

1CPT code	Mod	Description	RUC recommendation	HCPAC recommendation	CMS decision	2004 work RVU
47133	.....	Removal of donor liver .....	(2)	.....	Disagree .....	(3)
61863	.....	Implant neuroelectrode .....	19.00	.....	Agree .....	19.00
61867	.....	Implant neuroelectrode .....	31.34	.....	Agree .....	31.34

<sup>1</sup> All CPT codes copyright 2003 American Medical Association.

<sup>2</sup> Carrier.

<sup>3</sup> "X" status.

■ 7. On page 63236, second column, the discussion concerning CPT codes 61863 and 61867 is deleted, since we agreed with the RUC recommendation for these services.

■ 8. On page 63238, column 1, in the first and second sentences of the first paragraph under the subheading entitled, "C. Revisions Effective for 2004," the references to "Tables 7 and 8" are corrected to read "Tables 8 and 9."

■ 9. On page 63238, column 2 is amended as follows:

■ a. In Table 8, under the heading "Preventive Screening Tests, Immunizations and Vaccines," the following phrase is added as the last entry: "G0328 Fecal blood scrn immunoassay".

■ b. In Table 9, immediately under the heading "Radiation Therapy Services and Supplies," the following phrases are added in alphanumeric order:

G0256 Prostate brachy w palladium  
G0261 Prostate brachytherapy w/rad

■ 10. On page 63238, column 3, the third sentence of the third paragraph is revised to read as follows: "Table 8 also reflects the addition of a screening mammography code (CPT 76083), a flu vaccine code (CPT 90655), and a fecal blood screening code (HCPCS G0328) to the list that identifies preventive screening tests, immunizations and vaccines that may qualify for the exception described in § 411.355(h) for these items and services."

■ 11. On page 63238, column 3, in the first sentence of the fourth paragraph, the reference to "Table 8" is corrected to read "Table 9" and in the last line of the fifth paragraph, the reference to "VI.B" is corrected to read "V.B".

■ 12. On page 63261, third column, first sentence, first paragraph under "Addendum A—Explanation and Use of Addendum B," replace "2003" with "2004". The sentence now reads "The addenda on the following pages provide various data pertaining to the Medicare physician fee schedule for physicians' services furnished in 2004". In the heading of the next section, replace references to "2003" with "2004". The heading now reads "Addendum B—2004 Relative Value Units and Related Information Used in Determining Medicare payments for 2004".

■ 13. On page 63393, in Addendum F, in the first column, in the list of Clinical Laboratory Services, the following HCPCS code and its descriptor are added in alphanumeric order:

G0328 Fecal blood scrn immunoassay

■ 14. On page 63395, in addendum F, in the third column, under the heading "Preventive Screening Tests, Immunizations and Vaccines," the following HCPCS code and its descriptor are added in alphanumeric order:

G0328 Fecal blood scrn immunoassay

■ 15. On page 63395, in Addendum F, in the second column, under the subheading, "INCLUDE the following CPT and HCPCS level 2 codes classified elsewhere," the following CPT codes and their descriptors are removed:

G0256 Prostate brachy w palladium  
G0261 Prostate brachytherapy w/rad

**III. Waiver of Proposed Rulemaking**

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a notice take effect. We can waive this procedure, however, if we find good cause that notice and comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporate a statement of the finding and the reasons for it into the notice issued.

In this case, we believe that it is unnecessary to subject the corrections identified above to public comment. These errors were the result of inadvertent omissions and typographical errors in Addendum F. Our corrections of the pricing errors and addition of pricing information in the addendum does not substantively change any policy nor affect the payment methodology established under the new legislation. For this reason, we find it unnecessary to provide the opportunity for comment on the technical corrections made in this notice. Therefore, we find good cause to waive notice and comment procedures.

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 19, 2004.

**Ann C. Agnew,**

*Executive Secretary to the Department.*

[FR Doc. 04–6832 Filed 3–25–04; 8:45 am]

**BILLING CODE 4120–01–P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

[CC Docket No. 98–67, FCC 03–190; DA 04–741]

**Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) approved for three years the information collection requirements contained in the *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, (*Declaratory Ruling*).

**DATES:** 47 CFR 64.604(a)(1) and (a)(3) published at 68 FR 55898, September 29, 2003 are effective March 26, 2004.

**FOR FURTHER INFORMATION CONTACT:** Dana Jackson or Cheryl King of the Consumer & Governmental Affairs Bureau, Disability Rights Office at (202) 418–2517 (voice), (202) 418–7898 (TTY).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document released March 19, 2004 in DA 04–741 announcing OMB approval for three years the information collection requirements contained in *Declaratory Ruling*. The information collections were approved by OMB on February 20, 2004. OMB Control Number 3060–1053.

The Commission publishes this notice of the effective date of the rules. If you have any comments on these burden estimates, or how we can improve the

collection(s) and reduce the burden(s) they cause you, please write to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554. Please include the OMB Control Number 3060-1053, in your correspondence. We will also accept your comments regarding the Paperwork Reduction Act aspects of the collection via the Internet, if you send them to [Leslie.Smith@fcc.gov](mailto:Leslie.Smith@fcc.gov) or call (202) 418-0217.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0531 (voice), (202) 418-7365 (TTY). This *Public Notice* can also be downloaded in Text and ASCII formats at: <http://www.fcc.gov/cgb/dro>.

### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received approval from OMB on February 20, 2004, for the collection(s) of information contained in the Commission's voluntary reporting requirements in 47 CFR 64.604(a)(1) and (a)(3). The OMB Control Number is 3060-1053. The annual reporting burden for the collection(s) of information, including the time for gathering and maintaining the collection of information, is estimated to be: 1 respondent, and average of 8 hours per response per annum, for a total hour burden of 8 hours, and no annual cost. Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB Control Number.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Pub. L. 104-13, October 1, 1995, 44 U.S.C. 3507.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04-6821 Filed 3-25-04; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 031107275-4082-02; I.D. 102803A]

RIN 0648-AP03

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 13A

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to implement Amendment 13A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). This final rule extends the current prohibitions on fishing for South Atlantic snapper-grouper in the experimental closed area and on retaining such species in or from the area. The experimental closed area constitutes a portion of the Oculina Bank Habitat Area of Particular Concern (HAPC), which is in the exclusive economic zone (EEZ) in the Atlantic Ocean off Ft. Pierce, FL. The intended effect is to continue the benefits of the closed area, namely, enhanced stock stability and increased recruitment of South Atlantic snapper-grouper by providing an area where deepwater snapper-grouper species can grow and reproduce without being subjected to fishing mortality.

**DATES:** This final rule is effective April 26, 2004.

**ADDRESSES:** Copies of the final regulatory flexibility analysis (FRFA) are available from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

**FOR FURTHER INFORMATION CONTACT:** Julie Weeder, telephone: 727-570-5753, fax: 727-570-5583, e-mail: [Julie.Weeder@noaa.gov](mailto:Julie.Weeder@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The snapper-grouper fishery off the southern Atlantic states is managed under the FMP. The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

In Amendment 6 to the FMP, the Council proposed prohibitions on

fishing for South Atlantic snapper-grouper in what is currently known as the experimental closed area and on retaining such species in or from the area. NMFS approved these prohibitions, and they became effective June 27, 1994 (59 FR 27242, May 26, 1994). In addition, in the experimental closed area, any South Atlantic snapper-grouper taken incidentally by hook-and-line gear must be released immediately by cutting the line without removing the fish from the water.

The experimental closed area is slightly less than 92 square nautical miles in the EEZ offshore from Ft. Pierce to Sebastian Inlet, FL. The geographical coordinates are specified at 50 CFR 622.35(c)(2). The experimental closed area constitutes a portion of the southern part of the Oculina Bank HAPC. In the entire HAPC no person may: (1) use a bottom longline, bottom trawl, dredge, pot, or trap; (2) if aboard a fishing vessel, anchor, use an anchor and chain, or use a grapple and chain; or (3) fish for rock shrimp or possess rock shrimp in or from the area on board a fishing vessel.

The preambles for both the proposed and final rules for Amendment 6 stated that the measures applicable to the experimental closed area “\* \* \* will ‘sunset’ after 10 years if not reauthorized by the Council.” (59 FR 9721, March 1, 1994 and 59 FR 27242, May 26, 1994, respectively).

As stated above, measures applicable to the experimental closed area were intended to enhance stock stability and increase recruitment of South Atlantic snapper-grouper by providing an area where deepwater snapper-grouper species could grow and reproduce without being subjected to fishing mortality. They were based on the Council's concern that traditional fishery management measures, such as minimum size limits and quotas, might not be sufficient to protect fully the snapper-grouper resources. The Council believed the measures would provide protection for overfished species in the management unit while minimizing adverse impacts upon user groups.

Based on limited information, there appear to be some encouraging signs of positive biological impacts from the initial 9-year prohibition of fishing for snapper-grouper species within the experimental closed area since it was established in 1994. A study conducted in 2001 found that, in the few areas where habitat remained intact, there were more and larger groupers than observed in a 1995 study, and male gag and scamp were also common. The observation of male gag and scamp is particularly of interest because size, age,