741-6000
Presidential Documents	
Executive orders and proclamations	741-6000
The United States Government Manual	741-6000
Other Services	
Electronic and on-line services (voice)	741-6020
Privacy Act Compilation	741-6064
Public Laws Update Service (numbers, dates, etc.)	741-6043
TTY for the deaf-and-hard-of-hearing	741-6086

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: <http://www.access.gpo.gov/nara>
 Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: http://www.archives.gov/federal_register/

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <http://listserv.access.gpo.gov> and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings)*; then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://hydra.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, DECEMBER

71443-71796	2
71797-72088	3
72089-72362	4
72363-72550	5
72551-72826	6
72827-75798	9
75799-76102	10
76103-76292	11
76293-76670	12
76671-76980	13
76981-77146	16
77147-77398	17
77399-77644	18
77645-77906	19
77907-78120	20
78121-78320	23
78321-78664	24
78665-78958	26
78959-79512	27
79513-79832	30
79833-80332	31

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR		1944	78321
		1948	78321
		1950	78321
		1951	78321
		1955	78321
		1965	78321
		1980	78128, 78321
		2200	76105
		3550	78321
		4279	78128
Proclamations:			
7631	72089		
7632	72551		
7633	76103		
7634	76669		
7635	77905		
Executive Orders:			
11246 (Amended by			
EO 13279)		77143	
13278	76671		
13279	77141		
13280	77145		
13281	78319		
Administrative Orders:			
Memorandums:			
Memorandum of			
November 27,			
2002		71795	
Memorandum of			
November 6, 2002		75799	
Memorandum of			
November 26,			
2002		79513	
Presidential			
Determinations:			
No. 99-13 (See			
Presidential			
Determination No.			
2003-06		78123	
No. 2003-04		72363	
No. 2003-05		78121	
No. 2003-06		78123	
No. 2003-07		77645	
No. 2003-08		78125	
4 CFR		21	79833
5 CFR		532	78959
		1800	78321
		1315	79515
7 CFR		27	77147
		51	79516
		56	78665
		70	78665
		301	78127
		331	76908
		718	71797
		905	71798
		989	71803
		1806	78321
		1822	78321
		1924	78321
		1925	78321
		1927	78321
		1930	78321
		1940	78321
		1942	77907
8 CFR		103	71443, 76256, 78667
		212	71443, 78675
		214	71443, 76256
		235	71443
		245	78667
		248	76256
		264	71443
		274a	76256
		286	71443
		299	71443
9 CFR		77	79836
		93	72827, 78332
		94	77148
		98	78332
		121	76908
Proposed Rules:		71	77004
		82	77004
		94	77004
10 CFR		Ch. 1	72091
		1	77651
		7	79837
		19	77651
		20	77651
		21	77651
		32	77651
		34	77651
		39	77651
		50	78332
		51	77651, 78130
		55	77651
		61	78130
		70	78130
		72	78130, 78332
		73	77651, 78130
		74	78130
		75	78130
		76	78130
		81	77651
		150	78130

431.....72274	77405, 77653, 77666, 78153, 78156, 78963, 78965, 78968	Proposed Rules:	Proposed Rules:
Proposed Rules:		35.....76122, 76321, 77007	Ch. 1.....75828
50.....71490	129.....79522	284.....72870	
11 CFR	71.....71457, 71458, 71459, 71460, 71815, 72365, 72441, 76306, 78352	19 CFR	26 CFR
100.....76962, 78679, 79844	91.....72830	360.....79845	1.....71821, 72274, 76985, 77678, 78174, 78358, 78367, 78371, 78687
101.....78679	95.....78352, 78970	Proposed Rules:	301.....77416, 77418, 77419, 77678, 78371
102.....78679	97.....71816, 72553, 76675, 76677	101.....71510	602.....77678, 78174, 78371, 78687
104.....78679, 79844	119.....72726	122.....71510, 71512	
106.....78679	121.....72726, 72830, 78970	123.....71512	Proposed Rules:
110.....76962, 78679, 78959	125.....72830, 78970	20 CFR	1.....75899, 76123, 77450, 77701, 78202, 78398, 78761, 79538, 79894
111.....76962	129.....72726, 72830	1.....78874	301.....79538
113.....76962, 78679, 79844	135.....72726, 78970	30.....78874	
114.....78679	145.....78970	260.....77152	
116.....78679	183.....72726	320.....77152	
300.....78679	1260.....77667	Proposed Rules:	
9002.....78679	1274.....77667	206.....77447	27 CFR
9003.....78679	Proposed Rules:	217.....77448	9.....72834, 77922
9004.....78679	1.....77326	404.....78196	Proposed Rules:
9034.....78679	23.....71490	416.....78196	4.....79011
9035.....78679	39.....71493, 71495, 71497, 71500, 71503, 71505, 71904, 72115, 72119, 75819, 75822, 75824, 76120, 76702, 76704, 77442, 77444, 78393, 78394, 79007, 79008, 79891, 79893	429.....77942	5.....79011
Proposed Rules:	71.....71507, 71508, 71509, 71906, 75826, 76320, 77326, 78397	604.....72122	7.....79011
100.....78753	91.....76624, 77326, 80316	21 CFR	13.....79011
110.....78753	93.....80316	5.....71461	28 CFR
12 CFR	95.....77326	16.....71461	97.....78699
203.....79844	97.....77326	101.....71461, 79851	540.....77161, 77425
223.....76560	119.....76624	314.....77668	541.....77427
250.....76560	121.....71908, 76624, 77326, 78196	320.....77668	29 CFR
303.....79246	125.....76624, 77326	336.....72555	500.....76985
502.....78150	129.....77326	338.....72555	1611.....72373
505.....78150	135.....76624, 77326	341.....72555, 78158	1904.....77165
506.....76293, 77909, 78150	255.....72869	500.....78172	4011.....71470
516.....78150	399.....72396, 72869	510.....72365, 78354, 78684	4022.....71470, 76682
541.....78150	1260.....72121	520.....71819, 72365, 78354, 78356, 78684, 78971	4044.....71472, 76682
545.....78150	15 CFR	522.....72366, 72367, 78354, 78357, 78971, 78972, 79852	Proposed Rules:
550.....76293	50.....72095	524.....78354, 78684	403.....79280
551.....76293	303.....77407	556.....72367, 78356, 78972	408.....79280
557.....78150	17 CFR	558.....71820, 71821, 72368, 72369, 72370	1915.....76214
559.....77909, 78150	4.....77409	868.....76678	30 CFR
560.....76304	240.....79454	878.....77675	48.....76658, 78713
561.....78150	275.....77620	Proposed Rules:	75.....76658, 78044, 78713
562.....75809, 77909	279.....77620	870.....76706	915.....72375
563.....77909, 78150	420.....77411	878.....77698	924.....71826
563e.....78150	Proposed Rules:	1020.....76056, 78760	948.....71832
563g.....78150	4.....77446	22 CFR	31 CFR
575.....78150	205.....71670	40.....77158	103.....78383
590.....76304	210.....76780	41.....55159	285.....78936
591.....76304	228.....77594	42.....77160	352.....78384
906.....78959	229.....77594	45.....76681	585.....78973
Proposed Rules:	230.....79466	62.....76307	586.....78973
223.....76618	232.....79466	126.....78685	Proposed Rules:
226.....72618	239.....79466	200.....78686	10.....77724
303.....79271	240.....71909, 76780, 77594, 79466	507.....76112	33 CFR
333.....79271	249.....76780, 79466	Proposed Rules:	100.....71840, 76986
347.....79271	250.....79466	41.....76711	117.....71473, 71474, 71840, 72099, 72100, 72559, 72560, 76116, 76116, 76988, 76989, 78975, 78977, 79853
348.....79271	259.....79466	23 CFR	165.....71475, 71840, 72561, 72840, 76989, 76991, 77428, 77924, 78385, 79854, 79856
359.....79271	260.....79466	627.....75902	175.....72100
701.....72444	269.....79466	635.....75902	177.....72100
703.....78996	270.....71915	636.....75902	179.....72100
742.....78996	274.....76780, 77594, 79466	637.....75902	181.....72100
791.....72113	18 CFR	710.....75902	183.....72100
13 CFR	284.....72098	24 CFR	Proposed Rules:
Proposed Rules:		941.....76096	52.....76142
120.....72622		25 CFR	117.....71513, 72126, 77949,
14 CFR		21.....77677	
21.....72830		256.....77919	
23.....77399			
25.....76652, 78961			
39.....71450, 71452, 71455, 71808, 71810, 71812, 71816, 72091, 72553, 75809, 75812, 76106, 76109, 76111, 76673, 76981, 76982, 77401, 77404,			

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT DECEMBER 31, 2002**COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration**

Fishery conservation and management:

- Alaska; fisheries of Exclusive Economic Zone—
- North Pacific Groundfish Observer Program; published 12-6-02
- Atlantic highly migratory species—
- Commercial shark management measures; published 12-27-02

ENVIRONMENTAL PROTECTION AGENCY

- Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas: Washington; published 11-1-02
- Solid wastes: Hazardous waste; identification and listings— Exclusions; published 12-31-02

FEDERAL COMMUNICATIONS COMMISSION

- Radio stations; table of assignments: California; published 12-3-02

FEDERAL ELECTION COMMISSION

- Federal Election Campaign Act: Brokerage loans and lines of credit; published 12-31-02

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

- Animal drugs, feeds, and related products: Praziquantel injectable solution; published 12-31-02
- Food for human consumption: Food labeling— Uniform compliance date; published 12-31-02

POSTAL SERVICE

- Privacy Act: Implementation; published 12-31-02

TRANSPORTATION DEPARTMENT**Federal Aviation Administration**

- Airworthiness directives: Cessna; published 11-12-02
- McDonnell Douglas; published 11-26-02
- Pratt & Whitney; published 11-26-02

COMMENTS DUE NEXT WEEK**CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD**

- Administrative investigations; transcripts of witness testimony; comments due by 1-8-03; published 12-9-02 [FR 02-30981]

**COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration**

- Fishery conservation and management: Atlantic highly migratory species— Atlantic tunas, swordfish, and sharks, and Atlantic billfish; exempted fishing activities; comments due by 1-6-03; published 12-6-02 [FR 02-30874]
- Magnuson-Stevens Act provisions— Domestic fisheries; exempted fishing permit applications; comments due by 1-6-03; published 12-20-02 [FR 02-32147]

DEFENSE DEPARTMENT

- Federal Acquisition Regulation (FAR): Elimination of SF 129, solicitation mailing list application; comments due by 1-6-03; published 11-6-02 [FR 02-28205]

**ENERGY DEPARTMENT
Energy Efficiency and Renewable Energy Office**

- Consumer products; energy conservation program: Energy conservation standards and test procedures— Residential and small-duct high-velocity central air conditioners and heat pumps; workshop; comments due by 1-8-

- 03; published 10-28-02 [FR 02-27332]

**ENERGY DEPARTMENT
Federal Energy Regulatory Commission**

- Electric utilities (Federal Power Act): Undue discrimination; remedying through open access transmission service and standard electricity market design
- Merchant transmission provider obligation to expand facilities; comments due by 1-10-03; published 12-11-02 [FR 02-31145]
- Natural Gas Policy Act: Interstate natural gas pipelines— Business practice standards; comments due by 1-8-03; published 12-9-02 [FR 02-30996]

ENVIRONMENTAL PROTECTION AGENCY

- Air pollution control; new motor vehicles and engines: Tier 2 motor vehicle emission standards and gasoline sulfur control requirements; amendments; comments due by 1-6-03; published 12-6-02 [FR 02-30842]

ENVIRONMENTAL PROTECTION AGENCY

- Air pollution control; new motor vehicles and engines: Tier 2 motor vehicle emission standards and gasoline sulfur control requirements; amendments; comments due by 1-6-03; published 12-6-02 [FR 02-30843]

ENVIRONMENTAL PROTECTION AGENCY

- Air programs; approval and promulgation; State plans for designated facilities and pollutants: Virgin Islands; comments due by 1-10-03; published 12-11-02 [FR 02-31237]

ENVIRONMENTAL PROTECTION AGENCY

- Air programs; approval and promulgation; State plans for designated facilities and pollutants: Virgin Islands; comments due by 1-10-03; published 12-11-02 [FR 02-31238]
- Air quality implementation plans; approval and promulgation; various States: California; comments due by 1-8-03; published 12-9-02 [FR 02-30940]

- Indiana; comments due by 1-8-03; published 12-9-02 [FR 02-30938]

Superfund program:

- National oil and hazardous substances contingency plan— National priorities list update; comments due by 1-8-03; published 12-9-02 [FR 02-30838]

FEDERAL MARITIME COMMISSION

- Passenger vessel financial responsibility: Performance and casualty rules, Alternative Dispute Resolution program, etc.; miscellaneous amendments; comments due by 1-8-03; published 10-31-02 [FR 02-27642]

GENERAL SERVICES ADMINISTRATION

- Federal Acquisition Regulation (FAR): Elimination of SF 129, solicitation mailing list application; comments due by 1-6-03; published 11-6-02 [FR 02-28205]

**INTERIOR DEPARTMENT
Indian Affairs Bureau**

- No Child Left Behind Act; implementation: Negotiated rulemaking committee, intent to form; tribal representatives; comments due by 1-9-03; published 12-10-02 [FR 02-31121]

**INTERIOR DEPARTMENT
Fish and Wildlife Service**

- Endangered and threatened species: Critical habitat designations— Mariana fruit bat, etc., from Guam and Northern Mariana Islands; comments due by 1-6-03; published 12-5-02 [FR 02-30802]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

- Federal Acquisition Regulation (FAR): Elimination of SF 129, solicitation mailing list application; comments due by 1-6-03; published 11-6-02 [FR 02-28205]

TRANSPORTATION DEPARTMENT**Coast Guard**

- Pollution: Vessel and facility response plans for oil; 2003 removal equipment

requirements and alternative technology revisions; comments due by 1-9-03; published 10-11-02 [FR 02-25462]

**TRANSPORTATION DEPARTMENT
Federal Aviation Administration**

Airworthiness directives:

Agusta S.p.A.; comments due by 1-6-03; published 11-6-02 [FR 02-27792]

Bell Helicopter Textron Canada; comments due by 1-6-03; published 11-6-02 [FR 02-27791]

**TRANSPORTATION DEPARTMENT
Federal Aviation Administration**

Airworthiness directives:

Boeing; comments due by 1-6-03; published 11-6-02 [FR 02-28111]

**TRANSPORTATION DEPARTMENT
Federal Aviation Administration**

Airworthiness directives:

Dornier; comments due by 1-9-03; published 12-10-02 [FR 02-31135]

**TRANSPORTATION DEPARTMENT
Federal Aviation Administration**

Airworthiness directives:

Eurocopter France; comments due by 1-6-03; published 11-6-02 [FR 02-27790]

**TRANSPORTATION DEPARTMENT
Federal Aviation Administration**

Airworthiness directives:

Lindstrand Balloons Ltd.; comments due by 1-10-03; published 12-4-02 [FR 02-30778]

**TRANSPORTATION DEPARTMENT
National Highway Traffic Safety Administration**

Motor vehicle safety standards:

Multifunctional school activity bus; definition; comments

due by 1-6-03; published 11-5-02 [FR 02-27996]

TREASURY DEPARTMENT

Acquisition regulations:

Revision; comments due by 1-10-03; published 12-11-02 [FR 02-31116]

LIST OF PUBLIC LAWS

Note: The List of Public Laws for the second session of the 107th Congress has been completed. It will resume when bills are enacted into public law during the next session of Congress. A cumulative List of Public Laws for the second session of the 107th Congress will appear in the issue of January 31, 2003.

Last List December 24, 2002

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to <http://hydra.gsa.gov/archives/publaws-l.html> or send E-mail to listserv@listserv.gsa.gov with the following text message:

SUBSCRIBE PUBLAWS-L
Your Name.

Note: PENS will resume service when bills are enacted into law during the next session of Congress. This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.