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**WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

**WHEN:** Tuesday, August 16, 2005  
9:00 a.m.-Noon

**WHERE:** Office of the Federal Register  
Conference Room, Suite 700  
800 North Capitol Street, NW.  
Washington, DC 20002

**RESERVATIONS:** (202) 741-6008



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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.

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# Rules and Regulations

Federal Register

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

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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 05-030-1]

#### Imported Fire Ant; Additions to Quarantined Areas in Arkansas and Tennessee

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the imported fire ant regulations by designating as quarantined areas all of 1 county in Arkansas and all or portions of 18 counties in Tennessee. As a result of this action, the interstate movement of regulated articles from those areas will be restricted. This action is necessary to prevent the artificial spread of imported fire ant to noninfested areas of the United States.

**DATES:** This interim rule is effective August 8, 2005. We will consider all comments that we receive on or before October 7, 2005.

**ADDRESSES:** You may submit comments by any of the following methods:

- **EDOCKET:** Go to <http://www.epa.gov/feddoCKET> 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 you have entered EDOCKET, click on the "View Open APHIS Dockets" link to locate this document.

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 05-030-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 05-030-1.

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the instructions for locating this docket and submitting comments.

**Reading Room:** You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

**Other Information:** You may view APHIS documents published in the **Federal Register** and related information on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles L. Brown, Imported Fire Ant Quarantine Program Manager, Pest Detection and Management Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-4838.

#### SUPPLEMENTARY INFORMATION:

##### Background

The imported fire ant regulations (contained in 7 CFR 301.81 through 301.81-10 and referred to below as the regulations) quarantine infested States or infested areas within States and restrict the interstate movement of regulated articles to prevent the artificial spread of the imported fire ant.

The imported fire ant (*Solenopsis invicta* Buren and *Solenopsis richteri* Forel) is an aggressive, stinging insect that, in large numbers, can seriously injure and even kill livestock, pets, and humans. The imported fire ant, which is not native to the United States, feeds on crops and builds large, hard mounds that damage farm and field machinery. The regulations are intended to prevent the imported fire ant from spreading throughout its ecological range within the country.

The regulations in § 301.81-3 provide that the Administrator of the Animal and Plant Health Inspection Service (APHIS) will list as a quarantined area each State, or each portion of a State, that is infested with the imported fire ant. The Administrator will designate

less than an entire State as a quarantined area only under the following conditions: (1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles listed in § 301.81-2 that are equivalent to the interstate movement restrictions imposed by the regulations; and (2) designating less than the entire State will prevent the spread of the imported fire ant. The Administrator may include uninfested acreage within a quarantined area due to its proximity to an infestation or its inseparability from an infested locality for quarantine purposes.

In § 301.81-3, paragraph (e) lists quarantined areas. We are amending § 301.81-3(e) by:

- Adding all of Montgomery County, AR, to the quarantined area;
- Adding parts of Benton, Bledsoe, Carroll, Cumberland, Hickman, Humphreys, and Roane Counties, TN, to the quarantined area; and
- Expanding the quarantined areas in Bedford, Blount, Coffee, Giles, Grundy, Haywood, Marshall, Maury, Moore, Perry, and Sequatchie Counties, TN.

We are taking these actions because recent surveys conducted by APHIS and State and county agencies revealed that the imported fire ant has spread to these areas. See the rule portion of this document for specific descriptions of the new and revised quarantined areas.

#### Emergency Action

This rulemaking is necessary on an emergency basis to prevent the spread of imported fire ant into noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

**Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

We are amending the imported fire ant regulations by designating as quarantined areas all of 1 county in Arkansas and all or portions of 18 counties in Tennessee. As a result of this action, the interstate movement of regulated articles from those areas will be restricted. This action is necessary to prevent the artificial spread of imported fire ant to noninfested areas of the United States.

The following analysis addresses the economic effects of this rule and the impact on small entities as required by the Regulatory Flexibility Act.

The market value of the agricultural products sold in the 19 counties affected by this rule was about \$473.11 million, according to the 2002 Agricultural Census.

Potential damage by imported fire ant presents a risk to the agricultural economies in these 19 counties. The entities most likely to be affected by this interim rule are nurseries and greenhouses. According to the 2002 Census of Agriculture, there were at least 355 nurseries and greenhouses in the 18 affected counties in Tennessee, and no nurseries listed for Montgomery County, AR. Other entities potentially affected by this action include farm equipment dealers, construction companies, and those entities that sell, process, or move regulated articles interstate from and through quarantined areas. These economic entities are now required to treat and certify their regulated articles before moving them interstate.

According to the Small Business Administration (SBA) definition, a small agricultural producer is one having less than \$750,000 in annual sales, and a small equipment dealer or a small agricultural service company is one generating less than \$6 million in annual sales.

According to this definition, all of the estimated 355 potentially affected entities in the counties affected by this rule are considered small by SBA standards. However, both the number of affected entities and the scope of the economic effects resulting from this action are dependent on any given entity's proportion of sales outside the quarantined area.

The adverse economic effect on these entities can be substantially minimized by the availability of various treatment

options that will allow for the movement of regulated articles from the quarantined area with only a small additional cost. The treatment cost for a standard shipment of nursery plants is estimated to be about \$200, which represents, at most, 2 percent of the value of a standard tractor-trailer load of nursery plants (\$10,000 to \$250,000). The benefits of this action are substantial, both ensuring continued agricultural sales from the affected counties and preventing human-assisted spread of imported fire ant.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

**PART 301—DOMESTIC QUARANTINE NOTICES**

■ 1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 7701–7772; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.81–3, paragraph (e) is amended as follows:

■ a. Under the heading Arkansas, by adding, in alphabetical order, an entry for Montgomery County to read as set forth below.

■ b. Under the heading Tennessee, by adding, in alphabetical order, new entries for Benton, Bledsoe, Carroll, Cumberland, Hickman, Humphreys, and Roane Counties and by revising the entries for Bedford, Blount, Coffee, Giles, Grundy, Haywood, Marshall, Maury, Moore, Perry, and Sequatchie Counties to read as set forth below.

**§ 301.81–3 Quarantined areas.**

\* \* \* \* \*  
(e) \* \* \*

Arkansas

\* \* \* \* \*

*Montgomery County.* The entire county.

\* \* \* \* \*

Tennessee

*Bedford County.* That portion of the county lying south of a line beginning at the intersection of the Marshall/Bedford County line and Tennessee Highway 270; then southeast on Tennessee Highway 270 to Halls Mill Road; then south on Halls Mill Road to Wheel Road; then southwest on Wheel Road to Lower Halls Mill Road; then southeast on Lower Halls Mill Road to Pass Road; then south on Pass Road to Simms Road; then east on Simms Road to Henslee Road; then south on Henslee Road to Tennessee Highway 64; then east on Tennessee Highway 64 to Knob Creek Road; then southeast on Knob Creek Road to Tennessee Highway 269; then south on Tennessee Highway 269 to Red Hill Road; then east on Red Hill Road to C.K. Troxler Road; then northeast on C.K. Troxler Road to the Bedford/Coffee County line; also, the entire city limits of Shelbyville, TN.

*Benton County.* That portion of the county lying south of a line beginning at the intersection of the Carroll/Benton County line and Smothers-Buena Vista Road; then east on Smothers-Buena Vista Road to Pleasant Hill Church Road; then northwest on Pleasant Hill Church Road to Norwood Road; then northeast on Norwood Road to Divider and Natchez Trace Road; then northeast on Divider and Natchez Trace Road to Hargrove Road; then southeast on Hargrove Road to James Walker Road; then northeast on James Walker Road to Dodd Road; then north on Dodd Road to Divider and Natchez Trace Road; then north on Divider and Natchez Trace Road to Airport Road; then east on Airport Road to U.S. Highway 641; then

south on U.S. Highway 641 to Shiloh Church Road; then northeast on Shiloh Church Road to Tennessee Highway 191; then northwest on Tennessee Highway 191 to the line of latitude 36° N.; then east along the line of latitude 36° N. to the Benton/Humphreys County line.

*Bledsoe County.* That portion of the county lying south of a line beginning at the intersection of the Van Buren/Bledsoe County line and Tennessee Highway 285; then southeast on Tennessee Highway 285 to Bellview Road; then northeast on Bellview Road to Big Spring Gap Road; then southeast on Big Spring Gap Road to Old State Highway 28; then northeast on Old State Highway 28 to the Bledsoe/Cumberland County line.

*Blount County.* That portion of the county lying south of a line beginning at the intersection of the Knox/Blount County line and Interstate 140; then southeast on Interstate 140 to U.S. Highway 129; then south on U.S. Highway 129 to U.S. Highway 321; then east on U.S. Highway 321 to Montvale Road; then south on Montvale Road to Happy Valley Road; then southeast on Happy Valley Road to Foothills Parkway; then southwest on Foothills Parkway to U.S. Highway 129; then southeast on U.S. Highway 129 to the Tennessee/North Carolina State line.

\* \* \* \* \*

*Carroll County.* That portion of the county lying southeast of a line beginning at the intersection of the Henderson/Carroll County line and New Bethel Road; then northwest on New Bethel Road to U.S. Highway 70; then northeast on U.S. Highway 70 to Purdy Road; then south on Purdy Road to Dollar Hill Road; then east on Dollar Hill Road to Tennessee Highway 22; then south on Tennessee Highway 22 to Clarksburg Road; then northeast on Clarksburg Road to Westport Road; then east on Westport Road to Tennessee Highway 114; then north on Tennessee Highway 114 to McKee Levee Road; then east on McKee Levee Road to Pond Branch Road; then north on Pond Branch Road to New Friendship Road; then east on New Friendship Road to Roland Mill Road; then southeast on Roland Mill Road to the Carroll/Benton County line.

\* \* \* \* \*

*Coffee County.* That portion of the county lying south of a line beginning at the intersection of the Bedford/Coffee County line and Sixteenth Model Road; then east on Sixteenth Model Road to U.S. Highway 41; then northwest on U.S. Highway 41 to Interstate 24; then southeast on Interstate 24 to Tennessee

Highway 55; then northeast on Tennessee Highway 55 to Ragsdale Road; then south on Ragsdale Road to New Bushy Branch Road; then southeast on New Bushy Branch Road to Cornelison Road; then east on Cornelison Road to Clifton Scott Road; then south on Clifton Scott Road to Asbury Road; then east on Asbury Road to Benson Road; then southeast on Benson Road to Buck Jones Road; then south on Buck Jones Road to Old Airport Road; then southwest on Old Airport Road to U.S. Highway 41; then southeast on U.S. Highway 41 to Bailey Road; then east on Bailey Road to Lusk Cove Road; then northeast on Lusk Cove Road to the line of latitude 35°25' N.; then east along the line of latitude 35°25' N. to the Coffee/Grundy County line.

*Cumberland County.* That portion of the county lying southeast of a line beginning at the intersection of the Rhea/Cumberland County line and the line of longitude 84°50' W.; then north along the line of longitude 84°50' W. to Interstate 40; then east on Interstate 40 to the Cumberland/Roane County line.

\* \* \* \* \*

*Giles County.* The entire county.

*Grundy County.* That portion of the county lying south of a line beginning at the intersection of the Coffee/Grundy County line and the line of latitude 35°20' N.; then east along the line of latitude 35°20' N. to Homer White Road; then north on Homer White Road to Tennessee Highway 50; then northeast on Tennessee Highway 50 to Tennessee Highway 56; then south on Tennessee Highway 56 to Colony Road; then east on Colony Road to Gruetli Road; then north on Gruetli Road to the line of latitude 35°25' N.; then east along the line of latitude 35°25' N. to Tennessee Highway 399; then northeast on Tennessee Highway 399 to the Grundy/Sequatchie County line.

\* \* \* \* \*

*Haywood County.* That portion of the county lying south of a line beginning at the intersection of the Tipton/Haywood County line and U.S. Highway 70/79; then northeast on U.S. Highway 70/79 to the Hatchie River; then east along the Hatchie River to Interstate 40; then northeast on Interstate 40 to the Haywood/Madison County line.

\* \* \* \* \*

*Hickman County.* That portion of the county lying south of a line beginning at the intersection of the Perry/Hickman County line and the Duck River; then east along the Duck River to Tennessee Highway 50; then northwest on Tennessee Highway 50 to Coble to Only Road; then southeast on Coble to Only

Road to Lowes Bend Road; then northeast on Lowes Bend Road to Capshaw Hollow Road; then east on Capshaw Hollow Road to Taylor's Creek Road; then northeast on Taylor's Creek Road to Dodd Hollow Road; then southeast on Dodd Hollow Road to Elkins Switch Road; then southeast on Elkins Switch Road to Grinders Switch Road; then south on Grinders Switch Road to Tennessee Highway 50; then southeast on Tennessee Highway 50 to the Hickman/Maury County line.

*Humphreys County.* That portion of the county lying south of Interstate 40.

\* \* \* \* \*

*Marshall County.* That portion of the county lying south of a line beginning at the intersection of the Maury/Marshall County line and Moses Road; then northeast on Moses Road to Wilson School Road; then southeast on Wilson School Road to Lunns Store Road; then south on Lunns Store Road to Tennessee Highway 99; then east on Tennessee Highway 99 to U.S. Highway 31A; then south on U.S. Highway 31A to James Shaw Road; then south on James Shaw Road to Clay Hill Road; then east on Clay Hill Road to Warner Road; then south on Warner Road to Batten Road; then southeast on Batten Road to the Marshall/Bedford County line.

*Maury County.* That portion of the county lying south of Tennessee Highway 50.

\* \* \* \* \*

*Moore County.* The entire county.

*Perry County.* The entire county.

\* \* \* \* \*

*Roane County.* That portion of the county lying south of Interstate 40.

*Sequatchie County.* That portion of the county lying south of the line of latitude 35°30' N.

\* \* \* \* \*

Done in Washington, DC, this 2nd day of August 2005.

**Elizabeth E. Gaston,**  
*Acting Administrator, Animal and Plant Health Inspection Service.*  
 [FR Doc. 05-15623 Filed 8-5-05; 8:45 am]  
**BILLING CODE 3410-34-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2005-21230; Directorate Identifier 2004-SW-51-AD; Amendment 39-14209; AD 2005-16-04]

RIN 2120-AA64

**Airworthiness Directives; Bell Helicopter Textron Model 206A and 206B Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) for Bell Helicopter Textron (Bell) Model 206A and 206B helicopters modified by Aeronautical Accessories, Inc. Supplemental Type Certificate (STC) SH1392SO with certain part-numbered high crosstubes. This amendment requires inspecting at specified time intervals and replacing any cracked crosstubes. This amendment is prompted by the discovery of a cracked high forward crosstube. The actions specified by this AD are intended to detect a crack in the crosstube which could lead to failure of the crosstube, collapse of the landing gear, and subsequent loss of control of the helicopter.

**DATES:** Effective September 12, 2005.

**ADDRESSES:** You may get the service information identified in this AD from Aeronautical Accessories, Inc., P.O. Box 3689, Bristol, Tennessee 37625-3689, telephone (423) 538-5151 or (800) 251-7094, fax (423) 538-8469, or e-mail at [sales@aero-access.com](mailto:sales@aero-access.com).

*Examining the Docket:* You may examine the docket that contains this AD, any comments, and other information on the Internet at <http://dms.dot.gov>, or at the Docket Management System (DMS), U.S. Department of Transportation, 400 Seventh Street SW., Room PL-401, on the plaza level of the Nassif Building, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Marc Belhumeur, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, Fort Worth, Texas 76193-0170, telephone (817) 222-5177, fax (817) 222-5783.

**SUPPLEMENTARY INFORMATION:** A proposal to amend 14 CFR part 39 to include an AD for Bell Model 206A and 206B helicopters that have Aeronautical Accessories, Inc. crosstubes installed was published in the **Federal Register**

on May 17, 2005 (70 FR 28220). That action proposed to require the following within 300 hours time-in-service (TIS) or 60 days, whichever occurs first, and after that at intervals not to exceed 300 hours TIS or 12 months, whichever occurs first:

- Inspecting each forward crosstube, part number (P/N) 206-321-001 with serial number (S/N) 1001 through 1152, for a crack and replacing any cracked crosstube with an airworthy crosstube before further flight; and
- Inspecting each high aft crosstube, P/N 206-321-002, with S/N 2001 through 2152, for a crack and replacing any cracked crosstube with an airworthy crosstube before further flight.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

We estimate that this AD will affect 150 helicopters of U.S. registry. Inspecting both crosstubes on each helicopter will take approximately 3 work hours and replacing both crosstubes, if necessary, will also take approximately 3 work hours. The average labor rate is \$65 per work hour. Required parts will cost approximately \$2,260 per crosstube. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$736,500 (\$4,910 per helicopter, assuming one inspection and one forward and one aft crosstube replacement on the entire fleet).

**Regulatory Findings**

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared an economic evaluation of the estimated costs to comply with

this AD. See the DMS to examine the economic evaluation.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**Adoption of the Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**2005-16-04 Bell Helicopter Textron:**

Amendment 39-14209. Docket No. FAA-2005-21230; Directorate Identifier 2004-SW-51-AD.

*Applicability:* Model 206A and 206B helicopters modified by Aeronautical Accessories, Inc. Supplemental Type Certificate SH1392SO, with high forward crosstube, part number (P/N) 206-321-001 with serial number (S/N) 1001 through 1152, and high aft crosstube, P/N 206-321-002 with S/N 2001 through 2152, installed, certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To detect a crack in the crosstube, which could lead to failure of the crosstube, collapse of the landing gear, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 300 hours time-in-service (TIS) or 60 days, whichever occurs first, and after that at intervals not to exceed 300 hours TIS or 12 months, whichever occurs first, remove each crosstube and inspect it for cracks. Replace any cracked crosstube with an airworthy crosstube before further flight.

**Note:** Aeronautical Accessories, Inc. Alert Service Bulletin No. AA-03121, dated October 25, 2004, pertains to the subject of this AD.

(b) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Rotorcraft Certification Office, Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

(c) This amendment becomes effective on September 12, 2005.

Issued in Fort Worth, Texas, on July 29, 2005.

**S. Frances Cox,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

[FR Doc. 05-15581 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2005-21908; Airspace  
Docket No. 05-AGL-6]

RIN 2120-AA66

#### Revision of VOR Federal Airways V-9, V-50, V-67, V-69, V-129, V-173 and V-233; and Jet Routes J-35, J-80, J-101 and J-137; Springfield, IL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action revises Very High Frequency Omni-directional Range (VOR) Federal Airways V-9, V-50, V-67, V-69, V-129, V-173 and V-233; and Jet Routes J-35, J-80, J-101 and J-137 over the Springfield, IL area. The FAA is taking this action due to the relocation of the Capital VOR/Tactical Air Navigation (VORTAC) and the renaming of the "Capital VORTAC" to the "Spinner VORTAC" to enhance the management of aircraft operations over the Springfield, IL area.

**DATES:** Effective 0901 UTC, October 27, 2005.

**FOR FURTHER INFORMATION CONTACT:** Steve Rohring, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

#### SUPPLEMENTARY INFORMATION:

##### History

On September 2, 2003, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) proposing to realign V-233 northeast of the Capital VORTAC (68 FR 52150). This change was needed due to the pending relocation of the Capital VORTAC. This relocation will result in a change of the VORTAC radials used in the legal description of V-233; but would not have changed the legal description of any other airways or jet routes because, at the time that the NPRM was issued, the FAA did not plan to change the name of the VORTAC. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received in response to the proposal.

Subsequent to the issuance of the NPRM and in the interest of safety, a decision was made to change the name of the "Capital VORTAC" to the "Spinner VORTAC". Because the name of the VORTAC is contained in the legal description of Federal Airways V-9, V-50, V-67, V-69, V-129, V-173 and V-233; and Jet Routes J-35, J-80, J-101 and J-137, the legal descriptions must be changed.

Federal airways are published in paragraph 6010(a) of FAA Order 7400.9M dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Federal airways listed in this document will be published subsequently in the order.

##### The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by revising the legal descriptions for Federal Airways V-9, V-50, V-67, V-69, V-129, V-173 and V-233; and Jet Routes J-35, J-80, J-101 and J-137 over the Springfield, IL, area. The FAA is taking this action due to the relocation and renaming of the Capitol VORTAC and to enhance the management of aircraft operations over the Springfield, IL area.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a regulatory

evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

##### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

##### Paragraph 6010(a) Domestic VOR Federal Airways

\* \* \* \* \*

##### V-9 (Revised)

From Leeville, LA; McComb, MS; Jackson, MS; Sidon, MS; Marvell, AR; Gilmore, AR; Malden, MO; Farmington, MO; St. Louis, MO; Spinner, IL; Pontiac, IL; INT Pontiac, IL 343° and Rockford, IL, 169° radials; Rockford; Janesville, WI; Madison, WI; Oshkosh, WI; Green Bay, WI; Iron Mountain, MI; to Houghton, MI.

\* \* \* \* \*

##### V-50 (Revised)

From Hastings, NE; Pawnee City, NE; St. Joseph, MO; Kirksville, MO; Quincy, IL; Spinner, IL; Decatur, IL; Terre Haute, IN; Brickyard, IN; Dayton, OH.

\* \* \* \* \*

##### V-67 (Revised)

From Choo Choo, GA; Shelbyville, TN; Graham, TN; Cunningham, KY; Marion, IL; Centralia, IL; INT Centralia 010° and Vandalia, IL, 162° radials; Vandalia; Spinner, IL; Burlington, IA; Iowa City, IA; Cedar Rapids, IA; Waterloo, IA; Rochester, MN.

\* \* \* \* \*

##### V-69 (Revised)

From El Dorado, AR; Pine Bluff, AR; INT Pine Bluff 038° and Walnut Ridge, AR, 187°

radials; Walnut Ridge; Farmington, MO; Troy, IL; Spinner, IL; Pontiac, IL; to Joliet, IL.  
\* \* \* \* \*

V-129 (Revised)

From Spinner, IL; Peoria, IL; Davenport, IA; Dubuque, IA; INT Dubuque 348° and Nodine, MN, 150° radials; Nodine; Eau Claire, WI; Duluth, MN; Hibbing, MN; International Falls, MN; INT International Falls 335° radial and the United States/ Canadian border.  
\* \* \* \* \*

V-173 (Revised)

From Spinner, IL; to Peotone, IL.  
\* \* \* \* \*

V-233 (Revised)

From Spinner, IL; INT Spinner 062° and Roberts, IL, 233° radials; Roberts; Knox, IN; Goshen, IN; Litchfield, MI; Lansing, MI; Mount Pleasant, MI; INT Mount Pleasant 351° and Gaylord, MI, 207° radials; Gaylord; to Pellston, MI.  
\* \* \* \* \*

Paragraph 2004 Jet Routes

\* \* \* \* \*

J-35 (Revised)

From Leeville, LA; McComb, MS; Sidon, MS; Memphis, TN; Farmington, MO; St. Louis, MO; Spinner, IL; Pontiac, IL; Joliet, IL; to Northbrook, IL.  
\* \* \* \* \*

J-80 (Revised)

From Oakland, CA; Manteca, CA; Coaldale, NV; Wilson Creek, NV; Milford, UT; Grand Junction, CO; Red Table, CO; Falcon, CO; Goodland, KS; Hill City, KS; Kansas City, MO; Spinner, IL; Brickyard, IN; Bellaire, OH; INT Bellaire 090° and East Texas, PA, 240° radials; East Texas; Sparta, NJ; Barnes, MA; to Bangor, ME.  
\* \* \* \* \*

J-101 (Revised)

From Humble, TX; Lufkin, TX; Elm Grove, LA; Little Rock, AR; St. Louis, MO; Spinner, IL; Pontiac, IL; Joliet, IL; Northbrook, IL; Badger, WI; Green bay, WI; to Sault Ste Marie, MI.  
\* \* \* \* \*

J-137 (Revised)

From Spinner, IL; Farmington, MO; Walnut Ridge, AR; to Little Rock, AR.  
\* \* \* \* \*

Issued in Washington, DC, on July 29, 2005.

Edith V. Parish,

Acting Manager, Airspace and Rules.

[FR Doc. 05-15557 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA-2005-21958; Airspace Docket No. 05-ASO-5]

RIN 2120-AA66

Revocation of Restricted Area R-7104; Vieques Island, PR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes Restricted Area R-7104, Vieques Island, PR. The U.S. Navy weapons range on Vieques Island has been permanently closed; therefore, restricted airspace is no longer required at that location. The FAA is taking this action to return restricted airspace to the National Airspace System.

DATES: Effective 0901 UTC, October 27, 2005.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION

Background

Restricted Area R-7104, Vieques Island, PR, supports a weapons range assigned to the Atlantic Fleet Weapons Training Facility, and is used for a variety of hazardous activities including surface-to-surface and air-to-surface weapons delivery training. In May 2003, the Vieques Island range was permanently closed. Consequently, the U.S. Navy no longer has a need to maintain restricted airspace at that location.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by revoking R-7104, Vieques Island, PR. The FAA is taking this action at the request of the U.S. Navy, which no longer has a requirement for the airspace.

Since this action revokes restricted airspace, the solicitation of comments would only delay the return of airspace to public use without offering any meaningful right or benefit to any segment of the public; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

This regulation is limited to an established body of technical

regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for a categorical exclusion under the National Environmental Policy Act in accordance with 311c., FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures." There are no extraordinary circumstances that would require additional environmental analysis.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited Areas, Restricted Areas.

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 73.71 [Amended]

■ 2. § 73.71 is amended as follows:

\* \* \* \* \*

R-7104 Vieques Island, PR [Revoked]

\* \* \* \* \*

Issued in Washington, DC, on July 27, 2005.

Edith V. Parish,

Acting Manager, Airspace and Rules.

[FR Doc. 05-15556 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-13-P

**SECURITIES AND EXCHANGE COMMISSION****17 CFR Part 242**

[Release No. 34-52196; File No. S7-10-04]

**Regulation NMS****AGENCY:** Securities and Exchange Commission.**ACTION:** Final rule; extension of compliance date.**SUMMARY:** The Commission is extending the compliance date for the rule under the Securities Exchange Act of 1934 included as part of Regulation NMS that governs sub-penny quoting.**DATES:** The effective date of Regulation NMS published on June 29, 2005 (70 FR 37496) remains August 29, 2005. Effective on August 8, 2005, the compliance date for the sub-penny rule is extended from August 29, 2005 to January 31, 2006.**FOR FURTHER INFORMATION CONTACT:** Michael Gaw, (202) 551-5602, Senior Special Counsel, Division of Market Regulation, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.**SUPPLEMENTARY INFORMATION:** On June 29, 2005, the Securities and Exchange Commission ("Commission") published in the **Federal Register** its release adopting Regulation NMS<sup>1</sup> under the Securities Exchange Act of 1934. Rule 612 of Regulation NMS<sup>2</sup> governs sub-penny quoting of NMS stocks.<sup>3</sup> The Regulation NMS Adopting Release established an effective date and a compliance date of August 29, 2005 for Rule 612.<sup>4</sup>

During the implementation period for Rule 612, numerous market participants have stated that complying with Rule 612 by August 29, 2005 will be unduly burdensome based on interpretive and programming issues and have requested a delay. The original compliance date—August 29, 2005—is less than one month away. According to market participants, an extension of the compliance date will provide them additional time to address issues related to compliance with and implementation of Rule 612 and to make necessary systems and other changes to comply with the requirements of Rule 612.

The Commission believes that delaying the compliance date for Rule

612 for a short period of time is appropriate. An extension of the compliance date will provide the Commission and its staff time to respond to the interpretive issues that the industry has identified.

Additionally, an extension will provide market participants with adequate time to resolve implementation issues. The benefits of Rule 612<sup>5</sup> will be delayed briefly as market participants address issues related to compliance with and implementation of Rule 612, ascertain what systems and other changes are necessary to comply with the rule, and develop, implement, and test those changes. Accordingly, the Commission believes it is appropriate to extend the compliance date for Rule 612 until January 31, 2006. The effective date of August 29, 2005 remains unchanged.<sup>6</sup>

The Commission for good cause finds that, for the reasons cited above, notice and solicitation of comment regarding the extension of the compliance date for Rule 612 is impracticable, unnecessary, and contrary to the public interest.<sup>7</sup> The Commission notes that the August 29, 2005 compliance date is less than one month away, and that a limited extension of the compliance date will provide market participants with additional time to seek guidance on interpretive questions, apply the requirements of Rule 612, and implement appropriate changes. Further, the Commission notes that, in light of these time constraints, full notice and comment rulemaking could not be completed prior to the August 29, 2005 compliance date. The change to the compliance date for Rule 612 is effective upon publication in the **Federal Register**. This date is less than 30 days after publication in the **Federal Register**, in accordance with the Administrative Procedure Act, which allows effectiveness in less than 30 days after publication for "a substantive rule which grants or recognizes an exemption or relieves a restriction."<sup>8</sup>

Dated: August 2, 2005.

By the Commission.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 05-15597 Filed 8-5-05; 8:45 am]

**BILLING CODE 8010-01-P**

<sup>5</sup> See Regulation NMS Adopting Release, 70 FR at 37588 (discussing benefits of Rule 612).

<sup>6</sup> This extension does not alter the effective or compliance dates of the other provisions of Regulation NMS.

<sup>7</sup> See Section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) (an agency may dispense with prior notice and comment when it finds, for good cause, that notice and comment are "impracticable, unnecessary, or contrary to the public interest").

<sup>8</sup> 5 U.S.C. 553(d)(1).

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 1**

[TD 9218]

RIN 1545-BE16

**Exclusions From Gross Income of Foreign Corporations****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Final rule; delay of effective date.**SUMMARY:** This document amends the applicability date of final regulations under sections 883(a) and (c) (TD 9087) which were published in the **Federal Register** on August 26, 2003 (68 FR 51394). Those final regulations relate to income derived by a foreign corporation from the international operation of ships or aircraft.**DATES:** *Effective Date:* These regulations are effective August 8, 2005.*Applicability Date:* These regulations are applicable to taxable years of foreign corporations beginning after September 24, 2004.**FOR FURTHER INFORMATION CONTACT:** Patricia Bray, (202) 622-3880 (not a toll-free number).**SUPPLEMENTARY INFORMATION:****Background**

Sections 883(a)(1) and (a)(2) of the Internal Revenue Code (Code) provide that income derived by a foreign corporation from the international operation of ships or aircraft may be excluded from gross income.

In 2003, the Treasury Department and the IRS issued final regulations under section 883 applicable to taxable years of a foreign corporation beginning 30 days or more after August 26, 2003. The final regulations provide, in general, that a foreign corporation organized in a qualified foreign country and engaged in the international operation of ships or aircraft shall exclude qualified income from gross income for purposes of U.S. Federal income taxation, provided that the corporation can satisfy certain stock ownership and related documentation requirements.

The regulations provide that a foreign corporation may satisfy the stock ownership requirement if it meets one of three tests under § 1.883-1(c)(2). One such test provides that a controlled foreign corporation, as defined in section 957(a) (CFC), satisfies the stock ownership test of § 1.883-1(c)(2) if it meets the requirements of § 1.883-3, including the income inclusion test of

<sup>1</sup> 17 CFR 242.600 to 242.612. See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005) ("Regulation NMS Adopting Release").

<sup>2</sup> 17 CFR 242.612.

<sup>3</sup> See 17 CFR 242.600(b)(46) and (b)(47) (defining "NMS stock").

<sup>4</sup> See 70 FR at 37576.

§ 1.883-3(b). The income inclusion test requires that more than 50 percent of the adjusted net foreign base company income derived by the CFC from the international operation of a ships or aircraft be includible in the gross income of one or more U.S. citizens, individual residents of the United States, or domestic corporations.

#### Need for Change

Pursuant to section 423 of the American Jobs Creation Act of 2004, (118 Stat. 1418, 2004), Public Law 108-357 (AJCA), the applicability date of the final regulations under section 883 is delayed for one year, so that they apply to taxable years of foreign corporations seeking qualified foreign corporation status beginning after September 24, 2004. This regulation makes the conforming changes to the final regulations.

#### Request for Comments

Pursuant to section 415 of AJCA, sections 954(a)(4) and 954(f), relating to foreign base company shipping income, were repealed effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of U.S. shareholders with or within which such taxable years of the foreign corporations end. Questions have arisen as to the proper interpretation of § 1.883-3(b) in light of the statutory amendments to section 954. Foreign corporations have expressed concern that they may no longer satisfy the CFC test if they no longer derive foreign base company income from the international operation of their ships or aircraft as a result of the statutory amendments to sections 954(a)(4) and (f).

The IRS and the Treasury Department believe the better interpretation of § 1.883-3(b) is that a CFC that satisfied the CFC test prior to the effective date of the new legislation may continue to satisfy it after the effective date of the new legislation, provided the CFC can demonstrate that had sections 954(a)(4) and (f) not been repealed, more than 50 percent of its current earnings and profits derived from its international operation of ships or aircraft would have been attributable to amounts includible in the gross income of one or more U.S. citizens, individual residents of the United States or domestic corporations (pursuant to section 951(a)(1)(A) or another provision of the Code) for the taxable years of such persons in which the taxable year of the CFC ends. Conversely, a CFC will not qualify for the exception if it cannot make such a showing.

The IRS and the Treasury Department expect to revise this section of the regulations to clarify this point. Comments are invited on the most appropriate way to accomplish this goal consistent with the principles of the existing regulations and AJCA.

#### Special Analyses

It has been determined that this Treasury decision 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. The collection of information referenced in this rule was previously reviewed by the Office of Management and Budget and approved under control number 1545-1677. The collection of information referenced in these regulations also was previously certified not to have a significant economic impact on a substantial number of small entities. This certification was based upon the fact that these regulations apply to foreign corporations and impose only a limited collection of information burden on shareholders of such corporations, which in some cases may include U. S. small entities. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) was not required. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations (REG-208280-86; REG-136311-01; 67 FR 50510) was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

#### Drafting Information

The principal author of these regulations is Patricia Bray, Office of Associate Chief Counsel (International), IRS. However, other personnel from the IRS and Treasury Department participated in their development.

#### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

#### Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 1 is 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 1.883-5 is revised to read as follows:

#### § 1.883-5 Effective dates.

(a) *General rule.* Sections 1.883-1 through 1.883-4 apply to taxable years of a foreign corporation seeking qualified foreign corporation status beginning after September 24, 2004.

(b) *Election for retroactive application.* Taxpayers may elect to apply §§ 1.883-1 through 1.883-4 for any open taxable year of the foreign corporation beginning after December 31, 1986, except that the substantiation and reporting requirements of § 1.883-1(c)(3) (relating to the substantiation and reporting required to be treated as a qualified foreign corporation) or §§ 1.883-2(f), 1.883-3(d) and 1.883-4(e) (relating to additional information to be included in the return to demonstrate whether the foreign corporation satisfies the stock ownership test) will not apply to any year beginning before September 25, 2004. Such election shall apply to the taxable year of the election and to all subsequent taxable years beginning before September 25, 2004.

(c) *Transitional information reporting rule.* For taxable years of the foreign corporation beginning after September 24, 2004, and until such time as the Form 1120-F, "U.S. Income Tax Return of a Foreign Corporation," or its instructions are revised to provide otherwise, the information required in § 1.883-1(c)(3) and § 1.883-2(f), § 1.883-3(d) or § 1.883-4(e), as applicable, must be included on a written statement attached to the Form 1120-F and file with the return.

**Mark E. Matthews,**

*Deputy Commissioner for Services and Enforcement.*

Approved: June 24, 2005.

**Eric Solomon,**

*Acting Deputy Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. 05-15534 Filed 8-5-05; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 9193]

RIN 1545-BB65

#### Section 704(c) Installment Obligations and Contributed Contracts; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendment.

**SUMMARY:** This document adds the text that was inadvertently omitted from the Code of Federal Regulations. The text was originally published in TD 9193, which was published in the **Federal Register** on Friday, March 22, 2005 (70 FR 14394). The final regulations relate to the tax treatment of installment obligations and property acquired pursuant to a contract.

**DATES:** This correction is effective on March 22, 2005.

**FOR FURTHER INFORMATION CONTACT:** Christopher L. Trump, (202) 622-3070 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

This document adds §§ 1.704-3(a)(8)(ii) and (iii) and 1.737-2(d)(3)(ii) and (iii) to the Code of Federal Regulations. The final regulations that are the subject of this correction are under sections 704 and 737 of the Internal Revenue Code.

**Need for Correction**

As published, §§ 1.704-3(a)(8)(ii) and (iii) and 1.737-2(d)(3)(ii) and (iii) were omitted from the Code of Federal Regulations as published in TD 9193.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Correction of Publication**

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

**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 1.704-3 is amended by adding paragraphs (a)(8)(ii) and (a)(8)(iii) to read as follows:

**§ 1.704-3 Contributed property.**

(a) \* \* \*

(8) \* \* \* (i) \* \* \*

(ii) *Disposition in an installment sale.*

If a partnership disposes of section 704(c) property in an installment sale as defined in section 453(b), the installment obligation received by the partnership is treated as the section 704(c) property with the same amount of built-in gain as the section 704(c) property disposed of by the partnership (with appropriate adjustments for any gain recognized on the installment sale). The allocation method for the installment obligation must be consistent with the allocation method chosen for the original property.

(iii) *Contributed contracts.* If a partner contributes to a partnership a contract that is section 704(c) property, and the partnership subsequently acquires property pursuant to the contract in a transaction in which less than all of the gain or loss is recognized, then the acquired property is treated as the section 704(c) property with the same amount of built-in gain or loss as the contract (with appropriate adjustments for any gain or loss recognized on the acquisition). For this purpose, the term contract includes, but is not limited to, options, forward contracts, and futures contracts. The allocation method for the acquired property must be consistent with the allocation method chosen for the contributed contract.

\* \* \* \* \*

■ **Par. 3.** Section 1.737-2 is amended by adding paragraphs (d)(3)(ii) and (d)(3)(iii) to read as follows:

**§ 1.737-2 Exceptions and special rules.**

(d) \* \* \*

(3) \* \* \* (i) \* \* \*

(ii) *Installment sales.* An installment obligation received by the partnership in an installment sale (as defined in section 453(b)) of section 704(c) property is treated as the contributed property with regard to the contributing partner for purposes of section 737 to the extent that the installment obligation received is treated as section 704(c) property under § 1.704-3(a)(8). See § 1.704-4(d)(1) for a similar rule in the context of section 704(c)(1)(B).

(iii) *Contributed contracts.* Property acquired by a partnership pursuant to a contract that is section 704(c) property is treated as the contributed property with regard to the contributing partner for purposes of section 737 to the extent that the acquired property is treated as section 704(c) property under § 1.704-3(a)(8). See § 1.704-4(d)(1) for a similar rule in the context of section 704(c)(1)(B).

\* \* \* \* \*

**Guy Traynor,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 05-15533 Filed 8-5-05; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Parts 100 and 165**

[USCG-2005-22002]

**Quarterly Listings; Special Local Regulations, Safety Zones and Security Zones**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary rules issued.

**SUMMARY:** This document provides required notice of substantive rules issued by the Coast Guard and temporarily effective between April 1, 2005 and June 30, 2005, that were not published in the **Federal Register**. This quarterly notice lists special local regulations, safety zones and security zones, all of limited duration and for which timely publication in the **Federal Register** was not possible.

**DATES:** This document lists temporary Coast Guard rules that became effective and were terminated between April 1, 2005, and June 30, 2005.

**ADDRESSES:** The Department of Transportation Docket Management Facility maintains the public docket for this notice. Documents indicated in this notice will be available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, SW., Washington, DC 20593-0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket for this notice on the Internet at <http://dms.dot.gov>. The public docket contains a scanned copy of each original regulation listed in this notice.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice contact Erin McMunigal, Office of Regulations and Administrative Law, telephone (202) 267-0131. For questions on viewing, or on submitting material to the docket, contact Renee Z. Wright, Acting Program Manager, Docket Operations, telephone 202-493-0402.

**SUPPLEMENTARY INFORMATION:** Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be

stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to prevent injury or damage to vessels, ports, or waterfront facilities and may also describe a zone around a vessel in motion. Special local regulations are issued to enhance the safety of participants and spectators at regattas and other marine events. Timely publication of these rules and in the **Federal Register** is often precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels

enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the beginning of the effective period, mariners were personally notified of the contents of these special local regulations, security zones or safety zones by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these special local regulations, security zones and safety zones. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are

also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. The safety zones, special local regulations and security zones listed in this notice have been exempted from review under Executive Order 12866, Regulatory Planning and Review, because of their emergency nature, or limited scope and temporary effectiveness.

The following rules were placed in effect temporarily during the period from April 1, 2005, through June 30, 2005, unless otherwise indicated.

Dated: July 28, 2005.

**S.G. Venckus**,  
Chief, Office of Regulations and Administrative Law.

Docket No.	Location	Type	Effective date
CGD01-05-035	Boston, MA	Safety Zones	6/17/2005
CGD01-05-043	Lattintown, NY	Safety Zones	6/17/2005
CGD01-05-059	Quincy, MA	Safety Zones	6/20/2005
CGD05-05-026	Portsmouth, VA	Special Local Regulations	4/23/2005
CGD05-05-027	Delaware river	Safety Zones	4/8/2005
CGD05-05-030	Baltimore, MD	Safety Zones	4/22/2005
CGD05-05-034	Norfolk, VA	Safety Zones	4/22/2005
CGD05-05-036	Annapolis, MD	Security Zones	4/22/2005
CGD05-05-038	Suffolk, VA	Safety Zones	4/30/2005
CGD05-05-040	New Bern, NC	Special Local Regulations	5/7/2005
CGD05-05-042	Mathews, VA	Safety Zones	5/7/2005
CGD05-05-045	Williamsburg, VA	Safety Zones	5/3/2005
CGD05-05-053	Norfolk, VA	Safety Zones	5/13/2005
CGD05-05-056	James River, VA	Safety Zones	5/10/2005
CGD05-05-057	Annapolis, MD	Security Zones	5/27/2005
CGD05-05-062	Norfolk, VA	Safety Zones	6/3/2005
CGD05-05-063	Mathews, VA	Safety Zones	6/4/2005
CGD05-05-064	Tappahannock, VA	Safety Zones	6/4/2005
CGD05-05-065	Hampton, VA	Safety Zones	6/4/2005
CGD05-05-068	Chesapeake Bay, VA	Safety Zones	6/16/2005
CGD05-05-071	Ocean City, MD	Safety Zones	6/20/2005
CGD07-05-038	Bucksport, SC	Special Local Regulations	4/30/2005
CGD09-05-004	Chicago, IL	Safety Zones	5/18/2005
CGD09-05-007	Marinette, Wisconsin	Safety Zones	4/2/2005
CGD09-05-011	Rochester, NY	Safety Zones	4/11/2005
CGD09-05-012	Hennepin, IL	Safety Zones	4/28/2005
CGD09-05-013	Cleveland, OH	Safety Zones	5/3/2005
CGD09-05-015	Sheboygan, WI	Safety Zones	5/13/2005
CGD09-05-018	Milwaukee, WI	Safety Zones	5/19/2005
CGD09-05-020	Lake St. Clair, MI	Safety Zones	6/2/2005
CGD09-05-023	Milwaukee, WI	Safety Zones	6/3/2005
CGD09-05-024	Grosse Pointe, MI	Safety Zones	6/15/2005
CGD09-05-025	Whiting, IN	Safety Zones	6/15/2005
CGD09-05-028	Bay City, MI	Safety Zones	6/24/2005
CGD09-05-029	Elberta, MI	Safety Zones	6/25/2005
CGD09-05-030	Port Huron, MI	Safety Zones	6/25/2005
CGD09-05-031	Detroit, MI	Safety Zones	6/29/2005
CGD09-05-054	Lake Ontario, NY	Security Zones	6/30/2005
CGD11-05-003	San Francisco Bay, CA	Special Local Regulations	4/6/2005
CGD11-05-008	San Francisco Bay, CA	Special Local Regulations	5/6/2005
CGD13-05-010	Columbia River, Portland, OR	Safety Zones	4/27/2005
CGD13-05-014	Kennewick, WA	Safety Zones	5/14/2005
CGD13-05-019	Portland, OR	Safety Zones	5/25/2005
COTP CHARLESTON-05-065	Charleston, SC	Safety Zones	5/21/2005
COTP CORPUS CHRISTI-05-002	Corpus Christi, TX	Safety Zones	3/19/2005
COTP CORPUS CHRISTI-05-003	Corpus Christi, TX	Safety Zones	3/20/2005
COTP CORPUS CHRISTI-05-004	Corpus Christi, TX	Safety Zones	3/24/2005
COTP HOUSTON-GALVESTON-05-0007	Galveston, TX	Safety Zones	6/17/2005
COTP HUNTINGTON-05-003	Huntington, WV	Safety Zones	5/21/2005
COTP JACKSONVILLE-05-069	Kings Bay, GA	Security Zones	5/26/2005
COTP JACKSONVILLE-05-070	St. Marys River, GA	Security Zones	6/3/2005

Docket No.	Location	Type	Effective date
COTP JACKSONVILLE-05-085	Kings Bay, GA	Security Zones	6/12/2005
COTP JACKSONVILLE-05-094	St. Johns River	Security Zones	6/28/2005
COTP JACKSONVILLE-05-095	Saint Johns River, Mayport, FL	Security Zones	6/9/2005
COTP KEY WEST-05-043	Marathon, FL	Safety Zones	3/2/2005
COTP MEMPHIS-05-006	Memphis, TN	Safety Zones	4/23/2005
COTP MOBILE-05-005	Mobile, AL	Safety Zones	3/21/2005
COTP MOBILE-05-008	Biloxi, MS	Safety Zones	4/23/2005
COTP MOBILE-05-009	Panama City, FL	Safety Zones	5/20/2005
COTP MOBILE-05-011	Biloxi, MS	Safety Zones	6/11/2005
COTP MOBILE-05-012	Bayou La Batre, AL	Safety Zones	6/11/2005
COTP MOBILE-05-013	Gulf Shores, AL	Safety Zones	6/11/2005
COTP MOBILE-05-014	Santa Rosa Island, FL	Safety Zones	6/11/2005
COTP MOBILE-05-015	Aucilla River, FL	Safety Zones	6/11/2005
COTP MORGAN CITY-05-032	Montegut, LA	Safety Zones	4/14/2005
COTP MORGAN CITY-05-074	Houma, LA	Safety Zones	6/20/2005
COTP NEW ORLEANS-05-018	Belmont, LA	Safety Zones	3/16/2005
COTP NEW ORLEANS-05-019	New Orleans, LA	Safety Zones	3/23/2005
COTP NEW ORLEANS-05-020	Bayou Sorrell, LA	Safety Zones	3/28/2005
COTP NEW ORLEANS-05-021	New Orleans, LA	Safety Zones	3/30/2005
COTP NEW ORLEANS-05-022	Vicksburg, MS	Safety Zones	4/16/2005
COTP NEW ORLEANS-05-023	New Orleans, LA	Safety Zones	4/12/2005
COTP NEW ORLEANS-05-024	New Orleans, LA	Safety Zones	4/9/2005
COTP NEW ORLEANS-05-025	Fort Jackson, LA	Safety Zones	4/23/2005
COTP NEW ORLEANS-05-026	Pineville, LA	Safety Zones	5/7/2005
COTP NEW ORLEANS-05-027	Mendicant Island, LA	Safety Zones	4/20/2005
COTP NEW ORLEANS-05-028	St. Louis Bay, MS	Safety Zones	5/19/2005
COTP OHIO VALLEY-05-001	Clarksville, TN	Safety Zones	6/23/2005
COTP PITTSBURGH-05-007	Pittsburgh, PA	Safety Zones	4/21/2005
COTP PITTSBURGH-05-010	Pittsburgh, PA	Safety Zones	5/20/2005
COTP PITTSBURGH-05-011	Pittsburgh, PA	Safety Zones	6/3/2005
COTP PORT ARTHUR-05-003	Sabine, TX	Safety Zones	4/11/2005
COTP PORT ARTHUR-05-004	Sabine, TX	Safety Zones	4/11/2005
COTP PORT ARTHUR-05-005	Orange, TX	Safety Zones	4/16/2005
COTP PORT ARTHUR-05-006	Sabine-Neches Canal, TX	Safety Zones	4/23/2005
COTP PORT ARTHUR-05-007	Sabine, TX	Safety Zones	4/28/2005
COTP PORT ARTHUR-05-008	Sabine, TX	Safety Zones	4/30/2005
COTP PORT ARTHUR-05-009	Port Neches, TX	Safety Zones	5/7/2005
COTP PORT ARTHUR-05-011	Port Arthur, TX	Safety Zones	6/23/2005
COTP SAN DIEGO-05-011	Colorado River, AZ	Safety Zones	4/23/2005
COTP SAN FRANCISCO BAY-05-005	Napa River, California	Safety Zones	3/22/2005
COTP SAN JUAN-05-046	Guayama, Puerto Rico	Safety Zones	4/23/2005
COTP SAVANNAH-05-026	Savannah, GA	Security Zones	3/7/2005
COTP SAVANNAH-05-045	Savannah, GA	Security Zones	4/23/2005
COTP SAVANNAH-05-061	Savannah, GA	Security Zones	5/7/2005
COTP SAVANNAH-05-064	Savannah, GA	Security Zones	5/19/2005
COTP SAVANNAH-05-071	Savannah, GA	Security Zones	6/8/2005
COTP SAVANNAH-05-086	Savannah, GA	Security Zones	6/16/2005
COTP ST LOUIS-05-001	Illinois River	Safety Zones	1/14/2005
COTP ST LOUIS-05-003	Beardstown, IL	Safety Zones	4/1/2005
COTP ST LOUIS-05-004	St. Louis, MO	Safety Zones	4/5/2005
COTP ST LOUIS-05-005	Waverly, MO	Safety Zones	5/11/2005
COTP ST LOUIS-05-006	Upper Mississippi River	Safety Zones	5/10/2005
COTP ST LOUIS-05-007	St. Paul, MN	Safety Zones	5/30/2005
COTP ST LOUISS-05-008	Dubuque, IA	Safety Zones	5/29/2005
COTP ST LOUISS-05-009	Peoria, IL	Safety Zones	6/17/2005
COTP ST LOUISS-05-011	Quad Cities, IL	Safety Zones	6/25/2005
COTP TAMPA-05-006	Hillsborough Bay, FL	Safety Zones	1/29/2005
COTP TAMPAS-05-008	Tampa Bay, FL	Safety Zones	2/4/2005
COTP TAMPAS-05-027	Tampa Bay, FL	Safety Zones	4/1/2005
COTP TAMPAS-05-077	Tampa Bay, FL	Security Zones	6/10/2005
COTP TAMPAS-05-093	Tampa Bay, FL	Safety Zones	6/24/2005
COTP TAMPAS-05-095	Tampa Bay, FL	Safety Zones	6/29/2005
COTP WESTERN ALASKA-05-007	Cook Inlet, AK	Security Zones	6/5/2005

[FR Doc. 05-15620 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-05-080]

#### Drawbridge Operation Regulations: Long Island, New York Inland Waterway From East Rockaway Inlet to Shinnecock Canal, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations and request for comment.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the Wantagh State Parkway Bridge, at mile 16.1, across Goose Creek, New York. Under this temporary 90-day deviation the bridge will open on signal once an hour, on the half hour, between 7:30 a.m. and 8:30 p.m. on Saturday, Sunday, and Federal holidays after a 30-minute advance notice is given. At all other times the bridge will open on signal after a 30-minute advance notice is given by calling the number posted at the bridge.

**DATES:** This deviation is effective from August 15, 2005 through November 12, 2005. Comments must reach the Coast Guard on or before November 30, 2005.

**ADDRESSES:** You may mail comments to Commander (obr), First Coast Guard District Bridge Branch, One South Street, Battery Park Building, New York, New York, 10004, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668-7165. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

#### Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and

address, identify the docket number for this rulemaking (CGD01-05-080), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8 1/2 by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this rule in view of them.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Wantagh State Parkway Bridge has a vertical clearance in the closed position of 16 feet at mean high water and 19 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.799(i).

The bridge owner, Jones Beach State Park requested a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation schedule to help better balance the needs between vehicular land traffic and marine vessel traffic.

Under this 90-day temporary deviation, in effect from August 15, 2005 through November 12, 2005, the Wantagh State Parkway Bridge at mile 16.1, across Goose Creek, shall operate as follows:

The bridge shall open on signal once an hour, on the half hour, between 7:30 a.m. and 8:30 p.m. on Saturday, Sunday, and Federal holidays after a 30-minute advance notice is given by calling the number posted at the bridge.

At all other times the bridge shall open on signal after a 30-minute advance notice is given by calling the number posted at the bridge.

This deviation from the operating regulations is authorized under 33 CFR 117.43.

Dated: July 28, 2005.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 05-15564 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-05-079]

#### Drawbridge Operation Regulations: Long Island, New York Waterway From East Rockaway Inlet to Shinnecock Canal, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations and request for comment.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the Meadowbrook State Parkway Bridge, at mile 12.8, across Sloop Channel, New York. Under this temporary 90-day deviation the bridge will open on signal once an hour, on the hour, between 7 a.m. and 8 p.m., on Saturday, Sunday, and Federal holidays after a 30-minute advance notice is given. At all other times the bridge will open on signal after a 30-minute advance notice is given by calling the number posted at the bridge.

**DATES:** This deviation is effective from August 15, 2005 through November 12, 2005. Comments must reach the Coast Guard on or before November 30, 2005.

**ADDRESSES:** You may mail comments to Commander (obr), First Coast Guard District Bridge Branch, One South Street, Battery Park Building, New York, New York, 10004, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668-7165. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

#### Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01-05-079), indicate the specific section of this document to which each comment

applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8 1/2 by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this rule in view of them.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Meadowbrook State Parkway Bridge has a vertical clearance in the closed position of 22 feet at mean high water and 25 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.799(h).

The bridge owner, Jones Beach State Park requested a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation schedule to help better balance the needs between vehicular land traffic and marine vessel traffic.

Under this 90-day temporary deviation, in effect from August 15, 2005 through November 12, 2005, the Meadowbrook State Parkway Bridge at mile 12.8, across Sloop Channel, shall operate as follows:

The bridge shall open on signal once an hour, on the hour, between 7 a.m. and 8 p.m. on Saturday, Sunday, and Federal holidays after a 30-minute advance notice is given by calling the number posted at the bridge.

At all other times the bridge shall open on signal after a 30-minute notice is given by calling the number posted at the bridge.

This deviation from the operating regulations is authorized under 33 CFR 117.43.

Dated: July 28, 2005.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 05-15563 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-05-078]

#### Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations and request for comment.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation regulation for the Loop Parkway Bridge, at mile 0.7, across Long Creek, New York. Under this temporary 90-day deviation the bridge will open on signal once an hour, on the half hour, between 7:30 a.m. and 8:30 p.m., and at all other times after a 30 minute advance notice is given by calling the number posted at the bridge. The bridge will open promptly on signal for commercial vessels at any time.

**DATES:** This deviation is effective from August 15, 2005 through November 12, 2005. Comments must reach the Coast Guard on or before November 30, 2005.

**ADDRESSES:** You may mail comments to Commander (obr), First Coast Guard District Bridge Branch, One South Street, Battery Park Building, New York, New York, 10004, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668-7165. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

#### Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01-05-078), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments

and related material in an unbound format, no larger than 8 1/2 by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this rule in view of them.

**FOR FURTHER INFORMATION CONTACT:** Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Loop Parkway Bridge has a vertical clearance in the closed position of 21 feet at mean high water and 25 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.799(f).

The bridge owner, Jones Beach State Park requested a temporary deviation from the drawbridge operation regulations to test an alternate drawbridge operation schedule to help better balance the needs between vehicular land traffic and marine vessel traffic.

Under this 90-day temporary deviation, in effect from August 15, 2005 through November 12, 2005, the Loop Parkway Bridge at mile 0.7, across Long Creek, shall operate as follows:

The bridge shall open on signal once an hour, on the half hour, between 7:30 a.m. and 8:30 p.m.

At all other times the bridge shall open on signal after a 30-minute notice is given by calling the number posted at the bridge.

The bridge shall open promptly on signal at any time for commercial vessels.

This deviation from the operating regulations is authorized under 33 CFR 117.43.

Dated: July 28, 2005.

**Gary Kassof,**

*Bridge Program Manager, First Coast Guard District.*

[FR Doc. 05-15562 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05-05-094]

RIN 1625-AA-09

#### Drawbridge Operation Regulations; Curtis Creek, Baltimore, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the I-695 Bridge across Curtis Creek, mile 0.9, at Baltimore, MD. This deviation allows the drawbridge to remain closed to navigation on two 5-day closure periods to facilitate repairs to the main control system of the bridge.

**DATES:** This deviation is effective from 7 a.m. on August 8, 2005, to 5 p.m. on August 26, 2005.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at Commander (obr), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6222. Commander (obr), Fifth Coast Guard District maintains the public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Bill Brazier, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6422.

**SUPPLEMENTARY INFORMATION:** The I-695 Bridge has a vertical clearance in the closed-to-vessels position of 58 feet, at mean high water.

The Whiting Turner Contracting (WTC) Company, on behalf of the bridge owner, the Maryland Department of Transportation, has requested a temporary deviation from the current operating regulation set out in 33 CFR 117.557. WTC has requested the temporary deviation to close the I-695 double-leaf bascule bridge to navigation to replace all of the control mechanisms. The work involves replacing the bridge control systems (electrical & mechanical) on both spans of the drawbridge. Each lift span will be locked in the closed-to-navigation position for two 5-day closure periods from 7 a.m. on August 8, 2005, to 5 p.m. on August 12, 2005, and from 7 a.m. on August 22, 2005, to 5 p.m. on August 26, 2005. During these periods, the work requires completely immobilizing the operation of the lift spans in the closed-to-navigation position.

The Coast Guard has informed the known users of the waterway of the closure periods for the bridge so that these vessels can arrange their transits to minimize any impact caused by the temporary deviation.

The District Commander has granted temporary deviation from the operating requirements listed in 33 CFR 117.35 for

the purpose of repairing the drawbridge. The temporary deviation allows the I-695 Bridge across Curtis Creek, mile 0.9, at Baltimore, Maryland, to remain closed to navigation on two 5-day closure periods: From 7 a.m. on August 8, 2005, to 5 p.m. on August 12, 2005; and from 7 a.m. on August 22, 2005, through 5 p.m. on August 26, 2005.

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: August 1, 2005.

**Waverly W. Gregory, Jr.,**  
Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. 05-15618 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD05-05-093]

RIN 1625-AA-09

#### Drawbridge Operation Regulations; Potomac River, Between Alexandria, VA and Oxon Hill, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District, has approved a temporary deviation from the regulations governing the operation of the Woodrow Wilson Memorial (I-95) Bridge, mile 103.8, across the Potomac River between Alexandria, VA and Oxon Hill, MD. This deviation allows the drawbridge to remain closed to navigation from 8 p.m. on August 12, 2005, to 5 a.m. on August 15, 2005, to facilitate the beltway shift of vehicular traffic for the new Woodrow Wilson Bridge construction project.

**DATES:** This deviation is effective from 8 p.m. on August 12, 2005, to 5 a.m. on August 15, 2005.

**ADDRESSES:** Materials referred to in this document are available for inspection or copying at Commander (obr), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (757) 398-6222. Commander (obr), Fifth Coast Guard District maintains the

public docket for this temporary deviation.

**FOR FURTHER INFORMATION CONTACT:** Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

**SUPPLEMENTARY INFORMATION:** The existing Woodrow Wilson Memorial (I-95) Bridge has a vertical clearance in the closed-to-vessel position of 50 feet at mean high water and 52 feet at mean low water.

Coordinators for the construction of the new Woodrow Wilson Bridge Project requested a temporary deviation from the current operating regulation for the existing Woodrow Wilson Memorial (I-95) Bridge set out in 33 CFR 117.255(a). The coordinators requested the temporary deviation to close the existing drawbridge to navigation to accommodate the shifting of vehicular traffic on the Outer Loop of the Capital Beltway/I-95 North. The Outer Loop of the Capital Beltway/I-95 North will be reduced from three lanes to only one lane between the Route 1 Interchange and the Wilson Bridge. Project traffic engineers anticipate traffic impacts to peak on Saturday afternoon, with 10 to 15 mile backups and delays of 60 to 90 minutes. Maintaining the existing drawbridge in the closed-to-navigation position from 8 p.m. on Friday, August 12, 2005, to 5 a.m. on Monday, August 15, 2005, will help reduce the impact on vehicular traffic during this phase of new bridge construction.

The Coast Guard has informed the known users of the waterway of the closure period for the bridge so that these vessels can arrange their transits to minimize any impact caused by the temporary deviation.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.35 for the purpose of repair completion of the drawbridge. The temporary deviation allows the Woodrow Wilson Memorial (I-95) Bridge, mile 103.8, across the Potomac River between Alexandria, Virginia and Oxon Hill, Maryland, to remain closed to navigation from 8 p.m. on August 12, 2005, through 5 a.m. on August 15, 2005.

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: August 1, 2005.

**Waverly W. Gregory, Jr.,**  
Chief, Bridge Administration Branch, Fifth  
Coast Guard District.

[FR Doc. 05-15619 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13-05-031]

RIN 1625-AA87

#### Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Coast Guard Captain of the Port Puget Sound published in the *Federal Register* of December 10, 2004, a final rule concerning security zones for the protection of military cargo loading and unloading operations in the navigable waters of Puget Sound.

Wording in § 165.1321(c)(3) is being corrected to fix a typographical error in the latitude and longitude of the last point listed in the security zone. This document makes this correction.

**DATES:** This rule is effective August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Junior Grade Jessica Hagen, c/o Captain of the Port Puget Sound, Coast Guard Sector Seattle, 1519 Alaskan Way South, Seattle, WA 98134 at (206) 217-6232.

**SUPPLEMENTARY INFORMATION:** The Coast Guard published a document in the *Federal Register* on December 10, 2004 (69 FR 71709), which amended 33 CFR 165.1321 by adding Budd Inlet, Olympia, WA as a permanent security zone. In this document, paragraph (c)(3) of the regulatory text contained a typographical error in the latitude and longitude of the last point listed in the security zone.

■ Accordingly, 33 CFR 165.1321 is corrected by making the following correcting amendments:

#### 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. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

#### § 165.1321 [Amended]

■ 2. In § 165.1321, in paragraph (c)(3), remove the phrase “47°03’01”N, 122°54’21”W” and add, in its place, the phrase “47°03’04”N, 122°54’19.5”W”.

Dated: July 26, 2005.

**Stephen P. Metruck,**

Captain, U.S. Coast Guard, Captain of the  
Port, Puget Sound.

[FR Doc. 05-15565 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13-05-033]

RIN 1625-AA00

#### Safety Zone Regulations, New Tacoma Narrows Bridge Construction Project

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone during the construction of temporary aerial scaffolding, catwalk, superstructure suspension system, main cable wires, cable bands, and suspender ropes being used for the Tacoma Narrows Bridge construction project. The Coast Guard is taking this action to safeguard the public from hazards associated with the transport and construction of the cable wires and cable bands being used to construct the catwalk for the new bridge. Entry into this zone is prohibited unless authorized by the Captain of the Port, Puget Sound or his designated representatives.

**DATES:** This rule is effective daily 5 a.m. to 9 p.m., Pacific daylight time, from August 3 to August 20, 2005.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket CGD13-05-033 and are available for inspection or copying at the Waterways Management Division, Coast Guard Sector Seattle, 1519 Alaskan Way South, Seattle, WA, 98134, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Junior Grade Jessica Hagen, Waterways Management Division, Coast Guard Sector Seattle, at (206) 217-6232.

**SUPPLEMENTARY INFORMATION:**

#### Background and Purpose

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) has not been published for this regulation and good cause exists for making it effective without publication of an NPRM in the *Federal Register*. Publishing a NPRM would be contrary to public interest since immediate action is necessary to ensure the safety of vessels and persons that transit in the vicinity of the Tacoma Narrows Bridge. If normal notice and comment procedures were followed, this rule would not become effective until after the date of the event.

#### Discussion of Rule

The Coast Guard is adopting a temporary safety zone regulation on the waters of Tacoma Narrows, Washington, for the Tacoma Narrows Bridge construction project. The Coast Guard has determined it is necessary to limit access to 250 yards on either side of a line from the approximate position of 47°16’15” N, 122°33’15” W, to 47°15’54” N, 122°32’49” W, to 47°15’49” N, 122°32’43” W, in order to safeguard people and property from hazards associated with this project. These safety hazards include, but are not limited to, hazards to navigation, collisions with the cables, and collisions with work vessels and barges. The Coast Guard, through this action, intends to promote the safety of personnel, vessels, and facilities in the area. Entry into these zones will be prohibited unless authorized by the Captain of the Port or his representative. These safety zones will be enforced by Coast Guard personnel. The Captain of the Port may be assisted by other federal, state, or local agencies.

#### Regulatory Evaluation

This temporary rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. 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 Homeland Security (DHS).

We expect the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DHS is unnecessary. This expectation is based on the fact that the regulated area established by this regulation would encompass a small area that should not impact commercial or recreational traffic. For the above reasons, the Coast

Guard does not anticipate any significant economic impact.

### 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.

This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit this portion of Tacoma Narrows during the time this regulation is in effect. The zone will not have a significant economic impact on a substantial number of small entities due to its short duration and small area. Because the impacts of this rule are expected to be so minimal, the Coast Guard certifies under 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601–612) that this temporary 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 (Pub. L. 104–121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **(FOR FURTHER INFORMATION CONTACT)** section. 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 temporary rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### Federalism

We have analyzed this temporary rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

### 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 State, local, or tribal government, in the aggregate, or the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### Taking of Private Property

This temporary rule would 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 temporary 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 concern 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.

### Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

### Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation.

### 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. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L.

107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. From 5 a.m. to 9 p.m. from August 3 to August 20, 2005, a temporary § 165.T13–013 is added to read as follows:

**§ 165.T13–013 Safety Zone: New Tacoma Narrows Bridge Construction Project.**

(a) *Location.* The following is a safety zone: All waters of the Tacoma Narrows, Washington State, within 250 yards on either side of a line with the points of 47°16'15" N, 122°33'15" W, to 47°15'59" N, 122°32'49" W, to 47°15'49" N, 122°32'43" W. [Datum: NAD 1983]

(b) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, no person or vessel may enter or remain in the zone except for those persons involved in the construction of the new Tacoma Narrows Bridge, supporting personnel, or other vessels authorized by the Captain of the Port or his designated representatives. Vessels and persons granted authorization to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port or his designated representative.

(c) *Applicable dates.* This section applies from 5 a.m. until 9 p.m., Pacific daylight time, from August 3 to August 20, 2005.

Dated: July 29, 2005.

**Mark J. Huebschman,**

*Commander, U.S. Coast Guard, Acting Captain of the Port, Puget Sound.*

[FR Doc. 05–15617 Filed 8–5–05; 8:45 am]

**BILLING CODE 4910–15–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[RME Docket Number R08–OAR–2005–ND–0001; FRL–7942–4]

#### Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action approving certain revisions to the State Implementation Plan (SIP) as submitted by the Governor of North Dakota with a letter dated April 11, 2003. The revisions affect certain portions of air pollution control rules regarding permitting and prevention of significant deterioration. This action is

being taken under section 110 of the Clean Air Act.

**DATES:** This rule is effective on October 7, 2005, without further notice, unless EPA receives adverse comment by September 7, 2005. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. R08–OAR–2005–ND–0001, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- Agency Web site: <http://docket.epa.gov/rmepub/index.jsp>. Regional Materials in EDOCKET (RME), EPA's electronic public docket and comment system for regional actions, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- E-mail: [long.richard@epa.gov](mailto:long.richard@epa.gov) and [platt.amy@epa.gov](mailto:platt.amy@epa.gov).

- Fax: (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

- Mail: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

- Hand Delivery: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 999 18th Street, Suite 300, Denver, Colorado 80202–2466. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:55 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. R08–OAR–2005–ND–0001. EPA's policy is that all comments received will be included in the public docket without change and may be made available at <http://docket.epa.gov/rmepub/index.jsp>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through EDOCKET, [regulations.gov](http://www.regulations.gov), or e-mail. The EPA's Regional Materials in EDOCKET and Federal [regulations.gov](http://www.regulations.gov) Web site are "anonymous access" systems, which means EPA will not know your identity or contact information unless you

provide it in the body of your comment. If you send an e-mail comment directly to EPA, without going through EDOCKET or [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit EDOCKET online or see the **Federal Register** of May 31, 2002 (67 FR 38102). For additional instructions on submitting comments, go to section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* All documents in the docket are listed in the Regional Materials in EDOCKET index at <http://docket.epa.gov/rmepub/index.jsp>. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in Regional Materials in EDOCKET or in hard copy at the Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202–2466. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Amy Platt, Environmental Protection Agency, Region 8, (303) 312–6449, [platt.amy@epa.gov](mailto:platt.amy@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

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- II. Background
- III. Revisions in the April 11, 2003 Submittal That are the Subject of this Document
- IV. Section 110(l)

V. Final Action

VI. Statutory and Executive Order Reviews

### Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words *EPA*, *we*, *us* or *our* mean or refer to the United States Environmental Protection Agency.

(iii) The initials *SIP* mean or refer to State Implementation Plan.

(iv) The words *State* or *ND* mean the State of North Dakota, unless the context indicates otherwise.

(v) The initials *PSD* mean prevention of significant deterioration of air quality.

(vi) The initials *NDDH* mean or refer to the North Dakota Department of Health.

### I. General Information

#### A. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through Regional Materials in EDOCKET, regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, 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 claimed as CBI. In addition to one complete version of the comment that includes 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. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

I. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

II. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

III. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

IV. Describe any assumptions and provide any technical information and/or data that you used.

V. If you estimate potential costs or burdens, explain how you arrived at

your estimate in sufficient detail to allow for it to be reproduced.

VI. Provide specific examples to illustrate your concerns, and suggest alternatives.

VII. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

VIII. Make sure to submit your comments by the comment period deadline identified.

### II. Background

The Act requires States to follow certain procedures in developing implementation plans and plan revisions for submission to us. Sections 110(a)(2) and 110(l) of the Act provide that each implementation plan must be adopted after reasonable notice and public hearing.

To provide for public comment, the North Dakota Department of Health (NDDH), after providing notice, held a public hearing on April 19, 2002 to address the revisions to the State Implementation Plan (SIP) and Air Pollution Control Rules. Following the public hearing, comment period, and legal review by the North Dakota Attorney General's Office, the North Dakota State Health Council adopted the revisions, which became effective on March 1, 2003. The North Dakota Governor submitted the SIP revisions to us with a letter dated April 11, 2003.

On October 21, 2004, EPA published a notice of final rulemaking for the State of North Dakota (*see* 69 FR 61762). In that final rulemaking, we approved portions of the SIP revision submitted by the Governor of North Dakota on April 11, 2003. The portions of the SIP revision that we approved affected the North Dakota Air Pollution Control Rules regarding general provisions and emissions of particulate matter and sulfur compounds.

As we discussed in our October 21, 2004 notice of final rulemaking, we were handling separately the revisions in the April 11, 2003 submittal addressing North Dakota Air Pollution Control Rules Section 33–15–01–13, regarding shutdown and malfunction of an installation, certain portions of Chapter 33–15–14, regarding construction and minor source permitting, and certain portions of Chapter 33–15–15, regarding prevention of significant deterioration.

### III. Revisions in the April 11, 2003 Submittal That Are the Subject of This Document

The revisions in the April 11, 2003 submittal to be addressed in this document pertain to certain portions of the North Dakota Air Pollution Control

Rules regarding construction and minor source permitting and prevention of significant deterioration, which involve sections of the following chapters of the North Dakota Administrative Code (N.D.A.C.): 33–15–14 Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate (certain sections specific to construction and minor source permitting) and 33–15–15 (Prevention of Significant Deterioration of Air Quality).

#### A. Chapter 33–15–14, N.D.A.C., Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate (certain sections specific to construction and minor source permitting)

In the Permit to Construct section, 33–15–14–02, subsection 33–15–14–02.5, Review of application—Standard for granting permits to construct, was revised to increase the amount of time the NDDH is allowed to make its preliminary determinations on a Permit to Construct application. The increase was from 30 days to 90 days. In addition, a revision was made to the provision regarding the preliminary determination on whether the proposed project will provide all known available and reasonable methods of emission control. “All known” was changed to “necessary.” The NDDH was concerned that “all known” could have been interpreted to require the absolute best control technology available (*i.e.*, Lowest Achievable Emission Rate or LAER) even though emission limits in the other rules of the SIP may require something less. Since it was never NDDH's intent to establish additional emission control requirements (especially LAER) in the Permit to Construct section that would supersede those in the rest of the SIP, this revision was made to clarify that the emission control methodology proposed must be sufficient to comply with the applicable rules but not more than the applicable requirements dictate.

Subdivision 33–15–14–02.13.i, paragraph 5, was revised to clarify that petroleum liquid storage tanks that are subject to air pollution control requirements under the State's New Source Performance Standards (NSPS) Program, Chapter 33–15–12, are not exempt from getting a permit to construct.

In the Minor Source Permit to Operate section, 33–15–14–03, subsection 33–15–14–03.4, Performance testing, was revised to incorporate performance and emissions testing requirements previously located at 33–15–14–03.11.

As a result, subsection 33-15-14-03.11 was deleted.

In subsection 33-15-14-03.5, Action on applications, subparagraph 33-15-14-03.5.a(1)(d), was revised to eliminate the requirement for delivery of a copy of the proposed minor source permit to operate and public notice to the chief executive officer of the city and county where the source is located and the Regional Planning Agency. Regional Planning Agencies will continue to get notice of preconstruction permits and counties will continue to get notice of federally enforceable minor source permits to operate since the State sends a copy to the County Auditor. Therefore, this revision results in a change in process but without any substantive impacts.

The changes to subsection 33-15-14-03.5 also clarified that lands will be considered to be "significantly affected" by a source's emissions if the source is located within 50 kilometers of such land. While a source seeking a federally enforceable minor source permit to operate may cause localized air quality degradation near the source, these impacts diminish rapidly with increasing distance from the source. Therefore, EPA believes this clarification is reasonable since it is extremely unlikely that minor sources would have a significant impact beyond 50 km.

The revisions discussed above are clarifying or procedural in nature; therefore, these revisions are approvable.

Finally, in the Permit to Construct section, 33-15-14-02, Subsection 33-15-14-02.13, Exemptions, subdivision 33-15-14-02.13.c was revised to amend an exemption for internal combustion engines. The change exempts internal combustion engines with a maximum rating of less than 1000 brake horsepower which operate less than 500 hours in a year from the construction permitting requirements provided they are not "utility units" as defined in the State's Acid Rain Program, Chapter 33-15-21. This revision was made primarily for emergency generators. The State believes that almost all the engines that fall into this exemption category are diesel engines or natural gas fired. Therefore, using the appropriate AP-42 emission factors, they estimated that the most one of these engines will emit (*i.e.*, operating at 1000 horsepower for 500 hours/year) is 8 tons/year of any pollutant. Even though these units are exempt from the preconstruction permitting requirements, they must still comply with any other applicable requirements in the permitting rules. Also, if any such unit is located at a

major source, it will be included in the Title V permit.

The engines covered by this exemption will produce only a minimal increase in emissions. Since the ambient levels are well below the NAAQS, EPA concludes that this revision will not interfere with attainment or maintenance of the NAAQS or any other applicable requirement of the Act and is, therefore, approvable.

#### *B. Chapter 33-15-15, N.D.A.C., Prevention of Significant Deterioration (PSD) of Air Quality*

In subsection 33-15-15-01.1, Definitions, the subparagraph regarding major modifications (33-15-15-01.1.x(2)(d)) was revised. The revision clarifies that a physical change or change in the method of operation does not include an increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit conditions established under the requirements of the PSD program (Chapter 33-15-15) or the Permit to Construct and Permit to Operate requirements of Chapter 33-15-14. This revision became effective at the State level on March 1, 2003, to make the regulations consistent with the Federal PSD requirements in effect at that time, as found in 40 CFR 51.24(b)(2)(iii)(f) and 52.21(b)(2)(iii)(f). This revision is still consistent with the new PSD requirements found in 40 CFR 51.166 and 52.21, as promulgated on December 31, 2002. Therefore, this revision is approvable.

In addition, subsection 33-15-15-01.4, Review of New Major Stationary Sources and Major Modifications, subparagraph 33-15-15-01.4.h(3), regarding source information, was updated to delete a reference to an outdated, obsolete State document regarding Best Available Control Technology (BACT). This revision is editorial in nature and is approvable.

#### **IV. Section 110(l)**

Section 110(l) of the Clean Air Act states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of the National Ambient Air Quality Standards (NAAQS) or any other applicable requirements of the Act. There are no nonattainment areas in North Dakota. The revisions to the permitting provisions and PSD rules, except as discussed below, were either clarifying or procedural in nature, will not affect emissions, and will not interfere with requirements of the Act

related to administrative or procedural provisions. Therefore, these revisions do not interfere with attainment or maintenance of the NAAQS or other applicable requirements of the Act.

The State believes that the exemption for internal combustion engines in 33-15-14-02.13 applies mostly to emergency type generators that are diesel or natural gas fired. Using appropriate AP-42 emission factors, they demonstrated that the most one of these engines will emit (*i.e.*, operating at 1000 horsepower for 500 hours/year) is 8 tons/year of any pollutant. Therefore, the engines covered by this exemption will produce only a minimal increase in emissions. Since ambient levels are well below the NAAQS, EPA concludes that this revision will not interfere with attainment or maintenance of the NAAQS or any other applicable requirement of the Act.

Finally, the revision to the subparagraph 33-15-15-01.1.x(2)(d) of the PSD chapter was required by EPA to be consistent with Federal PSD requirements previously found in 40 CFR 51.24(b)(2)(iii)(f) and 40 CFR 52.21(b)(2)(iii)(f) and now located in 40 CFR 51.166 and 40 CFR 52.21. Therefore, the revision does not interfere with the attainment or maintenance of the NAAQS, or other applicable requirements of the Act, but provides some enhancement.

#### **V. Final Action**

We reviewed the adequacy of these certain revisions submitted by the North Dakota Governor with a letter dated April 11, 2003, and find them approvable.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the "Proposed Rules" section of today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective October 7, 2005, without further notice unless the Agency receives adverse comments by September 7, 2005. If the EPA receives adverse comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph,

or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

#### VI. Statutory and Executive Order Reviews

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 (Public Law 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. 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 action is not a "major rule" as defined by 5 U.S.C. 804(2).

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 October 7, 2005. 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 14, 2005.

**Max H. Dodson,**

*Acting Regional Administrator, Region 8.*

■ 40 CFR part 52 is amended to read 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 JJ—North Dakota

■ 2. Section 52.1820 is amended by adding paragraph (c)(34) to read as follows:

#### § 52.1820 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(34) Certain revisions to the North Dakota State Implementation Plan and Air Pollution Control Rules as submitted by the Governor with a letter dated April 11, 2003. The revisions affect portions of North Dakota Administrative Code (N.D.A.C.) regarding construction and minor source permitting and prevention of significant deterioration of air quality.

(i) Incorporation by reference.

(A) Revisions to the North Dakota Air Pollution Control Rules as follows:

(1) Chapter 33-15-14, N.D.A.C., Designated Air Contaminant Sources, Permit to Construct, Minor Source Permit to Operate, Title V Permit to Operate, subsections 33-15-14-02.5, 33-15-14-02.13.c, 33-15-14-02.13.i(5), 33-15-14-03.4, 33-15-14-03.5.a(1)(d), and 33-15-14-03.11, effective March 1, 2003.

(2) Chapter 33-15-15, N.D.A.C., Prevention of Significant Deterioration of Air Quality, subsections 33-15-15-01.1.x(2)(d) and 33-15-15-01.4.h(3), effective March 1, 2003.

[FR Doc. 05-15609 Filed 8-5-05; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[R06-OAR-2005-TX-0011; FRL-7948-7]

#### Approval and Promulgation of Air Quality Implementation Plans; Texas; Vehicle Inspection and Maintenance Program for Travis and Williamson Counties

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The EPA is approving a revision to the State Implementation

Plan (SIP) submitted by the Chairman of the Texas Commission on Environmental Quality (TCEQ) on December 6, 2004. The revision incorporates into the SIP a vehicle inspection and maintenance (I/M) program for Travis and Williamson Counties. The program is a control measure adopted as part of the Austin Early Action Compact (EAC). EPA is approving this revision as a strengthening of the SIP, in accordance with the requirements of sections 110 and 116 of the Federal Clean Air Act (the Act), which will result in emission reductions needed to help ensure attainment of the 8-hour National Ambient Air Quality Standard (NAAQS) for ozone.

**DATES:** This final rule is effective on September 7, 2005.

**ADDRESSES:** EPA has established a docket for this action under Regional Material in EDocket (RME) ID No. R06-OAR-2005-TX-0011. All documents in the docket are listed in the RME index at <http://docket.epa.gov/rmepub/>; once in the system, select "quick search," then type in the appropriate RME docket identification number. Although listed in the index, some information is not publicly available, *i.e.*, confidential business information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy at the Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the

**FOR FURTHER INFORMATION CONTACT** paragraph below or Mr. Bill Deese at 214-665-7253 to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cents per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:  
Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

**FOR FURTHER INFORMATION CONTACT:**

Carrie Paige, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-6521, [paige.carrie@epa.gov](mailto:paige.carrie@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, wherever "we," "our," and "us" is used, we mean EPA.

**Outline**

- I. Background
- II. What Action is EPA Taking?
- III. Final Action
- IV. Statutory and Executive Order Reviews

**I. Background**

On May 23, 2005 (70 FR 29461) EPA published a notice of proposed rulemaking (NPRM) proposing to approve revisions to the SIP submitted to EPA by the State of Texas. The NPRM proposed approval of the Austin EAC area's Clean Air Action Plan (CAAP) and related control measures. One of those control measures was a vehicle inspection and maintenance (I/M) program in Chapter 114, Subchapter C for Travis and Williamson Counties, which are within the Austin EAC area. In the May 23, 2005 NPRM, EPA provided the public an opportunity to review and comment on these revisions. Section VII of the proposal provides a detailed description of the vehicle I/M program revisions and the rationale for EPA's proposed approval of the program. The public comment period ended on June 22, 2005. In this rulemaking, we are taking action on only the vehicle I/M program revisions. No comments were received on EPA's proposed approval of the I/M program. Final action on EPA's proposed approval of the Austin EAC area's CAAP and 8-hour ozone attainment demonstration for the EAC area will be addressed in a separate rulemaking.

**II. What Action Is EPA Taking?**

Today we are approving a revision to the Texas SIP under sections 110 and 116 of the Act. The revision includes a vehicle I/M program for Travis and Williamson Counties, within the Austin EAC area. The I/M rule revision is a control strategy that will assist the Austin EAC area in achieving reductions in emissions that contribute to the formation of ground-level ozone.

Vehicle I/M programs focus on reducing emissions of NO<sub>x</sub> and VOCs through automobile inspections that lead to repair and maintenance of vehicles covered by the program. While I/M programs are mandatory for certain ozone nonattainment areas under

section 182 of the Act, state and local governments may initiate I/M programs voluntarily in order to reduce emissions of NO<sub>x</sub> and VOCs from automobiles. Texas adopted rules in Chapter 114, Subchapter C for an I/M program that applies only in EAC areas where participation is requested by the participating county and the most populous municipality in the county. This EAC I/M program is distinct from the State's SIP-approved I/M program in Chapter 114, Subchapter B applicable to nonattainment areas. Resolutions requesting EAC I/M programs were approved and signed by Travis County on March 23, 2004, the City of Austin on March 25, 2004, Williamson County on March 23, 2004, and the City of Round Rock on March 25, 2004.

The I/M program we are approving today is being incorporated into the Texas SIP as part of the State's EAC control strategies to voluntarily reduce emissions of NO<sub>x</sub> and VOCs from automobiles in the Austin EAC area. Accordingly, this rule is not being approved pursuant to requirements set forth in EPA's final I/M rule at 40 CFR Part 51, Subpart S, but rather as a strengthening of the SIP. EPA's review of the material submitted indicates that the rule is approvable to achieve emission reductions within a range of those represented in the State's modeling study and attainment demonstration. EPA is approving the SIP revision as stated above, to include vehicle I/M for Travis and Williamson Counties.

**III. Final Action**

EPA is approving the vehicle I/M program for Travis and Williamson Counties and will incorporate this revision into the Texas SIP as a strengthening of the SIP. This revision will contribute to improvement in air quality and attainment of the 8-hour ozone NAAQS in the Austin EAC area. We have evaluated the State's submittal and have determined that it meets the applicable requirements of the CAA, is consistent with EPA policy and the EAC protocol.

**IV. Statutory and Executive Order Reviews**

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 and because this action will not have a significant, adverse effect on the supply, distribution, or use of energy, 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 under the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note), 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 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. 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 action is not a “major rule” as defined by 5 U.S.C. section 804(2).

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 October 7, 2005. 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 40 CFR Part 52**

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Volatile Organic Compounds, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: July 29, 2005.

**Richard E. Greene,**  
*Regional Administrator, Region 6.*

■ 40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

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

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

**Subpart SS—Texas**

■ 2. The table in § 52.2270(c) entitled “EPA Approved Regulations in the Texas SIP” is amended under Chapter 114, immediately following Section 114.53, by adding a new centered subchapter heading “Subchapter C—Vehicle Inspection and Maintenance; Low Income Vehicle Repair Assistance Retrofit, and Accelerated Vehicle Retirement Program; and Early Action Compact Counties,” immediately followed by a new centered heading “Division 3—Early Action Compact Counties,” immediately followed by new entries for Sections 114.80, 114.81, 114.82, 114.83, 114.84, 114.85, 114.86 and 114.87 to read as follows:

**§ 52.2270 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA APPROVED REGULATIONS IN THE TEXAS SIP**

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
*	*	*	*	*

**Chapter 114 (Reg 4)—Control of Air Pollution from Motor Vehicles**

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
* * * * *				
<i>Subchapter C—Vehicle Inspection and Maintenance; Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program; and Early Action Compact Counties Division 3: Early Action Compact Counties</i>				
Section 114.80 .....	Applicability .....	11/17/04	8/8/05 [Insert FR page number where document begins].	
Section 114.81 .....	Vehicle Emissions Inspection Requirements.	11/17/04	8/8/05 [Insert FR page number where document begins].	
Section 114.82 .....	Control Requirements .....	11/17/04	8/8/05 [Insert FR page number where document begins].	Subsection 114.82(b) is NOT part of the approved SIP.
Section 114.83 .....	Waivers and Extensions .....	11/17/04	8/8/05 [Insert FR page number where document begins].	
Section 114.84 .....	Prohibitions .....	11/17/04	8/8/05 [Insert FR page number where document begins].	
Section 114.85 .....	Equipment Evaluation Procedures for Vehicle Exhaust Gas Analyzers.	11/17/04	8/8/05 [Insert FR page number where document begins].	
Section 114.86 .....	Low Income Repair Assistance Program (LIRAP) for Participating Early Action Compact Counties.	11/17/04	8/8/05 [Insert FR page number where document begins].	
Section 114.87 .....	Inspection and Maintenance Fees	11/17/04	8/8/05 [Insert FR page number where document begins].	
* * * * *				

[FR Doc. 05-15607 Filed 8-5-05; 8:45 am]  
 BILLING CODE 6560-50-P

**LEGAL SERVICES CORPORATION**

**45 CFR Part 1611**

**Financial Eligibility**

**AGENCY:** Legal Services Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Legal Services Corporation (“LSC” or “Corporation”) is amending its regulations relating to financial eligibility for LSC-funded legal services and client retainer agreements. The revisions are intended to reorganize the regulation to make it easier to read and follow; simplify and streamline the requirements of the rule to ease administrative burdens faced by LSC recipients in implementing the regulation and to aid LSC in enforcement of the regulation; and to clarify the focus of the regulation on the financial eligibility of applicants for LSC-funded legal services.

**DATES:** This final rule is effective September 7, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mattie C. Condray, Senior Assistant General Counsel, Office of Legal Affairs, Legal Services Corporation, 3333 K. St., NW., Washington, DC 20007-3522; (202) 295-1624 (phone); (202) 337-6519 (fax); *mcondray@lsc.gov*. (e-mail).

**SUPPLEMENTARY INFORMATION:** Section 1007(a) of the Legal Services Corporation Act requires LSC to establish guidelines, including setting maximum income levels, for the determination of applicants’ financial eligibility for LSC-funded legal assistance. Part 1611 implements this provision, setting forth the requirements relating to determination and documentation of client financial eligibility. Part 1611 also sets forth requirements related to client retainer agreements.

**Procedural Background**

On June 30, 2001, LSC initiated a Negotiated Rulemaking and appointed a Working Group comprised of representatives of LSC (including the Office of Inspector General), the National Legal Aid and Defenders Association, the Center for Law and Social Policy, the American Bar Association’s Standing Committee on Legal Aid and Indigent Defendants and a number of individual LSC recipient programs. The Negotiated Rulemaking Working Group met three times throughout 2002 and developed a Draft Notice of Proposed Rulemaking (NPRM) which was the basis for the NPRM published by LSC on November 22, 2002 proposing significant revisions to

Part 1611 (67 FR 70376).<sup>1</sup> Further action on the rulemaking was suspended, in deference to a request by Representative James Sensenbrenner, Chairman of the U.S. House of Representatives Judiciary Committee, that LSC suspend action on the rulemaking pending the confirmation of new LSC Board of Directors members appointed by President Bush.

After the confirmation of nine new board members and the appointment of a new LSC President, the reconstituted Operations and Regulations Committee resumed consideration of the Part 1611 rulemaking in early 2004. At the meeting of the full Board of Directors on April 30, 2005, the Board approved the republication of a revised NPRM for public comment. That NPRM was published on May 24, 2005 (70 FR 29695).

LSC received thirteen (13) comments on the NPRM, including nine comments from individual LSC grant recipients, one comment from a senior attorney with a recipient commenting in his personal capacity, one comment from a member of the public, and comments from the Center for Law and Social Policy on behalf of the National Legal Aid and Defenders Association, and the American Bar Association’s Standing Committee on Legal Aid and Indigent

<sup>1</sup> For additional discussion of the Negotiated Rulemaking Working Group, see 67 FR 70376 (November 22, 2002).

Defendants. With minor exceptions (discussed in greater detail below), the commenters strongly supported the proposed revisions. Upon receipt of the comments, LSC prepared a Draft Final Rule discussing the comments and making permanent the proposed revisions. The Draft Final Rule was considered by the Operations and Regulations Committee of the Board of Directors at its meeting of July 28, 2005, and the Final Rule was adopted by the Board of Directors at its meeting of July 30, 2005.

### Revisions to Part 1611

While specific revisions are discussed in greater detail in the Section-by-Section analysis below, it should be noted that the revisions reflect several overall goals of the original Negotiated Rulemaking Working Group: Reorganization of the regulation to make it easier to read and follow; simplification and streamlining of the requirements of the rule to ease administrative burdens faced by LSC recipients in implementing the regulation, facilitate compliance and aid LSC in enforcement of the regulation; and clarification of the focus of the regulation on the financial eligibility of applicants for LSC-funded legal services as an issue separate from decisions on whether to accept a particular client for service. In particular, LSC is significantly reorganizing and simplifying the sections of the rule which set forth the various requirements relating to establishment of recipient annual income and asset ceilings, authorized exceptions and determinations of eligibility. These changes are intended to clarify the regulation and include substantive changes to make intake simpler and less burdensome and render basic financial eligibility determinations easier for recipients to make. LSC is also moving the existing provisions on group representation, with some amendment, to a separate section of the regulation. Finally, LSC is simplifying and clarifying the retainer agreement requirement.

### Title of Part 1611

LSC is changing the title of Part 1611 from "Eligibility" to "Financial Eligibility." This change is intended, first, to make clear that with respect to individuals seeking LSC-funded legal assistance, the standards of this part deal only with the financial eligibility of such persons. LSC believes this change will help clarify that a finding of financial eligibility under Part 1611 does not create an entitlement to service. Rather, financial eligibility is

merely a threshold question and the issue of whether any otherwise eligible applicant will be provided with legal assistance is a matter for the recipient to determine with reference to its priorities and resources. In addition, this part does not address eligibility based on citizenship or alienage status; those eligibility requirements are set forth in Part 1626 of LSC's regulations, Restrictions on Legal Assistance to Aliens. Finally, LSC received one comment suggesting that because this Part contains LSC's requirements pertaining to when and how recipients must execute retainer agreements with clients (a subject not directly related to financial eligibility determinations), that the title of this Part should refer to retainer agreements. While the requirements for retainer agreements are included in this Part, it primarily addresses financial eligibility and LSC disagrees that retainer agreements should be specifically included in the title of this Part.

### Section-by-Section Analysis

#### Section 1611.1—Purpose

LSC is revising this section to make clear that the standards of this part concern only the financial eligibility of persons seeking LSC-funded legal assistance and that a finding of financial eligibility under Part 1611 does not create an entitlement to service. In addition, LSC is removing the language in the current regulation referring to giving preferences to "those least able to obtain legal assistance." Although the original LSC Act contained language indicating that recipients should provide preferences in service to the poorest among applicants, that language was deleted when the Act was reauthorized in 1977 and has remained out of the legislation ever since. Moreover, section 504(a)(9) of the FY 1996 appropriations act, Public Law 104-134 (incorporated by reference in the current appropriations act and implemented by regulation at 45 CFR Part 1620) provides that recipients are to make service determinations in accordance with written priorities, which take into account factors other than the relative poverty among applicants. Thus, as there is no statutory basis for a preference for those least able to afford assistance and because LSC believes that the regulation should focus on financial eligibility determinations without reference to issues relating to determinations by a recipient to provide services to a particular applicant, LSC has determined that such language should be removed from the regulation. LSC is also adding language specifying

that this Part also sets forth financial standards for groups seeking legal assistance supported by LSC funds. Finally, LSC is adding a reference to the retainer agreement requirement in the purpose section to provide a notice at the beginning of the regulation that this subject is included in Part 1611. LSC received several comments specifically supporting and no comments objecting to these changes. LSC adopts the revisions as proposed.

#### Section 1611.2—Definitions

LSC is adding definitions for several terms and amending the definitions for each of the existing terms currently defined in the regulation. LSC believes that the new definitions and the amended definitions will help to make the regulation more easily comprehensible.

#### Section 1611.2(a)—Advice and Counsel

LSC is adding a definition of the term "advice and counsel" as that term appears in proposed section 1611.9, Retainer Agreements. Under the new definition, "advice and counsel" is defined as limited legal assistance that involves the review of information relevant to the client's legal problem(s) and counseling the client on the relevant law or action(s) to take to address the legal problem(s). Advice and counsel does not encompass drafting of documents or making third-party contacts on behalf of the client. Thus, for example, advising a client of what notice a landlord is required to provide to a tenant before evicting the tenant would fall under "advice and counsel," but making a phone call to a landlord to prevent the landlord from evicting a tenant would not be considered "advice and counsel." Several commenters specifically supported this proposed definition, and no commenters opposed the proposed definition. Accordingly, LSC adopts the definition as proposed.

Three of the commenters who specifically supported this proposed definition did express a concern, however, about the statement in the preamble to the NPRM in which LSC stated that LSC anticipates that advice and counsel will generally be characterized by a one-time or very short term relationship between the attorney and the client. These commenters noted that there are any number of situations in which a recipient attorney has to do some research in order to properly advise a client or in which the attorney provides advice and counsel to a client on a limited number of occasions, but over a somewhat extended period of time.

These commenters suggested deleting any reference to an anticipated time period in relation to the intended meaning of "advice and counsel."

The use of the word "generally" in the sentence the commenters objected to was intended to convey that LSC is aware that there are circumstances in which a case would qualify as "advice and counsel" notwithstanding that the advice and counsel may be provided over a somewhat extended time period. Nonetheless, it is the case that many, if not most, advice and counsel cases involve a short-term relationship between the attorney and the client. Even if the attorney must do some research prior to providing advice, LSC does not expect that the need to do research will create a relationship which extends for a significant period of time in most cases. Indeed, part of the justification for exempting advice and counsel cases from the retainer agreement requirement has been the fact that such relationships are of generally short duration, such that requiring the recipient to ensure an executed retainer agreement is obtained may take longer than the time it takes for the attorney to provide the advice and counsel to the client. If, instead, it was the case that advice and counsel cases typically last for a long time, the opportunity to obtain retainer agreements would not be lacking. Thus, LSC continues to anticipate that in most cases "advice and counsel" will be characterized by a one-time or short term relationship between the attorney and the client, but recognizes that this may not always be the case. Whether a particular case meets the definition of "advice and counsel" or not will continue to be determined on a case-by-case basis, considering the facts and circumstances.

#### Section 1611.2(b)—Applicable Rules of Professional Responsibility

LSC is adding a definition of the term "applicable rules of professional responsibility" as that term appears in proposed sections 1611.8, Change in Financial Eligibility Status and 1611.9, Retainer Agreements. This definition is intended to make clear that the references in the regulation refer to the rules of ethics and professional responsibility applicable to attorneys in the jurisdiction where the recipient either provides legal services or maintains its records. LSC received no comments objecting to this definition and adopts the definition as proposed.

#### Section 1611.2(c)—Applicant

Consistent with the intention to keep the focus of the regulation on the standards and criteria for determining

the financial eligibility of persons seeking legal assistance supported with LSC funds, LSC has decided to use the term "applicant" throughout the regulation to emphasize the distinction between applicants, clients, and persons seeking or receiving assistance supported by other than LSC funds. Accordingly, LSC is adding a definition of applicant providing that an applicant is an individual seeking legal assistance supported with LSC funds. Groups, corporations and associations are specifically excluded from this definition, as the eligibility of groups is addressed wholly within section 1611.6.

Recipients currently may provide legal assistance without regard to a person's financial eligibility under Part 1611 when the assistance is supported wholly by non-LSC funds. LSC is not changing this (in fact, this principle is restated in section 1611.4(a)) and believes that the use of the term applicant as adopted herein will help to clarify the application of the rule.

LSC received no comments objecting to these changes and adopts the revisions as proposed.

#### Section 1611.2(d)—Assets

LSC is adding a definition of the term assets to the regulation. The new definition, "cash or other resources that are readily convertible to cash, which are currently and actually available to the applicant," is intended to provide some guidance to recipients as to what is meant by the term assets, yet provide considerable latitude to recipients in developing a description of assets that addresses local concerns and conditions. The key concepts intended in this definition are (1) ready convertibility to cash; and (2) availability of the resource to the applicant.

Although the term is not defined in the regulation, current section 1611.6(c) states that "assets considered shall include all liquid and non-liquid assets \* \* \*". The intent of this requirement is that recipients are supposed to consider all assets upon which the applicant could draw in obtaining private legal assistance. While there was no intent to change the underlying requirement, in discussing the issues of assets and asset ceilings in the Working Group it became apparent that the terms "liquid" and "non-liquid" were obscuring understanding of the regulation. To some, the term "non-liquid" implied something not readily convertible to cash, while to others the term implied an asset that was simply something other than cash, without regard to the ease of converting the asset to cash. Thus, the Working Group agreed that

the terms "liquid" and "non-liquid" should be eliminated and that the regulation should focus instead on the ready convertibility of the asset to cash.

The other key concept in the definition of asset is the availability of the resource to the applicant. Although the current regulation notes that the recipient's asset guidelines "shall take into account impediments to an individual's access to assets of the family unit or household," the Working Group was of the opinion that this principle could be more clearly articulated. LSC believes that the proposed language accomplishes that purpose.

LSC received numerous comments specifically supporting the proposed definition of assets. LSC, however, also received one comment expressing concern that defining assets as resources "readily convertible to cash" could preclude recipients from deeming all non-primary residence real estate as an asset and require a more lengthy inquiry into the property's ready convertibility to cash. LSC notes at the outset that under the current rules, recipients are already required to "take into account impediments" to access to the resources. Thus, to the extent that the monetary value of a particular applicant's real property is not available to an applicant, recipients should already be taking that inaccessibility into account in reviewing the applicant's resources. Nonetheless, LSC believes that recipients currently have sufficient discretion to establish a rebuttable presumption that an applicant's non-primary residence real property is a resource readily convertible to cash and countable toward the recipient's asset ceiling and also to determine that a particular piece of property is not readily convertible to cash and, as such, should not be considered a resource available to the applicant for the purpose of the asset ceiling. Nothing in the rule being adopted today disturbs that discretion. Accordingly, LSC adopts the definition as proposed.

#### Section 1611.2(e)—Brief Services

LSC is adding a definition of the term "brief services" as it is used in section 1611.9, Retainer Agreements. LSC notes that brief services is legal assistance characterized primarily by being distinguishable from both extended service and advice and counsel. Under the new definition, brief service is the performance of a discrete task (or tasks) which are not incident to continuous representation in a case but which involve more than the mere provision of advice and counsel. Examples of brief

services include activities such as the drafting of documents or personalized assistance with the completion of pleadings being prepared and filed by pro se litigants, and making limited third-party contacts on behalf of a client over, in most instances, a short time period.

LSC received two comments specifically supporting the proposed definition. LSC received one comment noting that the proposed definition does not address the relative simplicity or brevity of documents which may be drafted by a recipient within the scope of brief service. This commenter was concerned that the definition was contrary to the Case Service Reporting (CSR) definition of "brief services." This commenter suggested changing the definition or adding a statement that the definition in the regulation should not apply to the CSR. LSC notes that this definition of "brief services" is, while not identical, specifically intended to be fully consistent with the definition of "brief services" in the CSR. As such, LSC disagrees that the definitions are inconsistent and LSC adopts the definition as proposed.

#### Section 1611.2(f)—Extended Service

LSC is adding a definition of the term "extended service" as that term is used in section 1611.9, Retainer Agreements. As defined, extended service means legal assistance characterized by the performance of multiple tasks incident to continuous representation in which the recipient undertakes responsibility for protecting or advancing the client's interests beyond advice and counsel or brief services. Examples of extended service include representation of a client in litigation, administrative adjudicative proceeding, alternate dispute resolution proceeding, or extended negotiations with a third party. LSC received no comments objecting to the proposed definition and adopts the definition as proposed.

#### Section 1611.2(f)—Governmental Program for Low Income Individuals or Families

LSC is changing the term that is used in the regulation from "governmental program for the poor" to "governmental program for low income individuals and families." This change is not intended to create any substantive change in the current definition, but merely reflect preferred nomenclature. LSC received no comments objecting to this change and adopts the revision as proposed.

#### Section 1611.2(g)—Governmental Program for Persons With Disabilities

LSC is adding a definition of the term "governmental program for persons with disabilities." LSC is including in the authorized exceptions to the annual income ceilings an exception relating to applicants seeking to obtain or maintain governmental benefits for persons with disabilities. Accordingly, it is appropriate to include a definition for this term. The definition, "any Federal, State or local program that provides benefits of any kind to persons whose eligibility is determined on the basis of mental and/or physical disability," is intended to be similar in structure and application to the definition of the term "governmental program for low income individuals and families." LSC received no comments objecting to the proposed definition and adopts the definition as proposed.

#### Section 1611.2(h)—Income

LSC is revising the current definition of income to refer to the total cash receipts of a "household," instead of a "family unit" and to make clear that recipients have the discretion to define the term household in any reasonable manner. Currently, the definition of income refers to "family unit," while the phrase "household or family unit" appears in the section on asset ceilings. It appears that there is no difference intended by the use of different terms in these sections and LSC believes that it is appropriate to simplify the regulation to use the same single term in each provision, without creating a substantive change in the meaning of either term. LSC has decided to use "household" instead of "family unit" because it is a simpler, more understandable term.

As noted above, LSC does not intend the use of the term "household" to have a different meaning from the current term "family unit." Under current guidance from the LSC Office of Legal Affairs, recipients have considerable latitude in defining the term "family unit." Specifically, OLA External Opinion No. EX-2000-1011 states:

Neither the LSC Act nor the LSC regulations define "family unit" for client eligibility purposes. The Corporation will defer to recipient determinations on this issue, within reason. Recipients may consider living arrangements, familial relationships, legal responsibility, financial responsibility or family unit definitions used by government benefits agencies, amongst other factors, in making such decisions.

LSC intends that this standard would also apply to definitions of "household" and the definition makes this clear.

LSC received one comment specifically supporting the change from "household or family unit" to "household." This commenter suggested that the change would provide "more flexibility" to recipients. LSC notes that the change in the terminology used in the regulation in this instance is not creating any substantive change. As noted above, recipients already have considerable discretion and flexibility to determine the scope of an applicant's household; the change in terminology being adopted with this final rule neither increases nor decreases that discretion and flexibility. LSC adopts the change in terminology as proposed.

Throughout the course of the rulemaking field representatives have suggested deleting the words "before taxes" from the definition of income. Five commenters reiterated this position in comments on the NPRM, while one commenter specifically opposed deleting "before taxes" from the definition of income. Such a change is desirable, the proponents contend, because automatically deducted taxes are not available for an applicant's use and the failure to take current taxes into account in determining income has an adverse impact on the working poor. While it is undoubtedly true that automatically deducted taxes are not available to an applicant, LSC agrees with the other commenter that the definition of income is not the appropriate place in the regulation to deal with this issue.

Taking the phrase "before taxes" out of the definition of income would effectively change the meaning of income from gross income to net income after taxes. The term income has meant gross income since the original adoption of the financial eligibility regulation in 1976. See 41 FR 51604, at 51606, November 23, 1976. The maximum income guidelines are based on the Department of Health and Human Services (DHHS) Federal Poverty Guidelines amounts. DHHS' Federal Poverty Guidelines are, by law, based on the Census Bureau's Federal Poverty Thresholds, which are calculated using gross income before taxes. 42 U.S.C. 9902(2); Office of Management and Budget Directive No. 14 (May 1978). Changing the definition of income effectively from gross to net after taxes would introduce two different uses of the term income into the regulations (one use in the income guidelines published annually by LSC in Appendix A to Part 1611 and another use in the text of the regulation). This is problematic in two ways.

First, with respect to the annual income ceiling limits, unilaterally changing the standard from gross to net income after taxes would arguably exceed LSC's authority. LSC is required by the LSC Act to set its maximum income guidelines in consultation with the Office of Management and Budget and the Governors of the states. 42 U.S.C. 2996f(a)(2)(A). The annual income ceiling agreed to by LSC, OMB and the Governors (set at 125% of the Federal Poverty Guidelines amounts) was arrived at based on gross income; changing to a net income after taxes standard would effectively increase the annual ceiling amounts beyond what was agreed. LSC is concerned that it could only undertake such an action in consultation with OMB and the Governors, which consultation has not happened.

Second, adopting a net income after taxes standard would, as one commenter noted, increase the upper income limit as well. This would have the effect of further increasing the potential eligible applicant pool. Although LSC believes that the slight increase in the eligible applicant pool which will result from increasing the upper income limit from 187.5% to 200% of the Federal Poverty Guidelines amounts is justifiable (see discussion of section 1611.5, below), LSC is concerned that an additional increase in the eligible applicant pool is not necessary to effectively deal with the practical problem that taxes, indeed, represent funds unavailable to the applicant.

It was suggested in several comments that adopting a net income after taxes standard is preferable because it would be easier for recipients as they would only have to consider "take home pay" in computing income at intake. However, as one commenter noted, take home pay is often not simply pay net of taxes; there are other deductions from gross pay which an applicant could have (e.g., 401(k) deductions, medical savings account deductions, insurance premium deductions, child support, garnishments). In such cases, the recipient would not be able to simply determine that income equaled take home pay, but would have to identify and add amounts for such deductions from gross pay back in when determining the applicant's income. In addition, some, but not all, of such other deductions from pay could qualify as factors under the allowable exceptions to the annual income ceiling amounts. LSC is concerned that this would add confusion in the income determination process, contrary to the intent of this rulemaking.

None of the comments supporting removal of "before taxes" from the definition of income addressed the problems discussed above. Moreover, LSC believes that the practical problem (that taxes, indeed, are funds unavailable to the applicant), is better addressed by treating taxes as a separate factor which can be considered by the recipient in making financial eligibility determinations. (This matter is presented in greater detail in the discussion of section 1611.5, below.) Further, although LSC does not consider defining income as gross income (rather than net after taxes) as presenting any "apparent preference" for non-working applicants, permitting current taxes to be a factor to be considered by the recipient in making financial eligibility determinations eliminates any such apparent preference that may be perceived as existing. Accordingly, LSC declines to remove the words "before taxes" from the definition of income.

In addition, LSC is moving the information on what is encompassed by the term "total cash receipts" into the definition of income. LSC believes that having this information in the definition of income, rather than in a separate definition will make the regulation easier to understand, particularly as the term "total cash receipts" is used only in the definition of income. In incorporating the language on "total cash receipts," LSC is retaining the current definition of the term without any substantive amendment, but reorganizing it to make it easier to understand. Specifically, LSC is separating the definition into two sentences, one of which sets forth those things which are included in total cash receipts and one which sets forth those things which are specifically excluded from the definition of total cash receipts. It is worth noting that the list of items included is not intended to be exhaustive, while the list of items to be excluded is intended to be exhaustive. LSC received no comments objecting to these changes and adopts the revisions as proposed.

Finally, LSC wishes to restate in this preamble guidance on the treatment of Indian trust fund monies in making income determinations. Several provisions of Federal law regulate whether or not income or interests in Indian trusts are taxable or should be considered as resources or income for federal benefits. See 25 U.S.C. 1407–1408; 25 U.S.C. 117a–117c. Under the terms of those laws, LSC has determined that recipients may disregard up to \$2000 per year of funds received by individual Native Americans that are derived from income or interests in

Indian trusts from being considered income for the purpose of determining financial eligibility of Native American applicants for service, and that such funds or interests of individual Native Americans in trust or restricted lands should not be considered as a resource for the purpose of LSC financial eligibility. See LSC Office of Legal Affairs External Opinion 99–17, August 27, 1999.

As noted in External Opinion 99–17, the exclusion applies only to funds and other interests held in trust by the federal government and investment income accrued therefrom. The following have been found to qualify for the exclusion from income in determining eligibility for various government benefits: income from the sale of timber from land held in trust; income derived from farming and ranching operations on reservation land held in trust by the federal government; income derived from rentals, royalties, and sales proceeds from natural resources of land held in trust; sales proceeds from crops grown on land held in trust; and use of land held in trust for grazing purposes. On the other hand, per capita distributions of revenues from gaming activity on tribal trust property are not protected because such funds are not held in trust by the federal government. Thus, such distributions are considered to be income for purposes of determining LSC financial eligibility.

#### Total Cash Receipts

LSC is deleting the definition of "total cash receipts," currently at section 1611.2(h), as a separately defined term in the regulation. Rather, LSC has reorganized the information contained in the definition and moved it directly into the definition of "income." As noted above, the only place the term "total cash receipts" is used is in the definition of "income" and LSC believes that having a separate definition for "total cash receipts" is cumbersome and unnecessary. LSC received no comments objecting to this change and adopts the revision as proposed.

#### Section 1611.3—Financial Eligibility Policies

LSC is creating a new section 1611.3, Financial Eligibility Policies, based on requirements currently found in sections 1611.5(a), 1611.3(a)–(c) and 1611.6. The comments generally supported these revisions, although LSC received a few comments suggesting some changes to what was proposed. LSC adopts the revisions as proposed, with certain amendments, as discussed below.

The new section 1611.3 addresses in one section recipients' responsibilities for adopting and implementing financial eligibility policies. Under the new section, the current requirement that recipients' governing bodies have to adopt policies for determining financial eligibility is retained. However, LSC is changing the current requirement for an annual review of these policies and instead will now require recipients' governing bodies to conduct triennial reviews of policies. The Working Group agreed that an annual review was unnecessary and has tended to result in rather pro forma reviews of policies. LSC believes that a triennial review requirement will be sufficient to ensure that financial eligibility policies remain relevant and will encourage a more thorough and thoughtful review when such review is undertaken. The section also adds an express requirement that recipients adopt implementing procedures. While this is already implicit in the current regulation, LSC believes it is preferable for this requirement to be expressly stated. Such implementing procedures may be adopted either by a recipient's governing body or by the recipient's management. LSC received several comments supporting these changes and no comments objecting to them. Accordingly, LSC adopts the revisions as proposed.

Section 1611.3 also contains certain minimum requirements for the content of recipient's financial eligibility policies. Specifically, LSC is requiring that the recipient's financial eligibility policy must:

- Specify that only applicants for service determined to be financially eligible under the policy may be further considered for LSC-funded service;
- Establish annual income ceilings of no more than 125% of the current DHHS Federal Poverty Guidelines amounts;
- Establish asset ceilings; and
- Specify that, notwithstanding any other provisions of the regulation or the recipient's financial eligibility policies, in assessing the financial eligibility of an individual known to be a victim of domestic violence, the recipient shall consider only the income and assets of the applicant and shall not consider any assets jointly held with the abuser.

In establishing income and asset ceilings, the recipient will have to consider the cost of living in the locality; the number of clients who can be served by the resources of recipient; the potentially eligible population at various ceilings; and the availability of other sources of legal assistance. With

respect to assets of domestic violence victims jointly held with their abusers, this requirement applies when the applicant has made the recipient aware that he or she is a victim of domestic violence.

In addition, this section permits recipients to adopt financial eligibility policies which provide for authorized exceptions to the annual income ceiling pursuant to section 1611.5 and for waiver of the asset ceiling for an applicant in a particular case under unusual circumstances and when approved by the Executive Director or his/her designee. Finally, LSC will permit recipients to adopt financial eligibility policies which permit financial eligibility to be established by reference to an applicant's receipt of benefits from a governmental program for low-income individuals or families consistent with section 1611.4(b).

These provisions are, with two exceptions, based directly on current requirements with a few substantive changes. First among the changes, recipients will no longer be required to routinely submit their asset ceilings to LSC. This requirement appears to serve little or no purpose, as compliance with this requirement has been spotty and LSC has taken no action to obtain the information from recipients which have not automatically submitted it. Moreover, the information collected is not being put to any routine use. In addition, LSC has not had a parallel requirement for the submission of income ceilings. LSC has determined that this requirement can be eliminated without any adverse effect on program compliance with or Corporation enforcement of the regulation. LSC received several comments supporting this change and no comments objecting to it. Accordingly, LSC adopts the revision as proposed.

Another substantive change is that recipients will be permitted to provide in their financial eligibility policies for the exclusion of (in addition to a primary residence, as provided for in the existing regulation) vehicles used for transportation, assets used in producing income (such as a farmer's tractor or a carpenter's tools) and other assets excluded from attachment under State or Federal law from the calculation of assets. In identifying other assets excluded from attachment under State or Federal law, LSC has in mind assets that are excluded from bankruptcy proceedings or other assets that may not be attached for the satisfaction of a debt, etc.

Most of the comments received reiterated the position that field representatives had expressed during

the Working Group discussions and in comments to the November 2002 NPRM, that the list of excludable assets should be illustrative, rather than exhaustive. The commenters argue that having an illustrative rather than an exhaustive list will provide recipients with greater flexibility in developing asset policies and note that many recipients already exclude certain other assets. Commenters alternatively suggested some specific assets be added to the list, such as household furnishings, computers, and such assets which are excluded from other governmental benefit programs for which the applicant is eligible. A few comments also specifically suggested that the exclusion for vehicles should not be limited to vehicles needed for work. One of these commenters noted that the Social Security Administration has recently changed its rules on eligibility for Supplemental Security Income (SSI) to exclude from an SSI applicant's assets one vehicle used for transportation, without specific regard to the particular transportation use (as was previously the case), provided it is not strictly a recreational vehicle such as a dune buggy. See 70 FR 6340, at 6342-43 (February 7, 2005).

LSC believes that some of the comments indicate that LSC was not clear in the NPRM about the relationship between the asset ceiling adopted by a recipient and the list of excludable items. Under the current regulation recipients are required to adopt asset ceilings based on the economy and the relative cost of living in the service area. Recipients are also to take into account special needs of the elderly, institutionalized and persons with disabilities, along with the reasonable equity value in work-related equipment used to provide income. Implicit in the requirement is the expectation that the recipient will set its ceiling at a level as to cover the value of such things as household furnishings, clothing and other personal affects of applicant (and members of applicant's households) and other such assets as applicants may reasonably be expected to have without liquidating in the attempt to secure legal assistance. Once the asset ceiling has been set, the recipient is expected to consider all of the applicant's assets against that ceiling, except for the value of a principle residence. The exclusion of a principle residence is intended to ensure that homeowners do not exceed the asset ceiling just on the value of the home.

With the NPRM, LSC proposed to allow recipients to exclude from the asset computation a limited number of

additional assets which would be likely to cause an applicant to exceed the applicable asset ceiling without liquidation of that or other significant household assets. As such, LSC continues to prefer to retain the approach in the current regulation in which the list of excludable assets is set forth in toto. LSC believes that this approach emphasizes the policy that most assets are to be considered and maintains a basic level of consistency nationally with respect to this issue. LSC continues to expect that recipients will set asset ceilings and asset ceiling waiver policies so as to permit applicants to have reasonable amounts of assets which will not count against them in eligibility determinations and believes that the new language does afford recipients some additional flexibility in developing asset ceilings, consistent with the policy articulated above particularly in light of the amendment to the asset ceiling waiver standard discussed below.

Turning to comments on the specific proposed excludable assets, LSC agrees that it is neither necessary nor desirable to restrict the exclusion for vehicles to those used for work only. There are many situations in which a vehicle is an applicant's only reliable, accessible method of transportation for vital life activities other than work, such as education and training activities, reaching medical appointments, grocery shopping, transporting children to school or activities, etc. As such, it is reasonable to consider such vehicles as among the significant assets that a recipient should be able to own and not have counted towards the applicant's applicable asset ceiling. Accordingly, LSC is amending the language in proposed 1611.2(d)(1) which read "vehicles required for work" and adopting instead the language "vehicles required for transportation." Under this formulation, the value of vehicles which are not used for transportation, such as vehicles used purely for recreational activities (e.g., dune buggies, golf carts, go-karts, and the like) would have to be included in determining whether an applicant's assets exceed the recipient's applicable asset ceiling.

LSC declines, however, to expand the list to include the exclusion of any assets excluded under benefits programs for low income persons for which the applicant is eligible. There are myriad benefit programs with a widely varying range of excludable assets. Some programs have relatively low asset ceilings, but exclude more assets from the calculation, while other programs exclude fewer assets, but have higher asset ceilings. If LSC were to include all

assets excludable under all benefits program for low-income individuals, the relative national consistency which LSC believes is important would be impeded. As noted above, LSC believes that the revised language does afford recipients sufficient additional flexibility in developing asset ceiling policies.

As noted above, LSC is changing the asset ceiling waiver standard slightly. The current regulation permits waiver in "unusual or extremely meritorious situations;" the new rule permits waiver in "unusual circumstances." The Working Group determined that the current language is unnecessarily stringent and that it is unclear what the difference is intended to be between "unusual" and "extremely meritorious." It was suggested in the Working Group that the standard should be "where appropriate." LSC, however, felt that the regulation should continue to reflect the policy that waivers of the asset ceilings should only be granted sparingly and not as a matter of course. The Working Group agreed that the revised language accomplishes this goal, while providing some additional appropriate discretion to recipients. In addition, where the current rule requires all waiver decisions to be made by the Executive Director, LSC proposed to permit those decisions to be made by the Executive Director or his/her designee. LSC believes it is important that a person in significant authority be involved in making asset ceiling waiver decisions, but recognizes that, especially as more recipients have consolidated and now serve larger areas, it is important for recipients to have the discretion to delegate certain authority to regional or branch office managers or directors to increase administrative efficiency. LSC received several comments supporting this change and no comments objecting to it. Accordingly, LSC adopts the revision as proposed.

The first totally new element is the language regarding victims of domestic violence. This new language implements LSC's FY 1998 appropriations law. Specifically, section 506 of that act provides:

In establishing the income or assets of an individual who is a victim of domestic violence, under section 1007(a)(2) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)), to determine if the individual is eligible for legal assistance, a recipient described in such section shall consider only the assets and income of the individual and shall not include any jointly held assets.

Public Law 105-119, 111 Stat. 2440 (November 26, 1997). Although this law has been in effect since 1997, it has never been formally incorporated into

Part 1611. Nevertheless, this provision of law applies regardless of whether it appears in the regulation. However, incorporating this language into the regulation is appropriate, particularly in light of the goal of this rulemaking to clarify the requirements relating to financial eligibility determinations.<sup>2</sup>

LSC received one comment asking whether this proposal means that the financial eligibility of an applicant who is the victim of domestic violence is to be determined solely on the basis of the applicant's income and assets, without regard to the income and assets of other members of the household (beyond the alleged perpetrator of the domestic violence). LSC intended that the income of the alleged perpetrator and assets jointly held by the applicant with the alleged perpetrator must be disregarded in assessing the financial eligibility of the applicant, but that income and assets not jointly held with the alleged perpetrator of other members of the household (as defined by the recipient) would have to be considered in the financial eligibility assessment. LSC acknowledges that the language of the statute (and LSC's originally proposed implementation thereof) could be read so as to suggest that only the applicant's individual income and assets may be counted. However, LSC believes that such a reading would require a substantive change to the financial eligibility requirements that Congress did not intend.

At the time of adoption of section 506, the regulation permitted recipients to take into account an applicant's ability to access certain assets (including assets of alleged perpetrators of domestic violence) and permitted recipients to consider the applicant's lack of access to the alleged perpetrator's income as an "other significant factor related to the inability to afford legal assistance." 45 CFR 1611.6(d); 1611.5(b)(1)(E). However, in some cases, the victim's household income including the income of the alleged perpetrator was above the upper income limit, such that the recipient was not able to even apply the "significant other factors" factor to make a determination of eligibility and in some cases there was a problem related to the extent to which the victim could access household assets over

<sup>2</sup> This point is demonstrated by the fact that LSC received one comment specifically supporting the implementation of section 506 into Part 1611 on the basis that the new language in 1611 would provide recipients with enhanced ability to provide legal assistance to victims of domestic violence. Rather, the incorporation of this statutory mandate into the regulation at this time does not create any substantive change in the authority and responsibility recipients have had with respect to this issue since 1997.

which the alleged perpetrator had joint control. Thus, the practical problem addressed by section 506 is that in many cases a victim of domestic violence cannot draw upon the income or assets of the alleged perpetrator (including jointly held assets) as a source of funds with which to obtain private legal assistance.

As the report language accompanying Public Law 105–119 notes, Congress was “aware that the current statute and regulations \* \* \* already provide for such determinations to be made” but “given concerns regarding access to the legal system for victims of domestic violence, the conferees have included this provision to provide greater clarity regarding this matter.” H. Rpt. 105–405, p. 186. This indicates that Congress did not intend to require significant changes to LSC’s regulations on financial eligibility, but rather only that Congress, in adopting section 506, wanted to ensure that the income and assets of the alleged perpetrator (which are generally under the control of the perpetrator and which the victim cannot readily access) not render the victim financially ineligible for legal assistance. As the regulation did not then provide for disregarding the income and assets of other members of the victim’s household not jointly held with the alleged perpetrator in the assessment of the victim’s financial eligibility, LSC does not believe Congress was attempting to change the general requirement that LSC consider the income and assets of other members of the victim’s household in making financial eligibility determinations as long as they are available to the victim.

In light of the foregoing, LSC is amending section 1611.3(e) to make this clearer by revising it to read:

Notwithstanding any other provision of this Part, or other provision of the recipient’s financial eligibility policies, every recipient shall specify as part of its financial eligibility policies that in assessing the income or assets of an applicant who is a victim of domestic violence, the recipient shall consider only the assets and income of the applicant and members of the applicant’s household other than those of the alleged perpetrator of the domestic violence and shall not include any assets held by the alleged perpetrator of the domestic violence, jointly held by the applicant with the alleged perpetrator of the domestic violence, or assets jointly held by any member of the applicant’s household with the alleged perpetrator of the domestic violence.

LSC also received a comment requesting clarification of whether the special rule applies in all cases involving a victim of domestic violence or only in cases in which the request for assistance is related to alleviating the

domestic violence or involves the perpetrator as an adverse party. Neither the statute (nor the accompanying report language) specify that the request for legal assistance must relate to alleviating the domestic violence or require the perpetrator to be an adverse party. As such, as noted above, the special rule applies at any time when the applicant has made the recipient aware that he or she is a victim of domestic violence. LSC does not find it likely that applicants who are victims of domestic violence identify themselves as such in seeking legal assistance in matters wholly unrelated to the domestic violence. However, if an applicant seeking assistance with an unrelated matter self-identifies as a victim, LSC believes that this would likely be done as a way of explaining why certain income and/or assets are unavailable for use in obtaining private legal assistance. As such, the rationale of the special rule would appear to be satisfied and recipients should have the ability to disregard the perpetrator’s income and assets (including jointly held assets) in such situations. LSC does not believe the risk that an applicant would self-identify as a domestic violence victim in order to circumvent the financial eligibility requirements is significant and is confident a recipient would explore the situation further if the recipient suspected the claims of the applicant were spurious.

Finally, LSC has decided to permit recipients to adopt financial eligibility policies which permit financial eligibility to be established by reference to an applicant’s receipt of benefits from a governmental program for low-income individuals or families consistent with section 1611.4(b). This issue is discussed in greater detail below.

#### *Section 1611.4—Financial Eligibility for Legal Assistance*

This section sets forth the basic requirement that recipients may provide legal assistance supported with LSC funds only to those individuals whom the recipient has determined are financially eligible for such assistance pursuant to their policies, consistent with this Part. This section also contains a statement that nothing in Part 1611 prohibits a recipient from providing legal assistance to an individual without regard to that individual’s income and assets if the legal assistance is supported wholly by funds from a source other than LSC (regardless of whether LSC funds were used as a match to obtain such other funds, as is the case with Title III or VOCA grant funds) and the assistance is otherwise permissible under applicable law and regulation.

This section further provides that a recipient may find an applicant to be financially eligible if the applicant’s assets are at or below the recipient’s applicable asset ceiling level (or the ceiling has been properly waived) and the applicant’s income is at or below the recipient’s applicable income ceiling, or if one or more of the authorized exceptions to the ceiling applies. These provisions are based on existing provisions found in sections 1611.3, 1611.4 and 1611.6. As revised, the new provisions do not represent a substantive change, but LSC believes having the basic statements as to who may be found to be financially eligible for assistance in one section makes the regulation much clearer. In addition, where the existing regulation uses a construction that speaks to when a recipient may provide legal assistance, the new language emphasizes the point that the requirements speak only to determinations of financial eligibility and not to decisions regarding whether or not to actually provide legal assistance. LSC received several comments supporting these changes and no comments opposing these changes. Accordingly, LSC adopts the revisions as proposed.

LSC is also incorporating into this section a significant substantive change to the regulation. Consistent with section 1611.3 as discussed above the regulation will now permit recipients to determine an applicant to be financially eligible because the applicant’s income is derived solely from a governmental program for low-income individuals or families, provided that the recipient’s governing body has determined that the income standards of the governmental program are at or below 125% of the Federal Poverty Guidelines amounts. For many recipients, a significant proportion of applicants rely on governmental benefits for low-income individuals and families as their sole source of income. In order to qualify for these benefits, such persons have already been screened by the agency providing the benefits (using an eligibility determination process that is at least as strict as the one required under LSC regulations) and determined to be financially eligible for those benefits. In Working Group discussions, many representatives of the field noted that if they could rely on the determinations made by these agencies without having to otherwise make an independent inquiry into financial eligibility, it would substantially ease the administrative burden involved in making financial eligibility determinations.

The Working Group also noted that current LSC practice permits recipients to determine that an applicant's assets are within the recipient's asset ceiling level without additional review if the applicant is receiving governmental benefits for low-income individuals and families, eligibility for which includes an asset test. Key to this practice is that the recipient's governing body has to take some identifiable action to recognize the asset test of the governmental benefit program being relied upon. This ensures that the eligibility standards of the governmental program have been carefully considered and are incorporated into the overall financial eligibility policies adopted and regularly reviewed by the recipient's governing body. As this practice has proved efficient and effective, it was determined that a parallel process could also be adopted for income screening and that these practices should be expressly included in the regulations. It is important to note that this provision would only apply to applicants whose sole source of income is derived from such benefits. Applicants who also have income derived from other sources would be subject to an independent inquiry and assessment of financial eligibility.

LSC received several comments supporting these changes and one comment suggesting expanding this authority to permit recipients to make a determination that an applicant is financially eligible on the basis of receipt of governmental benefits for low income persons even when the applicant has another source of income, provided that the applicant's additional income was counted in determining eligibility for a governmental benefit program for low income persons (such as supplemental security income (SSI), in which the benefit is decreased as an offset to the other income). LSC is concerned that in such situations it cannot be guaranteed that an applicant's income would of necessity remain below the recipient's applicable income ceiling. The SSI program, for example, does not offset all other income dollar for dollar. Thus, an individual living alone whose income is solely derived from SSI will have an income of \$579/month, while an individual living alone receiving Social Security income of \$99 will receive an SSI payment of \$500/month, for a total income of \$599/month, and an individual living alone, with a monthly earned income of \$317 and a state governmental benefit payment of \$15/month, will receive an SSI benefit of \$463/month, for a total monthly income of \$795/month. See,

Understanding Supplemental Security Income, Social Security Administration Web site, <http://www.ssa.gov/notices/supplemental-security-income/text-income-ussi.htm>. With the streamlined financial eligibility determination requirements LSC is adopting, LSC believes that performing a full financial eligibility screen on persons having income derived from sources in addition to governmental benefits for low income persons does not present an undue administrative burden and is necessary to ensure that only those who meet the recipient's financial eligibility criteria (based on applicable LSC laws and regulations) are determined to be financially eligible for LSC-funded legal assistance. Accordingly, LSC declines to expand the scope of § 1611.4(c) and adopts the revisions as proposed.

LSC received one additional comment about the basic financial eligibility criteria for LSC-funded legal assistance. This commenter suggested that the determination of an applicant's financial eligibility be conditioned somehow upon the financial circumstances of the adverse party(ies) with whom the applicant has the problem for which the legal assistance is sought. LSC's financial eligibility requirements are based upon the statutory mandate that the eligibility of clients be based upon the assets and income of the applicant, the fixed debts, medical expenses and other factors which affect the applicant's ability to afford legal assistance, and the cost of living in the locality. See 42 U.S.C. 2996f(a)(2)(B). With the exception of the cost of living in the locality, all of the criteria set forth in the LSC Act relate to the ability of the applicant to afford legal assistance. There is no suggestion in either the Act itself or in its legislative history, that the financial circumstances of adverse parties are at all relevant to the determination of an financial eligibility of the applicant. Moreover, LSC believes that conditioning a determination of financial eligibility upon the financial situation of adverse parties would unfairly discriminate against some persons who are otherwise unable to afford private legal assistance and would be inconsistent with LSC statutory mission of fostering equal access to justice. See 42 U.S.C. 2996. Accordingly, LSC declines to add as a criteria for determining financial eligibility an assessment of the financial situation of potential or actual adverse parties.<sup>3</sup>

<sup>3</sup> This commenter also suggested that LSC adopt requirements relating to the regular sharing among the various parties to a case of information about

#### *Section 1611.5—Authorized Exceptions to the Annual Income Ceiling*

This section provides for authorized exceptions to the annual income ceiling. The language, like the current language of sections 1611.4 and 1611.5, on which it is based, is permissive. A recipient is at liberty to include some, none, or all of the authorized exceptions discussed below in its financial eligibility policies. Thus, to the extent a recipient chooses to avail itself of the authority provided in this section, a recipient is permitted to determine a particular applicant is financially eligible for assistance, notwithstanding that the applicant's income is in excess of the recipient's applicable income ceiling, if the applicant's situation fits within one or more of the authorized exceptions. In making such determinations, however, the recipient will also have to determine that the applicant's assets are at or below the recipient's applicable asset ceiling (or the ceiling would have had to have been waived). This requirement is consistent with the current regulation, but is affirmatively stated for greater clarity. LSC received one comment specifically supporting this clarification and LSC adopts the language as proposed.

Under the revised section, there are two situations in which an applicant's income could exceed the recipient's income ceiling without an absolute upper limit: (1) Where the applicant is seeking to maintain governmental benefits for low-income individuals and families; and (2) where the executive director (or his/her designee) determines, on the basis of documentation received by the recipient, that the applicant's income is primarily committed to medical or nursing home expenses and, in considering only that portion of the applicant's income which is not so committed, the applicant would otherwise be financially eligible.

The first instance represents a new addition to the regulation. Currently, an applicant seeking to obtain governmental benefits for low income persons may be deemed financially eligible if the applicant's income does not exceed 150% of the LSC national eligibility level. The existing regulation, however, does not specifically address applicants seeking to maintain such benefits. Thus, under the current regulation, an applicant whose income

costs expended by all parties (including hours and costs for attorney time) during the course of a recipient's representation of a client. This suggestion does not address financial eligibility determinations or the retainer agreement requirements. As such, it is outside the scope of this rulemaking and is not further addressed.

is over the income ceiling but under 150% of the LSC national eligibility level may be deemed financially eligible for assistance in obtaining benefits, but not for assistance in maintaining them. Thus, the applicant seeking assistance to maintain benefits would have to be turned down, but that same applicant could then be found financially eligible for assistance to re-obtain such benefits once the benefits were lost.

Accordingly, LSC is addressing this problem in the regulation. However, unlike the situation in obtaining the benefits, in seeking to maintain benefits LSC considers an upper limit on income unnecessary since in such cases the applicant's income will necessarily be rather limited (for the applicant to have been eligible in the first place for the benefits he or she is seeking to maintain). LSC received several comments supporting these changes and no comments opposing them. Accordingly, LSC adopts the revisions as proposed.

The second instance is taken from section 1611.5(b)(1)(B) of the current regulation addressing instances in which the applicant's income is primarily devoted to medical or nursing home expenses and does not represent a substantive change in the current regulation. LSC is now specifying in the regulation, however, that in such cases the recipient is required to make a determination of financial eligibility with regard to the applicant's remaining income. The existing regulation could be read to permit an applicant with an income of \$300,000 to be deemed financially eligible if \$250,000 of the income is devoted to nursing home expenses, notwithstanding that the applicant's remaining income is \$50,000—substantially in excess of the income ceiling. This situation is not intended, and, indeed, LSC has no reason to believe recipients are serving such persons. However, consistent with the overall goal of clarifying the regulation, LSC believes that a requirement that an applicant must be otherwise financially eligible considering only that portion of the applicant's income which is not devoted to medical or nursing home expenses should be clearly set forth in the regulation.

LSC received several comments generally supporting this change (and none opposing it) but asking LSC to delete the requirement that the determination that the applicant's income is primarily committed to medical or nursing home expenses be made by the Executive Director or his/her designee. These commenters argued that removing this requirement would

afford recipients greater administrative flexibility in making financial eligibility determinations. The existing rule, however, does require that the Executive Director make determinations regarding whether an applicant's income is primarily committed to medical or nursing home expenses. LSC believes it is important to continue this requirement in this instance because a recipient is making a determination of financial eligibility for an applicant whose income exceeds the otherwise absolute upper limit of the income ceiling, and such a determination should be made by a person in significant authority.<sup>4</sup> This is similar to the LSC view regarding decisions to waive the asset ceiling. LSC does understand, however, that it is important for recipients to have the discretion to delegate certain authority to regional or branch office managers or directors to increase administrative efficiency. This is why LSC proposed broadening the existing rule to permit the Executive Director to designate a responsible individual to make such determinations. LSC believes that this approach provides additional administrative flexibility to recipients yet is consistent with the underlying policy. Accordingly, LSC adopts the revision as proposed.

LSC is also permitting exceptions for certain situations in which the applicant's income is in excess of the recipient's applicable income ceiling, but does not exceed 200% of the applicable Federal Poverty Guidelines amount. At the outset, LSC notes that this section changes the current upper income limit of 150% of the LSC national income guidelines amount, which is 150% of 125% of the Federal Poverty Guidelines amounts, or 187.5% of the Federal Poverty Guidelines amounts. Under the new regulation, the maximum upper limit increases to 200% of the Federal Poverty Guidelines amounts. Consequently, recipients will be able to consider applicants having slightly higher incomes than was previously possible. (For example, the 2005 LSC income guideline for a applicant in a three member household in the 48 contiguous states and the District of Columbia is \$20,113. Under the existing rule, the maximum upper

income limit for an applicant with a three member household is \$30,170; under the new rule the maximum income limit for that household will be \$32,180.) This action will slightly increase the pool of potential applicants for service. However, LSC believes that this slight increase in the eligible applicant pool will not have a negative impact on the quantity or quality of services delivered. Rather, this change recognizes the changing demographic of the legal services client base, which now increasingly includes the working poor. Moreover, amending the rule to increase the upper limit to 200% of the Federal Poverty Guidelines amounts will further simplify the regulation, which will aid grantees and their staff in making financial eligibility determinations. LSC received several comments strongly supporting this change, including one comment which noted that the change will allow for significant improvement in facilitating service collaboration and referrals among LSC and non-LSC service providers in many states because 200% of the Federal Poverty Guidelines amounts is used as an upper limit for income eligibility for a wide variety of programs providing services to low income persons. LSC received no comments opposing this change. LSC accordingly adopts this revision as proposed.

Turning to the exceptions, LSC is retaining the current exception for individuals seeking to obtain governmental benefits for low-income individuals and families. Second, LSC is adding an exception for individuals seeking to obtain or maintain governmental benefits for persons with mental and/or physical disabilities. Many disability benefit programs provide only subsistence support and those individuals should be treated the same way as those seeking to obtain benefits available on the basis of financial need. However, many persons with disabilities who are eligible for disability benefits may not be particularly economically disadvantaged and should not be eligible for legal assistance simply by virtue of eligibility for such disability benefits. Therefore, those applicants must have incomes below 200% of the applicable poverty level in order to be considered financially eligible for LSC-funded services. LSC received several comments supporting these provisions and no comments opposing them. Accordingly, LSC adopts these exceptions as proposed.

Finally, the revised regulation maintains the current authorized exceptions found in the factors listed in

<sup>4</sup> This situation is distinguishable from the other exception to the absolute income limit relating to applicants seeking to maintain governmental benefits for low income persons. As noted above, in those instances, the applicant's income will already be rather limited, even if exceeding the absolute income ceiling. In the medical/nursing home expenses situation, this may not be the case and the applicant's income may be considerably in excess of the ceiling.

current section 1611.5. Specifically, the recipient will be permitted to determine an applicant whose income is below 200% of the applicable Federal Poverty Guidelines amount to be financially eligible for legal assistance supported with LSC funds based on one or more enumerated factors that affect the applicant's ability to afford legal assistance. As in the current regulation, recipients will not be required to apply these factors in a "spend down" fashion. That is, although recipients are permitted to do so, they are not required to determine that, after deducting the allowable expenses, the applicant's income is below the applicable income ceiling before determining the applicant to be financially eligible. The regulation is also amended to clarify that the factors apply to the applicant and members of the applicant's household. The factors proposed are identical to the ones in the current regulation, with the following exceptions:

- The factor relating to medical expenses is restated to make clear that it refers only to unreimbursed medical expenses, but that medical insurance premiums are included;
- The factor relating to employment expenses is reorganized for clarity and would expressly include expenses related to job training or educational activities in preparation for employment;
- The factor relating to expenses associated with age or disability no longer refers to resident members of the family as a reference to the applicant or members of the applicant's household has been incorporated elsewhere in this section of the regulation;
- The factor relating to fixed debts and obligations is amended to read only "fixed debts and obligations;"
- A new factor, "current taxes" is added to the list.

With regard to "fixed debts and obligations," the current regulation provides little guidance as to what is meant by this term, except to specifically include unpaid taxes from prior years. LSC has decided to simply use the term "fixed debts and obligations," while providing guidance in the preamble as to what is encompassed by the term. LSC believes that this approach will provide recipients with flexibility in applying the rule, while providing more guidance than could easily be contained in regulatory text.

Prior guidance from the LSC Office of Legal Affairs has stated that, "in the absence of any regulatory definition or guidance as to the meaning of 'fixed debts and obligations,' the common meaning of the term applies" and that

it encompasses debts fixed as to both time and amount. See Letter of November 1, 1993 from J. Kelly Martin, LSC Assistant General Counsel, to Stephen St. Hilaire, Executive Director, Camden Regional Legal Services, Inc. Examples of such "fixed debts and obligations" would include mortgage payments, rent, child support, alimony, business equipment loan payments, and unpaid taxes from prior years. LSC intends that this term also include rent in addition to mortgage payments. Previous OLA opinions have addressed mortgage payments but not rent and rent has, heretofore, not been considered a fixed debt. LSC now sees no rational distinction between the two for the purposes of this regulation; in addition, LSC received several comments supporting the inclusion of rent as a fixed debt or obligation and no comments opposed. Therefore LSC will treat rent and mortgage expenses in a similar manner.

The term "fixed debts and obligations," however, is not without limit. It is not intended to include expenses, such as food costs, utilities, credit card debt, etc. These types of debts are usually not fixed as to time and amount. The Working Group considered whether there were additional factors which should be enumerated in this section and several members of the Working Group proposed adding other factors, such as utilities, to the list. Several commenters supported adding utilities to the overall list of factors. Although, as the commenters note, applicants must pay for some measure of utilities, the same can be said for clothing and food, which are also certainly basic necessary expenses. However, these sorts of costs have never been covered by the types of expenses which recipients are generally permitted to consider in determining the ability of an applicant to afford legal assistance. With the exception of housing expenses (which fall under the heading of fixed debts and obligations, a category which does not generally include utilities because utility bills are not typically fixed as to time and amount), the other factors represent expenses for items which may not be particularly extraordinary, but which are for things other than the most basic necessities. Accordingly, LSC declines to add utilities to the list of fixed debts and obligations.

Related to the treatment of utilities, two commenters supported the idea LSC clarify that recipients have the flexibility to consider unusually high utility costs as an "other significant factor" under section 1611.5(a)(vii). LSC agrees that, under certain unusual

circumstances, utility bills could be considered an "other significant factor" affecting an applicant's ability to afford legal assistance. LSC does not intend that section 1611.5(a)(vii) be used to routinely consider applicants' utility costs. This is true even if utility costs are typically high for an applicant because, for example, the applicant lives in a very hot or very cold area of the country. However, there may be circumstances in which an area of the country suffers a period of unusually hot or cold weather, or perhaps a discreet time period in which heating oil or gas prices are significantly higher than the normal range of prevailing prices. In addition, an individual applicant may have unusually high utility bills because of a malfunctioning furnace or some other problem with their home that they cannot get their landlord to fix or that they cannot afford to fix themselves. In such unusual circumstances, it could be appropriate for a recipient to take into account the extra amount of utility costs incurred by an applicant as an "other significant factor" in making a financial eligibility determination.

As noted above, another issue is whether to include current taxes within the scope of the term "fixed debts and obligations." Prior to 1983, Part 1611 included current taxes along with past due unpaid taxes as a fixed debt. When the regulation was changed in 1983, the reference to taxes was amended to refer only to unpaid prior year taxes. This change was justified on the basis that the 1611.5 factors were intended to account only for "special circumstances" affecting the ability to afford legal assistance. See 48 FR 54201 at 54203 (November 30, 1983). However, given that other types of expenses included in the list do not seem to be particularly "special" (e.g., mortgage payments; child care expenses), LSC no longer finds this explanation persuasive. Rather, LSC believes that the exclusion of current taxes, but not prior unpaid taxes, from the list of factors which recipients' may consider under exceptions to the income ceiling has the effect of punishing those persons who are in compliance with the law in favor of persons who are delinquent in their legal responsibility to pay taxes. Moreover, as noted above, applicants for legal services are increasingly the working poor. Excluding current taxes has a disproportionate effect on applicants who work versus applicants who do not work. Consequently, in the November 2002 NPRM, LSC proposed including current taxes within scope of

the term “fixed debts and obligations” (as they had been prior to 1983).

When the Operations and Regulations Committee once again addressed this issue, field representatives reiterated their recommendation that the term “income” should be defined as income after taxes. LSC continues to believe, as noted above, that effectively defining income as net income, while the LSC income guidelines (and the underlying DHHS Federal Poverty Guidelines amounts on which the LSC guidelines are based) are calculated on the basis of gross income would make the regulation internally inconsistent. Rather, LSC believes that considering taxes as a factor which can be considered by the recipient in making financial eligibility determinations addresses the practical problem raised by the commenters. However, the Committee considered current taxes as a fundamentally different kind of expense than the other expenses falling within the scope of “fixed debts or obligations.” Instead, the Committee recommended, and the Board agreed, that current taxes should be a separate category of authorized exception to the annual income ceiling. Accordingly, LSC proposed adding a new subsection (iv) to section 1611.5(a)(4) and specifically invited comment on the proposed addition of an authorized exception for current taxes and on the appropriate scope and specific terminology which LSC should use to describe and define this proposed exception.

LSC received numerous comments reiterating the position that “income” should be defined as net after taxes, but that in the alternative (should LSC retain income as gross income) supported the proposal to include current taxes as a separate factor which recipients may consider as an authorized exception to the income ceiling. The one comment LSC received supporting LSC’s proposal to retain the phrase “before taxes” in the definition of income expressly supported also treating current taxes as a separate factor which recipients may consider as an authorized exception to the income ceiling. All of these commenters also supported including a discussion in the preamble of what taxes should be included in the scope of the term “current taxes” rather than specifying a particular list in the text of the regulation. LSC agrees that such an approach is preferable. LSC believes that permitting some flexibility in the scope of the term “current taxes” is appropriate and in keeping with the intent of this rulemaking, although LSC also believes that the term “current taxes” should not be without limits.

Thus, LSC intends that “current taxes” should include local, State and Federal income and employment taxes, Social Security and Medicare taxes, and local property taxes (including special property tax assessments) but not sales taxes or excise fees, such as airline ticket fees, hotel occupancy taxes, gas taxes, cigarette taxes, etc. Past tax debts, having become fixed debts owing, remain a fixed debt or obligation which recipients may consider under that factor.

#### *Section 1611.6—Representation of Groups*

The eligibility of groups for legal assistance supported with LSC funds was a subject of extensive discussion among both the members of the Working Group and at the 2004 and 2005 meetings of the current Operations and Regulations Committee. Prior to 1983, the regulation permitted representation of groups that were either primarily composed of eligible persons, or which had as their primary purpose the furtherance of the interests of persons in the community unable to afford legal assistance. In 1983, the regulation was amended to preclude the use of LSC funds for the representation of groups unless they were composed primarily of individuals financially eligible for service.

During the Working Group meetings, representatives from the field proposed that LSC revise the regulation to once again permit the representation of groups which, although not primarily composed of eligible persons, have as a primary function the delivery of services to, or furtherance of the interests of, persons in the community unable to afford legal assistance. Examples of such a group might be a food bank or a rural community development corporation working to develop affordable housing in an isolated community. Field representatives noted that in such cases, there may not be local counsel willing to provide pro bono representation and that the group might not otherwise be able to afford private counsel. Further, the field representatives noted that restricting recipients to representing with LSC funds only those groups primarily composed of eligible individuals prevents them from providing legal assistance in the most efficient manner possible as other groups may be better able to accomplish results benefitting more members of the eligible community than would representation of eligible individuals or groups composed primarily of such individuals. Field representatives also noted that the rule requires that the

group would have to provide information showing that it lacks and has no means of obtaining the funds to retain private counsel, so that the rule would not permit representation of well funded groups.

The LSC representatives were concerned that allowing the use of LSC funds to support the representation of groups not composed primarily of eligible clients would be problematic. In the examples given, the “primary function” of the group is easily discernable. It may be, however, that there is or can be a wide variety of opinion on what the “primary function” of any group is and on what is “in the interests” of the eligible client community. The LSC representatives were concerned that the risk and effort related to articulating and enforcing a necessarily subjective standard would be inappropriate. Rather, LSC representatives were of the opinion that already scarce legal services resources would be better devoted to providing assistance to eligible individuals or groups of eligible individuals. In the end, the Working Group did not achieve consensus on this issue and the Draft NPRM did not propose to permit the representation of groups other than those primarily composed of eligible individuals.

In its deliberations on the Draft NPRM, the prior Board’s Operations and Regulations Committee acknowledged the legitimacy of the concerns of the LSC representatives, but determined that the value of permitting the representation of groups having a primary function of providing services to, or furthering the interests of, those who would be financially eligible outweighed any risks attendant upon such representation. In approving the recommendation of the Committee, the Board directed that the Draft NPRM be amended to propose permitting such representation (including any conforming amendments necessary) prior to publication of the NPRM for comment. The NPRM published in November 2002 reflected this direction.

When the new Operations and Regulations Committee considered this issue, field representatives once again supported changing the regulation to permit the representation of groups having as their primary function the provision of services to, or furthering the interests of, those who would be financially eligible (providing the group could demonstrate its inability to afford to retain private counsel), while LSC Management initially once again supported permitting only the representation of groups primarily composed of eligible individuals.

However, upon further reflection and consideration of the arguments made by the field and the comments made by members of the Operations and Regulation Committee, LSC Management ultimately recommended that the regulation could be broadened to permit the representation, in addition to groups primarily composed of eligible individuals, groups which have as a primary activity the delivery of services to persons who would be eligible. Management continued to recommend that the regulation not permit the representation of groups whose primary activity is the "furtherance of the interests of" persons who would be eligible.

The Board agreed that permitting LSC recipients to use LSC funds for the representation of groups which provide services to low income persons is consistent with the LSC mission and could be an efficient use of LSC resources, provided that the legal assistance is related to the services the group provides. The Board also agreed that extending the permissible use of LSC funds for the representation of groups whose primary activity is the "furtherance of the interests of" low income persons would not be appropriate because of the necessarily subjective nature of determining what is in the "furtherance of the interests of" low income persons.

Accordingly, LSC proposed to permit a recipient to provide legal assistance supported with LSC funds to a group, corporation, association or other entity if the recipient has determined that the group, corporation, association or other entity lacks and has no practical means of obtaining private counsel in the matter for which representation is sought and either:

(1) The group, or for a non-membership group, the organizing or operating body of the group, is primarily composed of individuals who would be financially eligible for legal assistance under the Act; or

(2) The group has as a principal activity the delivery of services to those persons in the community who would be financially eligible for LSC-funded legal assistance and the legal assistance sought relates to such activity.

Under the proposal, any group seeking LSC-funded legal assistance would have to lack, and have no practical means of obtaining, the funds to obtain private counsel. LSC received no comments opposing this proposal and adopts it as proposed. LSC notes that there are instances in which a group without funds to pay for private legal counsel may, nonetheless, be able to obtain pro bono private counsel,

although there are many instances in which no such pro bono private counsel is available. LSC understands that recipients currently take into account the availability of pro bono private counsel when determining whether to accept an eligible group as a client. LSC expects that this practice will continue.

Proposed subsection (1) above, relating to the eligibility and representation of groups composed primarily of eligible individuals, represents the practice under the current section 1611.5(c). The new rule is intended to have the same interpretation of "primarily composed" that has developed and been adopted in practice over the years since 1983. In the case of membership groups, at least a majority of the members would have to be individuals who would be financially eligible; in the case of non-membership groups, at least a majority of members of the governing body would have to be individuals who would be financially eligible. LSC received no comments opposing this proposal and adopts it as proposed.

The latter instance (proposed subsection (2), above) represents a variation on one of the situations permitted by the pre-1983 rule, although the language has been revised to focus on "principal activity" rather than "primary purpose" (or "primary activity") and the rule permits only the representation of groups which have as a principal activity the delivery of services to low income persons. Limiting permissible representation to groups which have as a "principal activity" the provision of services to low income persons and the exclusion of groups which act in the "furtherance of the interest of the poor" are intended to make the analysis required in determining the permissibility of the representation more objective.

All but one of the comments strongly supported the addition of groups having as a principal activity the delivery of services to those persons in the community who would be financially eligible for legal assistance.<sup>5</sup> The commenters stated that this change, if adopted, will provide recipients with much needed flexibility to address pressing legal needs of low income persons in their communities. One comment noted in particular that providing legal assistance to human services organizations results in positive benefits to thousands of low income individuals and is generally very much supported by local communities. Examples cited by the commenter

<sup>5</sup> The remaining comment did not address this aspect of the proposed rule.

include helping a domestic violence shelter keep its residents' information confidential and providing legal assistance in the creation of an indigent health care plan providing free medical services to low income persons.

Although the Office of Inspector General (OIG) did not file separate comments on the NPRM, the OIG has previously raised a question as to whether permitting the representation of groups not comprised of eligible clients is problematic because, in its view, neither the LSC Act itself nor the legislative history endorse the premise that LSC may permit the representation of groups that are not composed of eligible clients. Although LSC appreciates the OIG's comments, LSC believes that the proposed regulatory requirements are consistent with the applicable laws. The LSC Act, on its face, does not prohibit the representation of groups other than those composed of otherwise eligible individuals. The Act only speaks to "eligible clients" and there is nothing in the text of the Act which suggests that a group which has as its principal activity the provision of services to persons who would be eligible for LSC-funded legal assistance is necessarily excluded from the scope of the term "eligible clients." In addition, LSC believes that the legislative history of the Act and the 1977 LSC Act amendments is not dispositive on the issue of whether the statute was intended to prohibit the representation of groups other than those comprised of eligible individuals. Rather, support for the notion that Congress contemplated the provision of legal assistance to groups providing services to eligible clients can be seen in the comments Senator Riegle made in discussing an amendment relating to the prohibition by recipients on organizing:

A similar clarification is made in section 9(c) [of the Senate Reauthorization Bill] regarding the prohibition on organizing activities. Legal Services should not directly organize groups. *However*, it should provide full representation, education and outreach to those organized groups who are made up of *or which represent* eligible clients.

Congressional Record of October 10, 1977, p. S 16804. (emphasis added).

Accordingly, LSC is adopting the proposal to permit recipients to provide legal assistance to groups having as a principal activity the delivery of services to those persons who would be eligible for LSC-funded legal assistance. In addition, LSC is adopting the proposed further limitation that the legal assistance must be related to the services delivered by the group. One commenter objected to this limitation.

This commenter stated that legal assistance in an unrelated matter could have a significant impact on an organization's ability to provide its services. LSC notes that although there may be instances in which an unrelated legal matter could ultimately have an impact on the group's delivery of services, LSC believes that this limitation is important. LSC believes that this limitation, along with the limitation relating to the group's "principal activity," will avoid creating a potential situation whereby recipients might feel free to undertake broad based social change activities, but will permit recipients to provide legal assistance that will enable a group to pursue its goals of service to the eligible client community. LSC believes that these limitations will help ensure that LSC funds will be used to provide financially eligible groups with the day-to-day legal services which are the hallmark of LSC-funded legal assistance. Finally, LSC notes that if a recipient wishes to provide legal assistance to a group whose principal activity is the delivery of services to low income persons in a legal matter not related to that service, the recipient may provide that legal assistance with non-LSC funds, provided the legal assistance is otherwise permissible under applicable law and regulations.

LSC is adding a provision to the regulation specifying the manner of determining the eligibility of groups. Although the practice has been that recipients must collect information that reasonably demonstrates that the group meets the eligibility requirements set forth in the regulation, standards for determining and documenting the eligibility of groups has not previously been specifically addressed in the regulation. LSC Management does not believe that recipients are representing ineligible groups, but the Working Group was nevertheless in agreement that it is important and appropriate for the regulation to expressly state the Corporation's expectations in this area. The November 2002 NPRM would have required a recipient to collect information reasonably demonstrating that the group meets the eligibility requirements set forth in the regulation.

In written comments filed in response to the November 2002 NPRM, and again in the course of the new Operations and Regulation Committee's 2004 and 2005 deliberations, the OIG expressed concern that the proposed rule should provide eligibility criteria sufficient to ensure that groups seeking LSC-funded legal assistance qualify for such legal assistance and should require grantees to retain adequate documentation of

such group eligibility. Although LSC believes that the November 2002 proposed financial eligibility standards for groups effectuated the principal criterion in the Act that those seeking LSC-funded legal assistance must be financially unable to afford legal assistance and were in no way inconsistent with the LSC Act, LSC does agree with the OIG that the standards for determining the eligibility of groups can and should be more specific than those set forth in the November 2002 NPRM.

Accordingly, in assessing the eligibility of a group, LSC proposed to require recipients to consider the resources available to the group, such as the group's income and income prospects, assets and obligations. LSC also proposed that for a group primarily composed of individuals who would be financially eligible for LSC-funded legal assistance under the Act, the recipient would also have to consider whether the characteristics of the persons primarily composing the group are consistent with financial eligibility under the Act. LSC further proposed that for a group having as a principal activity the delivery of services to those persons in the community who would be financially eligible for LSC-funded legal assistance under the Act, the recipient would also have to consider whether the characteristics of the persons served by the group are consistent with financial eligibility under the Act and whether the legal assistance sought relates to the principal activity of the group. Finally, LSC proposed to require a recipient to document group eligibility determinations by collecting information that reasonably demonstrates that the group meets the eligibility criteria set forth in the rule.

All but one of the commenters supported the proposal to require recipients to consider the resources available to the group, such as the group's income and income prospects, assets and obligations.<sup>6</sup> Several of the commenters, however, opposed the proposed requirement that the recipient must determine whether the characteristics of the group (or the characteristics of the persons receiving the services of the group) are consistent with financial eligibility for LSC-funded legal assistance. These commenters suggested that these proposals were not clear and could lead to disputes between LSC and recipients over whether the articulated standard was met. These commenters suggested that it would be sufficient only to require that recipients consider and collect

information that "reasonably demonstrates" that the group meets the eligibility criteria.

As discussed above, LSC believes that it is important that the regulation specify what information recipients must consider in order to make determinations that the eligibility criteria are met. In the case of individual applicants, the eligibility criteria are that applicants must have income and assets valued at below the set levels and the regulation expressly requires recipients specifically consider the applicant's income and assets. Similarly, since the group eligibility criteria include that the group or the persons served by the group must be those who would be financially eligible, it is appropriate for the regulation to expressly require that recipients consider whether the group or the persons served by the group are those who would be financially eligible.

In discussions during the Operations and Regulations committee meetings on this subject, it was noted that the November 2002 NPRM standards for determining the eligibility of a group (which the commenters essentially suggest LSC adopt) were intended to reflect the current, unwritten practice with regard to determinations of eligibility of groups primarily composed of eligible individuals. The information adduced during those discussions indicated that recipients generally consider the nature and financial and other socioeconomic characteristics of the group in making group eligibility determinations, particularly in cases in which the group is sufficiently large as to make individualized screening a majority of the members of the group impracticable. LSC believed (and still believes) that the standard set forth in the proposed rule fairly reflects the current practice. Contrary to the concern expressed by the commenters, this practice has not proved to be problematic to date, nor is there any suggestion in the comments that LSC is currently "second guessing" recipients' determinations of group eligibility. LSC does not anticipate that incorporating the currently unwritten standard into the regulation will change this situation. LSC is, however, slightly modifying the language in the final rule to specify that it is the financial and other socioeconomic characteristics of the group (or the persons being served by the group) which recipients must consider in making eligibility determinations and that those particular characteristics must be consistent with those of persons who are financially eligible for LSC-funded legal assistance.

<sup>6</sup> The other comment did not address the proposal regarding group eligibility.

The following are examples of how the new rule on group eligibility will apply:

*Example 1:* Group primarily composed of eligible individuals

A public housing tenants' association seeks representation to require the landlord to provide required maintenance services to the buildings and grounds. To make a determination of eligibility, the recipient would have to review the resources available to the group (such as any assets and liabilities of the tenants' association, *i.e.*, dues or other monetary donations to the association; outstanding bills or obligations of the association) and make a determination that the association lacks the financial resources with which to hire private counsel. In addition, the recipient would have to determine that a majority of the association (or the association's organizing body) are persons who would be financially eligible under the Act by considering whether the group's financial and other socioeconomic characteristics are consistent with those of persons who are financially eligible under the Act. The recipient could perform a standard eligibility screen on the members of the tenants' association (or its organizing body) or could make a determination that the requirement is met on the basis that financial eligibility for residency in the public housing complex in the recipient's area is consistent with the recipient's financial eligibility policies. The recipient would have to be able to support its determination of eligibility by collecting and maintaining such information as reasonably demonstrates that the tenants' association had met the eligibility criteria.

*Example 2:* Group primarily composed of eligible individuals

Five women who are currently on public assistance have come together as a group to open and operate a daycare center. The group has a grant from the state social services agency which permits the grant to be used of obtaining legal assistance and a line of credit secured by the Small Business Administration to create and operate this business. The group seeks legal assistance in obtaining the necessary permits and negotiating a lease for space for the center. To make a determination of eligibility, the recipient would have to review the resources available to the group (such as the grant, line of credit, other funds available, as well as liabilities, such as costs for obtaining licenses, space rental, etc) to see if the group lacks the financial resources with which to hire private counsel. In addition, the recipient would have to determine that a majority of the women are persons who would be financially eligible under the Act by considering the financial and other socioeconomic characteristics of the women. In this case, although the women (being recipients of public assistance) are likely persons who would be eligible for legal assistance under the Act, the group's grant and line of credit may provide enough resources to the group so as to enable the group to obtain private legal assistance. If the recipient determines that this is the case, the recipient would not be able to provide the group LSC-funded legal assistance.

*Example 3:* Group which has as a principal activity the provision of services to those who would be financially eligible under the Act.

A community group runs a food bank which distributes food to low-income persons in the community. The community group is a 501(c)(3) organization which is run by a volunteer board of directors who are not personally financially eligible for LSC-funded legal assistance. The food bank warehouse occupies rented space. The group is seeking legal assistance to renegotiate its lease to allow it to remain in the warehouse space. To make a determination of eligibility, the recipient would have to review the resources available to the group (*i.e.*, how much the group takes in donations, what the group's expenses are) and make a determination based on that information that the group lacks the financial resources with which to hire private counsel. In addition, the recipient would have to determine that the group has as a principal activity the provision of services to those would be financially eligible for LSC-funded legal assistance. In this case, the recipient could consider such financial and other socioeconomic characteristics of the group being served such as homeless status, eligibility for the services offered, etc. The recipient would also have to consider the relative significance of the food bank in comparison to the other activities of the community group and to determine that the legal assistance sought related to that service. In this case, renegotiation of the lease appears related to the provision of the service. The recipient would have to be able to support its determination of eligibility by collecting and maintaining such information as reasonably demonstrates that the community group had met the eligibility criteria.

*Example 4:* Group which has as a principal activity the provision of services to persons who would be financially eligible under the Act

A non-profit organization runs a shelter for homeless families. The Board of the shelter is comprised of persons who would not be financially eligible for assistance under the Act. The shelter seeks legal assistance in defending itself against a claim for damages filed by a person who came to the shelter uninvited to distribute a menu for a local take out restaurant and slipped and fell on ice on the shelter's stairs. To make a determination of eligibility, the recipient would have to review the resources available to the group (*i.e.*, how much the shelter receives in donations, the shelter's expenses, etc.) and make a determination based on that information that the group lacks the financial resources with which to hire private counsel. In addition, the recipient would have to determine that the group has as a principal activity the provision of services to those would be financially eligible for LSC-funded legal assistance. In this case, the recipient would consider the financial and other socioeconomic characteristics of the group being served (homeless status, financial eligibility for access to the shelter, etc.). The recipient would also have to assess whether

the legal assistance being sought relates to the principal activity. In this case, the tort claim is unlikely to be related to the primary activity of the shelter and, as such, the recipient would not be able to provide LSC-funded legal assistance to the shelter.

In addition, the revised rule retains and restates the current provision of the rule that these requirements apply only to a recipient providing legal assistance supported by LSC funds, provided that regardless of the source of funds used, any legal assistance provided to a group must be otherwise permissible under applicable law and regulation.

LSC notes that, as with other aspects of this rule, section 1611.6 does not speak to eligibility of groups for legal assistance under other applicable law and regulation. For example, the eligibility of a group under proposed section 1611.6 does not address issues related to the eligibility of the group under Part 1626 of LSC's regulations, concerning citizenship and alien status eligibility. Similarly, the fact that a recipient may determine a group to be eligible for legal assistance under this Part, does not address other questions relating to permissibility of the representation (*i.e.*, this Part does not confer authority for the representation of a group on restricted matters, such as class action lawsuits or redistricting matters, etc.)

Finally, LSC notes that in the November 2002 NPRM, this section was numbered 1611.8 and placed at the end of that proposed regulation. LSC is now placing this section before the sections on Manner of Determining Financial Eligibility, Change in Financial Eligibility Status and Retainer Agreements as those sections are applicable to both groups and individual applicants and clients.

#### *Section 1611.7—Manner of Determining Financial Eligibility*

LSC is making several revisions to this section. First, LSC is including a requirement that in making financial eligibility determinations a recipient shall make reasonable inquiry regarding sources of the applicant's income, income prospects and assets and shall record income and asset information in the manner specified for determining financial eligibility in section 1611.4. This requirement replaces the process currently required by section 1611.5, whereby a recipient is effectively required to conduct a lengthy and often cumbersome inquiry as to the applicant's income, assets and income prospects, including inquiry into a detailed list of factors relating to an applicant's specific financial situation and ability to afford private counsel.

The Working Group discussed this issue at length and representatives of the field noted that conducting such a detailed inquiry in most cases is a task which is often difficult to accomplish efficiently at the point of intake, especially as much of intake is performed by volunteers, interns or receptionists. Rather, many recipients, in practice, conduct a somewhat abbreviated version of the otherwise required process, inquiring into current income, assets, income prospects and probing for additional information based on the responses provided, the requirements of the regulation and their knowledge of local circumstances. This approach, the field representatives noted, is less prone to error and assists in fostering an appropriate attorney-client relationship with individuals accepted as clients. As LSC is not finding widespread instances of service being provided to financially ineligible persons, it was agreed that the process required by the existing regulation is unduly complicated and that the simplified requirement proposed would be adequate to ensure that recipients are making sufficient inquiry into applicants' financial situations to determine financial eligibility status under the regulation while being less administratively burdensome for recipients and more conducive to the development of the attorney-client relationship. LSC also believes that adoption of the streamlined financial eligibility determination process will aid the Corporation in conducting compliance reviews.

As noted above, LSC originally proposed in the November 2002 NPRM, to include this provision in proposed section 1611.4, Financial Eligibility for Legal Assistance. Upon reflection, LSC believes that as this requirement is really a requirement as to how financial eligibility determinations are to be made, it is better included in this section on the manner of determining financial eligibility. LSC believes that this will improve the organization and clarity of the regulation.

Second, LSC is deleting the requirement in existing paragraph (a) of this section that LSC eligibility forms and procedures must be approved by the Corporation. It has been LSC's experience that receiving the forms has not enhanced its ability to conduct oversight of recipients. These documents are readily available to LSC from recipients when needed. This requirement appears only to create unnecessary work for recipients and LSC staff without serving any policy purpose.

LSC is also adding a provision to the regulation making clear that a recipient agreeing to extend legal assistance to a client referred from another recipient may rely upon the referring recipient's determination of financial eligibility, provided that the referring recipient provides and the receiving recipient retains a copy of the eligibility form documenting the financial eligibility of the client. This is the currently accepted practice, but is addressed nowhere in the existing regulation.

LSC received several comments supporting these changes and no comments opposing them. Accordingly, LSC adopts the revisions as proposed.

#### *Section 1611.8—Change in Financial Eligibility Status*

LSC is adding language to this section to provide that if a recipient later learns of information which indicates that a client never was, in fact, financially eligible, the recipient must discontinue the representation consistent with the applicable rules of professional responsibility. This addition is being adopted because sometimes, after an applicant or group has been accepted as a client, the recipient discovers or the client discloses information that indicates that the client was not, in fact, financially eligible for service. This situation is not covered by the existing regulation because the client may not have experienced a change in circumstance but rather, the recipient has discovered new pertinent information about the client. LSC notes that the new language, like the current regulation, is not intended to require a recipient to make affirmative inquiry after accepting an applicant or group as a client for information that would indicate a change in circumstance or the presence of additional information regarding the client's financial eligibility.

The regulation requires that when a client is found to be no longer financially eligible on the basis of later discovered information, the recipient shall discontinue representation supported with LSC funds, if discontinuing the representation is not inconsistent with applicable rules of professional responsibility. This language is parallel to the current requirement regarding discontinuation of representation upon a change in circumstance. LSC wishes to note that, to the extent that discontinuation of representation is not possible because of professional responsibility reasons, a recipient may continue to provide representation supported by LSC funds. This is currently the case and LSC

intends to make no change in the regulation on this point.

In addition, LSC is changing the name of this section from "change in circumstances" to "change in financial eligibility status" to reflect the addition of the later discovered information provision.

LSC received several comments supporting these changes and no comments opposing them. LSC accordingly adopts the revisions as proposed.

#### *Section 1611.9—Retainer Agreements*

The retainer agreement requirement, found at section 1611.8 of the existing regulation, was the subject of significant discussion in the Working Group. Representatives of the field agreed with the LSC representatives that a retainer agreement may be appropriate under certain circumstances, but argued that this regulatory requirement is not required by statute, is not justified under applicable rules of professional responsibility, may be unnecessarily burdensome in some instances and is not related to financial eligibility determinations. They contended that, barring a statutory mandate, decisions about the use of retainer agreements, like those involving many other matters relating to the best manner of providing high quality legal assistance, should be determined by a recipient's Board, management and staff, with guidance from LSC. They urged LSC to delete this requirement. The LSC representatives, however, were of the opinion that the existing provision in the regulations requiring the execution of retainer agreements is professionally desirable, authorized in accordance with LSC's mandate under Section 1007(a)(1) of the Act to assure the maintenance of the highest quality of service and professional standards, and appropriate to assure that there are no misunderstandings as to what services are to be rendered to a particular client. Retainer agreements protect the attorney and recipient in cases of an unfounded malpractice claim and protect the client if the attorney and the recipient should fail to provide legal assistance measuring up to professional standards. In the end, the Working Group was unable to reach consensus on this issue and the Draft NPRM retained a provision generally requiring the execution of retainer agreements, along with proposing requirements for client service notices and PAI referral notices in lieu of retainer agreements under certain circumstances.

After deliberations on the Draft NPRM, the Board determined to propose elimination of the retainer agreement

requirement altogether and the November 2002 NPRM published by LSC reflected this determination. With the exception of the comments of the LSC OIG, all of the comments LSC received on the November 2002 NPRM supported the elimination of the retainer agreement requirement.

With the appointment of the new members of the Board of Directors and the new LSC President, LSC had the opportunity to reconsider this proposal. Field representatives reiterated their support for elimination of the retainer agreement requirement from the regulation, while LSC Management reiterated its support for retention of a retainer agreement requirement for extended service in the regulation, with certain amendments intended to clarify and streamline the requirement. The Board agrees with Management. LSC is committed to keeping a retainer agreement requirement in the regulations. LSC considers the practice of providing retainer agreements to be professionally desirable and in accordance with its mandate under Section 1007(a)(1) of the Act to assure the maintenance of the highest quality of service and professional standards and to assure that there are no misunderstandings as to what services are to be rendered to a particular client. Retainer agreements protect the attorney and recipient in cases of an unfounded malpractice claim and protect the client if the attorney and the recipient should fail to provide legal assistance measuring up to professional standards.

LSC agrees, however, that there are changes that can be made in the retainer agreement requirement to clarify the application of the requirement and to lessen the burden on recipients, without interfering with the underlying goals of the requirements. First, LSC believes that it is not necessary for LSC to approve retainer agreements and proposes to remove the requirement at current section 1611.8(a) that retainer agreements be in a form approved by LSC. Instead, LSC is requiring the retainer agreements must be in a form consistent with the local rules of professional responsibility and must contain statements identifying the legal problem for which representation is being provided and the nature of the legal services to be provided. LSC believes that this simplification will eliminate possible sources of confusion for recipients in drafting retainer agreements, yet will continue to foster the essential communication between the recipient and the client.

Second, LSC is clarifying the circumstances in which retainer agreements are required. Under current

section 1611.8(b) a recipient is not required to execute a retainer agreement "when the only service to be provided is brief advice and consultation." Although the plain language of this provision would seem to encompass situations in which the attorney is providing only some information and guidance on a suggested course of action to the client, it has over the years, come to include brief services such as drafting simple documents or making limited contacts (by phone or in writing) with third parties, such as a landlord, an employer or a government benefits agency, on behalf of the client. LSC has determined that the discrepancy between the plain language and the practical meaning of the exception must be corrected.

During the public deliberations on this matter in the 2004 and 2005 Operations and Regulations Committee meetings, LSC considered different approaches to resolving the discrepancy between the regulation as written and the prevailing practice. Field representatives suggested in the event that a retainer agreement requirement remains in the rule (although still preferring the elimination of any such requirement) that the language of the exception should reflect the current practice by expressly including brief service type activities along with advice and counsel. They asserted that the proposed rule should add no new administrative or regulatory burdens on recipients. While recognizing the value of retainer agreements in some circumstances, the field representatives also argued that the rules of professional responsibility in most jurisdictions do not require that a retainer agreement be executed or that any other form of notice be provided in the brief service context. Although LSC Management expressed the belief that while some form of written communication between the attorney and the client in brief services cases about the nature of the relationship and a clear understanding as to what services are to be rendered is important to achieving the highest quality of legal service and professional standards, it ultimately recommended against requiring grantees to provide specific written communications to clients when only brief services are being provided.

Most of the comments LSC received on the NPRM reiterated the arguments previously made by field representatives. At the same time, however, the commenters noted that if LSC was going to remain committed to maintaining a retainer agreement requirement in the regulation, that the proposed revisions were an appropriate

and helpful change from the current requirement. In particular, several comments supported proposals to exclude PAI attorneys from the scope of the requirement and to delete the requirement for LSC prior approval of retainer agreement forms.

After considering all of the various arguments on this matter in LSC has determined that, on balance, written communications in brief services cases represents a "best practice" and, for the purposes of a regulatory requirement, the current practice by which retainer agreements are only required when the recipient is providing extended service to the client is appropriate. Accordingly, LSC is adopting the revisions as proposed. Under the new rule, recipients will only be required to execute retainer agreements when providing extended services to clients. Extended service is characterized by the performance of multiple tasks incident to continuous representation in a case. Examples of extended service include representation of a client in litigation, an administrative adjudicative proceeding, alternative dispute resolution proceeding, and more than brief representation of a client in negotiations with a third party. In addition, LSC is retaining the provision in the current regulation that the retainer agreement must be executed when representation commences or as soon thereafter as is practicable.

To further clarify the regulation, LSC is including express language specifying that recipients are not required to execute retainer agreements if the only services being provided are advice and counsel or brief service. Advice and counsel is characterized by a limited relationship between the attorney and the client in which the attorney does no more than review information and provide information and guidance to the client. Advice and counsel does not encompass drafting of documents or making third-party contacts on behalf of the client. LSC notes also that it proposes to use the term "advice and counsel" instead of "advice and consultation" because the term "advice and counsel" is a widely understood case reporting term throughout the legal services community and LSC believe that use of the standard term will be simpler and clearer. Brief service is the performance of a discrete task (or tasks) which are not incident to continuous representation in a case but which involve more than the mere provision of advice and counsel. Examples of brief service include activities, such as the drafting of documents such as a contract or a will for a client or the making of one or a few third-party contacts on

behalf of a client in a narrow time period. In advice and counsel and brief service cases, the interaction between the recipient and the client is generally limited in nature and duration so that executing a retainer agreement is administratively burdensome. In these situations it may take more time and effort for the recipient to prepare the retainer and ensure that the client has signed and returned an executed copy of the retainer agreement to the recipient than it takes for the recipient to provide the service to the client. At that point, the benefit of having the executed retainer agreement is outweighed by the effort required to comply with the requirement.

Finally, LSC is adding a statement to the regulation providing that no written retainer agreement is required for legal services provided to the client by a private attorney pursuant to 45 CFR Part 1614. Until now, LSC has consistently interpreted the retainer agreement requirement as applying to cases handled by private attorneys pursuant to a recipient's PAI program and OLA has advised recipients that the best course of action is to have the client execute retainer agreements with both the recipient and with the private attorney (OLA Opinion 99-03, August 9, 1999). Recipients have reported that entering into retainer agreements with clients with whom it does not have ongoing direct relationships does not further the goal of the retainer agreement requirement and that ensuring that retainer agreements be executed between clients and private attorneys is unduly administratively burdensome. LSC agrees.

The application of the retainer agreement requirement comes from the current structure of the text of the regulation. Under the current regulation, a recipient is required to execute a retainer agreement (unless otherwise excepted) "with each client who receives legal services from the recipient." Cases referred to private attorneys pursuant to a recipient's PAI program remain cases of the recipient and the clients in those cases remain clients of the recipient and the client is considered to be receiving some legal services from the recipient. However, by amending the language of the text of the regulation to say that the recipient is only required to execute a retainer agreement "when the recipient is providing extended service to the client" the necessity of applying the requirement to PAI cases is removed. In cases handled by PAI attorneys, although the client can be said to be receiving some legal services from the recipient, the recipient is not providing

extended services. Although this change to the language alone could arguably be sufficient to remove the necessity of applying the retainer agreement requirement to cases being handled by PAI attorneys, LSC believes the text of the regulation should be further clarified to explicitly so state.

#### Other

LSC received numerous comments supporting LSC's decision not to incorporate the requirements of section 509(h) of LSC's FY 1996 appropriations act. Public Law 104-134, 110 Stat. 1321 (carried forward in each successive appropriation, including the current appropriation, Public Law 108-447, 118 Stat. 2809) with respect to records covered by this Part. Section 509(h) provides that, among other records, eligibility records "shall be made available to any auditor or monitor of the recipient \* \* \* except for such records subject to the attorney-client privilege." During the prior stages of this rulemaking, there had been some discussion and consideration of having this language expressly incorporated into Part 1611. LSC continues to believe that, as 509(h) covers significantly more than eligibility records, having a full discussion of the meaning of 509(h) in the context of 1611, which addresses only financial eligibility issues, is not appropriate. LSC is making final its decision not to address 509(h) requirements in this rule. For a fuller discussion of this issue, see the preamble to the November 22, 2002 NPRM, 67 FR 70376.

#### List of Subjects in 45 CFR Part 1611

Legal services.

■ For reasons set forth in the preamble, LSC revises 45 CFR part 1611 to read as follows:

#### PART 1611—FINANCIAL ELIGIBILITY

Sec.

- 1611.1 Purpose.
  - 1611.2 Definitions.
  - 1611.3 Financial eligibility policies.
  - 1611.4 Financial eligibility for legal assistance.
  - 1611.5 Authorized exceptions to the recipient's annual income ceiling.
  - 1611.6 Representation of groups.
  - 1611.7 Manner of determining financial eligibility.
  - 1611.8 Changes in financial eligibility status.
  - 1611.9 Retainer agreements.
- Appendix A to Part 1611—Legal Services Corporation Poverty Guidelines

**Authority:** 42 U.S.C. 2996e(b)(1), 2996e(b)(3), 2996f(a)(1), 2996f(a)(2); Section 509(h) of Pub. L. 104-134, 110 Stat. 1321 (1996); Pub. L. 105-119, 111 Stat. 2512 (1998).

#### § 1611.1 Purpose.

This part sets forth requirements relating to the financial eligibility of individual applicants for legal assistance supported with LSC funds and recipients' responsibilities in making financial eligibility determinations. This part is not intended to and does not create any entitlement to service for persons deemed financially eligible. This part also seeks to ensure that financial eligibility is determined in a manner conducive to development of an effective attorney-client relationship. In addition, this part sets forth standards relating to the eligibility of groups for legal assistance supported with LSC funds. Finally, this part sets forth requirements relating to recipients' responsibilities in executing retainer agreements with clients.

#### § 1611.2 Definitions.

(a) "Advice and counsel" means legal assistance that is limited to the review of information relevant to the client's legal problem(s) and counseling the client on the relevant law and/or suggested course of action. Advice and counsel does not encompass drafting of documents or making third-party contacts on behalf of the client.

(b) "Applicable rules of professional responsibility" means the rules of ethics and professional responsibility generally applicable to attorneys in the jurisdiction where the recipient provides legal services.

(c) "Applicant" means an individual who is seeking legal assistance supported with LSC funds from a recipient. The term does not include a group, corporation or association.

(d) "Assets" means cash or other resources of the applicant or members of the applicant's household that are readily convertible to cash, which are currently and actually available to the applicant.

(e) "Brief services" means legal assistance in which the recipient undertakes to provide a discrete and time-limited service to a client beyond advice and consultation, including but not limited to activities, such as the drafting of documents or making limited third party contacts on behalf of a client.

(f) "Extended service" means legal assistance characterized by the performance of multiple tasks incident to continuous representation. Examples of extended service would include representation of a client in litigation, an administrative adjudicative proceeding, alternative dispute resolution proceeding, extended negotiations with a third party, or other legal representation in which the

recipient undertakes responsibility for protecting or advancing a client's interest beyond advice and counsel or brief services.

(g) "Governmental program for low income individuals or families" means any Federal, State or local program that provides benefits of any kind to persons whose eligibility is determined on the basis of financial need.

(h) "Governmental program for persons with disabilities" means any Federal, State or local program that provides benefits of any kind to persons whose eligibility is determined on the basis of mental and/or physical disability.

(i) "Income" means actual current annual total cash receipts before taxes of all persons who are resident members and contribute to the support of an applicant's household, as that term is defined by the recipient. Total cash receipts include, but are not limited to, wages and salaries before any deduction; income from self-employment after deductions for business or farm expenses; regular payments from governmental programs for low income persons or persons with disabilities; social security payments; unemployment and worker's compensation payments; strike benefits from union funds; veterans benefits; training stipends; alimony; child support payments; military family allotments; public or private employee pension benefits; regular insurance or annuity payments; income from dividends, interest, rents, royalties or from estates and trusts; and other regular or recurring sources of financial support that are currently and actually available to the applicant. Total cash receipts do not include the value of food or rent received by the applicant in lieu of wages; money withdrawn from a bank; tax refunds; gifts; compensation and/or one-time insurance payments for injuries sustained; non-cash benefits; and up to \$2,000 per year of funds received by individual Native Americans that is derived from Indian trust income or other distributions exempt by statute.

### **§ 1611.3 Financial eligibility policies.**

(a) The governing body of a recipient shall adopt policies consistent with this part for determining the financial eligibility of applicants and groups. The governing body shall review its financial eligibility policies at least once every three years and make adjustments as necessary. The recipient shall implement procedures consistent with its policies.

(b) As part of its financial eligibility policies, every recipient shall specify

that only individuals and groups determined to be financially eligible under the recipient's financial eligibility policies and LSC regulations may receive legal assistance supported with LSC funds.

(c)(1) As part of its financial eligibility policies, every recipient shall establish annual income ceilings for individuals and households, which may not exceed one hundred and twenty five percent (125%) of the current official Federal Poverty Guidelines amounts. The Corporation shall annually calculate 125% of the Federal Poverty Guidelines amounts and publish such calculations in the **Federal Register** as a revision to Appendix A to this part.

(2) As part of its financial eligibility policies, a recipient may adopt authorized exceptions to its annual income ceilings consistent with § 1611.5.

(d)(1) As part of its financial eligibility policies, every recipient shall establish reasonable asset ceilings for individuals and households. In establishing asset ceilings, the recipient may exclude consideration of a household's principal residence, vehicles used for transportation, assets used in producing income, and other assets which are exempt from attachment under State or Federal law.

(2) The recipient's policies may provide authority for waiver of its asset ceilings for specific applicants under unusual circumstances and when approved by the recipient's Executive Director, or his/her designee. When the asset ceiling is waived, the recipient shall record the reasons for such waiver and shall keep such records as are necessary to inform the Corporation of the reasons for such waiver.

(e) Notwithstanding any other provision of this part, or other provision of the recipient's financial eligibility policies, every recipient shall specify as part of its financial eligibility policies that in assessing the income or assets of an applicant who is a victim of domestic violence, the recipient shall consider only the assets and income of the applicant and members of the applicant's household other than those of the alleged perpetrator of the domestic violence and shall not include any assets held by the alleged perpetrator of the domestic violence, jointly held by the applicant with the alleged perpetrator of the domestic violence, or assets jointly held by any member of the applicant's household with the alleged perpetrator of the domestic violence.

(f) As part of its financial eligibility policies, a recipient may adopt policies that permit financial eligibility to be

established by reference to an applicant's receipt of benefits from a governmental program for low-income individuals or families consistent with § 1611.4(c).

(g) Before establishing its financial eligibility policies, a recipient shall consider the cost of living in the service area or locality and other relevant factors, including but not limited to:

(1) The number of clients who can be served by the resources of the recipient;

(2) The population that would be eligible at and below alternative income and asset ceilings; and

(3) The availability and cost of legal services provided by the private bar and other free or low cost legal services providers in the area.

### **§ 1611.4 Financial eligibility for legal assistance.**

(a) A recipient may provide legal assistance supported with LSC funds only to individuals whom the recipient has determined to be financially eligible for such assistance. Nothing in this part, however, prohibits a recipient from providing legal assistance to an individual without regard to that individual's income and assets if the legal assistance is wholly supported by funds from a source other than LSC, and is otherwise permissible under applicable law and regulation.

(b) Consistent with the recipient's financial eligibility policies and this part, the recipient may determine an applicant to be financially eligible for legal assistance if the applicant's assets do not exceed the recipient's applicable asset ceiling established pursuant to § 1611.3(d)(1), or the applicable asset ceiling has been waived pursuant to § 1611.3(d)(2), and:

(1) The applicant's income is at or below the recipient's applicable annual income ceiling; or

(2) The applicant's income exceeds the recipient's applicable annual income ceiling but one or more of the authorized exceptions to the annual income ceilings, as provided in § 1611.5, applies.

(c) Consistent with the recipient's policies, a recipient may determine an applicant to be financially eligible without making an independent determination of income or assets, if the applicant's income is derived solely from a governmental program for low-income individuals or families, provided that the recipient's governing body has determined that the income standards of the governmental program are at or below 125% of the Federal Poverty Guidelines amounts and that the governmental program has eligibility standards which include an assets test.

**§ 1611.5 Authorized exceptions to the annual income ceiling.**

(a) Consistent with the recipient's policies and this Part, a recipient may determine an applicant whose income exceeds the recipient's applicable annual income ceiling to be financially eligible if the applicant's assets do not exceed the recipient's applicable asset ceiling established pursuant to § 1611.3(d), or the asset ceiling has been waived pursuant to § 1611.3(d)(2), and:

(1) The applicant is seeking legal assistance to maintain benefits provided by a governmental program for low income individuals or families; or

(2) The Executive Director of the recipient, or his/her designee, has determined on the basis of

documentation received by the recipient, that the applicant's income is primarily committed to medical or nursing home expenses and that, excluding such portion of the applicant's income which is committed to medical or nursing home expenses, the applicant would otherwise be financially eligible for service; or

(3) The applicant's income does not exceed 200% of the applicable Federal Poverty Guidelines amount and:

(i) The applicant is seeking legal assistance to obtain governmental benefits for low income individuals and families; or

(ii) The applicant is seeking legal assistance to obtain or maintain governmental benefits for persons with disabilities; or

(4) The applicant's income does not exceed 200% of the applicable Federal Poverty Guidelines amount and the recipient has determined that the applicant should be considered financially eligible based on consideration of one or more of the following factors as applicable to the applicant or members of the applicant's household:

(i) Current income prospects, taking into account seasonal variations in income;

(ii) Unreimbursed medical expenses and medical insurance premiums;

(iii) Fixed debts and obligations;

(iv) Expenses such as dependent care, transportation, clothing and equipment expenses necessary for employment, job training, or educational activities in preparation for employment;

(v) Non-medical expenses associated with age or disability;

(vi) Current taxes; or

(vii) Other significant factors that the recipient has determined affect the applicant's ability to afford legal assistance.

(b) In the event that a recipient determines that an applicant is

financially eligible pursuant to this section and is provided legal assistance, the recipient shall document the basis for the financial eligibility determination. The recipient shall keep such records as may be necessary to inform the Corporation of the specific facts and factors relied on to make such determination.

**§ 1611.6 Representation of groups.**

(a) A recipient may provide legal assistance to a group, corporation, association or other entity if it provides information showing that it lacks, and has no practical means of obtaining, funds to retain private counsel and either:

(1) The group, or for a non-membership group the organizing or operating body of the group, is primarily composed of individuals who would be financially eligible for LSC-funded legal assistance; or

(2) The group has as a principal activity the delivery of services to those persons in the community who would be financially eligible for LSC-funded legal assistance and the legal assistance sought relates to such activity.

(b)(1) In order to make a determination that a group, corporation, association or other entity is eligible for legal services as required by paragraph (a) of this section, a recipient shall consider the resources available to the group, such as the group's income and income prospects, assets and obligations and either:

(i) For a group primarily composed of individuals who would be financially eligible for LSC-funded legal assistance, whether the financial or other socioeconomic characteristics of the persons comprising the group are consistent with those of persons who are financially eligible for LSC-funded legal assistance; or

(ii) For a group having as a principal activity the delivery of services to those persons in the community who would be financially eligible for LSC-funded legal assistance, whether the financial or other socioeconomic characteristics of the persons served by the group are consistent with those of persons who are financially eligible for LSC-funded legal assistance and the assistance sought relates to such activity of the group.

(2) A recipient shall collect information that reasonably demonstrates that the group, corporation, association or other entity meets the eligibility criteria set forth herein.

(c) The eligibility requirements set forth herein apply only to legal assistance supported by funds from

LSC, provided that any legal assistance provided by a recipient, regardless of the source of funds supporting the assistance, must be otherwise permissible under applicable law and regulation.

**§ 1611.7 Manner of determining financial eligibility.**

(a)(1) In making financial eligibility determinations regarding individual applicants, a recipient shall make reasonable inquiry regarding sources of the applicant's income, income prospects and assets. The recipient shall record income and asset information in the manner specified in this section.

(2) In making financial eligibility determinations regarding groups seeking LSC-supported legal assistance, a recipient shall follow the requirements set forth in § 1611.6(b) of this part.

(b) A recipient shall adopt simple intake forms and procedures to obtain information from applicants and groups to determine financial eligibility in a manner that promotes the development of trust between attorney and client. The forms shall be preserved by the recipient.

(c) If there is substantial reason to doubt the accuracy of the financial eligibility information provided by an applicant or group, a recipient shall make appropriate inquiry to verify the information, in a manner consistent with the attorney-client relationship.

(d) When one recipient has determined that a client is financially eligible for service in a particular case or matter, that recipient may request another recipient to extend legal assistance or undertake representation on behalf of that client in the same case or matter in reliance upon the initial financial eligibility determination. In such cases, the receiving recipient is not required to review or redetermine the client's financial eligibility unless there is a change in financial eligibility status as described in § 1611.8 or there is substantial reason to doubt the validity of the original determination, provided that the referring recipient provides and the receiving recipient retains a copy of the intake form documenting the financial eligibility of the client.

**§ 1611.8 Change in financial eligibility status.**

(a) If, after making a determination of financial eligibility and accepting a client for service, the recipient becomes aware that a client has become financially ineligible through a change in circumstances, a recipient shall discontinue representation supported with LSC funds if the change in circumstances is sufficient, and is likely

to continue, to enable the client to afford private legal assistance, and discontinuation is not inconsistent with applicable rules of professional responsibility.

(b) If, after making a determination of financial eligibility and accepting a client for service, the recipient later determines that the client is financially ineligible on the basis of later discovered or disclosed information, a recipient shall discontinue representation supported with LSC funds if the discontinuation is not inconsistent with applicable rules of professional responsibility.

#### § 1611.9 Retainer agreements.

(a) When a recipient provides extended service to a client, the recipient shall execute a written retainer agreement with the client. The retainer agreement shall be executed when representation commences or as soon thereafter as is practicable. Such retainer agreement must be in a form consistent with the applicable rules of professional responsibility and prevailing practices in the recipient's service area and shall include, at a minimum, a statement identifying the legal problem for which representation is sought, and the nature of the legal services to be provided.

(b) No written retainer agreement is required for advice and counsel or brief service provided by the recipient to the client or for legal services provided to the client by a private attorney pursuant to 45 CFR part 1614.

(c) The recipient shall maintain copies of all retainer agreements generated in accordance with this section.

#### Appendix A to Part 1611

##### LEGAL SERVICES CORPORATION 2005 POVERTY GUIDELINES \*

Size of family unit	48 Contiguous States and the District of Columbia <sup>i</sup>	Alaska <sup>ii</sup>	Hawaii <sup>iii</sup>
1 .....	\$11,963	\$14,938	\$13,763
2 .....	16,038	20,038	18,450
3 .....	20,113	25,138	23,138
4 .....	24,188	30,238	27,825
5 .....	28,263	35,338	32,513
6 .....	32,338	40,438	37,200
7 .....	36,413	45,538	41,888
8 .....	40,488	50,638	46,575

\* The figures in this table represent 125% of the poverty guidelines by family size as determined by the Department of Health and Human Services.

<sup>i</sup> For family units with more than eight members, add \$4,075 for each additional member in a family.

<sup>ii</sup> For family units with more than eight members, add \$5,100 for each additional member in a family.

<sup>iii</sup> For family units with more than eight members, add \$4,688 for each additional member in a family.

**Victor M. Fortuno,**

*Vice President & General Counsel.*

[FR Doc. 05-15553 Filed 8-5-05; 8:45 am]

BILLING CODE 7050-01-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 551

[Docket No. NHTSA-2005-21972]

RIN 2127-AJ69

#### Service of Process on Foreign Manufacturers and Importers

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

**ACTION:** Final rule.

**SUMMARY:** This final rule amends NHTSA's regulation on service of process on foreign manufacturers and importers to clarify existing regulatory requirements by rephrasing the regulation in a plain language, question and answer format and inserting an appendix containing a suggested designation form for use by foreign manufacturers and their agents. It also will enhance communications between foreign manufacturers and the agency by spelling out existing requirements for providing notice to NHTSA of changes in company name, address and product names, and changing the office to which foreign manufacturers must submit designation and related documents to reflect organizational changes occurring since the regulation was adopted.

**EFFECTIVE DATE:** This final rule becomes effective October 7, 2005.

*Petitions:* Any petitions for reconsideration of today's final rule must be received by NHTSA not later than September 22, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Dana Sade, Office of the Chief Counsel, at (202) 366-1834, facsimile (202) 366-3820. You may send mail to Ms. Sade at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** NHTSA published a rule on December 25, 1968 that established a procedure for foreign manufacturers, assemblers and importers of motor vehicles and motor vehicle equipment (hereinafter referred

to as "foreign manufacturers") to designate an agent for service of process in the United States. Over time, NHTSA has found that many foreign manufacturers have submitted incomplete designation documents containing common errors and omissions. Often NHTSA receives designation documents not properly dated or signed, or otherwise lacking information necessary to effect a valid designation or replacement of agent under the regulation. NHTSA has found also that foreign manufacturers often fail to provide adequate notice to NHTSA of changes in company name, address and product names or trademarks.

This document clarifies existing regulatory requirements by rephrasing 49 CFR part 551, subpart D in a plain language, question and answer format and inserting an appendix containing a suggested designation form for use by foreign manufacturers and their agents. It also will enhance communications between foreign manufacturers and the agency by spelling out requirements for providing notice to NHTSA of changes in company name, address and product names, marks, or other designations of origin. Finally, it changes the NHTSA office to which foreign manufacturers must submit documents, as a result of organizational changes that have occurred in the agency since the regulation was adopted.

The purpose of the amendments is to make clearer the requirements of 49 CFR part 551, subpart D and improve communications between the agency and foreign manufacturers, thereby reducing the burdens associated with repeated filings to correct common errors. Since they are technical amendments only and make no substantive changes to the regulation, pursuant to 5 U.S.C. 553(b)(3)(B) prior notice and comment are not required.

#### Statutory Basis for the Final Rule

Section 110(e) of the National Traffic and Motor Vehicle Safety Act of 1966 (49 U.S.C. 30164) requires a foreign manufacturer offering a motor vehicle or motor vehicle equipment for importation into the United States to designate a permanent resident of the United States as its agent upon whom service of notices and processes may be made in administrative and judicial proceedings. This final rule revises a regulation that implements that statutory requirement at 49 CFR Part 551, Subpart D.

## Regulatory Analyses and Notices

### A. Executive Order 12866, Regulatory Planning and Review

Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), provides for making determinations about whether a regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and to 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.

This rule will not have any of these effects and was not reviewed under Executive Order 12866. It is not significant within the meaning of the DOT Regulatory Policies and Procedures. The effect of this rule is not to impose new requirements but to clarify existing regulatory requirements and update the address to which foreign manufacturers must submit designation and related documents. This rule will not impose any additional burden on any person. Rather, by making more clear existing regulatory requirements and directing agent submissions to a NHTSA office with enhanced document tracking capabilities, it will reduce the burden on foreign manufacturers, who now often submit incomplete agent documents several times before satisfying the regulation's requirements, and also frequently submit such documents to NHTSA offices not involved in administering this regulation. The agency believes that this impact is minimal and does not warrant the preparation of a regulatory evaluation.

### B. Environmental Impacts

We have not conducted an evaluation of the impacts of this rule under the National Environmental Policy Act. This rule does not impose any change that would result in any impacts to the

quality of the human environment. Accordingly, no environmental assessment is required.

### C. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, we have considered the impacts of this rule on small entities (5 U.S.C. 601 *et seq.*). I certify that this rule will not have a significant economic impact upon a substantial number of small entities within the context of the Regulatory Flexibility Act.

The following is our statement providing the factual basis for the certification (5 U.S.C. 605(b)). This rule will not have any significant economic impact on a substantial number of small businesses because the rule merely clarifies existing requirements of a final rule published on December 25, 1968 and changes the office to which foreign manufacturers submit agent documents. Foreign manufacturers and importers of motor vehicles and motor vehicle equipment, regardless of size, will not be significantly affected because this rule does not change the regulatory requirements with which they are required to comply. Accordingly, we have not prepared a Final Regulatory Flexibility Analysis.

### D. Executive Order 13132, Federalism

E.O. 13132 requires NHTSA 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." E.O. 13132 defines the term "Policies that have federalism implications" 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 E.O. 13132, NHTSA 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 State and local governments, or NHTSA consults with State and local officials early in the process of developing the regulation.

This rule will have no 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 as specified in E.O. 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

### E. The Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Pub. L. 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 the private sector, of more than \$100 million annually. This rule will not result in additional expenditures by State, local or tribal governments or by any members of the private sector. Therefore, the agency has not prepared an economic assessment pursuant to the Unfunded Mandates Reform Act.

### F. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This rule does not impose any new collection of information requirements for which a 5 CFR Part 1320 clearance must be obtained. DOT previously submitted to OMB and OMB approved the collection of information mandated by this regulation in OMB Clearance No. 2127-0040, which expires on May 31, 2006.

### G. Civil Justice Reform

Pursuant to Executive Order 12988, "Civil Justice Reform," we have considered whether this rule has any retroactive effect. We conclude that it will not have such an effect.

### H. Plain Language

Executive Order 12866 requires each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

- Have we organized the material to suit the public's needs?
- Are the requirements in the rule clearly stated?
- Does the rule contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rule easier to understand?

If you wish to do so, please comment on the extent to which this final rule effectively uses plain language principles.

### *I. National Technology Transfer and Advancement Act*

Under the National Technology and Transfer and Advancement Act of 1995 (Pub. L. 104-113), "all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments."

This rule does not implicate any technical standards developed by voluntary consensus standards bodies.

### *J. Privacy Act*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

### *K. Executive Order 13045, Economically Significant Rules Disproportionately Affecting Children*

This rule is not subject to E.O. 13045 because it is not "economically significant" as defined under E.O. 12866, and does not concern an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children.

### **List of Subjects in 49 CFR Part 551**

Designation of an agent for service, Form and content of designation, Method of service.

■ For the foregoing reasons, Subpart D of 49 CFR Part 551 is revised to read as follows:

## **PART 551—PROCEDURAL RULES**

### **Subpart D—Service of Process on Foreign Manufacturers and Importers**

#### **Designation of an Agent for Service of Process**

Sec.

- 551.45 What is the purpose of this subpart?  
 551.46 Who must comply with this subpart and when?  
 551.47 Who may serve as an agent for a foreign manufacturer?  
 551.48 May an official of a foreign manufacturer serve as its agent?  
 551.49 May a foreign manufacturer replace its agent?  
 551.50 May more than one foreign manufacturer designate the same person as agent?

551.51 May an agent assign performance of its functions to another individual or entity?

551.52 How long will a foreign manufacturer's designation of agent remain in effect?

#### **Form and Contents of Designation**

- 551.53 What is the required format for a designation?  
 551.54 What are the required contents for a designation?  
 551.55 What information must a Designation by Foreign Manufacturer contain?  
 551.56 What information must an Acceptance by Agent contain?  
 551.57 Who may sign the Designation by Foreign Manufacturer?  
 551.58 Who may sign the Acceptance by Agent?  
 551.59 May the same individual sign both the Designation by Foreign Manufacturer and Acceptance by Agent?  
 551.60 When must the Designation by Foreign Manufacturer be signed?  
 551.61 When must the Acceptance by Agent be signed?  
 551.62 Where should a foreign manufacturer mail the designation?  
 551.63 May a foreign manufacturer submit a designation by email or facsimile?  
 551.64 What if designation documents submitted by a foreign manufacturer do not comply with this subpart?  
 551.65 What if a foreign manufacturer changes its name, address or product names or marks?

#### **Method of Service of Process**

- 551.66 What is the legal effect of service of process on an agent?  
 551.67 Where and how may an agent be served?  
 551.68 What if an agent cannot be served?

Authority: 49 U.S.C. 30164.

### **Subpart D—Service of Process on Foreign Manufacturers and Importers Designation of an Agent for Service of Process**

#### **§ 551.45 What is the purpose of this subpart?**

The purpose of this subpart is to establish a procedure for foreign manufacturers, assemblers and importers of motor vehicles and motor vehicle equipment to designate an agent in the United States on whom service of administrative or judicial notices or processes may be made.

#### **§ 551.46 Who must comply with this subpart and when?**

(a) All foreign manufacturers, assemblers, and importers of motor vehicles or motor vehicle equipment (hereinafter referred to as "foreign manufacturers") must comply with this subpart before offering a motor vehicle or item of motor vehicle equipment for importation into the United States.

(b) Unless and until a foreign manufacturer appoints an agent in accordance with the requirements of this subpart, it may not import motor vehicles or motor vehicle equipment into the United States.

#### **§ 551.47 Who may serve as an agent for a foreign manufacturer?**

Only an individual, a domestic firm or a domestic corporation that is a permanent resident of the United States may serve as an agent under this subpart.

#### **§ 551.48 May an official of a foreign manufacturer serve as its agent?**

(a) Generally no; an agent must be a permanent resident of the United States. Typically officials of foreign manufacturers and importers are not United States residents.

(b) Occasionally an official of a foreign manufacturer also serves as an official of a domestic firm or corporation or is a permanent resident of the United States. In such cases, the official may serve as agent and sign the designation documents both on behalf of the foreign manufacturer and as agent. However, the foreign manufacturer must submit to NHTSA, along with the designation documents, a letter explaining that the individual signing the designation is both an official of the foreign manufacturer with authority to appoint an agent and a permanent resident of the United States or official of a domestic firm or corporation. If NHTSA does not receive an explanatory letter at the same time it receives the designation, the agency will deem the designation insufficient under this subpart and reject the submission.

#### **§ 551.49 May a foreign manufacturer replace its agent?**

(a) Yes, a foreign manufacturer may replace its agent in the same way it originally designated the agent. It must submit designation documents that meet the form and content requirements identified in the following section of this subpart. Until NHTSA receives designation documents meeting those requirements or a letter withdrawing an existing designation, the individual or domestic corporation originally designated will continue to serve as its agent for service of process.

(b) A foreign manufacturer that has withdrawn but not replaced its agent may not continue to import motor vehicles or motor vehicle equipment into the United States. In order to do so, it must appoint a new agent in accordance with the requirements of this subpart.

**§ 551.50 May more than one foreign manufacturer designate the same person as agent?**

Yes, any number of foreign manufacturers separately may designate the same person as agent.

**§ 551.51 May an agent assign performance of its functions to another individual or entity?**

No, an agent may not assign performance of its functions.

**§ 551.52 How long will a foreign manufacturer's designation of agent remain in effect?**

(a) A designation of agent remains in effect until replaced or withdrawn by a foreign manufacturer.

(b) A foreign manufacturer that has withdrawn but not replaced its agent may not continue to import motor vehicles or motor vehicle equipment into the United States. In order to do so, it must appoint a new agent in accordance with the requirements of this subpart.

**Form and Contents of Designation****§ 551.53 What is the required format for a designation?**

(a) All documents submitted under this subpart must be:

- (1) Original documents;
- (2) Written in English; and
- (3) Signed in ink.

(b) For each signature, the document must indicate in English:

- (1) The date of signature; and
- (2) The name and title of the individual who signed the document.

(c) As long as documents submitted by a foreign manufacturer and its agent contain all required information (identified in §§ 551.54, 551.55 and 551.56 below), there is no mandatory format for the designation

(d) NHTSA encourages foreign manufacturers to use the suggested designation form set forth in the Appendix to this subpart. If completed and executed properly by both a foreign manufacturer and its agent, this form will comply fully with the requirements of §§ 551.53 through 551.65.

**§ 551.54 What are the required contents for a designation?**

The suggested designation form set forth in the Appendix, if completed and signed properly by a foreign manufacturer and its agent, contains all of the information necessary to create a valid designation under this subpart. Specifically, a valid designation must contain:

- (a) A Designation by Foreign Manufacturer; and
- (b) An Acceptance by Agent.

**§ 551.55 What information must a Designation by Foreign Manufacturer contain?**

A Designation by Foreign Manufacturer must contain:

(a) A statement that the designation is in valid form and binding on the foreign manufacturer under the laws, corporate bylaws or other requirements governing the making of designations at the place and time where it is made;

(b) The full legal name, principal place of business and mailing address of the foreign manufacturer;

(c) All trade or brand names, marks, logos or other designations of origin under which the foreign manufacturer's products will be sold; and

(d) The signature in ink, and the name and title of the official or employee signing the designation on behalf of the foreign manufacturer, who must have authority to appoint an agent.

**§ 551.56 What information must an Acceptance by Agent contain?**

An Acceptance by Agent must contain:

(a) The full legal name, mailing address and telephone number of the agent;

(b) A statement that the agent accepts the designation and understands that (s)he may not assign performance of the agent's functions under the designation to another person or entity, and that the designation shall remain in effect until it is withdrawn or replaced by the foreign manufacturer;

(c) The signature in ink of the agent, or an official or employee of the domestic firm or corporation serving as the agent, who must authority to sign for the firm or corporation; and

(d) The name and title of the individual signing the acceptance.

**§ 551.57 Who may sign the Designation by Foreign Manufacturer?**

Only an official or employee of the foreign manufacturer with authority to appoint an agent may sign the Designation by Foreign Manufacturer.

**§ 551.58 Who may sign the Acceptance by Agent?**

Only the agent, in the case of an individual, or an official or employee, in the case of a domestic firm or corporation serving as the agent with authority to sign for that firm of corporation, may sign the Acceptance of Agent.

**§ 551.59 May the same individual sign both the Designation by Foreign Manufacturer and Acceptance by Agent?**

(a) Generally no; the Designation by Manufacturer must be signed by an official or employee of the foreign

manufacturer and the Acceptance by Agent must be signed by the foreign manufacturer's agent, in the case of an individual, or by an official or employee, in the case of a domestic firm or corporation serving as its agent.

(b) Occasionally an official of a foreign manufacturer also serves as an official of a domestic firm or corporation or is a permanent resident of the United States. In such cases, the official may serve as agent and sign the designation documents both on behalf of the foreign manufacturer and as agent. However, the foreign manufacturer must submit to NHTSA, along with the designation documents, a letter explaining that the individual signing the designation is both an official of the foreign manufacturer with authority to appoint an agent and a permanent resident of the United States or official of a domestic firm or corporation. If NHTSA does not receive an explanatory letter at the same time it receives the designation, the agency will deem the designation insufficient under this subpart and reject the submission.

**§ 551.60 When must the Designation by Foreign Manufacturer be signed?**

(a) The foreign manufacturer must sign the Designation by Foreign Manufacturer on or before the date that the agent signs the Acceptance by Agent. It is not possible for an individual or entity to accept a designation as agent until on or after the date on which a foreign manufacturer makes the designation.

(b) If the Designation by Foreign Manufacturer is dated after the Acceptance by Agent, NHTSA will deem the designation insufficient under this subpart and reject the submission.

**§ 551.61 When must the Acceptance by Agent be signed?**

(a) The agent, in the case of an individual, or an employee or official, in the case of a domestic firm or corporation serving as agent, must sign the Acceptance by Agent on or after the date that the manufacturer signs the Designation by Foreign Manufacturer. It is not possible for an individual or entity to accept a designation as agent until on or after the date on which the foreign manufacturer makes the designation.

(b) If the Acceptance by Agent is dated before the Designation by Foreign Manufacturer, NHTSA will deem the designation insufficient under this subpart and reject the submission.

**§ 551.62 Where should a foreign manufacturer mail the designation?**

Foreign manufacturers must mail their designations to the Office of the

Executive Secretariat, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW, Washington, DC 20590. No other NHTSA office is authorized to accept designation documents. To avoid delays, the agency suggests using express mail services.

**§ 551.63 May a foreign manufacturer submit a designation by email or facsimile?**

No, the statute requires designation documents submitted by foreign manufacturers to contain original ink signatures. NHTSA will reject designation documents submitted via email or facsimile, as they do not satisfy this requirement.

**§ 551.64 What if designation documents submitted by a foreign manufacturer do not comply with this subpart?**

Designations of agent are binding on the foreign manufacturer even when their form and contents do not comply

with this subpart, unless rejected by the agency.

**§ 551.65 What if a foreign manufacturer changes its name, address or product names or marks?**

(a) A foreign manufacturer must provide written notice to NHTSA of any changes in its name, address or marks, trade names, or other designations of origin appearing on its products.

(b) Foreign manufacturers should mail notices to the Office of the Executive Secretariat, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, DC 20590. To avoid delays, the agency suggests using express mail services.

**Method of Service of Process**

**§ 551.66 What is the legal effect of service of process on an agent?**

Service on an agent of administrative or judicial notices or process is deemed to be service on a manufacturer.

**§ 551.67 Where and how may an agent be served?**

An agent may be served at the agent's office or usual place of residence, by registered or certified mail addressed to the agent with return receipt requested, or by any other manner authorized by law.

**§ 551.68 What if an agent cannot be served?**

If an agent cannot be served because the agent cannot be located, has ceased to exist or does not receive correctly addressed mail, service may be made by posting the notice or process in the Office of the Secretary of Transportation.

BILLING CODE 4910-59-P

APPENDIX: SUGGESTED DESIGNATION OF AGENT FOR SERVICE OF PROCESS UNDER 49 U.S.C. § 30164 and 49 C.F.R. Part 551, Subpart D

PART A: DESIGNATION BY FOREIGN MANUFACTURER

Pursuant to 49 U.S.C. § 30164 and 49 C.F.R. Part 551, Subpart D, the Foreign Manufacturer listed below hereby designates the following Agent on whom service of all administrative and judicial processes and notices may be made. This designation is for service of process only and for no other purpose. It shall remain in effect until it is withdrawn or another Agent is designated in accordance with the requirements of 49 U.S.C. § 30164 and 49 C.F.R. Part 551, Subpart D.

The Manufacturer identified below hereby certifies:

- 1. This designation is in valid form and binding on the Manufacturer under the laws, corporate bylaws or other requirements governing the making of designations at the place and time where it is made.
2. The full legal name, principal place of business and mailing address of the Manufacturer are:
3. The Manufacturer's products will be sold under the following trade or brand names, marks, logos or other designations of origin (List all names, marks, logos or designations):
4. The full legal name, principal place of business, mailing address and telephone number of the Agent are:

By: Signature of Manufacturer's Authorized Representative / / Month / Day / Year
Printed Name Title

PART B: ACCEPTANCE BY AGENT

The undersigned hereby accepts appointment as Agent solely for the purpose of service of process on the Manufacturer under 49 U.S.C. § 30164 and 49 C.F.R. Part 551, Subpart D. I understand that this appointment shall remain in effect until withdrawn or replaced by the Manufacturer in accordance with the requirements of 49 U.S.C. § 30164 and 49 C.F.R. Part 551, Subpart D. I understand also that I may not assign performance of my functions under this Designation to another person.

By: Signature of Agent / / Month / Day / Year
(Date of acceptance must be on or after date of designation)
Printed Name Title

TO AVOID DELAYS, LEAVE NO SPACES BLANK; DO NOT SEND VIA FACSIMILE OR EMAIL

Mail original documents with ink signatures only to: Office of the Executive Secretariat, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW, Washington, DC 20590

Issued on: August 2, 2005.

Jeffrey W. Runge, Administrator.

[FR Doc. 05-15561 Filed 8-5-05; 8:45 am]

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# Proposed Rules

Federal Register

Vol. 70, No. 151

Monday, August 8, 2005

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

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 20, 32, and 150

#### National Source Tracking of Sealed Sources; Meeting

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has published a proposed rule on National Source Tracking of Sealed Sources for public comment (70 FR 43646; July 28, 2005). The public comment period runs from July 28 thru October 11, 2005. As part of the public comment process, the NRC plans to hold two transcribed public meetings to solicit comments on the proposed rule. During the comment period, comments may also be mailed to the NRC or submitted via fax or e-mail. The meetings are open to the public and all interested parties may attend. The first meeting will be held at the NRC in Rockville, MD. The second meeting will be held at the offices of the Texas Department of State Health Services in Houston, TX.

**DATES:** August 29, 2005, from 9 a.m.—3 p.m. in Rockville, MD, and September 20, 2005, from 12:30 p.m. to 4:30 p.m. in Houston, TX.

**ADDRESSES:** The August 29 meeting will be held at the NRC Auditorium, Two White Flint North, 11545 Rockville Pike, Rockville, MD. The September 20 meeting will be held at the offices of the Texas Department of State Health Services—Elias Ramirez State Office Building, 5425 Polk Street, Rooms 4B–4E, Houston, Texas.

**FOR FURTHER INFORMATION CONTACT:** Merri Horn, telephone (301) 415–8126, e-mail, [mlh1@nrc.gov](mailto:mlh1@nrc.gov); Julie Ward, telephone (301) 415–5061, e-mail [jaw2@nrc.gov](mailto:jaw2@nrc.gov); or Ikeda King, telephone (301) 415–7278, e-mail [ijk@nrc.gov](mailto:ijk@nrc.gov) of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:** The purpose of these meetings is to obtain stakeholder comments on the National Source Tracking Proposed Rule. The proposed rule would require licensees to report certain transactions involving certain sealed sources of concern to the National Source Tracking System. These transactions would include manufacture, transfer, receipt, or disposal of the nationally tracked source. The proposed rule would also require each licensee to provide its initial inventory of nationally tracked sources to the National Source Tracking System and annually verify and reconcile the information in the system with the licensee's actual inventory. In addition, the proposed rule would require manufacturers to assign a unique serial number to each nationally tracked source. The proposed rule is available on NRC's rulemaking Web site: <http://ruleforum.llnl.gov>.

**Agenda:** Welcome—10 minutes; NRC staff presentation on Rule Requirements—20 minutes; Public Comment—remainder. There will also be a poster board session on the transaction forms. To ensure that everyone who wishes has the chance to comment, we may impose a time limit on speakers.

Attendees are requested to notify Julie Ward, telephone (301) 415–5061, e-mail [jaw2@nrc.gov](mailto:jaw2@nrc.gov) or Ikeda King, telephone (301) 415–7278, e-mail [ijk@nrc.gov](mailto:ijk@nrc.gov) to preregister for the meetings. You will be able to register at the meetings, as well.

Dated at Rockville, Maryland, this 2nd day of August, 2005.

For the Nuclear Regulatory Commission.

**Charles L. Miller,**

*Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 05–15661 Filed 8–5–05; 8:45 am]

**BILLING CODE 7590–01–P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 330

#### Deposit Insurance Coverage; Stored Value Cards and Other Nontraditional Access Mechanisms

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The FDIC is proposing to promulgate a regulation that would clarify the insurance coverage of funds subject to transfer or withdrawal through the use of stored value cards and other nontraditional access mechanisms. This proposed rule is a revision of a proposed rule published by the FDIC in April of 2004 (the “First Proposed Rule”). See 69 FR 20558 (April 16, 2004). The purpose of the revised proposed rule (the “Second Proposed Rule”) is to address certain issues raised by commenters in response to the original proposal. Through the Second Proposed Rule, the FDIC would add a new subsection to part 330 of title 12 of the Code of Federal Regulations. The new subsection would promote accuracy and consistency by insured depository institutions in reporting “deposits” for inclusion in an institution's assessment base. Also, the new subsection would provide guidance to the public about the insurance coverage of funds underlying nontraditional access mechanisms.

**DATES:** Written comments must be received by the FDIC no later than November 7, 2005.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Agency Web site: <http://www.fdic.gov/regulations/laws/federal/propose.html>. Follow the instructions for submitting comments.

- E-mail: [comments@fdic.gov](mailto:comments@fdic.gov). Include “Part 330—Stored Value Cards” in the subject line of the message.

- Mail: Robert E. Feldman, Executive Secretary, Attention: Comments/Legal ESS, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

- Hand Delivery/Courier: Comments may be hand-delivered to the guard station located at the rear of the FDIC's 550 17th Street building (accessible from F Street) on business days between 7 a.m. and 5 p.m.

**Instructions:** All submissions must include the agency name and use the title “Part 330—Stored Value Cards.” All comments received will be posted without change to <http://www.fdic.gov/regulations/laws/federal/propose.html>, including any personal information

provided. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m. on business days.

**FOR FURTHER INFORMATION CONTACT:**

Christopher L. Hencke, Counsel, Legal Division, (202) 898-8839, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:**

**I. The Statutory Definition of "Deposit"**

In the Federal Deposit Insurance Act ("FDI Act"), the term "deposit" is defined at section 3(l) (12 U.S.C. 1813(l)). This section includes several paragraphs. At paragraph 3(l)(1), the term "deposit" is defined in part as "the unpaid balance of money or its equivalent received or held by a bank or savings association in the usual course of business and for which it has given or is obligated to give credit, either conditionally or unconditionally, to a commercial, checking, savings, time, or thrift account, or which is evidenced by its certificate of deposit, thrift certificate, investment certificate, certificate of indebtedness, or other similar name \* \* \*." 12 U.S.C. 1813(l)(1).

At paragraph 3(l)(3), the term "deposit" is defined in part as "money received or held by a bank or savings association, or the credit given for money or its equivalent received or held by a bank or savings association, in the usual course of business for a special or specific purpose, regardless of the legal relationship thereby established, including without being limited to, escrow funds, funds held as security for an obligation due to the bank or savings association or others (including funds held as dealers reserves) or for securities loaned by the bank or savings association, funds deposited by a debtor to meet maturing obligations, funds deposited as advance payment on subscriptions to United States Government securities, funds held for distribution or purchase of securities, funds held to meet its acceptances or letters of credit, and withheld taxes \* \* \*." 12 U.S.C. 1813(l)(3).

Finally, paragraph 3(l)(5) provides that the FDIC, in consultation with the other federal banking agencies, may define "deposit" through regulation. See 12 U.S.C. 1813(l)(5). In accordance with paragraph 3(l)(5), the FDIC is consulting with the other agencies in connection with this proposed rulemaking.

**II. General Counsel's Opinion No. 8**

In 1996, the FDIC applied the statutory definition of "deposit" to

funds at insured depository institutions underlying stored value cards. The FDIC concluded that the funds in some stored value card systems are "deposits" but that the funds in other systems are not "deposits." The FDIC's interpretation was set forth in General Counsel's Opinion No. 8 ("GC8"). See 61 FR 40490 (August 2, 1996).

In GC8, the FDIC identified four types of stored value card systems that involve banks: (1) A "Bank Primary-Reserve System" (2) a "Bank Primary-Customer Account System"; (3) a "Bank Secondary-Advance System"; and (4) a "Bank Secondary-Pre-Acquisition System." Each of these systems is described below.

In a "Bank Primary-Reserve System," the insured depository institution issues stored value cards in exchange for cash from the cardholders. The depository institution does not maintain an individual account for each cardholder; rather, the institution maintains a pooled "reserve account" for all cardholders. In making payments to merchants or other payees (as the cardholders use their cards to purchase goods or services), the depository institution disburses funds from this "reserve account." In GC8, the FDIC determined that such funds held by the insured depository institution do not satisfy the statutory definition of "deposit" at section 3(l) of the FDI Act. In making this determination, the FDIC specifically addressed the applicability of paragraphs 3(l)(1) and 3(l)(3) (quoted above). First, in finding that the funds do not satisfy paragraph 3(l)(1), the FDIC found that the stored value cards are not structured so that the institution credits a conventional commercial, checking, savings, time or thrift account. Rather, the institution credits the pooled "reserve account." See 61 FR at 40492. Second, in finding that the funds do not satisfy paragraph 3(l)(3), the FDIC determined that the purpose of the funds is insufficiently "special or specific" because the cardholder might "engage in any of a number of unrelated transactions" with the result that the funds "could be associated with general or miscellaneous unrelated transactions." 61 FR at 40493. On the basis of this reasoning, the FDIC concluded that the funds in this type of system are not "deposits." See 61 FR at 40493, 40494.

A "Bank Primary-Customer Account System" is similar to a "Bank Primary-Reserve System" in that the insured depository institution issues stored value cards in exchange for cash from the cardholders. The two systems differ, however, in their accounting techniques. In a "Bank Primary-

Customer Account System," the depository institution does not maintain a pooled "reserve account" for all cardholders. Rather, the institution maintains an individual account for each cardholder. Citing paragraph 3(l)(1) of the statutory definition (quoted above), the FDIC in GC8 determined that the funds in these individual accounts are "deposits." See 61 FR at 40492, 40494.

In a "Bank Secondary-Advance System," the insured depository institution acts as an intermediary in collecting funds from cardholders in exchange for stored value cards issued by a third party or sponsoring company. The funds are held by the depository institution for a short period of time, then forwarded to the sponsoring company. See 61 FR at 40490. Later, when the cardholder uses the stored value card to make a purchase from a merchant, the sponsoring company (and not the depository institution) sends the appropriate amount of money to the merchant. In GC8, the FDIC determined that the funds collected by the depository institution are "deposits" belonging to the sponsoring company for the brief period before the funds are forwarded to the sponsoring company. The funds are not "deposits" belonging to the cardholders because the institution's liability for these funds is owed to the sponsoring company for whom the institution is temporarily holding the funds. See 61 FR at 40490-91, 40494.

Similarly, in a "Bank Secondary-Pre-Acquisition System," the insured depository institution provides cardholders with cards issued by a third party or sponsoring company. Prior to selling the cards to the cardholders, however, the depository institution purchases the cards from the sponsoring company. See 61 FR at 40490. In this respect, the system is different than a "Bank Secondary-Advance System." When the depository institution resells the cards to the cardholders, no money is owed to the sponsoring company. For this reason, the depository institution is free to retain the funds collected from the cardholders. Later, when a cardholder uses his/her stored value card to make a purchase from a merchant, the sponsoring company and not the depository institution sends the appropriate amount of funds to the merchant. In GC8, the FDIC determined that the funds collected by the depository institution in this system are not "deposits." See 61 FR at 40491, 40494. This conclusion was based upon the fact that the depository institution, in collecting funds from cardholders, does not assume a responsibility to

return or disburse the funds to the cardholders or the sponsoring company or any other party. Rather, the depository institution merely sells the right to collect funds from the sponsoring company (*i.e.*, the issuer of the cards). Thus, the funds underlying the stored value cards are held by the sponsoring company, not by the depository institution. Under these circumstances, no "deposits" exist at the depository institution. See 12 U.S.C. 1813(l)(1) (defining "deposit" as an "unpaid balance of money or its equivalent"); 12 U.S.C. 1813(l)(3) (providing that the term "deposit" does not include "funds which are received by the bank or savings association for immediate application to the reduction of an indebtedness to the receiving bank or savings association, or under condition that the receipt thereof immediately reduces or extinguishes such an indebtedness").

### III. The First Proposed Rule

Following the publication of GC8, the banking industry developed new types of stored value cards and stored value card systems. Indeed, stored value cards are one of the fastest growing products in the financial industry.

Certain types of cards are being marketed to lower-income consumers, especially the unbanked and the underbanked. The use of stored value cards can serve as a point of entry into the banking system for consumers without bank accounts, as well as provide asset-building and credit-building opportunities. Industry innovation in this area is of considerable interest to regulatory agencies and banks reaching out to underserved markets.

With more than 10 million unbanked households in the United States, prepaid debit products such as stored value cards or reloadable "payroll cards" are increasingly being used by employers to remit wages electronically to their employees. These cards have been used to provide consumers with a viable means of accessing funds and making financial transactions. Payroll cards have also served as an alternative to paying high fees at non-bank check cashers. Functioning as "checkless bank accounts," payroll debit cards have provided a convenient and safer way to store funds, pay for purchases, access automated teller machines ("ATMs") and pay bills. In addition, foreign remittance services are one of the ways in which banks use debit cards to build relationships with a large population of unbanked customers. The ability of banks to reach out to low- and moderate-income consumers with

products such as low-cost debit accounts, remittance services and individual development accounts may receive favorable consideration during Community Reinvestment Act examinations.

The evolving and increasing use of stored value cards is important to the banking industry. The FDIC and others in the banking industry recognize the importance of these cards to all consumers, including the underbanked. These cards provide banks with an opportunity to reach underserved markets.

While serving important needs, the development of new types of stored value cards has raised legal issues that the FDIC did not address in GC8. One of the new stored value card systems could be described as a "hybrid system" in that it combines the "Bank Primary-Reserve System" with the "Bank Primary-Customer Account System." In this hybrid system, the insured depository institution issues stored value cards against a pooled "reserve account" but also maintains individual accounts or subaccounts for the various cardholders. In some cases, the individual accounts or subaccounts are maintained by a processing agent. GC8 did not address such hybrid systems.

The banking industry also developed a system in which stored value cards are issued by a sponsoring company against an account at an insured depository institution. The issuance of cards by a sponsoring company (as opposed to a depository institution) is not a new development: the "Bank Secondary-Advance System" and the "Bank Secondary-Pre-Acquisition System" both involve the issuance of stored value cards by sponsoring companies. The new development (or at least the feature of "secondary systems" not discussed by the FDIC in GC8) is the funding of a bank account by the sponsoring company for the purpose of making payments on the stored value cards. When a cardholder uses his/her card to make a purchase from a merchant, the funds are disbursed to the merchant from this bank account. In GC8, the FDIC never addressed the question of whether the funds in such an account qualify as "deposits."

The "payroll card" is another type of card not specifically addressed in GC8. Such cards are distributed by employers to employees in lieu of paychecks. Prior to distributing the cards (or prior to activating the cards), the employer (directly or through a processing agent) places funds at a depository institution. After the distribution of the cards and the placement of the funds, the employees transfer or withdraw the

funds through the use of their cards. In some cases, payroll cards are reloadable.

GC8 also included no specific discussion of "gift cards." A person might buy a gift card from a retail store. In some cases, the gift card may be used to purchase goods or services wherever a major credit card may be used. Prior to the sales of such cards, the retail store (or some company under an agreement with the retail store) may place funds at a depository institution. After the sales of the cards and the placement of the funds, the cardholders transfer or withdraw the funds through the use of the cards.

In response to the development of these new types of stored value cards and stored value card systems, the FDIC published the First Proposed Rule. See 69 FR 20558 (April 16, 2004). The FDIC recognized the existence of three types of stored value card systems. First, the FDIC recognized systems in which an insured depository institution receives funds from cardholders, or receives funds from others on behalf of cardholders, in exchange for stored value cards issued by the depository institution. Under the First Proposed Rule, the funds held by the institution would be "deposits" unless (1) the institution records its liabilities for such funds in an account representing multiple cardholders; and (2) the institution (directly or through an agent) maintains no supplemental records or subaccounts reflecting the amount owed to each cardholder. Thus, in regard to "Bank Primary-Reserve Systems" and "Bank Primary-Customer Account Systems," the First Proposed Rule followed GC8. In addition, the First Proposed Rule provided that the funds in a hybrid system (not addressed in GC8) would be "deposits."

Second, the FDIC recognized systems in which an insured depository institution receives funds from cardholders in exchange for stored value cards issued by a sponsoring company (*e.g.*, a "Bank Secondary-Advance System" or a "Bank Secondary-Pre-Acquisition System"). Under the First Proposed Rule, the funds would be "deposits" if the depository institution bears an obligation to forward the funds to the sponsoring company or to hold the funds for the sponsoring company. After the forwarding or withdrawal of such funds, of course, the funds would cease to be "deposits." Also, the funds would never be "deposits" if the depository institution never bears an obligation to forward or hold the funds (*e.g.*, the depository institution purchases stored value cards from the sponsoring company and then resells the cards to the cardholders). In other

words, in regard to “Bank Secondary-Advance Systems” and “Bank Secondary-Pre-Acquisition Systems,” the First Proposed Rule simply followed GC8.

Third, the FDIC recognized systems in which funds are placed at an insured depository institution by a sponsoring company for the purpose of making payments on stored value cards issued by that company. As discussed above, this type of system was not addressed in GC8. Under the First Proposed Rule, the funds in such a system would be “deposits.”

The First Proposed Rule did not set forth specific rules for “payroll cards” or “gift cards.” Thus, under the First Proposed Rule, the funds underlying such cards would be subject to the general rules summarized above.

Finally, assuming that the funds in a particular system are “deposits,” the First Proposed Rule set forth no specific rules for determining whether the insured depositor is the cardholder as opposed to some other party (such as the employer in the case of payroll cards). Rather, the First Proposed Rule simply provided that the insurance coverage of the deposits would be governed by the same rules that apply to any other deposits. See 12 CFR part 330.

A separate issue is whether stored value cards should include mandatory disclosures as to whether the underlying funds are insured by the FDIC. In publishing the First Proposed Rule, the FDIC raised this issue but did not set forth any specific rules. Rather, the FDIC merely requested comments.

#### IV. The Comments

In response to the First Proposed Rule, the FDIC received 36 comments.<sup>1</sup> Approximately eight comments supported the proposed rule while approximately twenty comments opposed the rule. The other comments could be characterized as neutral.<sup>2</sup>

In supporting the First Proposed Rule, some commenters emphasized the importance of protecting consumers (*i.e.*, the persons who hold stored value cards). Others simply endorsed the proposed classification scheme (in which most funds held by banks would be “deposits” but some funds might not be “deposits”).

Those commenters who opposed the First Proposed Rule presented a variety

of objections. One of the objections was that the scope of the First Proposed Rule was too narrow. This particular objection is discussed in section A below. This objection warrants a separate discussion because the FDIC agrees that the scope of the proposed rule must be reconsidered. In section B, the commenters’ additional objections and arguments are discussed. These arguments include the following: (1) The proposed rule will trigger other laws and regulations; (2) the proposed rule is inconsistent with GC8; (3) cardholders do not expect to be insured; (4) the FDIC should recognize distinctions among types of stored value cards; (5) the funds underlying payroll cards should be insured but the funds underlying gift cards should not be insured; (6) adoption of the proposed rule will have a “chilling effect” on the development of stored value products; and (7) the adoption of a regulation is “premature.”

##### A. The Scope of the Proposed Rule

The stated purpose of the First Proposed Rule was “to clarify the meaning of ‘deposit’ as that term relates to funds at insured depository institutions underlying stored value cards.” The term “stored value card” was defined as “a device that enables the cardholder to transfer the underlying funds (*i.e.*, the funds received by the issuer of the card in exchange for the issuance or reloading of the card) to a merchant at the merchant’s point of sale terminal.” 69 FR at 20565–66. This stated purpose and this definition were based upon language in GC8. See 61 FR at 40490–91.

A number of commenters expressed the opinion that the proposed definition of “stored value card” is too narrow. They noted, for example, that some cards not only enable cardholders to transfer funds to merchants at point of sale terminals but also enable cardholders to make withdrawals at ATMs. Moreover, a device or mechanism that enables the user to make such transfers or withdrawals may not be a “card” at all. The mechanism could be a code or computer. Finally, some commenters noted that the term “stored value card” may be less common today than the term “prepaid card.”

*Response:* The FDIC agrees with these comments and is reconsidering the scope of the proposed rule.

Of course, no rule at all may be necessary if the funds underlying “stored value cards” or similar mechanisms do not differ in any material respects from the funds

underlying ordinary checks or ATM cards (*i.e.*, the funds in ordinary checking accounts). Although some of the literature suggests that stored value cards are different than checks because the funds are stored “on the card,” nothing is actually stored on the card except information (such as information about the amount available to the cardholder for transfers to merchants). In this respect, a stored value card is similar to a paper check. Both a card and a check serve as the means of transferring funds held at a bank. In both cases, the funds are delivered to merchants through a “clearing” process. This similarity was recognized in GC8. See 61 FR at 40490.

If a particular stored value card may be used to make withdrawals from ATM machines, then the card is similar to an ordinary ATM card. The use of a bank ATM machine to make withdrawals is a demonstration of the fact that the underlying funds are held at a bank, not “on the card.”

In short, stored value cards are very similar to traditional mechanisms for transferring or withdrawing funds from a bank. To the extent that the underlying funds have been placed at a bank, a self-described “stored value card” can serve as an access mechanism.<sup>3</sup> In this regard, a stored value card is no different than a check or bank-issued traveler’s check or money order. None of these mechanisms actually stores money. All of these mechanisms merely provide access to money stored at a bank.

Perhaps the major difference between stored value cards and traditional access mechanisms is that the holder of a stored value card, unlike the holder of a book of checks or the holder of an ATM card, need not deal directly with a bank. Rather, the holder of a stored

<sup>3</sup> To the extent that the card or other mechanism does not involve the placement of funds at a bank, the FDIC’s regulations are inapplicable. For example, the FDIC’s regulations do not apply to “closed systems” in which the cardholder deals directly with a merchant without the involvement of a bank. In such a system, the cardholder typically purchases his/her card directly from the merchant. The card enables the holder, at a later point in time, to collect goods or services from the same merchant. At that time, payment is not received by the merchant through a bank. On the contrary, the merchant has been prepaid through the sale of the card. Following the sale of the card, the merchant might place the funds into a deposit account at an FDIC-insured depository institution but any such placement of funds would have no effect on the “value” of the card or the cardholder’s ability to use the card to collect the promised goods or services. To the extent that the merchant places the funds into an account at an insured depository institution, the funds would be insurable to the merchant (not the cardholder) as the deposit of a corporation. See 12 CFR 330.11(a) (providing that the deposit accounts of a corporation are added together and insured up to \$100,000).

<sup>1</sup> Though a few of the comments were untimely, the FDIC has considered all of the comments in revising the proposed rule.

<sup>2</sup> Some comments represented multiple parties. For example, one comment represented 26 consumer groups. Comments from banking trade associations represented multiple banks.

value card may deal with either a bank or a third party.<sup>4</sup>

For example, in the case of payroll cards, the cardholders receive their cards from their employer (or agent company on behalf of the employer). The underlying funds are placed at a depository institution by the employer. After the distribution of the cards and the placement of the funds, the cards are used by the cardholders to transfer or withdraw the funds.

Similarly, in the case of gift cards, the cardholders may buy their cards from a retail store. Prior to selling the cards, the retail store (or some other company under an agreement with the retail store) may place the underlying funds at a depository institution. After the selling of the cards and the placement of the funds, the cards are used by the cardholders to transfer or withdraw the funds.

The fact that a depository institution holds the funds but might not deal directly with the cardholders creates the possibility that the institution will maintain no records as to the identities of the cardholders. In the event of the failure of the depository institution, the anonymity of the cardholders would create an obvious problem for the FDIC in attempting to pay deposit insurance to the cardholders. Concerns about the possible anonymity of cardholders played a large role in the FDIC's issuance of GC8 in 1996.

The problem of anonymity is not limited to persons with stored value cards. The same problem might exist in the case of persons who use other nontraditional means of transferring funds. For example, a company might provide customers with the service of purchasing goods or transferring funds over the Internet. In order to effectuate such transfers, the company might place funds at banks without providing the bank with information as to the identities of the customers. In such a scenario, an issue would exist as to whether the funds at the bank are "deposits" under paragraph 3(l)(1) of the statutory definition (as interpreted in GC8) because the funds would not be held in conventional checking or

savings accounts. In addition, an issue would exist as to whether the funds are "deposits" under paragraph 3(l)(3) of the statutory definition (as interpreted in GC8) because the funds might be used by the customers to make general and miscellaneous purchases over the Internet. Finally, assuming that the funds are "deposits," an issue would exist as to whether the funds should be insured to the company as opposed to the anonymous customers.

In short, the issues that exist with respect to the funds underlying stored value cards also exist with respect to the funds underlying other nontraditional access mechanisms. In order to resolve this broader set of issues, the FDIC has decided to replace the First Proposed Rule (dealing solely with funds underlying stored value cards) with the Second Proposed Rule (dealing with funds underlying all types of nontraditional access mechanisms). The Second Proposed Rule is explained in detail in section V, *infra*.

#### B. Other Objections

In response to the First Proposed Rule, commenters presented a number of objections that also might apply to the Second Proposed Rule. Each of the principal objections and arguments is discussed in turn below.

*The Effect Upon Other Laws.* Some commenters objected to the First Proposed Rule on the grounds that the adoption of a broad definition of "deposit" would trigger various laws and regulations that the commenters characterized as burdensome. Several commenters stated that the applicability of these laws and regulations could stifle development and increase costs of stored value products. The given examples of such laws and regulations included the Federal Reserve Act as implemented by Regulation D and the Electronic Fund Transfer Act as implemented by Regulation E. Commenters also cited Regulation P (privacy of consumer financial information), Regulation CC (availability of funds), Regulation DD (truth in savings), laws involving branches and mergers, the USA Patriot Act, and state laws involving escheat and liens.

*Response:* The laws and regulations cited by the commenters do not incorporate the definition of "deposit" in the FDI Act. Therefore, the FDIC's interpretation of "deposit" does not necessarily determine the applicability of these laws and regulations.

Regulation E is illustrative. This regulation provides certain protections to consumers who use electronic fund transfer services. See 12 CFR part 205. Nothing in Regulation E limits its

application to consumers with "deposits" as defined in the FDI Act. Rather, Regulation E protects consumers with "a demand deposit (checking), savings, or other consumer asset account (other than an occasional or incidental credit balance in a credit plan) held directly or indirectly by a financial institution and established primarily for personal, family, or household purposes." 12 CFR 205.2(b)(1) (emphasis added).

In September of 2004, the Board of Governors of the Federal Reserve System published a proposed rule that would provide that "payroll card accounts" are covered by Regulation E. See 69 FR 55996 (September 17, 2004). The proposed rule does not provide that Regulation E shall apply to all types of stored value card accounts or that Regulation E shall apply to all "deposits" as defined in the FDI Act. Thus, on its face, the proposed rule indicates that the applicability of Regulation E to consumers' accounts need not be coextensive with the insurance coverage of "deposits" as defined in the FDI Act.<sup>5</sup>

*Consistency With GC8.* Some commenters who opposed the First Proposed Rule presented legal arguments based on the statutory definition of "deposit" at 12 U.S.C. 1813(l). Most of these commenters objected to the FDIC's proposed treatment of funds in hybrid systems (*i.e.*, systems in which the depository institution maintains a pooled "reserve account" for all cardholders as in a "Bank Primary-Reserve System" but also maintains an account or subaccount for each cardholder as in a "Bank Primary-Customer Account System"). Under the First Proposed Rule, the funds in a hybrid system would be classified as "deposits."

In objecting to the FDIC's proposed treatment of funds in hybrid systems, the commenters relied in large part upon the FDIC's analysis of "Bank Primary-Reserve Systems" in GC8. As previously discussed, the FDIC in GC8 found that the funds in such systems do not qualify as "deposits" under either paragraph 3(l)(1) or paragraph 3(l)(3) of the statutory definition (previously quoted). First, the FDIC found that the funds do not qualify as "deposits" under paragraph 3(l)(1) because the funds are not credited to conventional commercial, checking, savings, time or thrift accounts. Rather, the funds are credited to a pooled self-described

<sup>4</sup> Even this difference may be overstated. While the purchaser of a stored value card might not deal directly with a bank, the purchaser of a traditional money order also might not deal directly with a bank. Rather, the purchaser might deal with an express company or money transmitter. If the money transmitter places funds into a bank, the funds will be "deposits" of the money-transmitting company and not "deposits" of the purchasers. See, *e.g.*, FDIC Advisory Opinion No. 91-21 (March 21, 1991). Under the Second Proposed Rule, funds underlying stored value cards would be treated in a similar fashion (*i.e.*, the funds placed in a bank would be "deposits" but not necessarily "deposits" of the purchasers).

<sup>5</sup> The applicability of Regulation E or other regulations administered by the Board of Governors lies within the jurisdiction of the Board of Governors, not within the jurisdiction of the FDIC.

“reserve account.” See 61 FR 40490. Second, the FDIC found that the funds do not qualify as “deposits” under paragraph 3(l)(3) because the purpose of the funds is insufficiently “special or specific.” In reaching this conclusion, the FDIC noted that the funds might be disbursed to any number of merchants as the cardholders use their cards in miscellaneous and unrelated transactions. See *id.*

On the basis of the same reasoning, some commenters argued that the funds in a hybrid system are not “deposits.” First, these commenters noted that the funds in a hybrid system are not credited to conventional commercial, checking, savings, time or thrift accounts (as those terms are interpreted in GC8). Rather, the funds are credited to the pooled “reserve account” and the individual stored value card subaccounts. Second, these commenters noted that the funds in the “reserve account” and the subaccounts are not “special or specific” in purpose (as that term is interpreted in GC8) because the funds might be disbursed to any number of merchants as the cardholders use their cards in miscellaneous and unrelated transactions. These commenters therefore argued that under the FDIC’s own interpretation in GC8 of paragraphs 3(l)(1) and 3(l)(3), the funds should not be “deposits.”

*Response:* The commenters’ interpretation as summarized above is not the only possible interpretation of GC8 as to whether the funds in hybrid systems are “deposits.” As explained in the preamble to the First Proposed Rule, the issue simply was not resolved in GC8. See 69 FR 20558, 20562 (April 16, 2004).

The confusion regarding the applicability of GC8 is an important reason for replacing GC8 with a regulation. In the end, the question is not whether certain funds are “deposits” under GC8 but whether certain funds are “deposits” under the statute and regulations implementing and interpreting the statute. In publishing the First Proposed Rule, the FDIC attempted to clarify the meaning of the statute. In regard to funds in hybrid systems, the FDIC concluded that such funds are “deposits” under paragraph 3(l)(3) of the statutory definition because the funds in each subaccount are held for the “special or specific purpose” of satisfying the bank’s obligations to a specific customer, *i.e.*, the individual cardholder.<sup>6</sup> See 69 FR at 20562. This

conclusion is consistent with GC8, in which the FDIC found that the funds in a “Bank Primary-Customer Account System” are “deposits.” No apparent difference exists between the funds in an individual subaccount and the funds in an individual account.

In summary, the FDIC continues to believe that the funds in hybrid systems are “deposits.” The FDIC is not persuaded by the comments to the contrary. Moreover, even if the funds in a particular type of system (such as a hybrid system) are not “deposits” under paragraph 3(l)(1) or paragraph 3(l)(3), the FDIC may classify the funds as “deposits” under paragraph 3(l)(5) (subject to the FDIC’s consultations with the other federal banking agencies). In light of the similarity between debit cards or ATM cards (providing access to traditional bank accounts) and stored value cards in a hybrid system (providing access to bank subaccounts), the FDIC believes that the funds in a hybrid system should be classified as “deposits.”

*Cardholders’ Expectations.* Another argument advanced by some commenters is that the funds underlying certain types of stored value cards—especially gift cards—should not be classified as “deposits” because the cardholders do not perceive themselves as depositors.

*Response:* Whether cardholders expect their cards to be supported by insured deposits is a significant practical issue (discussed further below), but it is not determinative. First, the issue for the FDIC is not simply whether the funds underlying gift cards are “deposits.” Assuming that the funds are “deposits,” an additional issue is whether the insurance coverage protects the cardholders as opposed to some other party. For example, the funds underlying certain gift cards might be placed at an insured depository institution by a retail store. Assuming that the retail store retains control of the funds, or the store fails to satisfy the FDIC’s requirements for obtaining “pass-through” insurance coverage, the FDIC would treat the store and not the cardholder as the depositor. Thus, the cardholders’ alleged perceptions and expectations would be fulfilled (they would not be treated as depositors) and yet the funds held by the bank could be classified as “deposits” (insurable not to the cardholders but to the retail store).

Second, the commenters’ argument does not address the fact that some cardholders receive periodic statements or balances from the depository

institution (or such statements or balances are made available by the depository institution). The FDIC is concerned that a stored value cardholder who receives a statement or balance from an FDIC-insured depository institution would expect his or her funds to be protected by the FDIC. In other words, the cardholders may perceive themselves as depositors.

Third, the statutory definitions of “deposit” and “insured deposit” are very broad. They do not make reference to customers’ perceptions and expectations. See 12 U.S.C. 1813(l); 12 U.S.C. 1813(m). In light of the foregoing, the FDIC is reluctant to adopt a regulation that would rely on customers’ alleged perceptions and expectations.

*Distinctions Among Types of Cards.* In response to the First Proposed Rule, some commenters argued that the FDIC should base deposit insurance determinations on certain characteristics of stored value cards. For example, one commenter stated that the underlying funds should be treated as “deposits” only in the case of “funds on cards that are the functional equivalent of a deposit in terms of longevity, purpose, usability, and ownership.” This commenter further argued that the funds should not be treated as “deposits” in the case of “funds on cards that are the functional equivalent of a payment mechanism more akin to cash.”

*Response:* Two points must be emphasized. First, under the FDI Act, insurance of “deposits” is not limited to funds owned by bank customers with formal or long-term relationships with the bank. For example, the term “deposit” includes funds underlying bank-issued travelers’ checks, official checks and money orders. See 12 U.S.C. 1813(l)(1); 1813(l)(4). Even though the payee of such an instrument may have established no formal relationship with the bank, the FDIC will provide insurance to the payee (in the event of the bank’s failure) because the funds held by the bank are “deposits.”

Second, a stored value card is not “akin to cash.” Rather, a stored value card is more closely related to payment instruments such as checks or travelers’ checks or money orders because the card must be backed-up by money at a bank. As previously explained, this money moves to merchants through a “clearing” process. In contrast, no “clearing” takes place in the case of cash.

*Payroll Cards Versus Gift Cards.* Some commenters argued that the FDIC should expressly differentiate between payroll cards and gift cards. These commenters suggested that the FDIC

<sup>6</sup> The FDIC also stated that the funds in individual subaccounts might be “deposits” under

paragraph 3(l)(1) of the statutory definition. See 12 69 FR at 20562.

should adopt a rule that provides as follows: (1) the funds underlying payroll cards are “deposits”; but (2) the funds underlying gift cards are not “deposits.”

*Response:* Although the FDIC has not incorporated this suggestion in the Second Proposed Rule, additional comments are requested as to whether the FDIC should recognize a distinction between the funds underlying payroll cards and the funds underlying gift cards. In the case of gift cards, the insurance of the underlying funds may depend on whether the funds are held in an account solely in the name of the retail store (*i.e.*, the party that places the funds into the bank) as opposed to being held in a custodial account that satisfies the FDIC’s requirements for “pass-through” insurance coverage (*i.e.*, coverage that “passes through” the retail store to the cardholders). If the gift cards have been issued by the bank itself and not issued by or through a retail store or other sponsoring company, one possibility might be to create a “*de minimis*” rule. For example, the FDIC could create a rule providing that the funds underlying cards with small balances (*e.g.*, up to \$100) are not “deposits.” Assuming that the gift cards have been issued directly by the bank (and not by or through a retail store or sponsoring company or any other party), another possibility might be to create a rule under which the funds underlying gift cards are not “deposits” if the insured depository institution maintains no records as to the identities of the cardholders or any other parties. Such an exception to the definition of “deposit” was included in the First Proposed Rule. Although the Second Proposed Rule does not include such exceptions to the definition of “deposit,” comments are requested.

In the case of funds underlying payroll cards, one possibility is to create a rule mandating satisfaction of the FDIC’s “pass-through” requirements so that the funds always would be insured to the employees. For example, the FDIC might forbid insured depository institutions from accepting funds underlying payroll cards unless (1) the employer (or agent company on behalf of the employer) maintains records reflecting the identities of the employees and the amount payable to each employee; and (2) the employer relinquishes ownership of the funds to the employees so that the employer cannot recover the funds under any circumstances (*e.g.*, upon the expiration of a card). Although the Second Proposed Rule does not include such a provision, comments are requested. The purpose of such a provision would be to protect the wages and salaries of

employees. Assuming that the FDIC adopts such a provision, comments are requested as to whether this type of provision should apply only to payroll cards or whether the FDIC should extend this treatment to other cards such as those used to deliver welfare or medical benefits.

The manner in which an employer uses payroll cards may be affected by state labor laws and regulations. Most notably, it appears that at least some state labor laws, though perhaps written to address a different issue, would effectively require employers to satisfy “pass-through” requirements. Comments are requested as to the applicability of any such state laws, with particular focus on whether they effectively insure that employees will receive “pass-through” coverage in the absence of FDIC rules requiring satisfaction of “pass-through” requirements.

*“Chilling Effect.”* Some commenters argued that the adoption of a broad definition of “deposit” would have a “chilling effect” on the development of stored value products. This argument is based upon the proposition that the definition of “deposit” under the FDI Act is a trigger with respect to the operation of other laws and regulations (such as Regulation E or the USA Patriot Act).

*Response:* As previously explained, a determination by the FDIC that certain funds held by a bank are insurable as “deposits” under the FDI Act would not automatically trigger application of various other laws and regulations. Conversely, a determination by the FDIC that the funds underlying some, or all, classes of stored value cards are not “deposits” would not preclude application of these other laws and regulations.

*“Premature.”* Some commenters argued that the adoption of a rule is “premature.” These commenters urged the FDIC—together with the other banking agencies—to conduct a study of stored value products.

*Response:* The timeliness of this rulemaking must be viewed in light of the fact that the FDIC has not addressed many of the issues relating to stored value cards since 1996 (when GC8 was published). Since that time, the development of new types of stored value products and systems (such as hybrid systems) has created uncertainty as to the insurance coverage of the underlying funds. If the FDIC fails to provide guidance, the holders of access mechanisms will not know whether they are insured. Moreover, insured depository institutions will not know whether to report the funds as

“deposits” in Call Reports. Under these circumstances, the FDIC believes that rulemaking may be necessary now.

## V. The Second Proposed Rule

The FDIC has considered the comments submitted by the public in response to the First Proposed Rule. These comments have increased the FDIC’s understanding of the issues relating to stored value cards and other nontraditional access mechanisms.

As discussed in the preceding section, the funds underlying some nontraditional access mechanisms are placed at an insured depository institution by a party other than the holder of the mechanism. For example, in the case of payroll cards, the funds will be placed at the insured depository institution by the employer (or agent company on behalf of the employer) while the cards will be held by employees.<sup>7</sup> Similarly, in the case of gift cards, the funds may be placed at the insured depository institution by a retail store (or other company pursuant to an agreement with the retail store) while the cards may be held by customers of the retail store. These arrangements create the possibility that the insured depository institution will possess no records as to the identities of the holders of the access mechanisms. An absence of such records appears especially likely in the case of low-denomination, transferable gift cards. In the event of the failure of the insured depository institution, the anonymity of the holders of the access mechanisms would create an obvious problem for the FDIC in attempting to pay deposit insurance.

The issue described above is not addressed in section 3(l) of the FDI Act (defining “deposit”). The issue is addressed in section 12(c), which provides that the FDIC—in paying deposit insurance—is entitled to rely on the account records of the insured depository institution in identifying the owners of deposits. See 12 U.S.C. 1822(c).<sup>8</sup>

In accordance with section 12(c), the FDIC has promulgated certain rules regarding the identification of the owners of deposits. These rules are set forth in section 330.5 of the insurance regulations. See 12 CFR 330.5. Section

<sup>7</sup> Of course, the same arrangement exists in the case of direct deposits: the funds are placed at the bank by the employer for the benefit of the employees. In the case of direct deposits, the funds are placed into accounts maintained by (and in the name of) the various employees.

<sup>8</sup> Determining the owner of a deposit is different than determining the existence of a deposit. Section 12(c) is applicable in determining the owner of a deposit, but is inapplicable in determining the existence of a deposit.

330.5 provides that “the FDIC shall presume that deposited funds are actually owned in the manner indicated on the deposit account records of the insured depository institution.” 12 CFR 330.5(a)(1). If the party that places funds at an insured depository institution is not the actual owner of the funds but a mere agent or custodian, then certain disclosure requirements must be satisfied in order for the insurance coverage to “pass through” the agent to the actual owner(s). See 12 CFR 330.5(b); 12 CFR 330.7. First, the agency or custodial relationship must be disclosed in the account records of the insured depository institution. See 12 CFR 330.5(b)(1). Second, the interests of the actual owners must be disclosed in records of the insured depository institution or records maintained by the custodian or other party. See 12 CFR 330.5(b)(2). If the disclosure requirements are not satisfied, the funds will be insured to the custodian (*i.e.*, the party that places the funds at the insured depository institution).

The FDIC is proposing to add a new paragraph to section 330.5. This new paragraph would extend the FDIC’s rules regarding ownership of deposits to funds underlying nontraditional access mechanisms, including cards, codes, computers or other electronic means. This approach differs from the approach taken by the FDIC in the First Proposed Rule, which would have added a new section to 12 CFR part 303.

The Second Proposed Rule would be codified at 12 CFR 330.5(c). This new paragraph would include three subsections, which are summarized below.

Subsection 330.5(c)(1) would recognize that the term “deposit” includes “funds subject to transfer or withdrawal solely through the use of nontraditional access mechanisms, including cards, codes, computers or other electronic means, to the extent that such mechanisms provide access to funds received and held by an insured depository institution for payment to others.” This subsection also would state that the FDIC, in determining the owners of funds underlying such nontraditional access mechanisms, would apply the general disclosure rules in section 330.5 as well as the special rules set forth in subsections 330.5(c)(2) and 330.5(c)(3) (summarized below). To the extent that a stored value card does not provide access to funds at a bank (such as subway farecard), the FDIC’s regulations would be inapplicable. See *FDIC v. Philadelphia Gear Corporation*, 476 U.S. 426 (1986).

Subsection 330.5(c)(2) would address cases in which funds are placed at an

insured depository institution by one party for transfer or withdrawal by the same party. In such a case, no issue would exist as to whether the funds should be insured to the party that places the funds at the bank as opposed to the party holding the access mechanism. The parties would be the same person. Accordingly, the funds would be insured to that person. An example of funds covered by this subsection would be funds transferable by the customer through the Internet (as opposed to the funds in an ordinary checking account, which would be governed by the ordinary disclosure rules in section 330.5).

Subsection 330.5(c)(3) would address cases in which funds are placed at an insured depository institution by one party for transfer or withdrawal by other parties. An example would be the funds underlying payroll cards, in which the funds are placed at the bank by the employer but the funds are subject to transfer or withdrawal by the employees. Another example would be the funds underlying gift cards, in which the funds may be placed at the bank by a retail store (or other company under an agreement with the retail store) but the funds are subject to transfer or withdrawal by customers of the retail store. Under this subsection, the funds would be insured to the first party (*i.e.*, the party that places the funds at the bank<sup>9</sup>) unless (A) the account records of the insured depository institution reflect the fact that the first party is not the owner of the funds; and (B) either the first party or the depository institution (or an agent on behalf of the first party or the depository institution) maintains records reflecting the identities of the persons holding the access mechanisms and the amount payable to each such person. If both of these conditions are satisfied, then the funds would be insurable to the persons holding the access mechanisms.<sup>10</sup>

Under subsection 330.5(c)(3), the involvement of a third-party processor for the bank would not preclude “pass-through” insurance coverage. As stated

<sup>9</sup> If the party that places the funds at the bank is merely an agent for some other party, then the funds would be insurable to the principal in accordance with the FDIC’s ordinary rules for accounts held by agents or custodians. See 12 CFR 330.7(a); 12 CFR 330.5(b).

<sup>10</sup> Of course, the deposits cannot be insured to the persons holding the access mechanisms unless such persons are the actual owners. See 12 CFR 330.3(h); 12 CFR 330.5(a)(1). Thus, the party placing the funds at the bank must relinquish ownership. For example, in the case of payroll cards, the employer should surrender all rights to recover the funds. If the employer does not relinquish ownership, the employer will be treated as the insured depositor.

above, “pass-through” coverage to the holders of the stored value cards or other access mechanisms would be available under both of the following circumstances: (1) the depository institution itself maintains records reflecting the identities of the cardholders and the amount payable to each cardholder; or (2) a third-party processor on behalf of the depository institution maintains records reflecting the identities of the cardholders and the amount payable to each cardholder. In the latter case, the depository institution’s own records (*i.e.*, the records not maintained by the third-party processor) should reflect the fact that the funds are not owned by the party that placed the funds into the bank (*e.g.*, the employer in the case of payroll cards or the retail store in the case of gift cards) but instead are owned by the cardholders.

Unlike the First Proposed Rule, the Second Proposed Rule does not address the following scenario: (1) The stored value cards or other nontraditional access mechanisms are sold or issued directly by the insured depository institution to the public (and not issued by or through a third party or sponsoring company); and (2) the depository institution maintains no accounts or subaccounts or other records reflecting the identities of the purchasers. The First Proposed Rule provided that the funds held by the depository institution, in this scenario, would not be “deposits.” The FDIC has not addressed this scenario in the Second Proposed Rule, however, because the FDIC is unsure that such a scenario actually exists. Comments are requested on this point. The FDIC is interested in learning whether any insured depository institution is selling stored value products directly to the public without maintaining any records as to the identities of any parties.

Assuming the existence of such a system, payment of insurance by the FDIC would be difficult in the event of the failure of the insured depository institution. In light of this difficulty, comments are requested as to whether the funds in any such system should be classified as “deposits.”

Arguably, the form of the access mechanism is unimportant. Whether the mechanism is traditional (such as an ATM card, book of checks or official check) or nontraditional (such as a stored value card), the access mechanism is merely a device for withdrawing or transferring the underlying money. The important thing is the underlying money. The receipt of money by the bank distinguishes a “deposit” liability from a “non-deposit”

liability. In the case of a “non-deposit” liability, the bank generally does not receive money from the creditor but instead receives goods or services.

The appropriate model for the FDIC’s treatment of funds underlying stored value cards and other nontraditional access mechanisms may be the FDIC’s treatment of funds underlying traditional access mechanisms. In the case of traditional access mechanisms and payment instruments (such as checks, traveler’s checks, cashier’s checks and money orders), the underlying funds held at a bank are “deposits” with no exceptions except those limited exceptions expressly created by Congress (such as the exception for bank obligations payable solely outside the United States). See 12 U.S.C. 1813(l)(1); 12 U.S.C. 1813(l)(4); 12 U.S.C. 1813(l)(5). This means that the funds are “deposits” irrespective of whether the bank maintains records as to the identities of customers and irrespective of account labels (such as “reserve account”).

The FDIC could extend this simple approach to funds underlying nontraditional access mechanisms. Of course, the results would be somewhat different than the results under GC8 (or the First Proposed Rule) but the FDIC is not bound to incorporate GC8 in the proposed rule.

In short, the question is whether the FDIC should adopt a regulation that treats the funds underlying stored value cards and other nontraditional access mechanisms as “deposits” provided that the funds have been placed at an insured depository institution. This approach would be consistent with the FDIC’s treatment of funds underlying traditional access mechanisms. An alternative approach would be to treat the funds as “non-deposits” in those cases (if any) in which the insured depository institution sells stored value cards directly to cardholders without keeping any information as to the identities of the cardholders or any other party. This approach would be different than the FDIC’s treatment of funds underlying traditional access mechanisms. Comments are requested.

Finally, some discussion may be warranted regarding a type of stored value card system addressed in the First Proposed Rule but not addressed in the Second Proposed Rule. This type of system was characterized in GC8 as a “secondary system” (*i.e.*, the “Bank Secondary-Advance System” or the “Bank Secondary-Pre-Acquisition System”). In this type of system, the insured depository institution collects funds from cardholders but does not hold the funds for the cardholders.

Rather, the depository institution either forwards the funds to a sponsoring company or retains the funds as reimbursement for funds previously paid to the sponsoring company. In either case, the depository institution plays no role in the payment process. When the cardholders use their cards, funds are transferred or withdrawn from the sponsoring company and not transferred or withdrawn from the insured depository institution.

Since the publication of GC8 in 1996, the FDIC has received few if any inquiries about “secondary systems.” The FDIC is unsure whether any such systems currently exist. Under these circumstances, no reason may exist for addressing such systems in the Second Proposed Rule. Comments are requested. Assuming the existence of such systems, the FDIC could add a subsection providing that the funds received by the insured depository institution are “deposits” belonging to the sponsoring company for the brief period before the funds are forwarded to the sponsoring company (consistent with GC8’s treatment of funds in a “Bank Secondary-Advance System”). This subsection also could provide that no “deposits” would exist if no obligation exists on the part of the depository institution to hold or forward any funds (consistent with GC8’s treatment of funds in a “Bank Secondary-Pre-Acquisition System”). Assuming the existence of “secondary systems,” comments are requested as to whether the FDIC should add such provisions to the Second Proposed Rule.

## VII. Disclosures

The First Proposed Rule did not mandate that stored value cards disclose whether the underlying funds are insured by the FDIC. In publishing the First Proposed Rule, however, the FDIC discussed this question. See 69 FR 20558, 20564 (April 16, 2004). The FDIC stated that it “expects insured depository institutions to clearly and conspicuously disclose to customers the insured or non-insured status of the stored-value cards they offer to the public.” The Office of the Comptroller of the Currency (OCC) has informed the institutions under its supervision that it has the same expectation when they implement payroll card systems. See OCC Advisory Letter 2004–6 (May 6, 2004).

In response to the First Proposed Rule, a number of commenters addressed the issue of disclosures. Some commenters supported mandatory disclosures, but several commenters expressed the opinion that mandatory disclosures are unnecessary.

The FDIC recognizes that mandatory disclosures would impose a degree of burden on depository institutions. On the other hand, this burden may be outweighed by consumers’ need for accurate information. While not mandating specific disclosures in the Second Proposed Rule, the FDIC is interested in receiving comments on this subject.

One option is to require specific disclosures when “pass-through” coverage is available to cardholders or when the depository institution has a good faith belief that the FDIC’s requirements for “pass-through” coverage have been satisfied. In such a case, the following could be printed on the card:

“Funds available through this card are individually insured by the FDIC to the Cardholder.”

Such a disclosure would not be mandated when “pass-through” coverage is unavailable to cardholders. Indeed, when “pass-through” coverage is unavailable, any statement about FDIC insurance coverage (such as a statement to the effect that the funds underlying a particular gift card are insured to the retail store that sold the card, not to the cardholder) could be very confusing. For this reason, the FDIC seeks comments on how to prevent misleading disclosures and whether certain disclosure practices should be prohibited.

Another question is whether a brief disclosure should be printed on the stored value card itself or whether a more substantive disclosure that clearly explains the scope of federal insurance coverage should be provided at the time that the card is issued. Possibly, the card could refer the consumer to a source of additional information about the insured status of the consumer’s funds. An additional question is whether the name of the depository institution that holds the underlying funds should be printed on the card.

Comments are requested on each of these questions. The FDIC is interested in determining the feasibility of providing disclosures to consumers and the usefulness of any such disclosures to consumers.

### *Request for Comments*

The FDIC seeks comments on all aspects of the Second Proposed Rule.

### *Paperwork Reduction Act*

The FDIC is seeking comments on whether to mandate disclosures to the holders of stored value cards (as discussed in section VII). Requiring the disclosure of information to the public

may qualify as a "collection of information" for purposes of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). See 5 CFR 1320.3(c). The required disclosure would not be a "collection of information," however, to the extent that the FDIC is providing specific language that insured depository institutions may use in disclosing information to the public. See 5 CFR 1320.3(c)(2). Moreover, insured depository institutions already must ascertain the information in question—whether funds underlying stored value cards qualify as "deposits"—in completing their Call Reports. Thus, nothing in this proposed rulemaking requires an insured depository institution to collect information that the institution otherwise would not collect.

In summary, no collections of information pursuant to the Paperwork Reduction Act are contained in the proposed rule. Accordingly, no information has been submitted to the Office of Management and Budget (OMB) for review. If the proposed rule is revised in response to the public comments, the FDIC will make another determination as to the applicability of the Paperwork Reduction Act and seek OMB approval as appropriate.

#### *Regulatory Flexibility Act*

In accordance with section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a)), the FDIC must publish an initial regulatory flexibility analysis with this proposed rulemaking or certify that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of "small entities" (*i.e.*, depository institutions with total assets of \$150 million or less). On the basis of the reasons set forth below, the FDIC hereby certifies pursuant to 5 U.S.C. 605(b) that the proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

*Economic Impact.* The proposed rulemaking is not intended to apply to any issue except the meaning of "deposit" under the FDI Act. The definition of "deposit" is applied consistently to all insured depository institutions, including "small" institutions with assets under \$150 million. As of March 31, 2005, there were 5,322 "small" FDIC-insured institutions. Though this rulemaking may affect the manner in which some insured depository institutions report "deposits" in their Call Reports, the rulemaking generally will not impose new obligations on insured depository institutions because such institutions—

irrespective of this rulemaking—must file Call Reports.

Notwithstanding the above, the FDIC may be imposing new obligations on insured depository institutions in directing such institutions—when issuing stored value cards—to make clear and conspicuous disclosures as to whether the underlying funds are insured (as discussed in section VII). The FDIC believes that clear, conspicuous disclosures are necessary in order to prevent confusion on the part of the public. See 12 U.S.C. 1819 (investing the FDIC with general rulemaking authority with respect to deposit insurance). In any event, the FDIC believes that the cost of adding clear and conspicuous disclosures to stored value cards will not result in a significant economic impact on a substantial number of small entities. This conclusion is based upon the fact that the cost will involve the design of a depository institution's stored value cards, not the production of such cards. Adding a one-sentence disclosure to a card should involve at most only a minimal cost. Indeed, the addition of a clear and conspicuous disclosure about insurance coverage may reduce the institution's costs in answering questions from the public about FDIC insurance coverage.

Although the proposed rulemaking should not create a significant adverse economic impact on an insured depository institution, and may even result in a modest net benefit, the FDIC believes that insured depository institutions should be given an opportunity to provide comments on the subject. Accordingly, comments are requested (below).

The FDIC is not aware of any federal rules that would duplicate, overlap or conflict with a requirement that stored value cards issued by insured depository institutions must include clear and conspicuous disclosures about insurance coverage.

*Request for Comments.* The FDIC requests comments as to the cost of adding a clear and conspicuous disclosure about insurance coverage to stored value cards by insured depository institutions. Commenters may wish to address the following: (1) The number of small entities that are issuing stored value cards or may issue stored value cards; (2) the manner and impact of adding a clear and conspicuous disclosure about insurance coverage to stored value cards; and (3) alternative methods of preventing confusion on the part of the public.

#### *Impact on Families*

The proposed rule would not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681).

#### **List of Subjects in 12 CFR Part 330**

Bank deposit insurance, Banks, banking, Reporting and recordkeeping requirements, Savings and loan associations, Trusts and trustees.

For the reasons set forth in the preamble, the Board of Directors of the Federal Deposit Insurance Corporation proposes to amend part 330 of Title 12 of the Code of Federal Regulations as follows:

#### **PART 330—DEPOSIT INSURANCE COVERAGE**

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

**Authority:** 12 U.S.C. 1813(l), 1813(m), 1817(i), 1818(q), 1819(Tenth), 1820(f), 1821(a), 1822(c).

2. Section 330.5 is amended by adding a new paragraph (c) to read as follows:

#### **§ 330.5 Recognition of Deposit Ownership and Fiduciary Relationships**

\* \* \* \* \*

(c) *Nontraditional access mechanisms*—(1) Purpose. This paragraph shall apply to funds subject to transfer or withdrawal solely through the use of nontraditional access mechanisms, including cards, codes, computers or other electronic means, to the extent that such mechanisms provide access to funds received and held by an insured depository institution for payment to others. In determining the owners of such deposits, the FDIC shall apply the general rules in this section as well as the special rules in this paragraph (c).

(2) Funds received by an insured depository institution from one party for transfer or withdrawal by the same party. In the case of funds placed at an insured depository institution by one party for transfer or withdrawal by the same party, the funds shall be deposits belonging to that party. (*Example:* A bank allows customers to open accounts over the Internet. The funds placed at the bank by a customer are not transferable by check; however, the customer may transfer funds to merchants through the Internet. Until such transfers to merchants, the funds held by the bank are deposits insurable to the customer.)

(3) Funds received by an insured depository institution from one party for transfer or withdrawal by other parties. In the case of funds placed at an insured depository institution by one party for transfer or withdrawal by other parties, the funds shall be deposits insurable to the first party (*i.e.*, the party that places the funds) unless the account records of the insured depository institution reflect the fact that the first party is not the owner of the funds; and either the first party or the depository institution (or an agent on behalf of the first party or the depository institution) maintains records reflecting the identities of the persons holding the access devices and the amount payable to each such person. If both of these conditions are satisfied, then the funds may be insured to the persons holding the access devices. (*Example 1:* A retail store sells gift cards to customers. Prior to the sales of these cards, the retail store places funds at an insured depository institution. The funds are transferable or withdrawable by the holders of the gift cards. In the event of the expiration of a card, however, the funds are not recoverable by the cardholders. In fact, no information about the identities of the cardholders is maintained by the depository institution or the retail store. Under these circumstances, the funds held by the depository institution are deposits insurable to the retail store. *Example 2:* An employer distributes payroll cards to employees. Prior to the distribution of the cards, the employer places funds at an insured depository institution. The funds are transferable or withdrawable by the employees through the use of the payroll cards. An account or subaccount is established at the depository institution for each cardholder. The funds in each such account or subaccount cannot be recovered by the employer. Under these circumstances, the funds are deposits insurable to the employees.)

Dated at Washington, DC this 19th day of July, 2005.

By Order of the Board of Directors of the Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 05-15568 Filed 8-5-05; 8:45 am]

**BILLING CODE 6714-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-22034; Directorate Identifier 2004-NM-182-AD]

RIN 2120-AA64

#### Airworthiness Directives; Gulfstream Model GV and GV-SP Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all Gulfstream Model GV and certain Model GV-SP series airplanes. This proposed AD would require a one-time inspection of the left and right aileron and elevator actuators to determine the part and serial numbers of each actuator, repetitive inspections of suspect actuators to detect broken damper shafts, and replacement of any actuator having a broken damper shaft. This proposed AD would also require that operators report any broken damper shaft they find to the FAA. This proposed AD also would provide an optional terminating action for the repetitive inspection requirements of this proposed AD. This proposed AD is prompted by reports of broken or cracked damper shafts within the aileron and elevator actuator assemblies. We are proposing this AD to detect and correct broken damper shafts, which could result in locking of an aileron or elevator actuator (hard-over condition), which would activate the hard-over protection system (HOPS), resulting in increased pilot workload and consequent reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by September 22, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *Government-wide Rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL-401, Washington, DC 20590.

- *By Fax:* (202) 493-2251.

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Gulfstream Aerospace Corporation, Technical Publications Dept., P.O. Box 2206, Savannah, Georgia 31402-9980.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA-2005-22034; the directorate identifier for this docket is 2004-NM-182-AD.

**FOR FURTHER INFORMATION CONTACT:** Gerald Avella, Aerospace Engineer, Systems and Equipment Branch, ACE-119A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6066; fax (770) 703-6097.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-22034; Directorate Identifier 2004-NM-182-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you can visit <http://dms.dot.gov>.

##### Examining the Docket

You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in

person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System (DMS) receives them.

**Discussion**

We have received a report from the airplane manufacturer, Gulfstream, indicating that the damper shafts in two actuators broke under normal torquing requirements during assembly of the actuators for a Gulfstream Model GV-SP airplane. Approximately one week after the original occurrence, a third actuator was found with a cracked damper shaft. In each case, the cracks originated at the threaded base of the damper shaft. In addition, the third actuator was found to be from a manufacturing lot previous to that of the other two actuators. Parker Aerospace, the actuator manufacturer, notified Gulfstream that the production

process used after 1998 to manufacture aileron and elevator actuator damper shafts (internal to the actuator) may induce cracks in the threaded portion of the shaft. This cracking could cause the retaining nut and the separated portion of the failed damper shaft to become dislodged from the damper body and block the movement of the assembly. This condition, if not corrected, could result in locking of an aileron or elevator actuator (hard-over condition), which would activate the hard-over protection system (HOPS), resulting in increased pilot workload and consequent reduced controllability of the airplane.

The affected aileron and elevator actuators installed on Gulfstream Model GV and GV-SP series airplanes are identical to those installed on Model G-1159, G-1159A, G-1159B, and G-IV series airplanes. Therefore, all of these models may be subject to the identified unsafe condition.

**Other Rulemaking for Additional Airplane Models**

On October 4, 2004, we issued AD 2004-21-03, amendment 39-13824 (69 FR 61305, October 18, 2004), applicable

to all Gulfstream Model G-1159, G-1159A, G-1159B, and G-IV series airplanes. That AD currently requires a one-time inspection of the left and right aileron and elevator actuators to determine the part and serial numbers of each actuator, repetitive inspections of suspect actuators to detect broken damper shafts, and replacement of any actuator having a broken damper shaft. That AD also requires that operators report any broken damper shaft(s) they find to the FAA. That AD also provides an optional terminating action for the repetitive inspection requirements of that AD. That AD was prompted by reports of broken or cracked damper shafts within the aileron and elevator actuator assemblies. The actions required by that AD are intended to detect and correct broken damper shafts, which could result in locking of an aileron or elevator actuator (hard-over condition), subsequent loss of aileron or elevator control, and consequent reduced controllability of the airplane.

**Relevant Service Information**

We have reviewed the following Gulfstream customer bulletins:

TABLE.—RELEVANT SERVICE INFORMATION

Model	Customer bulletin	Dated
1. GV and GV-SP series airplanes .....	Gulfstream G500 Customer Bulletin 4 .....	August 23, 2004.
2. GV and GV-SP series airplanes .....	Gulfstream G550 Customer Bulletin 4 .....	August 23, 2004.
3. GV and GV-SP series airplanes .....	Gulfstream GV Customer Bulletin 123 .....	August 23, 2004.

The customer bulletins describe procedures for a one-time inspection of the left and right aileron and elevator actuators to determine the part number (P/N) and serial number (S/N) of each actuator. The customer bulletins also describe procedures for an inspection of the actuators with certain P/Ns and S/Ns to detect broken damper shafts, and replacement of any actuator having a broken damper shaft with a new or serviceable actuator.

**FAA’s Determination and Requirements of the Proposed AD**

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. Therefore, we are proposing this AD, which would require:

1. A one-time inspection of the left and right aileron and elevator actuators to determine the part and serial numbers of each actuator;
2. Repetitive inspections of suspect actuators to detect broken damper

shafts, and replacement of any actuator having a broken damper shaft; and

3. Any broken damper shaft found during the initial and repetitive inspections is to be reported to the FAA. These actions are to be done in accordance with the service information described previously, except as discussed under “Differences Between the Proposed AD and Customer Bulletins.”

We are not proposing to require the terminating action (*i.e.*, replacement of all suspect actuators) at this time, because we have determined, and the actuator manufacturer has confirmed, that the necessary replacement actuators (with a P/N and/or S/N not listed in the applicable customer bulletin) are not yet available and will not be available for another 24 to 36 months. Therefore, we are providing the terminating action as an option for operators once those parts become available.

**Differences Between the Proposed AD and Customer Bulletins**

The customer bulletins do not specify what to do if an installed actuator has either a P/N or S/N that is missing or is unreadable. This proposed AD would require that those actuators also be inspected to detect broken damper shafts—as if they have a P/N and S/N listed in the customer bulletins.

The customer bulletins recommend a one-time inspection of the aileron and elevator actuators for broken damper shafts. However, a suspect damper shaft found undamaged during the initial inspection still has the potential to break at some time in the future. Because a one-time inspection alone would not provide the degree of safety necessary, we have determined that repetitive inspections of the suspect actuators are necessary to ensure an adequate level of safety for the affected transport airplane fleet. We have also determined that an interval of 500 flight hours is an appropriate compliance time for the repetitive inspections. Although the customer bulletins do not include

repetitive inspections, they do note that a recurring inspection will be added to the applicable airplane maintenance manual.

The customer bulletins also do not specify the type of inspection to use to detect broken damper shafts. We have determined that a detailed inspection for this action is appropriate. Therefore, this proposed AD would require a detailed inspection to detect broken damper shafts, and we have included the definition of a detailed inspection in this proposed AD.

The customer bulletins specify replacing an actuator having a broken damper shaft, but they do not specify the type of replacement actuator. This proposed AD would require replacement with either:

- A new or serviceable actuator having a subject P/N and S/N listed in the customer bulletin, provided the actuator has been and continues to be inspected for broken damper shafts in accordance with the requirements of this proposed AD; or
- A new or serviceable actuator having a P/N and/or S/N different from any listed in the customer bulletin. Replacing an actuator with an actuator having a different P/N and/or S/N would terminate the requirements of this proposed AD for that actuator only.

The customer bulletins do not specify reporting findings of broken damper shafts. This proposed AD would require that findings of all broken damper shafts be reported to the FAA. When the unsafe condition addressed by an AD is likely due to a manufacturer's quality control (QC) problem, a reporting requirement is instrumental in ensuring that we can gather as much information as possible regarding the extent and nature of the QC problem or breakdown, especially in cases where the data may not be available through other

established means. This information is necessary to ensure that proper corrective action will be taken. Based on the results of these reports, we may determine that further corrective action is warranted.

The Accomplishment Instructions of the customer bulletins specify to submit the Service Reply Card or compliance information to the manufacturer. This proposed AD does not include those actions.

These differences have been coordinated with the airplane manufacturer.

**Clarification of Applicability**

The effectivities of the customer bulletins include all Model GV and certain Model GV-SP series airplanes, equipped with aileron or elevator actuators having certain P/Ns and S/Ns. Because there is no way to determine if an actuator with a suspect P/N and S/N is installed without inspecting the airplane, this proposed AD would apply to all Model GV series airplanes and Model GV-SP series airplanes having certain S/Ns. This requirement would ensure that the actions specified in the service bulletins and required by this proposed AD are accomplished on all affected airplanes. Note that the first action in the customer bulletins is an inspection to determine if an actuator having a certain P/N and S/N is installed.

**Interim Action**

This proposed AD is considered to be interim action. The inspection reports that are required by this proposed AD will enable us to work with the manufacturer to obtain better insight into the nature and extent of the broken damper shafts, and eventually to develop final action to address the unsafe condition. Once final action has

been developed and replacement parts are available, we may consider further rulemaking.

**Changes to 14 CFR Part 39/Effect on the AD Relating to Special Flight Permits**

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOC). This material is included in part 39, except that the office authorized to approve AMOCs is identified in each individual AD. However, as amended, part 39 provides for the FAA to add special requirements for operating an airplane to a repair facility to do the work required by an airworthiness directive. For the purposes of this proposed AD, we have determined that such a special flight permit would be prohibited if a broken damper shaft is found during the inspection of the subject aileron and elevator actuators provided by paragraph (i) of this proposed AD. Locking of an aileron or elevator actuator, which would activate the hard-over protection system (HOPS), would significantly reduce controllability of the airplane and increase pilot workload. Intentionally operating an airplane in this condition would inherently increase the risk of a major event.

**Costs of Compliance**

There are about 214 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 174 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Fleet cost
Inspection for part/serial number .....	1	\$65	\$0	\$65	\$11,310.
Inspection of actuators, per inspection cycle (if required).	2	65	0	130	\$22,620, per inspection cycle.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation

is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order

13132. This proposed AD 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**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 FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Gulfstream Aerospace Corporation:** Docket No. FAA-2005-22034; Directorate Identifier 2004-NM-182-AD.

**Comments Due Date**

(a) The Federal Aviation Administration (FAA) must receive comments on this AD action by September 22, 2005.

**Affected ADs**

(b) None.

**Applicability:** (c) This AD applies to all Gulfstream Model GV series airplanes, and

Model GV-SP series airplanes having serial numbers (S/Ns) 5001 through 5052 inclusive; certificated in any category.

**Unsafe Condition**

(d) This AD was prompted by reports of broken or cracked damper shafts within the aileron and elevator actuator assemblies. We are issuing this AD to detect and correct broken damper shafts, which could result in locking of an aileron or elevator actuator (hard-over condition), which would activate the hard-over protection system (HOPS), resulting in increased pilot workload and consequent reduced controllability of the airplane.

**Compliance:** (e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Service Information References**

(f) The term "customer bulletin," as used in this AD, means the Accomplishment Instructions of the applicable Gulfstream customer bulletins specified in Table 1 of this AD. Although the customer bulletins recommend completing and submitting the Service Reply Card or reporting compliance with the customer bulletin, those actions are not required by this AD.

TABLE 1.—APPLICABLE GULFSTREAM CUSTOMER BULLETINS

Model	Customer bulletin	Dated
(1) GV-SP series airplanes .....	Gulfstream G500 Customer Bulletin 4 .....	August 23, 2004.
(2) GV-SP series airplanes .....	Gulfstream G550 Customer Bulletin 4 .....	August 23, 2004.
(3) GV series airplanes .....	Gulfstream GV Customer Bulletin 123 .....	August 23, 2004.

**Inspection To Determine Actuator Part and Serial Numbers**

(g) Within 500 flight hours after the effective date of this AD: Do a one-time inspection of the left and right aileron and elevator actuators to determine the part number (P/N) and S/N of each actuator, in accordance with the applicable customer bulletin.

**No Subject Actuators Installed**

(h) If no actuator with a P/N and S/N listed in the applicable customer bulletin is identified during the inspection required by paragraph (g) of this AD, no further action is required by this AD, except as required by paragraph (l) of this AD.

**Initial and Repetitive Inspections and Corrective Action for Subject Actuators**

(i) For any actuator identified during the inspection required by paragraph (g) of this AD with a P/N and S/N listed in the applicable customer bulletin, and for actuators for which the P/N or S/N is missing or unreadable: Before further flight, do a detailed inspection of each identified actuator to detect a broken damper shaft, in accordance with the applicable customer bulletin.

**Note 1:** For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation,

or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

(1) If no damper shaft is found broken: Repeat the inspection required by paragraph (i) of this AD thereafter at intervals not to exceed 500 flight hours.

(2) If any damper shaft is found broken: Before further flight, do the action specified in either paragraph (i)(2)(i) or (i)(2)(ii) of this AD, in accordance with the applicable customer bulletin.

(i) Replace the actuator with a new or serviceable actuator having a P/N and S/N listed in the applicable customer bulletin, provided the new or serviceable actuator has been inspected in accordance with the requirements of paragraph (i) of this AD. Thereafter, repeat the inspection required by paragraph (i) of this AD for that actuator at intervals not to exceed 500 flight hours.

(ii) Replace the actuator with a new or serviceable actuator having a P/N and/or S/N not listed in the applicable customer bulletin. This replacement terminates the requirements of this paragraph for that actuator only.

**Optional Terminating Action**

(j) Except as required by paragraph (l) of this AD, replacement of all suspect actuators with new or serviceable actuators having a P/N and/or S/N not listed in the applicable customer bulletin terminates the requirements of this AD.

**Reporting Requirement**

(k) Submit a report of any broken damper shafts to the Manager, Atlanta Aircraft Certification Office (ACO), FAA, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; fax (770) 703-6097. The report must be done at the applicable time specified in paragraph (k)(1) or (k)(2) of this AD. The report must include the inspection date, the airplane model and S/N, the actuator position (left or right aileron or elevator), and the actuator P/N and S/N. Information collection requirements contained in this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(1) If the inspection required by paragraph (i) of this AD is done after the effective date of this AD: Submit a report within 30 days after each inspection required by paragraph (i) of this AD.

(2) If an inspection required by paragraph (i) of this AD was done before the effective date of this AD: Submit a report within 30 days after the effective date of this AD.

#### Parts Installation

(l) As of the effective date of this AD, no person may install an aileron or elevator actuator having a P/N and S/N specified in the applicable customer bulletin on any airplane, unless the actuator has been inspected according to paragraph (i) of this AD.

#### Special Flight Permit Prohibited

(m) Special flight permits (14 CFR 21.197 and 21.199) are not allowed if any broken damper shaft is found during any inspection required by paragraph (i) of this AD.

#### Alternative Methods of Compliance (AMOCs)

(n) The Manager, Atlanta ACO, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Issued in Renton, Washington, on August 2, 2005.

**Kevin Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 05-15589 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-22031; Directorate Identifier 2004-NM-259-AD]

RIN 2120-AA64

**Airworthiness Directives; Meggitt Model 602 Smoke Detectors Approved Under Technical Standard Order (TSO) TSO-C1C and Installed on Various Transport Category Airplanes, Including But Not Limited to Aerospatiale Model ATR42 and ATR72 Airplanes; Boeing Model 727 and 737 Airplanes; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30 and DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain smoke detectors installed on various transport category airplanes. This proposed AD would require replacing the affected smoke detectors

with modified smoke detectors. This proposed AD is prompted by a report indicating that the affected smoke detectors can “lock up” during electrical power transfer from the auxiliary power unit to the engines. We are proposing this AD to identify and provide corrective action for a potentially inoperative smoke detector and to ensure that the flightcrew is alerted in the event of a fire.

**DATES:** We must receive comments on this proposed AD by September 22, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *Government-wide Rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL-401, Washington, DC 20590.
- *By Fax:* (202) 493-2251.
- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Meggitt Safety Systems Inc., 1915 Voyager Avenue, Simi Valley, California 93063.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA-2005-22031; the directorate identifier for this docket is 2004-NM-259-AD.

**FOR FURTHER INFORMATION CONTACT:** Ken Sujishi, Aerospace Engineer, Cabin Safety, Mechanical, and Environmental Branch, ANM-150L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5353; fax (562) 627-5210.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2005-22031; Directorate Identifier 2004-NM-259-AD” in the subject line of your comments. We specifically

invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you can visit <http://dms.dot.gov>.

#### Examining the Docket

You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

#### Discussion

We have received a report indicating that an unsafe condition may exist on transport category airplanes equipped with certain smoke detectors. The affected smoke detectors are Meggitt Model 602 smoke detectors approved under Technical Standard Order (TSO) TSO-C1C and having certain part numbers (P/Ns) 8930-( ). Testing indicated a design discrepancy involving the operation of these smoke detectors. During a test on McDonnell Douglas Model MD-11F airplanes, 31 of 33 smoke detectors “locked up” when the power to the smoke detectors was interrupted during power transfer from the auxiliary power unit (APU) to the engines. Investigation revealed that the smoke detector circuit does not meet power interrupt requirements during a power transfer between ground power, APU power, and main engine power sources on the airplane. When the smoke detector locks up, the flightcrew is unaware of the inoperative smoke detector unless they test the smoke

detection system. The smoke detector remains inoperative until power to the unit is cycled off and on. Under these

conditions, the flightcrew would not be alerted in the event of a fire. This lock-up condition may also be produced by electrical power transfer on

other airplanes equipped with an affected smoke detector. Included in that group are airplanes listed in the following table:

**AFFECTED AIRPLANES**

Manufacturer	Model
Aerospatale .....	ATR42 and ATR72 airplanes.
Boeing .....	727 and 737 airplanes.
McDonnell Douglas .....	DC-10-10 and DC-10-10F; DC-10-15; DC-10-30 and DC-10-30F (KC-10A and KDC-10); and DC-
.....	10-40 and DC-10-40F airplanes.
.....	MD-10-10F and MD-10-30F airplanes.
.....	MD-11 and MD-11F airplanes.

Therefore, all of these airplanes may be subject to the identified unsafe condition.

**Related AD**

On January 12, 2005, we issued AD 2005-02-04, amendment 39-13949 (70 FR 3296, January 24, 2005), for all McDonnell Douglas Model MD-10-10F, MD-10-30F, MD-11F, DC-10-10F, and DC-10-30F airplanes. AD 2005-02-04 requires identifying the part number of the cargo compartment smoke detectors and, if necessary, revising the Limitations section of the airplane flight manual to include procedures for testing the smoke detection system after the last engine is started. That AD also provides for the optional replacement of the subject smoke detectors with modified smoke detectors, which would terminate the operational limitation.

Similar to this new proposed AD, AD 2005-02-04 was prompted by a report indicating that these smoke detectors can “lock up” during electrical power transfer from the APU to the engines. We issued that AD to identify and provide corrective action for a potentially inoperative smoke detector in the cargo compartment and to ensure that the flightcrew is alerted in the event of a cargo compartment fire.

When this new AD becomes effective, we will rescind AD 2005-02-04.

**Relevant Service Information**

We have reviewed Meggitt Safety Systems Service Information Letter (SIL) 8930-26-01, dated November 8, 2004. The SIL provides procedures for, among other things, replacing the affected smoke detectors with modified smoke detectors, which is intended to adequately address the unsafe condition.

**FAA’s Determination and Requirements of the Proposed AD**

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same

type design. Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

**Costs of Compliance**

It would take about 1 work hour per airplane, at an average hourly labor rate of \$65, to replace a smoke detector installed on the airplane. Replacement parts would be provided at no cost to the operators. We have been advised that about 4,637 smoke detectors have already been replaced. We estimate that affected smoke detectors are installed on 318 U.S.-registered airplanes. There may be as many as 28 affected smoke detectors on an airplane. This proposed AD could cost as much as \$1,820 per airplane.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the ADDRESSES section for a location to examine the regulatory evaluation.

**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 FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Transport Category Airplanes:** Docket No. FAA-2005-22031; Directorate Identifier 2004-NM-259-AD.

**Comments Due Date**

- (a) The Federal Aviation Administration (FAA) must receive comments on this AD action by September 22, 2005.

**Affected ADs**

(b) Accomplishment of certain actions required by this AD terminates certain requirements of AD 2005-02-04, amendment 39-13949.

*Applicability:* (c) This AD applies to Meggitt Model 602 smoke detectors approved under Technical Standard Order (TSO) TSO-C1C and having any P/N 8930-( ) identified in Meggitt Safety Systems Service

Information Letter 8930-26-01, as installed on various transport category airplanes, certificated in any category, including but not limited to the airplane models listed in Table 1 of this AD.

TABLE 1.—CERTAIN AFFECTED AIRPLANES

Manufacturer	Model
Aerospatiale .....	ATR42-200, -300, -320, and -500 airplanes. ATR72-101, -201, -102, -202, -211, -212, and -212A airplanes.
Boeing .....	727, 727C, 727-100, 727 -100C, 727-200, and 727-200F series airplanes. 737-100, -200, -200C, -300, -400, -500, -600, -700, -700C, -800 and -900 series airplanes.
McDonnell Douglas .....	DC-10-10 and DC-10-10F; DC-10-15; DC-10-30 and DC-10-30F, (KC-10A and KDC-10); and DC-10-40 and DC-10-40F airplanes. MD-10-10F and MD-10-30F airplanes. MD-11 and MD-11F airplanes.

**Unsafe Condition**

(d) This AD is prompted by a report indicating that the affected smoke detectors can “lock up” during electrical power transfer from the auxiliary power unit (APU) to the engines. We are issuing this AD to identify and provide corrective action for a potentially inoperative smoke detector and to ensure that the flightcrew is alerted in the event of a fire.

*Compliance:* (e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Smoke Detector Identification/Replacement**

(f) Within 6 months after the effective date of this AD, replace the affected smoke detector with a modified smoke detector, in accordance with Meggitt Safety Systems Service Information Letter 8930-26-01.

**Effect on AD 2005-02-04**

(g) For airplanes subject to the requirements of AD 2005-02-04: After all affected smoke detectors have been replaced with modified smoke detectors in accordance with paragraph (f) of this AD, the operational limitation required by paragraph (h) of AD 2005-02-04 is terminated and may be removed from the airplane flight manual.

**Parts Installation**

(h) As of the effective date of this AD, no person may install on any airplane a Meggitt Model 602 smoke detector having any P/N 8930-( ) identified in Meggitt Service Information Letter 8930-26-01, dated November 8, 2004.

**Alternative Methods of Compliance (AMOCs)**

(i) The Manager, Los Angeles Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Issued in Renton, Washington, on August 1, 2005.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 05-15590 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA-2005-22032; Directorate Identifier 2005-NM-049-AD]

**RIN 2120-AA64**

**Airworthiness Directives; Airbus Model A300 B4-620, A310-304, A310-324, and A310-325 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Model A300 B4-620, A310-304, A310-324, and A310-325 airplanes. This proposed AD would require installing fused adaptors between the external wiring harness and the in-tank wiring at the connectors on the fuel tank wall of the auxiliary center tank (ACT). This proposed AD is prompted by the results of fuel system reviews conducted by the manufacturer. We are proposing this AD to prevent an ignition source in the ACT, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

**DATES:** We must receive comments on this proposed AD by September 7, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *Government-wide Rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL-401, Washington, DC 20590.

- *Fax:* (202) 493-2251.
- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this proposed AD.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2797; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Include the docket number “Docket No. FAA-2005-22032; Directorate Identifier 2005-NM-049-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of our docket Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

**Examining the Docket**

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

**Discussion**

The FAA has examined the underlying safety issues involved in recent fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings,

we issued a regulation titled "Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements" (67 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 ("SFAR 88," Amendment 21-78, and subsequent Amendments 21-82 and 21-83).

Among other actions, SFAR 88 requires certain type design (i.e., type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: single failures, single failures in combination with another latent condition(s), and in-service failure

experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

The Joint Aviation Authorities (JAA) has issued a regulation that is similar to SFAR 88. (The JAA is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to co-operate in developing and implementing common safety regulatory standards and procedures.) Under this regulation, the JAA stated that all members of the ECAC that hold type certificates for transport category airplanes are required to conduct a design review against explosion risks.

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition may exist on certain Airbus Model A300 B4-620, A310-304, A310-324, and A310-325 airplanes. The DGAC advises that the electrical wiring for the fuel quantity indicators (FQIs) of the auxiliary center tank (ACT) is installed in harnesses that also contain 115V wiring that supplies other systems. The DGAC further advises that, pursuant to SFAR 88 and JAA reviews, the electrical routing of the ACT FQI wiring should be improved by segregating it from the 115V wiring. Wiring that is not segregated could result in an ignition source in the ACT, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

**Relevant Service Information**

Airbus has issued the service bulletins in the following table.

**AIRBUS SERVICE BULLETINS**

Service bulletin	Revision	Date	Model
A300-28-6073 .....	Original ....	December 23, 2004	A300 B4-620 airplanes.
A310-28-2149 .....	Original ....	September 29, 2004.	A310-304, A310-324, and A310-325 airplanes.

These service bulletins describe procedures for installing fused adaptors between the external wiring harness and the in-tank wiring at the connectors on the fuel tank wall of the ACT. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DGAC mandated the service information and issued French airworthiness directive F-2005-021, dated February 2, 2005, to ensure the

continued airworthiness of these airplanes in France.

**FAA's Determination and Requirements of the Proposed AD**

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has

kept the FAA informed of the situation described above. We have examined the DGAC's findings, evaluated all pertinent information, and determined that we need to issue an AD for airplanes of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

**Difference Between the French Airworthiness Directive and This Proposed AD**

The applicability of French airworthiness directive F-2005-021 excludes airplanes on which Airbus Service Bulletin A300-28-6073 or Airbus Service Bulletin A310-28-2149 was accomplished in service. However, we have not excluded those airplanes in the applicability of this proposed AD; rather, this proposed AD includes a requirement to accomplish the actions specified in those service bulletins. This requirement would ensure that the actions specified in the service bulletins and required by this proposed AD are accomplished on all affected airplanes. Operators must continue to operate the airplane in the configuration required by this proposed AD unless an alternative method of compliance is approved. This difference has been coordinated with the DGAC.

**Costs of Compliance**

This proposed AD would affect about 2 airplanes of U.S. registry. The proposed actions would take about 52 work hours per airplane, at an average labor rate of \$65 per work hour. Required parts would cost about \$5,410 per ACT (up to two ACTs per airplane). Based on these figures, the estimated cost of the proposed AD for U.S. operators is \$8,790 per ACT, per airplane.

Currently, there are no Model A300 B4-620 airplanes of U.S. registry with one or more ACTs. However, if an affected airplane is imported and placed on the U.S. Register in the future, the required actions would take about 52 work hours, at an average labor rate of \$65 per work hour. Required parts would cost about \$10,730 per ACT, per airplane. Based on these figures, we estimate the cost of this AD to be \$14,110 per ACT.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I,

section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**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 FAA proposes to amend 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. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA-2005-22032; Directorate Identifier 2005-NM-049-AD.

**Comments Due Date**

- (a) The FAA must receive comments on this AD action by September 7, 2005.

**Affected ADs**

- (b) None.
- (c) This AD applies to Airbus Model A300 B4-620, A310-304, A310-324, and A310-325 airplanes, certificated in any category; equipped with one or more auxiliary center tank (ACT), except those on which Airbus Modification 12471 has been accomplished in production.

**Unsafe Condition**

- (d) This AD is prompted by the results of fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent an ignition source in the ACT, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

**Compliance:** (e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Modification**

- (f) Within 24 months after the effective date of this AD: Install fused adaptors between the external wiring harness and the in-tank wiring at the connectors on the fuel tank wall of the ACT by doing all the actions specified in the Accomplishment Instructions of the applicable service bulletin in Table 1 of this AD.

TABLE 1.—AIRBUS SERVICE BULLETINS

Airbus service bulletin	Revision	Date	Model
A300-28-6073 .....	Original ....	December 23, 2004	A300 B4-620 airplanes.
A310-28-2149 .....	Original ....	September 29, 2004.	A310-304, A310-324, and A310-325 airplanes.

**Alternative Methods of Compliance (AMOCs)**

(g) The Manager, ANM-116, Transport Airplane Directorate, FAA, has the authority

to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

**Related Information**

- (h) French airworthiness directive F-2005-021, dated February 2, 2005, also addresses the subject of this AD.

Issued in Renton, Washington, on August 2, 2005.

**Kevin Mullin,**

*Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service.*  
[FR Doc. 05-15591 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2005-22033; Directorate Identifier 2004-NM-218-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain EMBRAER Model EMB-135 airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes. The existing AD currently requires repetitive inspections of the spring cartridges of the elevator gust lock system to determine if the lock washer projection correctly fits the slots in the cartridge flange, and corrective action if necessary. The existing AD also provides for interim optional terminating action for the repetitive inspections for certain airplanes. This proposed AD would retain the requirements of the existing AD, and provide for final terminating action for all affected airplanes. This proposed AD is prompted by reports of an improperly fitting lock washer causing the clevis of the spring cartridge in the electromechanical elevator gust lock system to become unscrewed. We are proposing this AD to prevent unscrewing of the spring cartridge clevis from jamming the elevator, which could lead to reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by September 7, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

• *DOT Docket Web Site:* Go to <http://dms.dot.gov> and follow the instructions

for sending your comments electronically.

• *Government-wide Rulemaking Web Site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL-401, Washington, DC 20590.

• *Fax:* (202) 493-2251.

• *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA-2005-22033; the directorate identifier for this docket is 2004-NM-218-AD.

#### **FOR FURTHER INFORMATION CONTACT:**

Todd Thompson, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1175; fax (425) 227-1149.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-22033; Directorate Identifier 2004-NM-218-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of our docket Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the

comment on behalf of an association, business, labor union, etc.). You can review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you can visit <http://dms.dot.gov>.

#### **Examining the Docket**

You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

#### **Discussion**

On April 21, 2003, we issued AD 2003-09-03, amendment 39-13132 (68 FR 22585, dated April 29, 2003), for certain EMBRAER Model EMB-135 airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes. That AD requires repetitive inspections of the spring cartridges of the elevator gust lock system to determine if the lock washer projection correctly fits the slots in the cartridge flange, and corrective action if necessary. That AD also provides for interim optional terminating action for the repetitive inspections for certain airplanes. That AD was prompted by reports of spring cartridges unscrewing in the electromechanical gust lock system. We issued that AD to prevent the elevator from jamming due to the spring cartridges unscrewing in the gust lock system, which could result in reduced controllability of the airplane.

#### **Action Since Existing AD Was Issued**

Since we issued AD 2003-09-03, the Departamento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, issued Brazilian airworthiness directive 2003-01-03R1, dated July 26, 2004, to mandate replacing the existing spring cartridges with improved spring cartridges having a new part number.

#### **Relevant Service Information**

EMBRAER has issued Service Bulletin 145LEG-27-0012, Revision 01, dated April 12, 2004 (for Model EMB-135BJ airplanes); and Service Bulletin 145-27-0102, Revision 02, dated January 20, 2005 (for Model EMB-135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP airplanes). The service bulletins describe procedures for replacing the

existing spring cartridges of the electromechanical elevator gust lock system with improved spring cartridges having a new part number, which would end the repetitive inspections of the spring cartridges. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DAC mandated the service information and issued Brazilian airworthiness directive 2003-01-03R1, dated July 26, 2004, to ensure the continued airworthiness of these airplanes in Brazil.

#### Other Relevant Rulemaking

Accomplishing EMBRAER Service Bulletin 145-27-0102 eliminates the need to accomplish certain actions specified in EMBRAER Service Bulletins 145-27-0086, Revision 04, dated March 21, 2005; and 145-27-0075, Revision 08, dated March 3, 2005. Those service bulletins are specified in notice of proposed rulemaking 2002-NM-89-AD (69 FR 56735; September 22, 2004) as applicable to certain airplanes.

#### FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in Brazil and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. We have examined the DAC's findings, evaluated all pertinent information, and determined that AD action is necessary for airplanes of this type design that are certificated for operation in the United States.

This proposed AD would supersede AD 2003-09-03. This proposed AD would retain certain requirements of the existing AD and would also add a procedure for replacing the existing spring cartridges with improved spring cartridges having a new part number, which would provide for final terminating action for the repetitive inspections.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

#### Change to Existing AD

This proposed AD would retain certain requirements of AD 2003-09-03. Since AD 2003-09-03 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph

identifiers have changed in this proposed AD, as listed in the following table:

#### REVISED PARAGRAPH IDENTIFIERS

Requirement in AD 2003-09-03	Corresponding requirement in this proposed AD
Paragraph (a) .....	paragraph (f).
Paragraph (b) .....	paragraph (g).

#### Costs of Compliance

This proposed AD would affect about 380 airplanes of U.S. registry. The average labor rate is estimated to be \$65 per work hour.

The inspections required by AD 2003-09-03 that are retained in this proposed AD take about 1 work hour per airplane. Based on these figures, the estimated cost of the required inspections is \$24,700, or \$65 per airplane, per inspection cycle.

The new proposed actions would take about 3 work hours per airplane. Required parts would cost about \$79 per cartridge (2 per airplane). Based on these figures, the estimated cost of the new actions specified in this proposed AD for U.S. operators is \$134,140, or \$353 per airplane.

#### Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

#### Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

#### 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 FAA proposes to amend 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. The FAA amends § 39.13 by removing amendment 39-13132 (68 FR 22585, April 29, 2003), and adding the following new airworthiness directive (AD):

**Empresa Brasileira de Aeronautica S.A. (EMBRAER);** Docket No. FAA-2005-22033; Directorate Identifier 2004-NM-218-AD.

#### Comments Due Date

(a) The Federal Aviation Administration must receive comments on this AD action by September 7, 2005.

#### Affected ADs

(b)(1) This AD supersedes AD 2003-09-03, amendment 39-13132.

(2) Certain actions required by this AD are affected by FAA rulemaking docket number 2002-NM-89-AD (69 FR 56735, September 22, 2004).

**Applicability:** (c) This AD applies to EMBRAER Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, and -145LR airplanes; certificated in any category; having spring cartridges part number KPD2611 installed in the elevator gust lock system.

#### Unsafe Condition

(d) This AD was prompted by reports of an improperly fitting lock washer causing the clevis of the spring cartridge in the

electromechanical gust lock system to become unscrewed. We are proposing this AD to prevent unscrewing of the spring cartridge clevis from jamming the elevator, which could lead to reduced controllability of the airplane.

**Compliance:** (e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Restatement of Requirements of AD 2003–09–03

##### Inspection

(f) For Model EMB–135BJ airplanes: Within 30 days after May 14, 2003 (the effective date of AD 2003–09–03), perform a general visual inspection of each spring cartridge of the elevator gust lock system to determine if the lock washer projection correctly fits the slots in the cartridge flange, in accordance with EMBRAER Service Bulletin 145LEG–27–0006, dated December 9, 2002. Before further flight, replace any discrepant spring cartridge with a new part having the same part number, in accordance with the service bulletin; or replace the spring cartridge, part number (P/N) KDP2611, with a new, improved spring cartridge, P/N KDP4235, as specified in paragraph (h) of this AD. After the effective date of this AD, only the replacement specified in paragraph (h) may be accomplished. Repeat the inspection at intervals not to exceed 800 flight hours until the replacement of the spring cartridge is accomplished as required by paragraph (h). Although the service bulletin recommends that operators report inspection results to EMBRAER, this AD does not require such a report.

**Note 1:** For the purposes of this AD, a general visual inspection is: “A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.”

(g) For airplanes not identified in paragraph (f) of this AD: At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, perform a general visual inspection of each spring cartridge of the elevator gust lock system to determine if the lock washer projection correctly fits the slots in the cartridge flange, in accordance with EMBRAER Service Bulletin 145–27–0098, dated December 9, 2002. Repeat the inspection at intervals not to exceed 800 flight hours after the initial inspection until the replacement of the spring cartridge, P/N KDP2611, with a new, improved spring cartridge, P/N KDP4235, is done as specified in paragraph (h) of this AD. Although the service bulletin recommends that operators report inspection results to EMBRAER, this AD does not require such a report.

(1) For airplanes equipped with an operational electromechanical gust lock system on the elevator: Inspect within 30 days after May 14, 2003, in accordance with PART I of the service bulletin. Before further flight, replace any discrepant spring cartridge with a new part having the same part number, in accordance with PART I of the service bulletin; or do the replacement specified in paragraph (h) of this AD. After the effective date of this AD, only the replacement specified in paragraph (h) may be accomplished.

(2) For airplanes that are not equipped with an operational electromechanical gust lock system on the elevator, but that are equipped with provisions for the system: Inspect within 60 days after May 14, 2003, in accordance with PART II of the service bulletin. Before further flight, replace any discrepant spring cartridge with a new part having the same part number, in accordance with PART II of the service bulletin; or do the replacement specified in paragraph (h) of this AD. After the effective date of this AD, only the replacement specified in paragraph (h) may be accomplished. Alternatively, removal of the spring cartridges terminates the repetitive inspection requirement of this AD during the time the cartridges are removed.

#### New Requirements of This AD

##### Replacement of Spring Cartridge

(h) Within 5,500 flight hours or 36 months after the effective date of this AD, whichever comes first, replace the spring cartridge, P/N KPD2611, with a new, improved spring cartridge, P/N KDP4235, in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 145LEG–27–0012, Revision 01, dated April 12, 2004 (for Model EMB–135BJ airplanes); or Service Bulletin 145–27–0102, Revision 02, dated January 20, 2005 (for Model EMB–135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP airplanes); as applicable. Accomplishing this replacement terminates the repetitive inspections required by paragraphs (f) and (g) of this AD.

##### Parts Installation

(i) As of the effective date of this AD, no person may install a spring cartridge, P/N KPD2611, on any airplane.

##### Cartridge Replacement According to Previous Issue of Service Bulletin

(j) Spring cartridge replacements accomplished before the effective date of this AD in accordance with EMBRAER Service Bulletin 145LEG–27–0012, dated March 2, 2004; or Service Bulletin 145–27–0102, dated December 23, 2003, or Revision 01, dated April 12, 2004; are considered acceptable for compliance with the corresponding action required by this AD.

##### Alternative Methods of Compliance (AMOCs)

(k)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) AMOCs approved previously according to AD 2003–09–03, amendment 39–13132, are approved as AMOCs for the corresponding provisions of this AD.

#### Related Information

(l) Brazilian airworthiness directive 2003–01–03R1, dated July 26, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on August 2, 2005.

**Kevin Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 05–15592 Filed 8–5–05; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2005–22035; Directorate Identifier 2005–NM–016–AD]

RIN 2120–AA64

#### Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Model A300 B2 and B4 series airplanes. This proposed AD would require an inspection to determine the part number of all angle of attack (AOA) sensors, and repetitive replacement of the AOA sensors with new or overhauled AOA sensors if necessary. This proposed AD would also provide an optional terminating action for the repetitive replacements. This proposed AD is prompted by reports of several false stall warnings associated with stick-shaker activation, occurring during take-off. We are proposing this AD to prevent false stall warnings associated with stick-shaker activation, which could result in increased pilot workload as the pilot tries to determine the cause of the stall warning and possible reduction in the pilot's ability to control the airplane.

**DATES:** We must receive comments on this proposed AD by September 7, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

• *Government-wide Rulemaking Web site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

• *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL-401, Washington, DC 20590.

• *Fax:* (202) 493-2251.

• *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this proposed AD.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2797; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Include the docket number “FAA-2005-22035; Directorate Identifier 2005-NM-016-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT’s complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR

19477-78), or you may visit <http://dms.dot.gov>.

**Examining the Docket**

You may examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

**Discussion**

The Direction Générale de l’Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition may exist on certain Airbus Model A300 B2 and B4 series airplanes. The DGAC advises that it has received reports of several false stall warnings associated with stick-shaker activation, occurring during take-off. Investigation revealed that defective angle of attack (AOA) sensors caused the false stall warnings. This condition, if not corrected, could result in increased pilot workload as the pilot tries to determine the cause of the stall warning and possible reduction in the pilot’s ability to control the airplane.

**Relevant Service Information**

Airbus has issued Service Bulletin A300-34-0176, Revision 01, dated February 3, 2004, which describes the following procedures:

- Inspecting zone 120 to determine the part number (P/N) of all three AOA sensors.

- Repeatedly replacing any Honeywell AOA sensor having P/N 965-4020-007 with a new or overhauled AOA sensor.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DGAC mandated the service information and issued French airworthiness directive F-2003-457 R1, dated December 22, 2004, to ensure the continued airworthiness of these airplanes in France.

Airbus has also issued Service Bulletin A300-34-0092, Revision 03,

dated November 2, 2004. Service Bulletin A300-34-0092 describes the following procedures:

- Replacing Honeywell “pencil” AOA sensors having P/N 965-4020-007 with “vane” AOA sensors between frame (FR)18 and FR19.

- Replacing the current detectors in relay boxes 252VU and 107VU with new current detectors.

Airbus Service Bulletin A300-34-0092 also specifies that accomplishing the modification in that service bulletin cancels the actions specified in Airbus Service Bulletin A300-34-0176.

**FAA’s Determination and Requirements of the Proposed AD**

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. We have examined the DGAC’s findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under “Difference Between the Proposed AD and Service Bulletin.”

**Difference Between the Proposed AD and Service Bulletin**

Operators should note that, although the Accomplishment Instructions of the Airbus Service Bulletin A300-34-0176, Revision 01, dated February 3, 2004, describe procedures for reporting inspection findings, this proposed AD would not require that action. We do not need this information from operators.

**Costs of Compliance**

The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection .....	1	\$65	None .....	\$65	20	\$1,300.

ESTIMATED COSTS—Continued

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Replacement if necessary, per replacement cycle.	2	65	\$3,300 (\$1,100 per sensor)	3,430	20	\$68,600 per replacement cycle.
Optional terminating action	7	65	\$8,780 .....	9,235	20	\$184,700.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**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 FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA-2005-22035; Directorate Identifier 2005-NM-016-AD.

**Comments Due Date**

- (a) The Federal Aviation Administration must receive comments on this AD action by September 7, 2005.

**Affected ADs**

- (b) None.
- Applicability:** (c) This AD applies to all Airbus Model A300 B2-1A, B2-1C, B2K-3C, and B2-203 airplanes; and Model A300 B4-2C, B4-103, and B4-203 airplanes; certificated in any category.

**Unsafe Condition**

- (d) This AD was prompted by reports of several false stall warnings associated with stick-shaker activation, occurring during take-off. We are issuing this AD to prevent false stall warnings associated with stick-shaker activation, which could result in increased pilot workload as the pilot tries to determine the cause of the stall warning and possible reduction in the pilot’s ability to control the airplane.

**Compliance:** (e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Inspection and Repetitive Replacement, if Necessary**

- (f) Within 4,500 flight hours or 36 months after the effective date of this AD, whichever is first: Inspect zone 120 to determine the part number of all three angle of attack (AOA) sensors, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300-34-0176, Revision 01, dated February 3, 2004. If no Honeywell AOA sensor having part number (P/N) 965-4020-007 is found, then no further action is

required by this paragraph. If any Honeywell AOA sensor having P/N 965-4020-007 is found, before further flight, replace the AOA sensor with a new or overhauled AOA sensor having P/N 965-4020-007, in accordance with the service bulletin. Repeat the replacement thereafter at intervals not to exceed 8,000 flight hours or 96 months, whichever is first. Accomplishing the actions specified in paragraph (g) of this AD terminates the repetitive replacements.

**Optional Terminating Action**

- (g) Replacement of all Honeywell AOA sensors having P/N 965-4020-007 between frame (FR)18 and FR19 with “vane type” AOA sensors; and replacement of the current detectors in relay boxes 252VU and 107VU with new current detectors; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300-34-0092, Revision 03, dated November 2, 2004; terminate the repetitive replacements required by paragraph (f) of this AD.

**No Reporting Requirement**

- (h) Although Airbus Service Bulletin A300-34-0176, Revision 01, dated February 3, 2004, specifies to submit certain information to the manufacturer, this AD does not include that requirement.

**Parts Installation**

- (i) As of the effective date of this AD, no person may install an AOA sensor having P/N 965-4020-007 on any airplane, unless it is new or overhauled and is repetitively inspected as required by paragraph (f) of this AD.

**Credit for Previously Accomplished Actions**

- (j) Actions done before the effective date of this AD in accordance with Airbus Service Bulletin A300-34-0176, dated July 9, 2003, are acceptable for compliance with the corresponding requirements of paragraph (f) of this AD.

**Credit for Optional Terminating Action**

- (k) Actions done before the effective date of this AD in accordance with Airbus Service Bulletin A300-34-092, Revision 2, dated July 18, 1985, are acceptable for compliance with the requirements of paragraph (g) of this AD.

**Alternative Methods of Compliance (AMOCs)**

- (l) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

**Related Information**

(m) French airworthiness directive F-2003-457 R1, dated December 22, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on August 2, 2005.

**Kevin Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 05-15593 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2005-22036; Directorate Identifier 2005-NM-009-AD]

RIN 2120-AA64

**Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Series Airplanes; Equipped With General Electric CF6-80A3 or CF6-80C2 Engines**

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus airplane models, as specified above. This proposed AD would require installing electro-pneumatic locking bar devices (TRAS lock systems) in the engine nacelles, installing a dedicated and shielded electrical circuit that is segregated from the existing thrust reverser control system, and performing related investigative/corrective actions if necessary. This proposed AD is prompted by the manufacturer's reassessment of the thrust reverser systems in the Airbus airplane models specified above, which showed that the thrust reverser could inadvertently deploy in flight under certain conditions. We are proposing this AD to prevent inadvertent deployment of thrust reversers in flight, which could result in reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by September 7, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web Site:* Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- *Government-Wide Rulemaking Web Site:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL-401, Washington, DC 20590.

- *By Fax:* (202) 493-2251.

- *Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

You can examine the contents of this AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA-2005-22036; the directorate identifier for this docket is 2005-NM-009-AD.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2797; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2005-22036; Directorate Identifier 2005-NM-009-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of our docket Web site, anyone can find and read the comments in any of our dockets, including the name of the individual

who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you can visit <http://dms.dot.gov>.

**Examining the Docket**

You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

**Discussion**

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition may exist on certain Airbus Model A300 B2 and B4 series airplanes; Model A300 B4-600, B4-600R, and F4-600R series airplanes, and Model C4-605R Variant F airplanes (collectively called A300-600 series airplanes); and Model A310 series airplanes; equipped with General Electric CF6-80A3 or CF6-80C2 engines. The DGAC advises that the manufacturer has reassessed the thrust reverser systems of those airplanes and has determined that the thrust reverser could inadvertently deploy in flight. The manufacturer has developed a new, improved design of the thrust reversers, which provides an independent system to prevent deployment of the thrust reversers in flight. Inadvertent deployment of the thrust reversers in flight could result in reduced controllability of the airplane.

**Relevant Service Information**

Airbus has issued the following service bulletins (SBs), which describe procedures for installing electro-pneumatic locking bar devices (TRAS lock system) and a dedicated and shielded electrical circuit that is segregated from the existing thrust reverser control system. The new electrical circuit commands the locking bar devices (TRAS locks), which would be installed in the engine nacelles. Implementation of the following SBs is intended to provide an independent system to prevent inadvertent deployment of thrust reversers during flight.

Airbus SB A310-78-2023, dated October 7, 2003 (for Model A310 series airplanes equipped with General Electric CF6-80C2 engines and not equipped with Full Authority Digital Engine Control (FADEC)), specifies previous or concurrent accomplishment of Airbus SB A310-78-2022, and describes modifying/retrofitting the electrical harness routine from each lock to the pylon interfaces of the engine/nacelle, and the existing monitoring wire; and activating the electrical system of the aircraft.

Airbus SB A310-78-2022, dated January 7, 2003 (for Airbus Model 310 series airplanes equipped with General Electric CF6-80C2 engines and not equipped with FADEC), describes modifying/retrofitting a new electrical circuit between the forward cargo compartment and the wing/pylon interfaces, a new electrical circuit in the engine pylons, and a new electrical circuit in the avionics compartment and the forward cargo compartment; and connecting the new electrical circuit. The SB indicates that Parts 1 and 2 of the SB can be accomplished independently and in any sequence, but Part 3 must be accomplished after the first two parts. Full function can be assured once Airbus SB A310-78-2023 has been accomplished.

Airbus SB A310-78-2025, dated July 23, 2004 (for Model A310 series airplanes equipped with General Electric CF6-80A3 engines), specifies previous or concurrent accomplishment of Airbus SB A310-78-2024, and references Goodrich Service Bulletin 71-065 as an additional source of service information. (After the issuance of Airbus SB A310-78-2025, dated July 23, 2004, the Goodrich Service Bulletin was reissued as Rohr Service Bulletin CF6-80A3, dated April 28, 2005.) Airbus SB A310-78-2025 also describes the following procedures:

- Modifying/retrofitting the existing monitoring wire and activating the electrical system of the aircraft.
- Modifying/retrofitting the electrical harness routine from each lock to the pylon interfaces of the engine/nacelle.
- Installing the support bracket for the electrical harness of the engine/nacelle.
- Modifying the stowed position of the hold-open rod bracket of the engine/nacelle.
- Replacing the lower end actuator gearbox with a gearbox that integrates the locking bar.
- Replacing the pneumatic tubing situated upstream from the pressure regulated shut-off valve (PRSOV) with a new PRSOV having a third line of defense (TLOD) tubing connector.

- Modifying the hold-open rod bracket of the fan cowl.
- Accomplishing the test job set-up, extended operational test of the circuit breaker monitoring system, and the test for the stow and deploy switches included in the thrust reverser functional and indicating/warning sensors test.

Airbus Service Bulletin A310-78-2024, dated October 15, 2003 (for Model A310 series airplanes equipped with CF6-80A3 engines), describes procedures for the airplane and the engine/nacelle that include the following:

- Modifying the hold-open rod bracket of the fan cowl.
- Installing the actuation system lock.
- Modifying the wiring in a certain circuit breaker panel.

Airbus Service Bulletin A300-78-6024, dated October 7, 2003 (for Model A300-600 series airplanes equipped with General Electric CF6-80C2 engines and equipped with FADEC), specifies previous or concurrent accomplishment of Airbus SB A300-78-6021, Revision 1, dated October 7, 2003, and describes procedures for the following:

- Installing an actuation system lock.
- Modifying the wiring in a certain circuit breaker panel.
- Accomplishing the test job set-up, extended operational test of the circuit breaker monitoring system, and the test for the stow and deploy switches included in the thrust reverser functional and indicating/warning sensors test.

Airbus SB A300-78-6021, Revision 1, dated October 7, 2003 (for Model A300-600 series airplanes equipped with General Electric CF6-80C2 engines and equipped with FADEC), describes procedures for the following:

- Part 1—Modifying/retrofitting a new electrical circuit between the forward cargo compartment and the wing/pylon interfaces.
- Part 2—Modifying/retrofitting a new electrical circuit in the engine pylons.
- Part 3—Modifying/retrofitting a new electrical circuit in the avionics compartment; modifying/retrofitting a new electrical circuit between the avionics compartment and the forward cargo compartment; and modifying/retrofitting a new electrical circuit.

Airbus SB A300-78-6025, dated October 7, 2003 (for Model A300-600 series airplanes equipped with General Electric CF6-80C2 engines not equipped with FADEC), specifies previous or concurrent accomplishment of Airbus SB A300-78-6022, and describes procedures for the following:

- Installing an actuation system lock.

- Modifying the wiring in a certain circuit breaker panel.
- Accomplishing the test job set-up, extended operational test of the circuit breaker monitoring system, and the test for the stow and deploy switches included in the thrust reverser functional and indicating/warning sensors test.

Airbus SB A300-78-6022, Revision 1, dated January 7, 2003 (for Model A300-600 airplanes equipped with General Electric CF6 80C2 engines and not equipped with FADEC), describes procedures for the following:

- Part 1—Modifying/retrofitting a new electrical circuit between the forward cargo-compartment and the wing/pylon interfaces.
- Part 2—Modifying/retrofitting a new electrical circuit in the engine pylons.
- Part 3—Modifying/retrofitting a new electrical circuit in the avionics compartment; modifying/retrofitting a new electrical circuit between the avionics compartment and the forward cargo compartment; and modifying/retrofitting a new electrical circuit.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DGAC mandated the above service bulletins and issued French airworthiness directive F-2004-165, dated October 13, 2004, to ensure the continued airworthiness of these airplanes in France.

#### FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. We have examined the DGAC's findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States. Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

#### Costs of Compliance

This AD affects about 101 airplanes of U.S. registry. (The total number of airplanes in the following table totals more than 101 airplanes because most of the airplanes would be required to accomplish two of the specified service

bulletins.) The following table provides the estimated costs for U.S. operators to comply with this proposed AD at an average labor rate per hour of \$65.

ESTIMATED COSTS FOR MODIFICATIONS (LISTED BY APPLICABLE SERVICE BULLETIN)

Airbus service bulletin (SB)	Work hours	Parts	Cost per airplane	Number of airplanes	Cost per SB
A300-78-6021, Revision 1 .....	257	\$15,185	\$31,890	36	\$1,148,040
A300-78-6022, Revision 1 .....	289	18,198	36,983	34	1,257,422
A300-78-6024 .....	4	150	410	36	14,760
A300-78-6025 .....	4	150	410	34	13,940
A310-78-2024 .....	4	18,009	35,884	27	968,868
A310-78-2025 .....	4	150	410	31	12,710

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD 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.

For the reasons discussed above, I certify that the 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. 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.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

**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 FAA proposes to amend 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA-2005-22036; Directorate Identifier 2005-NM-009-AD.

**Comments Due Date**

- (a) The Federal Aviation Administration must receive comments on this AD action by September 7, 2005.

**Affected ADs**

- (b) None.
- Applicability:** (c) This AD applies to Airbus series airplanes, certificated in any category, as identified in the service bulletins listed in Table 1 of this AD.

TABLE 1.—APPLICABILITY

Series airplane	General Electric engine model	Airbus service bulletin	Date
A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R, C4-605R Variant F airplanes (collectively called A300-600 series airplanes).	CF6-80C2	A300-78-6024 .....	October 7, 2003.
A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R, C4-605R Variant F airplanes (collectively called A300-600).	CF6-80C2	A300-78-6021, Revision 1 .....	October 7, 2003.
A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R, C4-605R Variant F airplanes (collectively called A300-600).	CF6-80C2	A300-78-6025 .....	October 7, 2003.
A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R, C4-605R Variant F airplanes (collectively called A300-600).	CF6-80C2	A300-78-6022, Revision 1 .....	January 7, 2003.
A310 .....	CF6-80C2	A310-78-2023 .....	October 7, 2003.
A310 .....	CF6-80C2	A310-78-2022 .....	January 7, 2003.
A310 .....	CF6-80A3	A310-78-2025 .....	July 23, 2004.

TABLE 1.—APPLICABILITY—Continued

Series airplane	General Electric engine model	Airbus service bulletin	Date
A310 .....	CF6-80A3	A310-78-2024 .....	October 15, 2003.

**Unsafe Condition**

(d) This AD was prompted by the manufacturer's reassessment of the thrust reverser systems in the Airbus airplane models specified in Table 1 of this AD, which showed that the thrust reverser could deploy in flight under certain conditions. We are issuing this AD to prevent inadvertent deployment of thrust reversers in flight, which could result in reduced controllability of the airplane.

*Compliance:* (e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Installing TRAS Locks System and Accomplishing Modifications**

(f) For airplanes identified in the service bulletins specified in Table 2 of this AD: Within 36 months after the effective date of

this AD, install the electro-pneumatic locking bar devices (TRAS Lock Systems) in the thrust reverser system of the nacelles, in accordance with the Accomplishment Instructions of the applicable service bulletin.

TABLE 2.—INSTALLING TRAS LOCK SYSTEMS

Series airplane	General Electric engine model	Airbus service bulletin	Date
A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R, C4-605R Variant F airplanes (collectively called A300-600 series airplanes).	CF6-80C2	A300-78-6024 .....	October 7, 2003.
A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R, C4-605R Variant F airplanes (collectively called A300-600).	CF6-80C2	A300-78-6025 .....	October 7, 2003.
A310 .....	CF6-80C2	A310-78-2023 .....	October 7, 2003.
A310 .....	CF6-80A3	A310-78-2025 .....	July 23, 2004.

**Note 1:** Airbus SB A310-78-2025, dated July 23, 2004, references draft Goodrich Service Bulletin 71-065 as an additional source of service information. After the issuance of Airbus A310-78-2025, the Goodrich SB was reissued as Rohr Service Bulletin CF6-80A3, dated April 28, 2005.

(g) For airplanes identified in the service bulletins specified in Table 3 of this AD: Prior to or concurrent with the accomplishment of the applicable service bulletin specified in paragraph (f) of this AD, accomplish all the modifications and actions related to an independent third line of

defense on the thrust reversers, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in Table 3 of this AD.

TABLE 3.—PRIOR OR CONCURRENT ACCOMPLISHMENT

Series airplane	General Electric engine model	Airbus service bulletin	Date
A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R, C4-605R Variant F airplanes (collectively called A300-600).	CF6-80C2	A300-78-6021, Revision 1 .....	October 7, 2003.
A300 B2 and B4; A300 B4-600, B4-600R, and F4-600R, C4-605R Variant F airplanes (collectively called A300-600).	CF6-80C2	A300-78-6022, Revision 1 .....	January 7, 2003.
A310 .....	CF6-80C2	A310-78-2022 .....	January 7, 2003.
A310 .....	CF6-80A3	A310-78-2024 .....	October 15, 2003.

**Alternative Methods of Compliance (AMOCs)**

(h) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

**Related Information**

(i) French airworthiness directive F-2004-165, dated October 13, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on August 2, 2005.

**Kevin Mullin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 05-15594 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2005-20700; Airspace Docket No. 04-AWA-8]

RIN 2120-AA66

**Proposed Establishment of Class C Airspace and Revocation of Class D Airspace, Orlando Sanford International Airport, FL; and Proposed Modification of the Orlando International Airport Class B Airspace Area, FL**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class C airspace at the Orlando Sanford International Airport (SFB), FL; revoke the existing Sanford, FL, Class D airspace area; and modify the existing Orlando International Airport (MCO), FL, Class B airspace area. The FAA is proposing this action to improve the flow of air traffic, enhance safety, and reduce the potential for midair collision in the Orlando, FL, terminal area.

**DATES:** Comments must be received on or before October 7, 2005.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify FAA Docket No. FAA-2005-20700 and Airspace Docket No. 04-AWA-8, at the beginning of your comments. You may also submit comments through the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Paul Gallant, Airspace and Rules, Office of System Operations and Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic,

environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2005-20700 and Airspace Docket No. 04-AWA-8) and be submitted in triplicate to the Docket Management System (*see ADDRESSES* section for address and phone number). You may also submit comments through the Internet at <http://dms.dot.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2005-20700 and Airspace Docket No. 04-AWA-8." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the **Federal Register's** Web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (*see ADDRESSES* section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 1701 Columbia Avenue College Park, GA 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

**Background**

Currently, the Sanford Airport Traffic Control Tower (ATCT) provides air traffic control (ATC) service to a varied mix of air carrier and other civil aircraft, including a dense volume of training traffic from the numerous flight schools located in the central Florida area. With the current Class D airspace configuration, the Sanford tower controller is required to take initial calls from inbound aircraft entering the traffic pattern and work departures out of the Class D airspace area. These tasks divert the controller's attention away from the busy runway operation. Consequently, delays and frequency congestion are problems, and runway incursions have been a concern at Sanford.

In addition, Sanford air carrier arrivals currently enter and leave the Orlando International Airport Class B airspace area twice before entering the Sanford Class D airspace area. During this transition, encounters with unknown aircraft are common, resulting in vectors off course, traffic alert and collision advance system (TCAS) alerts, and/or Near Midair Collision Reports. Further, the Sanford instrument landing system (ILS) glideslopes to runways 9L and 27R are both outside the current Orlando International Class B and Sanford Class D airspace areas until they reach a 4-mile final.

The number of passenger enplanements at Sanford have increased above 600,000. This exceeds the FAA threshold criteria of 250,000 enplanements for Class C airspace area candidacy. Based on this, in addition to the above mentioned problem areas, the projected growth of traffic at Sanford, and the need to enhance safety and reduce the potential for midair collisions in the Orlando terminal area, this proposal to establish the Sanford Class C airspace area was developed. A Class C airspace area at Sanford would keep instrument flight rules (IFR) aircraft arriving at Sanford in controlled airspace thus reducing traffic conflicts. In addition, the Sanford ATCT's workload would be reduced since the Orlando International Airport's Terminal Radar Approach Control (TRACON) would take over arrival sequencing responsibilities to the Sanford runway and would work all Sanford departures out of the proposed Class C airspace area. This would reduce Sanford Tower frequency congestion and enable the tower controller to focus on runway operations thereby increasing safety and efficiency.

FAA policy requires that, before action is initiated to establish Class C

airspace, nonrulemaking alternatives that provide for an acceptable level of safety must be implemented. In compliance with that policy, a number of safety measures were implemented at Sanford and in the Orlando International Airport terminal area. Some of the safety measures that were implemented include: Sanford ATCT received Digital Bright Radar Indicator Tower Equipment radar in 1997; Operation Rain Check, a pilot-controller forum, is held yearly; controller groups attending local user meetings to discuss safety; Orlando TRACON established a procedure to keep large arriving aircraft at higher altitudes on downwind legs to avoid slower traffic; safety meetings with flight school operators resulted in preferred routings for COMAIR (now known as Delta Connection Academy) departures; standard visual flight rules (VFR) arrival areas were set up for flight school operations; Orlando Traffic Management implemented voluntary flow controls for flight school operations in the Orlando area; and introduced local use call signs and standard climb-out procedures for flight school aircraft. Although these procedures have enhanced safety at Sanford, their effectiveness is based on current traffic levels with little room to accommodate future growth. If established, the proposed Sanford Class C airspace area would replace the current Sanford Class D airspace area.

In 1990, the FAA issued a final rule establishing the Orlando Terminal Control Area (TCA) at Orlando International Airport (55 FR 9082). In 1993, the term "TCA" was replaced by "Class B airspace area" as a result of the Airspace Reclassification Final Rule (56 FR 65638). The Orlando Class B airspace was last modified in 1999 to adjust several areas within the existing lateral boundaries of the Class B airspace (64 FR 42585).

In 2004, a fourth runway (17L/35R) was commissioned at Orlando International Airport. As a result, the airport reference point (ARP) was shifted eastward affecting the published center point for the Class B airspace area. In addition, there is a need to further modify several areas within the Orlando International Airport Class B airspace to accommodate the proposed Sanford Class C airspace and to provide additional Class B airspace to ensure the containment of Orlando International Airport arrivals and departures. Operational experience with departures climbing off Orlando International to the west has shown areas of airspace in the Orlando terminal area that need to be brought into the Class B airspace area. Also, experience working air traffic

north of Orlando Executive Airport, and near Sanford International Airport at low altitude, has shown that Class B airspace is not needed in those areas to support Orlando International Airport operations and that airspace can be released back to users. The proposed Orlando Class B airspace modifications would address these matters.

#### Pre-NPRM Public Input

In 2002, the FAA initiated action to form an ad hoc committee to develop recommendations for designing a proposed Class C airspace at Sanford International Airport and for modifications to the Orlando Class B airspace. Participants in the committee included representatives from Sanford International, Orlando Executive, Kissimmee Gateway and Cedar Knoll Flying Ranch airports, AOPA, local Fixed Base Operators, and flight schools. Three ad hoc committee meetings were held. The first meeting was held at Sanford on January 14, 2003; the second meeting was held on February 25, 2003, at Kissimmee Gateway Airport (ISM); and the third meeting was held at Orlando Executive Airport on March 23, 2003.

As a result of the meetings, several operational procedures were developed and airspace modifications were incorporated into the proposed design. The Sanford Class C northern 10 nautical mile (NM) circle was changed to align with the current Orlando Class B airspace boundary. The proposed Class C airspace was modified to provide a cutout for Cedar Knoll Flying Ranch Airport (01FL). A draft letter of agreement was formulated to establish procedures and sterile routings out of the proposed Class C airspace, enabling VFR departures to stay with Sanford ATCT, if desired, and terminate ATC service at the 5-mile Class C airspace ring. Provisions were established to issue VFR codes to Orlando Executive Airport users on the ground. Finally, a VFR flyway east of Sanford International Airport below 3,000 feet outside the proposed Class C airspace was established.

In addition, as announced in the **Federal Register** (68 FR 53925), informal airspace meetings were held on November 6, 2003, at the Sanford International Airport, Terminal A, Vigilante Room, Sanford, FL; and November 7, 2003, at the Orlando Airport Marriott Hotel, Orlando, FL. These meetings provided interested airspace users with an opportunity to present their views and offer suggestions regarding the planned establishment of the Sanford Class C airspace and modification of the

Orlando Class B airspace. All comments received as a result of the informal airspace meetings, along with the recommendations made by the ad hoc committee, were considered in developing this proposal.

#### Analysis of Comments

One commenter was concerned that the Sanford Class C airspace would result in the loss of an aerobatic practice box at Sanford. The FAA assures users that the aerobatic box would not change if the Sanford Class C airspace is implemented.

Four commenters questioned whether ATC staffing levels were adequate at the Orlando TRACON and the Sanford ATCT to handle the additional Class C airspace workload. One commenter stated that staffing resources need further analysis. The FAA has determined that no additional staffing is required to support both the implementation of the Sanford Class C airspace and the modification of the Orlando Class B airspace.

Three commenters stated that the planned runway extension and installation of a parallel ILS at Sanford should be completed prior to implementation of a Class C airspace area. The FAA does not agree. Sanford has several construction projects scheduled during the next three years. During construction, runway closures at Sanford will compress traffic to the open runways reducing airport capacity and contributing to delays. During runway closure periods, the Sanford ATCT controller will need to devote maximum focus on the open runways. Under the current Class D airspace configuration, the Sanford ATCT controller responds to initial call-ups from VFR inbound traffic, which occupies much of the controller's attention. With the proposed Class C airspace configuration, Sanford inbounds would initially call Orlando TRACON, thus enabling the Sanford ATCT controller to focus more attention on runway operations, reducing delays and increasing the level of runway safety. Therefore, the FAA believes that the proposed Class C airspace is needed in the interest of both safety and operational efficiency.

One commenter contended that if the Class C airspace area is implemented, there should be a single, unified ATCT and TRACON at Sanford airport. The FAA does not agree. Orlando TRACON is fully capable of efficiently managing Sanford operations from its current location. In fact, many large and complex operations are worked from remote TRACONs such as Atlanta, New

York, Baltimore-Washington, DC, and Southern California.

One commenter wrote that the local users were not adequately consulted during the development of the proposed Sanford Class C airspace establishment and Orlando Class B airspace modification. The FAA does not agree. An ad hoc committee was formed to develop recommendations to the FAA regarding the proposed design of the Class C airspace. Three ad hoc user meetings were held to solicit local input on the proposal. A number of issues were identified at these meetings and several recommendations have been incorporated into this proposal. In addition, as announced in the **Federal Register** (68 FR 53925, September 15, 2003), the FAA held Informal Airspace Meetings in the local area on November 6 and November 7, 2003 to inform users of the planned airspace changes and to gather facts and information relevant to the proposed airspace action. FAA representatives have also attended monthly user meetings at Orlando Executive Airport and Sanford International Airport and provided briefings on the Class C and Class B proposals. An internet link for user comments is advertised on the Orlando International Airport ATCT web page. Finally, this NPRM provides users with a 60-day period to submit comments or recommendations on the proposal. All comments received will be fully considered before the FAA makes its final determination on this proposal. The proposal may be changed in light of those comments.

Four commenters indicated that the Sanford Class C airspace area would have an adverse economic impact on operations at Sanford. The cost of these operations would rise significantly because Class C airspace would result in increased air traffic delays both on the ground and in the air. The FAA does not agree. The Class C airspace area is expected to reduce Sanford delays. Current traffic routings and proposed Class C routings have been compared and it was found that the Class C airspace area would have minimal negative impact on users. Procedures for the proposed Class C airspace operation would allow Sanford users to continue flying as much as they do today. A minimal increase in flying distance (5 miles further west or east of Sanford) may be required for pilots transiting the area outside the proposed Class C and Class B airspace areas. Since Sanford International Airport already lies within the Orlando Class B airspace Mode C Veil, no additional aircraft equipment would be required as a result of the proposed airspace changes.

Notwithstanding, the FAA is soliciting comments regarding possible economic impacts from this proposal.

Two commenters stated that alternative airspace modifications should be evaluated before implementing Class C airspace. These commenters suggested that either the existing Sanford Class D airspace be extended outward beyond the Sanford final approach fixes, or the existing Orlando Class B airspace area be lowered to protect the Sanford final approach fixes, if needed. The FAA examined these alternatives and determined that they would not be suitable in this case. Class B airspace is designed to contain IFR operations at the primary airport (in this case, Orlando International). FAA Class B airspace design criteria requires that airspace over a satellite airport be excluded from the Class B area if it is not required for primary airport IFR operations. Expanding the MCO Class B airspace area over SFB as suggested would be overly restrictive for users. Extending the SFB Class D airspace beyond the final approach fixes would not resolve the SFB ATCT workload and frequency congestion issues discussed above.

Two commenters expressed concerns that radio frequency congestion could result from the implementation of Class C airspace and that the FAA should ensure that the Orlando TRACON has additional frequencies available to handle the proposed Class C traffic volume. The FAA believes that frequency congestion will not be an issue. Orlando TRACON recently added another control sector and frequency, covering the Sanford area, to reduce radio frequency congestion and prepare Orlando TRACON for the additional traffic volume. With the Class C airspace area the Orlando TRACON would take over responsibility for sequencing Sanford arrivals and would work all departures out of the proposed airspace. As a result, the Sanford ATCT local control frequency congestion would be reduced. Additionally, the Sanford ATCT clearance delivery position will be open during all busy periods, reducing congestion on the Sanford ATCT ground control frequency.

Several commenters stated that, if the Sanford Class C airspace area is established, the current practice of issuing transponder codes on the ground for VFR aircraft at Orlando Executive Airport should be continued.

The FAA agrees. Procedures are now in place to issue codes, upon request, to VFR pilots on a permanent basis.

Four commenters raised various issues regarding the airspace design

reflected in the proposal. Two commenters believed that an overall evaluation of the Orlando terminal area airspace should take place. Another commenter stated that the east-west VFR corridor between Orlando Executive Airport and Sanford International Airport creates compression and puts aircraft near tall towers and practice areas. This commenter suggested that VFR waypoints be considered to assist pilots circumnavigating the complex Orlando terminal area and to identify entry and exit points on VFR corridors. The commenter also stated that there may be a need to redefine the areas within the Orlando TRACON's airspace to minimize frequency hand-offs.

Regarding an evaluation of the Orlando area airspace, such a review has been conducted in association with this proposal. The proposed design also reflects modifications made to accommodate user requests. Additionally, FAA directives require that Class B and Class C airspace be re-evaluated every two years to determine if any modifications should be made. Regarding concerns about the east-west corridor, located between the Orlando Executive Airport and Sanford, this proposal would widen the corridor (with its 2,000 feet mean sea level (MSL)) ceiling by approximately 3 NM. This would increase the amount of airspace available for VFR aircraft to transit while remaining outside of Class B and Class C airspace. The FAA agrees with the suggestion for additional VFR waypoints and these will be developed for the area. Regarding the issue of frequency changes, Orlando TRACON is developing procedures and designing its airspace sectors to minimize the need for frequency changes.

Several commenters questioned the validity of Sanford's candidacy for Class C airspace. One commenter wrote that Sanford does not have enough passenger carrying flights to qualify. Another wrote that General Aviation makes up the large majority of operations at Sanford and those users oppose the Class C airspace area. This commenter also believed that the Near Midair Collision (NMAC) and Traffic Alert and Collision Avoidance System Resolution Advisory (RA) data utilized in the study were not valid. A third commenter said that traffic count figures should be re-evaluated based on today's trends.

The FAA does not agree. For an airport to be considered as a candidate for Class C airspace, it must be served by an operational airport traffic control tower and a radar approach control. In addition, the airport must meet one of the following: (a) An annual instrument

operations count of 75,000 at the primary airport; (b) an annual instrument operations count of 100,000 at the primary and secondary airports in the terminal area hub; or (c) an annual count of 250,000 enplaned passengers at the primary airport. Sanford qualifies as a Class C candidate based on its enplaned passenger count. In calendar year 2003 (the latest year for which validated counts are available), Sanford enplanements totaled 619,894; well above the candidacy criteria. Regarding NMAC and RA data, the reports cited in the staff study were submitted officially and met the required criteria. It should be noted that such information is but one of many factors that are considered when conducting an analysis of a Class C airspace candidate airport. A review of current traffic counts and trends at Sanford indicate steady growth.

One commenter stated that the proposed Sanford Class C airspace area would have a significant and potentially adverse effect on Orlando Executive Airport; therefore, it should only be considered if the best interest of safety requires it. The commenter further stated that, if Class C airspace is designated at Sanford, Orlando Executive Airport should also have a Class C airspace area. Another commenter wrote that the Orlando Executive Airport has a greater need for a Class C airspace area than Sanford.

The FAA does not believe that the Sanford Class C airspace would result in delays in the Orlando Executive Airport traffic. The proposed Sanford Class C airspace would not degrade ATC services provided to the users of the Orlando Executive Airport. The airspace classification at the Orlando Executive Airport is being evaluated by the FAA as a separate issue from this proposed rulemaking action.

### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to establish Class C airspace and revoke the existing Class D airspace at Sanford International Airport, FL. In addition, the FAA is proposing to modify the Orlando International Airport Class B airspace to accommodate the Sanford Class C airspace; update the Orlando International Airport ARP coordinates in the Class B airspace legal description; provide additional Class B airspace to accommodate the new runway at Orlando International; and ensure that Orlando International arrival and departure traffic remains within Class B airspace. The specifics of this proposed action (depicted on the attached chart)

are discussed in the following paragraphs.

### *Proposed Orlando Sanford International Airport Class C Airspace*

The proposed Sanford Class C airspace area would be described as follows:

That airspace extending upward from the surface to but not including 3,000 feet MSL within a 5-mile radius of the Sanford International Airport (SFB), excluding that airspace from the surface to but not including 700 feet MSL in the vicinity of Cedar Knoll Flying Ranch Airport within the area beginning at lat. 28°50'00" N., long. 81°10'00" W., thence clockwise along the SFB 5-mile radius arc to lat. 28°43'20" N., long. 81°10'00" W., thence north to the point of beginning; and that airspace extending upward from 1,300 feet MSL to but not including 3,000 feet MSL within the area beginning northeast of the primary airport at the intersection of the SFB 10-mile radius arc and lat. 28°53'00" N., then clockwise along the SFB 10-mile radius arc to lat. 28°41'36" N., then west along lat. 28°41'36" N. to the intersection of the SFB 10-mile radius arc, then clockwise along the SFB 10-mile radius arc to lat. 28°53'00" N., then east along lat. 28°53'00" N., to the point of beginning.

The SFB Class C airspace area would be effective during times when the Orlando Sanford International ATCT is in operation. These times would be published in the Airport/Facility Directory.

If the Sanford Class C airspace is established, it would replace the existing Sanford Class D airspace area, which would be revoked.

### **Orlando International Airport Class B Airspace**

The FAA is proposing to modify several areas within the Orlando Class B airspace to accommodate the proposed Sanford Class C airspace area; reflect the adjustment of the Orlando International Airport ARP as a result of the commissioning of the fourth runway at Orlando International; and provide additional Class B airspace to accommodate the new runway and to ensure that Orlando International Airport arrivals and departures are contained within Class B airspace. The existing outer boundaries of the Orlando Class B airspace area would remain unchanged by these modifications.

The following describes the proposed revisions to the Orlando Class B airspace area:

*Area A.* Area A would be recentered on lat. 28°25'46" N., long. 81°18'32" W. This represents a shift of Area A slightly

to the east to recenter the area on the revised Orlando International Airport ARP, which was adjusted due to the addition of the fourth runway at Orlando International.

*Area B.* The eastern boundary of Area B would be shifted approximately 1 NM east to long. 81°10'00" W. to accommodate the new Orlando International Airport runway.

*Area C.* The section of Area C in the vicinity of Sanford International Airport would be removed and replaced by the Sanford Class C airspace area up to but not including 3,000 feet MSL, and by Area E from 3,000 feet MSL up to and including 10,000 feet MSL. Area C in the vicinity of Orlando Executive Airport would be reduced in size. The airspace removed from Area C to the west, north, and northeast of Orlando Executive Airport would be incorporated into Area D with its higher Class B airspace floor of 2,000 feet MSL. This change would increase the amount of airspace available to VFR aircraft allowing them to utilize that area below 2,000 feet and remain outside of Class B airspace. Also, the eastern boundary of the Area C segments located to the north and south of Orlando International Airport would be modified by moving the eastern boundary one degree east to long. 81°10'00" W. to accommodate the new runway.

*Area D.* Area D would be expanded in size in the vicinity of Orlando Executive Airport by incorporating the airspace removed from Area C, as described above. This change would raise the floor of Class B airspace in the affected area from 1,600 feet MSL to 2,000 feet MSL, providing additional VFR flyway airspace between Sanford International Airport and Orlando Executive Airport while still protecting Orlando International Airport arrivals. Also, the eastern boundary of Area D would be moved eastward to long. 81°10'00" W. to accommodate the new runway at Orlando International Airport.

*Area E.* The boundary of Area E to the east of Orlando International, currently defined by long. 81°11'00" W., would be moved eastward one degree to long. 81°10'00" W. This modification accommodates the new Orlando International Airport runway. Additionally, Area E would be expanded in the vicinity of Sanford so that Area E would overlie the Sanford Class C airspace area and incorporate the airspace from 3,000 feet MSL up to and including 10,000 feet MSL over Sanford, that was formerly in Area C. Also, the southern boundary of Area E, located to the south of Sanford, would be moved further south by approximately 2.5 NM to align it with

the southern boundary of the Sanford Class C airspace area, along lat. 28°41'36" N.

*Area F.* That airspace described as Area F in the existing Orlando Class B airspace area would be renamed "Area G." A new Area F would be inserted to the west of Orlando International, adjacent to, and west of, Area D and Area E. This new Area F would consist of that airspace located between long, 81°27'30" W. and long, 81°32'00" W., and bounded by the ORL VORTAC 30-mile radius on the south, and by lat. 28°53'00" N., on the north. The floor of the new Area F would be set at 4,000 feet MSL instead of the 6,000 feet MSL floor in the existing Area F. The lower floor provided by the new Area F would ensure that departures climbing westbound off MCO and arrivals on downwind leg for landing at Orlando International remain within Class B airspace.

*Area G.* The remaining sections of the existing Area F would be renamed Area G as a result of the addition of a new Area F, described above.

Implementation of the proposed Sanford Class C airspace area and the modifications to the Orlando Class B airspace area would enhance the safe and efficient use of airspace and reduce the potential for midair collision in the Orlando terminal area.

### Regulatory Evaluation Summary

Changes to Federal Regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall 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 requires agencies to analyze the economic effect of regulatory changes on small businesses and other small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this proposed rule: (1) Would generate benefits that justify its minimal costs and is not a "significant regulatory action" as defined in the Executive Order; (2) is not significant as defined in the Department of Transportation's Regulatory Policies and Procedures; (3) would not have a significant impact on a substantial number of small entities; (4) would not constitute a barrier to international trade; and (5) would not contain any Federal intergovernmental or private sector mandate. These analyses are summarized here in the

preamble, and the full Regulatory Evaluation is in the docket.

The FAA proposes to change the Orlando Class B and the Orlando Sanford Airport Class D airspace areas. The Orlando Class B airspace area modification would maintain the 10,000 feet mean sea level (MSL) airspace ceiling and redefine the lateral limits of several of the existing subareas to improve the management of air traffic operations in the Orlando terminal area. The Orlando Sanford Airport Class D airspace area upgrade to a Class C airspace area would lower the airspace area from 3,000 to 1,600 feet MSL and would include a radius of 4.4 NM from the Orlando Sanford Airport up to but not including 1,600 feet MSL.

The FAA has determined that the changes to the Orlando International Airport Class B and the Orlando Sanford International Airport Class D airspace areas would improve the operational efficiency while maintaining aviation safety in the terminal area. Also, clearer boundary definition and changes to lateral and vertical limits of some subareas would provide additional airspace for use by VFR aircraft transitioning to and from satellite airports. This proposal would impose only negligible costs on airspace users and could potentially reduce circumnavigation costs to some operators.

The proposed rule would result in negligible additional administrative costs to the FAA and no additional operational costs for personnel or equipment to the agency. Notices would be sent to pilots within a 100-mile radius of the Orlando International Airport at an estimated cost of \$2,900.00 for postage. Printing of aeronautical charts which reflect the changes to the Class B and Class C airspace areas would be accomplished during a scheduled chart printing, and would result in no additional costs for plate modification and updating of charts. Furthermore, no staffing changes would be required to maintain the modified Class B airspace area and the upgraded Class D airspace area. Potential increase in FAA operations workload could be absorbed by current personnel and equipment.

In view of the negligible cost of compliance, enhanced aviation safety, and improved operational efficiency, the FAA has determined that the proposed rule would be cost-beneficial.

### Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 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 principal, the Act requires agencies to solicit and consider flexible regulatory proposals and to explain the rational 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 (RFA) as described in the Act.

However, 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 an RFA is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA has determined that the proposed rule would have a de minimus impact on small entities. All commercial and general aviation operators who presently use the Orlando International Airport are equipped to operate within the modified Class B airspace area. As for aircraft that regularly fly through the Orlando Sanford Airport Class D airspace area, since the airport is situated within the established Orlando Mode C Veil, all aircraft should already have the necessary equipment to transition the modified Class B airspace area. Therefore, there would be no additional equipment cost to these entities.

Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Federal Aviation Administration certifies that this rule would not have a significant economic impact on a substantial number of small entities. The FAA solicits comments from affected entities with respect to this finding and determination.

### International Trade Impact Assessment

#### Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from establishing any standards or engaging in 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. The FAA has assessed the potential effect of this (proposed/final) rule and determined that it would have only a domestic impact and therefore no effect on any trade-sensitive activity.

#### Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (the Act) 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 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 deemed to be a "significant regulatory action." The FAA currently uses an inflation-adjusted value of \$120.7 million in lieu of \$100 million.

This proposed rule does not contain such a mandate. The requirements of Title II do not apply.

#### Conclusion

In view of the minimal cost of compliance of the proposed rule, compared to the improvements to operational efficiency without reducing aviation safety, the FAA has determined that the proposed rule would be cost-beneficial.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the FAA Order 7400.9M, Airspace Designations and Reporting

Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

#### Paragraph 3000—Class B Airspace.

\* \* \* \* \*

#### ASO FL B Orlando, FL [Revised]

Orlando International Airport (Primary Airport) (MCO)  
(Lat. 28°25'46" N., long. 81°18'32" W.)  
Orlando VORTAC (ORL)  
(Lat. 28°32'34" N., long. 81°20'06" W.)

#### Boundaries

Area A—That airspace extending upward from the surface to and including 10,000 feet MSL within a 5 NM radius from the MCO.

Area B—That airspace extending upward from 900 feet MSL to and including 10,000 feet MSL beginning at a point of the intersection of State Road (S.R.) 423 (John Young Parkway SW of ORL VORTAC) and Interstate 4, thence northeast along Interstate 4 to the intersection of Interstate 4 and S.R. 441 (Orange Blossom Trail), thence direct to the intersection of Lake Underhill Road and Palmer Street, thence east along Lake Underhill Road to the intersection of Lake Underhill Road and the Central Florida Greenway (S.R. 417), thence direct to lat. 28°29'22" N., long. 81°10'00" W. (the Stanton Power Plant), thence south to the intersection of the ORL VORTAC 14-mile radius arc, thence clockwise along the ORL VORTAC 14-mile radius arc to the intersection of S.R. 423, thence north along S.R. 423 to the point of beginning.

Area C—That airspace extending upward from 1,600 feet MSL to and including 10,000 feet MSL beginning at a point of the intersection of Interstate 4 and the Orlando Executive Airport Class D airspace 4.2 mile radius arc (lat. 28°30'35" N., long. 81°24'02" W.), thence clockwise on the Orlando Executive Airport 4.2-mile radius to University Blvd., thence east on University Blvd. to the intersection of S.R. 434, thence east on lat. 28°35'50" N. to long. 81°10'00" W., thence south to lat. 28°29'22" N., thence northwest direct to the intersection of Lake Underhill Road and Central Florida Greenway (S.R. 417), thence west along Lake Underhill Road to the intersection of Palmer Street, thence southwest to the point of beginning. Also, that airspace south of the primary airport extending upward from 1,600 feet MSL to and including 10,000 feet MSL beginning at the point of intersection of long. 81°24'06" W., and the ORL VORTAC 14-mile radius arc, thence counterclockwise along the ORL VORTAC 14-mile radius arc to the intersection of long. 81°10'00" W., thence south to the intersection of the ORL VORTAC 20-mile radius arc, thence clockwise along the ORL VORTAC 20-mile radius arc to long. 81°24'06" W., thence north to the point of beginning.

Area D—That airspace extending upward from 2,000 feet MSL to and including 10,000 feet MSL beginning at a point of the intersection of Interstate 4 and long. 81°27'30" W., thence north to lat. 28°41'36" N., thence east to long. 81°10'00" W., thence south to lat. 28°35'50" N., thence west to the intersection of S.R. 434 and University Blvd.,

thence west on University Blvd. to the Orlando Executive Airport 4.2-mile radius arc, thence counterclockwise on the Orlando Executive Airport 4.2-mile radius arc to the intersection of Interstate 4, southwest of the ORL VORTAC, thence west on Interstate 4 to the intersection of S.R. 423, thence south along S.R. 423 to the intersection of the ORL VORTAC 14-mile radius arc, thence counterclockwise along the ORL VORTAC 14-mile radius arc to long. 81°24'06" W., thence south to the intersection of the ORL VORTAC 20-mile radius arc, thence clockwise along the ORL VORTAC 20-mile radius arc to the intersection of long. 81°27'30" W., thence north to the point of beginning.

Area E—That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL beginning at a point of the intersection of lat. 28°41'36" N., long. 81°27'30" W., thence north to the intersection of lat. 28°53'00" N., thence east to the intersection of the MCO Mode C Veil 30–NM radius arc, thence southeast along the MCO Mode C Veil 30–NM radius arc to the intersection of the power lines at lat. 28°50'20" N., thence southeast along these power lines to lat. 28°41'36" N., thence west to long. 81°05'09" W., thence south along the Florida Power transmission lines to the intersection of Highway 50 at lat. 28°32'10" N., long. 81°03'35" W., thence south to the Bee Line Expressway at lat. 28°27'05" N., long. 81°03'45" W., thence west along the Bee Line Expressway to the intersection of lat. 28°27'00" N., long. 81°04'40" W., thence south to the intersection of the ORL VORTAC 30-mile radius arc, thence clockwise along the ORL VORTAC 30-mile radius arc to long. 81°27'30" W., thence north on long. 81°27'30" W., to the intersection of the ORL VORTAC 20-mile radius arc, thence counterclockwise along the ORL VORTAC 20-mile radius arc to the intersection of long. 81°10'00" W., thence north to the intersection of lat. 28°41'36" N., thence west to the point of beginning.

Area F—That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL beginning south of the primary airport at the intersection of the ORL VORTAC 30-mile radius arc and long. 81°27'30" W., thence clockwise along the ORL VORTAC 30-mile radius arc to long. 81°32'00" W., thence north to lat. 28°53'00" N., thence east to long. 81°27'30" W., thence south to the point of beginning.

Area G—That airspace extending upward from 6,000 feet MSL to and including 10,000 feet MSL beginning south of the primary airport at the intersection of the ORL VORTAC 30-mile radius arc and long. 81°32'00" W., thence clockwise on the ORL VORTAC 30-mile radius arc to the intersection of Highway 27, thence north along Highway 27 to the intersection of Highway 27 and long. 81°45'00" W., thence north along long. 81°45'00" W., to the intersection of the ORL VORTAC 24-mile radius arc, thence clockwise along the ORL VORTAC 24-mile radius arc to the intersection of lat. 28°53'00" N., thence east to the intersection of long. 81°32'00" W., thence south to the point of beginning. Also that airspace extending upward from 6,000

feet MSL to and including 10,000 feet MSL beginning at the Florida Power transmission lines at lat. 28°41'36" N., long. 81°05'20" W., thence east along lat. 28°41'36" N. to the Florida Power transmission lines at lat. 28°41'36" N., long. 80°54'00" W., thence southeast and south along these power lines to the intersection of Highway 50, thence south to the power lines at lat. 28°22'14" N., long. 80°52'30" W., thence southwest along these power lines to the intersection of long. 81°04'40" W., thence north along long. 81°04'40" W., to the intersection of the Bee Line Expressway at lat. 28°27'00" N., long. 81°04'40" W., thence east along the Bee Line Expressway to lat. 28°27'05" N., long. 81°03'45" W., thence north to the intersection of Highway 50 and the Florida Power transmission lines at lat. 28°32'10" N., long. 81°03'45" W., thence north along these power lines to the point of beginning.

\* \* \* \* \*

Paragraph 4000 Class C Airspace.

\* \* \* \* \*

**ASO FL C Sanford, FL [New]**

Orlando Sanford International Airport (Primary Airport) (Lat. 28°46'40" N., long. 81°14'15" W.) Cedar Knoll Flying Ranch Airport (Private Airport) (Lat. 28°46'55" N., long. 81°09'33" W.)

That airspace extending upward from the surface to but not including 3,000 feet MSL within a 5-mile radius of the Orlando Sanford International Airport (SFB), excluding that airspace, from the surface to but not including 700 feet MSL in the vicinity of Cedar Knoll Airport, within the area beginning at lat. 28°50'00" N., long. 81°10'00" W., thence clockwise along the SFB 5-mile radius arc to lat. 28°43'20" N., long. 81°10'00" W., thence north to the point of beginning; and that airspace extending upward from 1,300 feet MSL to but not including 3,000 feet MSL within the area beginning northeast of the primary airport at the SFB 10-mile radius arc and lat. 28°53'00" N., thence clockwise along the SFB 10-mile radius arc to lat 28°41'36" N., thence west

bound to the intersection of the SFB 10-mile radius arc, thence clockwise on the SFB 10-mile radius arc to lat. 28°53'00" N., thence east to the point of beginning. This Class C airspace area is effective during the specific days and hours of operation of the Orlando Sanford International Airport Tower as established in advance by Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Paragraph 5000 Class D Airspace.

\* \* \* \* \*

**ASO FL D Sanford, FL [Remove]**

\* \* \* \* \*

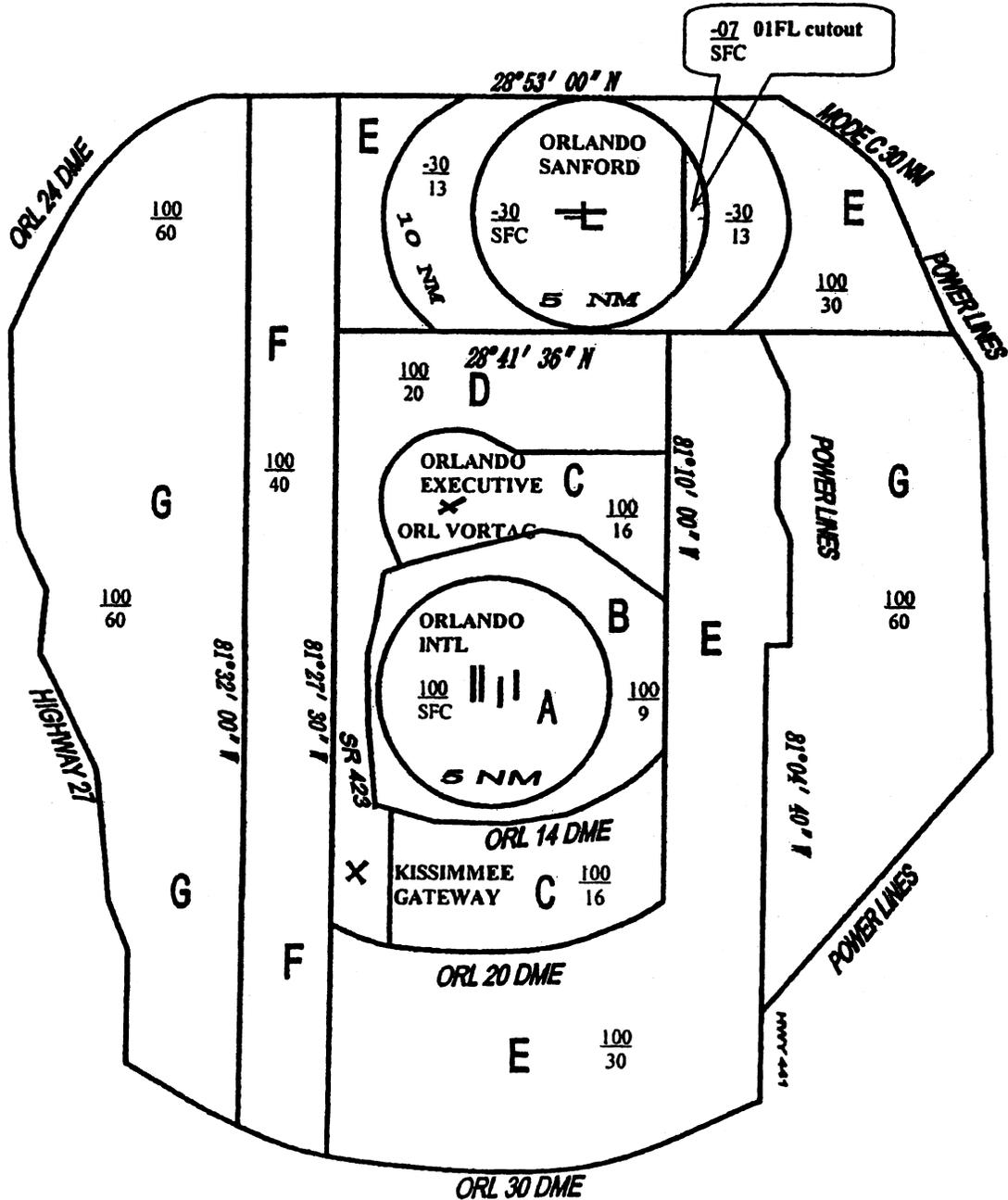
Issued in Washington DC, on July 29, 2005.

**Edith V. Parish,**

*Acting Manager, Airspace and Rules.*

**BILLING CODE 4910-13-P**

Docket No. 04-AWA-8  
**ORLANDO, FL**  
**PROPOSED SANFORD INTERNATIONAL AIRPORT CLASS C**  
**AIRSPACE**  
**PROPOSED MODIFICATION OF ORLANDO INTERNATIONAL**  
**AIRPORT CLASS B AIRSPACE**  
(NOT TO BE USED FOR NAVIGATION)



[FR Doc. 05-15567 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-13-C

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 110**

[CGD08-05-045]

RIN 1625-AA01

**Anchorage Regulations; Mississippi River Below Baton Rouge, LA, Including South and Southwest Passes**

AGENCY: Coast Guard, DHS.

ACTION: Notice of meeting.

**SUMMARY:** The United States Coast Guard will meet to discuss the comments received relating to the Notice of Proposed Rulemaking (NPRM) for Kenner Bend Anchorage as published in the **Federal Register** on Wednesday April 27, 2005.

**DATES:** The meeting will be held on Tuesday, September 13, 2005, from 9 a.m. to 12 p.m. This meeting may adjourn early if all business is finished.

**ADDRESSES:** The meeting will be held in the Basement Conference Room at the Hale Boggs Federal Building, 500 Poydras Street, New Orleans, Louisiana. This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Junior Grade (LTJG) Melissa Owens, Waterways Management Division, telephone (504) 589-6196 extension 396, fax (504) 589-4216.

**Background**

Runway 1-19 at the Louis Armstrong New Orleans International Airport is positioned in a north-south line running parallel to the Airport Access Road. Aircraft approaching the runway from the south or departing the runway from the north pass over the Lower Kenner Bend Anchorage. Due to the close proximity of Runway 1-19 to Kenner Bend, aircraft occasionally descend and ascend directly over vessels anchored in the Lower Kenner Bend Anchorage, creating a potentially dangerous situation that is of particular concern during periods of reduced visibility. Aircraft approaching the runway from the south follow a descending glide slope path with a minimum height of 311 feet above mean sea level over the Kenner Bend Anchorage. Certain vessels with cargo handling equipment such as cranes and boom are capable of extending equipment to a height upwards of 300 feet above the waterline.

This amendment to the anchorage regulations for the Mississippi River below Baton Rouge, LA, including South and Southwest Passes is proposed to prohibit vessels that are anchored in the Lower Kenner Bend Anchorage from engaging in cargo transfer operations or exercising any shipboard equipment such as cranes and booms while at anchor. This proposed revision is needed to increase safety at Kenner Bend by reducing the potential for collision between aircraft and vessels anchored in the Lower Kenner Bend Anchorage.

**Discussion of Issues**

The Coast Guard received three negative comments to the NPRM for Kenner Bend Anchorage from the Maritime Navigation Safety Association (MNSA), the Steamship Association of Louisiana (SALA), and the New Orleans and Baton Rouge Port (NOBRA) Pilots. All three organizations contend that the complete prohibition against using cargo-handling equipment is excessive, and argue that some operations should be allowed while at anchor. To better express their concerns, all parties requested a public meeting be held. This meeting is open to the public. Please note that the meeting may close early if all business is finished.

**Information on Services for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities, or to request special assistance at the meetings, contact Lieutenant Junior Grade (LTJG) Melissa Owens at the above phone numbers as soon as possible.

Dated: July 26, 2005.

**R. F. Duncan,***Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

[FR Doc. 05-15566 Filed 8-5-05; 8:45 am]

BILLING CODE 4910-15-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[RME Docket Number R08-OAR-2005-ND-0001; FRL-7942-3]

**Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** EPA is proposing to take direct final action approving certain revisions to the State Implementation Plan (SIP) as submitted by the Governor of North Dakota with a letter dated April 11, 2003. The revisions affect certain portions of air pollution control rules regarding permitting and prevention of significant deterioration. In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

**DATES:** Written comments must be received on or before September 7, 2005.

**ADDRESSES:** Submit your comments, identified by Docket ID No. R08-OAR-2005-ND-0001, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- Agency Web site: <http://docket.epa.gov/rmepub/index.jsp>. Regional Materials in EDOCKET (RME), EPA's electronic public docket and comment system for regional actions, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

E-mail: [long.richard@epa.gov](mailto:long.richard@epa.gov) and [platt.amy@epa.gov](mailto:platt.amy@epa.gov).

Fax: (303) 312-6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

Mail: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 999 18th Street, Suite 300, Denver, Colorado 80202-2466.

Hand Delivery: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency

(EPA), Region 8, Mailcode 8P-AR, 999 18th Street, Suite 300, Denver, Colorado 80202-2466. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:55 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules Section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Amy Platt, Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, CO 80202-2466, (303) 312-6449, *platt.amy@epa.gov*.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

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

Dated: July 14, 2005.

**Max H. Dodson,**

*Acting Regional Administrator, Region 8.*  
[FR Doc. 05-15608 Filed 8-5-05; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 60 and 63**

**OAR-2003-0074**

[FRL-7947-5]

RIN 2060-AG21

**Performance Specification 16 for Predictive Emission Monitoring Systems and Amendments to Testing and Monitoring Provisions**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency is proposing performance specifications (PS) that evaluate the acceptability of predictive emission monitoring systems (PEMS) when used on stationary sources. This PS is needed to provide sources and regulatory agencies with performance criteria for evaluating this new technology. The intended effect of this action is to establish standardized performance requirements that will be used to evaluate candidate PEMS uniformly. The affected industries and their Standard Industrial Classification codes are listed under **SUPPLEMENTARY INFORMATION**. In addition, we are proposing to make minor amendments to various testing provisions in the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants for Source Categories (MACT) to correct inadvertent errors, make needed updates, and add flexibility.

**DATES:** *Comments:* Submit comments on or before October 7, 2005.

*Public Hearing:* If anyone contacts us requesting to speak at a public hearing by August 23, 2005, we will hold a public hearing on September 7, 2005.

**ADDRESSES:** *Comments.* Comments may be submitted electronically, by mail, by facsimile, or through hand delivery/courier. Follow the detailed instructions as provided in Unit IB of the **SUPPLEMENTARY INFORMATION** section.

*Public Hearing.* If a public hearing is held, it will be held at 10 a.m. in the EPA Auditorium, Research Triangle Park, North Carolina, or at an alternate site nearby.

*Docket.* Docket No. OAR-2003-0074, contains information relevant to this rule. You can read and copy it between 8:30 a.m. and 5:30 p.m., Monday

through Friday, (except for Federal holidays), at the U.S. Environmental Protection Agency, EPA Docket Center, EPA West, Room 108, 1301 Constitution Ave., Washington, DC 20004; telephone (202) 566-1742. The docket office may charge a reasonable fee for copying.

**FOR FURTHER INFORMATION CONTACT:** Foston Curtis, Emission Measurement Center, Mail Code D205-02, Emissions, Monitoring, and Analysis Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-1063; facsimile number (919) 541-0516; electronic mail address *curtis.foston@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

**General Information**

*A. Affected Entities*

Predictive emission monitoring systems are not currently required in any Federal rule. However, they may be used under the NSPS to predict nitrogen oxides emissions from small industrial, commercial, and institutional steam generating units. In some cases, PEMS have been approved as alternatives to CEMS for the initial 30-day compliance test at these facilities. Various State and Local regulations are incorporating PEMS as an emission monitoring tool. The major entities that are potentially affected by Proposed Performance Specification 16 and amendments to the subparts are included in the following tables.

TABLE 1.—MAJOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION FOR PROPOSED PERFORMANCE SPECIFICATION 16 AND FOR PETROLEUM REFINERY NSPS, KRAFT PULP MILLS NSPS, MUNICIPAL SOLID WASTE LANDFILL NSPS

Examples of regulated entities	SIC codes	NAICS codes
Industrial, Commercial, Institutional Steam Generating Units .....	3569	332410
Stationary Gas Turbines .....	3511	333611
Petroleum Refineries .....	2911	324110
Kraft Pulp Mills .....	2621	322110
Municipal Solid Waste Landfills .....	4953	562213
Surface Coatings .....	3479	336111, 336112
Coke Ovens .....	3312	33111111

TABLE 2.—MAJOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION FOR AMENDMENTS TO PERFORMANCE SPECIFICATION 11 AND PROCEDURE 2, APPENDIX F, PART 60

Examples of regulated entities	SIC codes	NAICS codes
Portland Cement Manufacturing .....	3559	333298

TABLE 2.—MAJOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION FOR AMENDMENTS TO PERFORMANCE SPECIFICATION 11 AND PROCEDURE 2, APPENDIX F, PART 60—Continued

Examples of regulated entities	SIC codes	NAICS codes
Hazardous Waste Incinerators .....	4953	562211

TABLE 3.—MAJOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION FOR AMENDMENTS TO PERFORMANCE SPECIFICATION 2, APPENDIX B, PART 60

Examples of regulated entities	SIC codes	NAICS codes
Fossil Fuel Steam Generators .....	3569	332410
Electric Generating Units .....	3569	332410
Industrial/Commercial/Institutional Steam Generating Units .....	3569	332410
Small Industrial/Commercial/Institutional Steam Generating Units .....	3569	332410
Municipal Waste Combustors .....	4953	562213
Nitric Acid Plants .....	2873	525311
Sulfuric Acid Plants .....	2819	325188
Petroleum Refineries .....	2911	324110
Primary Copper Smelters .....	3331	331411
Primary Zinc Smelters .....	3339	331419
Primary Lead Smelters .....	3339	331419

TABLE 4.—MAJOR ENTITIES POTENTIALLY AFFECTED BY THIS ACTION FOR AMENDMENTS TO METHOD 24, APPENDIX A, PART 60

Examples of regulated entities	SIC codes	NAICS codes
Rubber Tire Manufacturing .....	3011	326211
Flexible Vinyl and Urethane Coating and Printing .....	2754	323111
Magnetic Tape Coating Facilities .....	3695	334613
Surface Coating of Plastic Parts for Business Machines .....	3479	326199
Polymetric Coating of Supporting Substrates Facilities .....	2824	332812
Surface Coating of Metal Furniture .....	2514	337124
Automobile and Light Duty Truck Surface Coating .....	5012	336111
Graphic Arts Industry: Publication Rotogravure Printing .....	2754	323111
Pressure Sensitive Tape and Label Surface Coating Operations .....	2672	322222
Industrial Surface Coating: Large Appliances .....	5064	421620
Metal Coil Surface Coating .....	3479	335931
Beverage Can Surface Coating .....	3411	332812
Aerospace .....	3721	33641
Boat and Ship Manufacturing and Repair Surface Coating .....	3731, 3732	.....
Fabric Printing, Coating and Dyeing .....	2759	.....
Leather Finishing .....	3111	.....
Miscellaneous Coating Manufacturing .....	3479	.....
Miscellaneous Metal Parts and Products .....	3479	.....
Paper and other Web Surface Coating .....	2741	.....
Plastic Parts Surface Coating .....	3479	.....
Printing and Publishing Surface Coating .....	2741	.....
Wood Building Products .....	2499	.....
Wood Furniture .....	2511, 2521	.....

These tables are not intended to be exhaustive, but rather provides an example of entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

*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. OAR-2003-0074. 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. Documents in the official public docket are listed in the index list in EPA's electronic public docket and comment system, EDOCKET. Documents may be available either electronically or in hard copy. Electronic documents may be viewed through EDOCKET. Hard copy documents may be viewed at Docket

OAR-2003-0074, EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC 20460; telephone (202) 566-1742. The docket facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744.

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/> or you can go to the federal wide eRulemaking site at <http://www.regulations.gov>.

An electronic version of the public docket is available through EDOCKET. 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. The 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 EDOCKET, the system will identify whether the document is available for viewing in EPA's electronic public docket. Publicly available docket materials that are not available electronically may be viewed at the docket facility identified in Unit I.B. The 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 on 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 EDOCKET 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." The EPA is not required to consider these late comments. However, late comments may be considered if time permits.

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. The 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. *EDOCKET.* 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 EDOCKET 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 "EDOCKET." Once in the system, select "search," and then key in Docket ID No. OAR-2003-0074. 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. <http://www.regulations.gov>. Electronic comments may also be sent through the federal wide eRulemaking web site at <http://www.regulations.gov>.  
iii. *E-mail.* Comments may be sent by electronic mail (e-mail) to *a-and-r-docket@epamail.gov*, Attention: Docket ID No. OAR-2003-0074. 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.

iv. *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 duplicate copies of your comments to: "Performance Specification 16 for Predictive Emission Monitoring Systems," Environmental Protection Agency, Mail Code 6102T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention: Docket ID No. OAR-2003-0074.

3. *By Hand Delivery or Courier.* Deliver your comments to: EPA Docket Center, EPA West, Room 108, 1301 Constitution Ave., NW., Washington, DC 20460, Attention: Docket ID No. OAR-2003-0074. Such deliveries are only accepted during the Docket's normal hours of operation as identified in Unit I.B.1.

4. *By Facsimile.* Fax your comments to: 202-566-1741, Attention: Docket ID. No. OAR-2003-0074.

#### *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 docket address to the attention of Docket ID No. OAR-2003-0074. 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:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide 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 your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. 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.

*Outline.* The information presented in this preamble is organized as follows:

- I. Background
- II. Summary of Proposed Performance Specification 16
  - A. What Is the Purpose of PS-16?
  - B. Who Must Comply With PS-16?
  - C. What Are the Basic Requirements of PS-16?
  - D. What Is the Rationale for the Performance Criteria in PS-16?
- III. Summary of Other Amendments
  - A. Petroleum Refinery (Subpart J) NSPS
  - B. Kraft Pulp Mill (Subpart BB) NSPS
  - C. Municipal Solid Waste Landfills (Subpart WWW) NSPS
  - D. Method 24 of Appendix A of Part 60
  - E. Performance Specification 2 of Appendix B of Part 60

- F. Performance Specification 11 of Appendix B of Part 60
- G. Method 303 of Appendix A of Part 63
- IV. Statutory and Executive Order Reviews
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  - B. Paperwork Reduction Act
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  - D. Unfunded Mandates Reform Act
  - E. Executive Order 13132: Federalism
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  - G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
  - H. Executive Order 13211: Action Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use
  - I. NTTAA: National Technology Transfer and Advancement Act

### **I. Background**

Today we are proposing Performance Specification 16 for Predictive Emission Monitoring Systems to Appendix B, Part 60. Predictive emission monitoring systems are a new and innovative tool for monitoring pollutant emissions without the traditional hardware analyzers. The PEMS predicts a unit's emissions indirectly using process parameters that have a known relationship to pollutant concentration. Their principle of operation can range from a relatively simple relationship based on combustion principles to the more complex computer models that are trained to predict emissions using neural networks technology. They have been used for monitoring purposes at industrial, commercial, and institutional steam-generating units, gas turbines, internal combustion engines, and other combustion processes where process parameters have a predictable relationship to emissions. We are also proposing to make amendments to the testing and monitoring provisions of various NSPS and MACT rules.

### **II. Summary of Proposed Performance Specification 16**

#### *A. What Is the Purpose of PS-16?*

The purpose of PS-16 is to establish the initial installation and performance procedures that candidate PEMS must meet to be acceptable for use. The specification stipulates equipment design and documentation, location, and addresses initial and periodic performance tests of the PEMS.

#### *B. Who Must Comply With PS-16?*

If adopted as a final rule, all PEMS that will be used to comply with 40 CFR Parts 60, 61, and 63 will be required to comply with PS-16. In addition to new PEMS that are installed after the effective date of PS-16, other PEMS may

also be required to comply with PS-16 at the discretion of the applicable regulatory agency or permit writer.

#### *C. What Are the Basic Requirements of PS-16?*

The PS-16 requires owners and operators of affected PEMS to: (1) Select a PEMS that satisfies basic design criteria; (2) verify and document their PEMS; (3) validate their PEMS against a reference method using prescribed statistical procedures prior to placing it into operation; and (4) periodically reassess their PEMS's performance. The performance requirements for PS-16 follow the general performance requirements for continuous emission monitoring systems (CEMS) in Appendix B of Part 60. A relative accuracy (RA) test of the PEMS against a reference method is the primary assessment of accuracy. The number of runs prescribed for the RA test will depend upon the underlying regulation.

#### *D. What Is the Rationale for the Performance Criteria in PS-16?*

The Agency is allowing, but not requiring, PEMS use in a number of recently-promulgated rules, and a number of facilities regulated by State and Local agencies are considering their use. Past EPA approvals of PEMS were based on criteria provided in the draft performance specifications on the Agency's Emission Measurement Center website. In other cases, performance specifications developed by State or Local Agencies were used to evaluate the PEMS. We are proposing PS-16 to provide regulatory agencies a uniform procedure for assessing the capabilities of this new monitoring tool.

### **III. Summary of Other Amendments**

#### *A. Petroleum Refinery (Subpart J) NSPS*

In the petroleum refinery NSPS in § 60.106(b)(3) the equation for determining the coke burnoff rate is being corrected.

#### *B. Kraft Pulp Mill (Subpart BB) NSPS*

In the monitoring provisions of the kraft pulp mills NSPS in § 60.284, a paragraph requiring continuous emission monitors be subject to the quality assurance provisions of Appendix F that was added by mistake in an October 17, 2000 amendment is being deleted.

#### *C. Municipal Solid Waste Landfill (Subpart WWW) NSPS*

Under the municipal solid waste landfill NSPS in § 60.752, the requirement to test open flares for heat content and flare exit velocity using Methods 18 and ASTM D1946 is being

changed to require Method 3C. These open flares must comply with the general flare provisions of 40 CFR 60.18, which require that flare gas heat content and flare exit velocity be within prescribed limits. The heat content of flare gas is determined from an analysis of its organic compound and hydrogen content using Method 18 and ASTM D1946, respectively. Methane is the only significant organic compound in landfill gas and hydrogen is not likely to be present. Therefore, Method 18 and ASTM D1946 are not practical methods for landfill applications. Method 3C is less labor-intensive than Method 18 and has the preferred measuring range for methane levels encountered at landfills. In addition, Method 3C determines oxygen and nitrogen which are currently determined by an additional method and are needed to calculate the flare gas exit velocity. We are proposing that Method 3C be required as the test method for methane in place of Method 18 and ASTM D1946 for organics and hydrogen.

#### *D. Method 24 of Appendix A of Part 60*

Method 24, Part 60, Appendix A is used to determine the contents and properties of surface coatings under NSPS applications. Method 24 currently references ASTM D2369 as the method for determining volatiles content. The American Society for Testing and Materials has recommended that ASTM D6419 be allowed as an alternative to D2369 in this case. We are proposing to amend Method 24 to allow this option.

#### *E. Performance Specification 2, Part 60, Appendix B*

In Performance Specification 2, Part 60, Appendix B, an inadvertent omission in an October 17, 2000 amendment removed an allowance for relative accuracy relief for low-emitters. We are proposing to reinstate the allowance.

#### *F. Performance Specification 11 of Appendix of Appendix B of Part 60*

The publication on January 12, 2004 of Performance Specification 11 for Appendix B and Procedure 2 for Part 60, Appendix F contained technical and typographical errors and unclear instructions. We are revising the definition of confidence interval half range to clarify the language, replacing the word "pairs" with "sets" to avoid possible confusion regarding the use of paired sampling trains, correcting errors in Equations 11-22, 11-27, and 11-37, correcting the procedures in paragraphs (4) and (5) of section 12.3 for determining confidence and tolerance interval half ranges for the exponential

and power correlation models, and adding a note following paragraph (5)(v) concerning the application of correlation equations to calculate PM concentrations using the response data from an operating PM CEMS. We are also renumbering some equations and references for clarification, consistency, and accuracy.

#### *G. Method 303 of Appendix A of Part 63*

In Method 303 of Appendix A of Part 63, we are proposing to add a statement on varying the time of day runs are taken that was deleted by mistake in a recent amendment of the method.

### **IV. Statutory and Executive Order Reviews**

#### *A. Executive Order 12866: Regulatory Planning and Reviews*

Under Executive Order 12866 (58 FR 51735 October 4, 1993), we must determine whether this regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of this 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 affects 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 interferes 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.

We have 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. We have determined that this regulation would result in none of the economic effects set forth in Section 1 of the Order because it does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard.

#### *B. Paperwork Reduction Act*

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This action provides performance criteria for a new

monitoring tool that may be used in some cases in place of current source monitoring requirements. These criteria do not add information collection requirements beyond those currently required under the applicable regulation. The additional amendments being made to the testing requirements in 40 CFR part 60 do not add information collection requirements but make minor corrections to existing testing methodology.

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 in 40 CFR are listed in 40 CFR part 9.

#### *C. Regulatory Flexibility Act*

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) A small business as defined by the Small Business Administration's regulations at 13 CFR 121.201; (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. Entities potentially affected by this action

include those listed in Table 1 of

**SUPPLEMENTARY INFORMATION.**

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. We are allowing, but not requiring, PEMS use in a number of recently-promulgated rules, and a number of facilities regulated by State and Local agencies are considering their use. The intended effect of this action is to facilitate the use of PEMS by establishing levels of acceptability for candidate PEMS. In addition, we are proposing to make minor amendments to various testing provisions in the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants for Source Categories (MACT) to correct inadvertent errors, make needed updates, and add flexibility. We invite comments on all aspects of the proposal and its impacts on small entities.

*D. 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.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, Local, or Tribal governments or the private sector. The rule imposes no enforceable duty on any State, Local, or Tribal governments or the private sector. In any event, EPA has 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 one year. Thus, today's rule is not subject to the requirements of Sections 202 and 205 of the UMRA.

*E. 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" 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 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. Thus, the requirements of Section 6 of the Executive Order do not apply to this rule.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and Local governments, EPA specifically solicits comment on this proposed rule from State and Local officials.

*F. Executive Order 13175: Consultation and Coordination With 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 proposed 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. In this proposed rule, we are simply allowing an alternative emission monitoring tool that applicable facilities may use. Thus, Executive Order 13175 does not apply to this rule.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

Executive Order 13045 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.

The EPA interprets Executive Order 13045 as applying only to regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. This proposed rule is not subject to Executive Order 13045 because it is not based on health or safety risks.

*H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action 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.

I. NTTAA: National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113 (15 U.S.C. 272), directs us to use voluntary consensus standards (VCSs) in our 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.) that are developed or adopted by VCS bodies. The NTTAA requires us to provide Congress, through OMB, explanations when we decide not to use available and applicable VCSs. We are not proposing new test methods in this rulemaking but are adding performance requirements for a new monitoring tool that can be used as an alternative to what has already been mandated. Therefore, NTTAA does not apply.

List of Subjects in 40 CFR Parts 60 and 63

Environmental protection, Air pollution control, New sources, Test methods and procedures, Performance specifications, and Continuous emission monitors.

Dated: July 26, 2005.

Stephen L. Johnson, Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency proposes to amend title 40, chapter I of the Code of Federal Regulations as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

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

Authority: 42 U.S.C. 7401, 7411, 7413, 7414, 7416, 7601, and 7602.

§ 60.106 [Amended]

2. By revising the equation in § 60.106(b)(3) to read as follows:

§ 60.106 Test methods and procedures.

(b) \* \* \*
(3) \* \* \*
Rc = K1Qr (%CO2 + %CO) + (K2Qa - K3Qr)((%CO / 2) + (%CO2 + %O2))

§ 60.284 [Amended]

3. By revising § 60.284(f) to read as follows:

§ 60.284 Monitoring of emissions and operations.

(f) The procedures under § 60.13 shall be followed for installation, evaluation, and operation of the continuous monitoring systems required under this section. All continuous monitoring systems shall be operated in accordance with the applicable procedures under Performance Specifications 1, 3, and 5 of appendix B of this part.

§ 60.752 [Amended]

4. By revising § 60.752(b)(2)(iii)(A) to read as follows:

§ 60.752 Standards for air emissions from municipal solid waste landfills

(b) \* \* \*
(2) \* \* \*
(iii) \* \* \*
(A) An open flare designed and operated in accordance with § 60.18, except that the net heating value of the combusted landfill gas is calculated from the concentration of methane in the landfill gas as measured by Method 3C. Other organic components, hydrogen, and carbon monoxide are not measured;

Appendix A [Amended]

5. In Appendix A, by adding Section 6.7 to Method 24 to read as follows:

Method 24—Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings

6.7 ASTM D 6419-00, Test Method for Volatile Content of Sheet-Fed and Coldset Web Offset Printing Inks.

Appendix B [Amended]

6. In Appendix B, by adding a sentence to Section 13.2 of Performance Specification 2 to read as follows:

Performance Specification 2—Specifications and Test Procedures for SO2 and NOx Continuous Emission Monitoring Systems in Stationary Sources

13.2 \* \* \* For SO2 emission standards of 130 to and including 86 ng/J (0.30 and 0.20 lb/million Btu), inclusive, use 15 percent of the applicable standard; below 86 ng/J (0.20 lb/million Btu), use 20 percent of the emission standard.

7. In Appendix B, Performance Specification 11:
A. By revising Sections 3.4 and 8.6;
B. By revising paragraphs (1)(ii), (2), (4), and (5) of Section 12.3;
C. By revising paragraph (3)(ii) of Section 12.4;
D. By revising (2) and (3) of Section 13.2;
E. By adding references 16.8 and 16.9 to Section 16.0; and
F. By revising Table 1 in Section 17.0.
The revisions and addition read as follows:

Performance Specification 11—Specifications and Test Procedures for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources

3.4 "Confidence Interval Half Range (CI)" is a statistical term and means one-half of the width of the 95 percent confidence interval around the predicted mean PM concentration (y value) calculated at the PM CEMS response value (x value) where the confidence interval is narrowest. Procedures for calculating CI are specified in section 12.3. The CI as a percent of the emission limit value (CI%) is calculated at the appropriate PM CEMS response value and must satisfy the criteria specified in Section 13.2 (2).

8.6 How do I conduct my PM CEMS correlation test? You must conduct the correlation test according to the procedure given in paragraphs (1) through (5) of this section. If you need multiple correlations, you must conduct testing and collect at least 15 sets of reference method and PM CEMS data for calculating each separate correlation.

12.3 How do I determine my PM CEMS correlation?

(1) How do I evaluate a linear correlation for my correlation test data?

(ii) Calculate the half range of the 95 percent confidence interval (CI) for the predicted PM concentration (ŷ) at the mean value of x, using Equation 11-8:

CI = tdf, 1-a/2 · SL √(1/n) (Eq. 11-8)

Where:

CI = the half range of the 95 percent confidence interval for the predicted PM concentration at the mean x value,
tdf, 1-a/2 = the value for the t statistic provided in Table 1 for df = (n-2), and

$S_L$  = the scatter or deviation of  $\hat{y}$  values about the correlation curve, which is determined using Equation 11-9:

$$S_L = \sqrt{\frac{1}{n-2} \sum_{i=1}^n (\hat{y}_i - y_i)^2} \quad (\text{Eq. 11-9})$$

Calculate the confidence interval half range for the predicted PM concentration ( $\hat{y}$ ) at the mean  $x$  value as a percentage of the emission limit (CI%) using Equation 11-10:

$$CI\% = \frac{CI}{EL} \cdot 100\% \quad (\text{Eq. 11-10})$$

Where:

CI = the half range of the 95 percent confidence interval for the

predicted PM concentration at the mean  $x$  value, and  
 EL = PM emission limit, as described in section 13.2.

(iii) Calculate the half range of the tolerance interval (TI) for the predicted PM concentration ( $\hat{y}$ ) at the mean  $x$  value using Equation 11-11:

$$TI = k_T \cdot S_L \quad (\text{Eq. 11-11})$$

Where:

TI = the half range of the tolerance interval for the predicted PM concentration ( $\hat{y}$ ) at the mean  $x$  value,

$k_T$  = as calculated using Equation 11-12, and

$$TI\% = \frac{TI}{EL} \cdot 100\% \quad (\text{Eq. 11-13})$$

$S_L$  = as calculated using Equation 11-9:

$$k_T = u_{n'} \cdot v_{df} \quad (\text{Eq. 11-12})$$

Where:

$n'$  = the number of test runs ( $n$ ),

$u_{n'}$  = the tolerance factor for 75 percent coverage at 95 percent confidence provided in Table 1 for  $df = (n-2)$ , and

$v_{df}$  = the value from Table 1 for  $df = (n-2)$ .

Calculate the half range of the tolerance interval for the predicted PM concentration ( $y$ ) at the mean  $x$  value as a percentage of the emission limit (TI%) using Equation 11-13:

Where:

TI = the half range of the tolerance interval for the predicted PM concentration ( $\hat{y}$ ) at the mean  $x$  value, and

EL = PM emission limit, as described in section 13.2.

\* \* \* \* \*

(2) How do I evaluate a polynomial correlation for my correlation test data?

To evaluate a polynomial correlation, follow the procedures described in paragraphs (2)(i) through (iv) of this section.

(i) Calculate the polynomial correlation equation, which is indicated by Equation 11-16, using Equations 11-17 through 11-22:

$$\hat{y} = b_0 + b_1x + b_2x^2 \quad (\text{Eq. 11-16})$$

Where:

$\hat{y}$  = the PM CEMS concentration predicted by the polynomial correlation equation, and

$b_0, b_1, b_2$  = the coefficients determined from the solution to the matrix equation  $Ab=B$

Where:

$$A = \begin{bmatrix} n & S_1 & S_0 \\ S_1 & S_2 & S_3 \\ S_2 & S_3 & S_4 \end{bmatrix}, \quad b = \begin{bmatrix} b_0 \\ b_1 \\ b_2 \end{bmatrix}, \quad B = \begin{bmatrix} S_5 \\ S_6 \\ S_7 \end{bmatrix} \cdot S_1 = \sum_{i=1}^n (x_i), S_2 = \sum_{i=1}^n (x_i^2), S_3 = \sum_{i=1}^n (x_i^3), S_4 = \sum_{i=1}^n (x_i^4) \quad (\text{Eq. 11-17})$$

$$S_5 = \sum_{i=1}^n (y_i), S_6 = \sum_{i=1}^n (x_i y_i), S_7 = \sum_{i=1}^n (x_i^2 y_i) \quad (\text{Eq. 11-18})$$

Where:

$x_i$  = the PM CEMS response for run  $i$ ,  
 $y_i$  = the reference method PM concentration for run  $i$ , and

$n$  = the number of test runs.

Calculate the polynomial correlation curve coefficients ( $b_0, b_1$ , and  $b_2$ ) using

Equations 11-19 through 11-21, respectively:

$$b_0 = \frac{(S_5 \cdot S_2 \cdot S_4 + S_1 \cdot S_3 \cdot S_7 + S_2 \cdot S_6 \cdot S_3 - S_7 \cdot S_2 \cdot S_2 - S_3 \cdot S_3 \cdot S_5 - S_4 \cdot S_6 \cdot S_1)}{\det A} \quad (\text{Eq. 11-19})$$

$$b_1 = \frac{(n \cdot S_6 \cdot S_4 + S_5 \cdot S_3 \cdot S_2 + S_2 \cdot S_1 \cdot S_7 - S_2 \cdot S_6 \cdot S_2 - S_7 \cdot S_3 \cdot n - S_4 \cdot S_1 \cdot S_5)}{\det A} \quad (\text{Eq. 11-20})$$

$$b_2 = \frac{(n \cdot S_2 \cdot S_7 + S_1 \cdot S_6 \cdot S_2 + S_3 \cdot S_1 \cdot S_3 - S_2 \cdot S_2 \cdot S_5 - S_3 \cdot S_6 \cdot n - S_7 \cdot S_1 \cdot S_1)}{\det A} \quad (\text{Eq. 11-21})$$

Where:

$$\det A = n \cdot S_2 \cdot S_4 - S_2 \cdot S_2 \cdot S_2 + S_1 \cdot S_3 \cdot S_2 - S_3 \cdot S_3 \cdot n + S_2 \cdot S_1 \cdot S_3 - S_4 \cdot S_1 \cdot S_1 \quad (\text{Eq. 11-22})$$

(ii) Calculate the 95 percent confidence interval half range (CI) by first calculating the C coefficients (C<sub>0</sub> to C<sub>5</sub>) using Equations 11–23 and 11–24:

$$C_0 = \frac{(S_2 \cdot S_4 - S_3^2)}{D}, C_1 = \frac{(S_3 \cdot S_2 - S_1 \cdot S_4)}{D}, C_2 = \frac{(S_1 \cdot S_3 - S_2^2)}{D}, C_3 = \frac{(nS_4 - S_2^2)}{D}, C_4 = \frac{(S_1 \cdot S_2 - nS_3)}{D}, C_5 = \frac{(nS_2 - S_1^2)}{D} \quad (\text{Eq. 11-23})$$

Where:

$$D = n(S_2 \cdot S_4 - S_3^2) + S_1(S_3 \cdot S_2 - S_1 \cdot S_4) + S_2(S_1 \cdot S_3 - S_2^2) \quad (\text{Eq. 11-24})$$

Calculate Δ using Equation 11–25 for each x value:

$$\Delta = C_0 + 2C_1x + (2C_2 + C_3)x^2 + 2C_4x^3 + C_5x^3 \quad (\text{Eq. 11-25})$$

Determine the x value that corresponds to the minimum value Δ (Δ<sub>min</sub>). Determine the scatter or deviation of ŷ values about the polynomial correlation curve (S<sub>p</sub>) using Equation 11–26:

$$S_p = \sqrt{\frac{1}{n-3} \sum_{i=1}^n (\hat{y}_i - y_i)^2} \quad (\text{Eq. 11-26})$$

Calculate the half range of the 95 percent confidence interval (CI) for the predicted PM concentration (ŷ) at the x value that corresponds to Δ<sub>min</sub> using Equation 11–27:

$$CI = t_{df} \cdot S_p \sqrt{\Delta_{min}} \quad (\text{Eq. 11-27})$$

Where:

df = (n - 3), and  
t<sub>df</sub> = as listed in Table 1 (see section 17).

Calculate the half range of the 95 percent confidence interval for the predicted PM concentration at the x value that corresponds to Δ<sub>min</sub> as a percentage of the emission limit (CI%) using Equation 11–28:

$$CI\% = \frac{CI}{EL} \cdot 100\% \quad (\text{Eq. 11-28})$$

Where:

CI = the half range of the 95 percent confidence interval for the predicted PM concentration at the x value that corresponds to Δ<sub>min</sub>, and  
EL = PM emission limit, as described in section 13.2.

(iii) Calculate the tolerance interval half range (TI) for the predicted PM concentration at the x value that corresponds to Δ<sub>min</sub>, as indicated in

Equation 11–29 for the polynomial correlation, using Equations 11–30 and 11–31:

$$TI = k_T \cdot S_p \quad (\text{Eq. 11-29})$$

Where:

$$k_T = u_{n'} \cdot v_{df} \quad (\text{Eq. 11-30})$$

$$n' = \frac{1}{\Delta_{min}} \quad (\text{Eq. 11-31})$$

u<sub>n'</sub> = the value indicated in Table 1 for df = (n' - 3), and

v<sub>df</sub> = the value indicated in Table 1 for df = (n' - 3).

Calculate the tolerance interval half range for the predicted PM concentration at the x value that corresponds to Δ<sub>min</sub> as a percentage of the emission limit (TI%) using Equation 11–32:

$$TI\% = \frac{TI}{EL} \cdot 100\% \quad (\text{Eq. 11-32})$$

Where:

TI = the tolerance interval half range for the predicted PM concentration at the x value that corresponds to Δ<sub>min</sub>, and

EL = PM emission limit, as described in section 13.2.

(iv) Calculate the polynomial correlation coefficient (r) using Equation 11–33:

$$r = \sqrt{1 - \frac{S_p^2}{S_y^2}} \quad (\text{Eq. 11-33})$$

Where:

S<sub>p</sub> = as calculated using Equation 11–26, and

S<sub>y</sub> = as calculated using Equation 11–15.

\* \* \* \* \*

(4) How do I evaluate an exponential correlation for my correlation test data? To evaluate an exponential correlation, which has the form indicated by Equation 11–37, follow the procedures described in paragraphs (4)(i) through (v) of this section:

$$\hat{y} = b_0 e^{b_1 x} \quad (\text{Eq. 11-37})$$

(i) Perform a logarithmic transformation of each PM concentration measurement (y values) using Equation 11–38:

$$y'_i = \text{Ln}(y_i) \quad (\text{Eq. 11-38})$$

Where:

y'<sub>i</sub> = is the transformed value of y<sub>i</sub>, and  
Ln(y<sub>i</sub>) = the natural logarithm of the PM concentration measurement for run i.

(ii) Using the values for y'<sub>i</sub> in place of the values for y<sub>i</sub>, perform the same procedures used to develop the linear correlation equation described in paragraph (1)(i) of this section. The resulting equation will have the form indicated by Equation 11–39.

$$\hat{y}' = b'_0 + b_1 x \quad (\text{Eq. 11-39})$$

Where:

ŷ' = the predicted log PM concentration value,  
b'<sub>0</sub> = the natural logarithm of b<sub>0</sub>, and the variables b<sub>0</sub>, b<sub>1</sub>, and x are as defined in paragraph (1)(i) of this section.

(iii) Using the values for  $y'_i$  in place of the values for  $y_i$ , calculate the half range of the 95 percent confidence interval (CI'), as described in paragraph (1)(ii) of this section for CI. Note that CI' is on the log scale. Next, calculate the upper and lower 95 percent confidence limits for the mean value  $\bar{y}'$  using Equations 11-40 and 11-41:

$$LCL' = \bar{y}' - CI' \quad (\text{Eq. 11-40})$$

$$UCL' = \bar{y}' + CI' \quad (\text{Eq. 11-41})$$

Where:

LCL' = the lower 95 percent confidence limit for the mean value  $\bar{y}'$ ,

UCL' = the upper 95 percent confidence limit for the mean value  $\bar{y}'$ ,

$\bar{y}'$  = the mean value of the log-transformed PM concentrations, and

CI' = the half range of the 95 percent confidence interval for the predicted PM concentration ( $\hat{y}'$ ), as calculated in Equation 11-8.

Calculate the half range of the 95 percent confidence interval (CI) on the original PM concentration scale using Equation 11-42:

$$CI = \frac{e^{UCL'} - e^{LCL'}}{2} \quad (\text{Eq. 11-42})$$

Where:

CI = the half range of the 95 percent confidence interval on the original PM concentration scale, and UCL' and LCL' are as defined previously.

Calculate the half range of the 95 percent confidence interval for the predicted PM concentration corresponding to the mean value of  $x$  as a percentage of the emission limit (CI%) using Equation 11-10.

(iv) Using the values for  $y'_i$  in place of the values for  $y_i$ , calculate the half range tolerance interval (TI'), as described in paragraph (1)(iii) of this section for TI. Note that TI' is on the log scale. Next, calculate the half range tolerance limits for the mean value  $\bar{y}'$  using Equations 11-43 and 11-44:

$$LTL' = \bar{y}' - TI' \quad (\text{Eq. 11-43})$$

$$UTL' = \bar{y}' + TI' \quad (\text{Eq. 11-44})$$

Where:

LTL' = the lower 95 percent tolerance limit for the mean value  $\bar{y}'$ ,

UTL' = the upper 95 percent tolerance limit for the mean value  $\bar{y}'$ ,

$\bar{y}'$  = the mean value of the log-transformed PM concentrations, and

TI' = the half range of the 95 percent tolerance interval for the predicted PM concentration ( $\hat{y}'$ ), as calculated in Equation 11-11.

Calculate the half range tolerance interval (TI) on the original PM concentration scale using Equation 11-45:

$$TI = \frac{e^{UTL'} - e^{LTL'}}{2} \quad (\text{Eq. 11-45})$$

TI = the half range of the 95 percent tolerance interval on the original PM scale, and UTL' and LTL' are as defined previously.

Calculate the tolerance interval half range for the predicted PM concentration corresponding to the mean value of  $x$  as a percentage of the emission limit (TI%) using Equation 11-13.

(v) Using the values for  $y'_i$  in place of the values for  $y_i$ , calculate the correlation coefficient ( $r$ ) using the procedure described in paragraph (1)(iv) of this section.

(5) How do I evaluate a power correlation for my correlation test data? To evaluate a power correlation, which has the form indicated by Equation 11-46, follow the procedures described in paragraphs (5)(i) through (v) of this section.

$$\hat{y} = b_0 x^{b_1} \quad (\text{Eq. 11-46})$$

(i) Perform logarithmic transformations of each PM CEMS response ( $x$  values) and each PM concentration measurement ( $y$  values) using Equations 11-35 and 11-38, respectively.

(ii) Using the values for  $x'_i$  in place of the values for  $x_i$ , and the values for  $y'_i$  in place of the values for  $y_i$ , perform the same procedures used to develop the linear correlation equation described in

paragraph (1)(i) of this section. The resulting equation will have the form indicated by Equation 11-47:

$$\hat{y}' = b'_0 + b'_1 x' \quad (\text{Eq. 11-47})$$

Where:

$\hat{y}'$  = the predicted log PM concentration value, and

$x'$  = the natural logarithm of the PM CEMS response values,

$b'_0$  = the natural logarithm of  $b_0$ , and the variables  $b_0$ ,  $b_1$ , and  $x$  are as defined in paragraph (1)(i) of this section.

(iii) Using the same procedure described for exponential models in paragraph (4)(iii) of this section, calculate the half range of the 95 percent confidence interval for the predicted PM concentration corresponding to the mean value of  $x'$  as a percentage of the emission limit.

(iv) Using the same procedure described for exponential models in paragraph (4)(iv) of this section, calculate the tolerance interval half range for the predicted PM concentration corresponding to the mean value of  $x'$  as a percentage of the emission limit.

(v) Using the values for  $y'_i$  in place of the values for  $y_i$ , calculate the correlation coefficient ( $r$ ) using the procedure described in paragraph (1)(iv) of this section.

**Note:** PS-11 does not address the application of correlation equations to calculate PM emission concentrations using PM CEMS response data during normal operations of a PM CEMS. However, we will provide guidance on the use of specific correlation models (*i.e.*, logarithmic, exponential, and power models) to calculate PM concentrations in an operating PM CEMS in situations when the PM CEMS response values are equal to or less than zero, and the correlation model is undefined.

\* \* \* \* \*

12.4 What correlation model should I use?

\* \* \* \* \*

(3) \* \* \*

(ii) Calculate the minimum value using Equation 11-48.

$$\text{maximum or minimum} = - \frac{b_1}{2b_2} \quad (\text{Eq. 11-48})$$

\* \* \* \* \*

13.2 What performance criteria must my PM CEMS correlation satisfy?

\* \* \* \* \*

(2) The confidence interval half range must satisfy the applicable criterion specified in paragraph (2)(i), (ii), or (iii) of this section, based on the type of correlation model.

(i) For linear or logarithmic correlations, the 95 percent confidence interval half range at the mean PM CEMS response value from the correlation test must be within 10

percent of the PM emission limit value specified in the applicable regulation. Therefore, the CI% calculated using Equation 11–10 must be less than or equal to 10 percent.

(ii) For polynomial correlations, the 95 percent confidence interval half range at the PM CEMS response value from the correlation test that corresponds to the minimum value for Δ must be within 10 percent of the PM emission limit value specified in the applicable regulation. Therefore, the CI% calculated using Equation 11–28 must be less than or equal to 10 percent.

(iii) For exponential or power correlations, the 95 percent confidence interval half range at the mean of the logarithm of the PM CEMS response values from the correlation test must be within 10 percent of the PM emission limit value specified in the applicable regulation. Therefore, the CI% calculated using Equation 11–10 must be less than or equal to 10 percent.

\* \* \* \* \*

(3) The tolerance interval half range must satisfy the applicable criterion

specified in paragraph (3)(i), (ii), or (iii) of this section, based on the type of correlation model.

(i) For linear or logarithmic correlations, the half range tolerance interval with 95 percent confidence and 75 percent coverage at the mean PM CEMS response value from the correlation test must be within 25 percent of the PM emission limit value specified in the applicable regulation. Therefore, the TI% calculated using Equation 11–13 must be less than or equal to 25 percent.

(ii) For polynomial correlations, the half range tolerance interval with 95 percent confidence and 75 percent coverage at the PM CEMS response value from the correlation test that corresponds to the minimum value for Δ must be within 25 percent of the PM emission limit value specified in the applicable regulation. Therefore, the TI% calculated using Equation 11–32 must be less than or equal to 25 percent.

(iii) For exponential or power correlations, the half range tolerance interval with 95 percent confidence and

75 percent coverage at the mean of the logarithm of the PM CEMS response values from the correlation test must be within 25 percent of the PM emission limit value specified in the applicable regulation. Therefore, the TI% calculated using Equation 11–13 must be less than or equal to 25 percent.

\* \* \* \* \*

16.0 Which references are relevant to this performance specification?

\* \* \* \* \*

16.8 Snedecor, George W. and Cochran, William G. (1989), Statistical Methods, Eighth Edition, Iowa State University Press.

16.9 Wallis, W.A. (1951) “Tolerance Intervals for Linear Regression,” in Second Berkeley Symposium on Mathematical Statistics and Probability, ed. J. Neyman, Berkeley: University of California Press, pp. 43–51.

17.0 What Reference Tables and Validation Data Are Relevant to PS–11?

\* \* \* \* \*

TABLE 1.—FACTORS FOR CALCULATION OF CONFIDENCE AND TOLERANCE INTERVAL HALF RANGES

df	Student's t, t <sub>df</sub>	Tolerance interval with 75% coverage and 95% confidence level		
		V <sub>df</sub> (95%)	u <sub>n</sub> , (75%)	k <sub>T</sub>
3	3.182	2.920	1.266	3.697
4	2.776	2.372	1.247	2.958
5	2.571	2.089	1.233	2.576
6	2.447	1.915	1.223	2.342
7	2.365	1.797	1.214	2.183
8	2.306	1.711	1.208	2.067
9	2.262	1.645	1.203	1.979
10	2.228	1.593	1.198	1.909
11	2.201	1.551	1.195	1.853
12	2.179	1.515	1.192	1.806
13	2.160	1.485	1.189	1.766
14	2.145	1.460	1.186	1.732
15	2.131	1.437	1.184	1.702
16	2.120	1.418	1.182	1.676
17	2.110	1.400	1.181	1.653
18	2.101	1.384	1.179	1.633
19	2.093	1.370	1.178	1.614
20	2.086	1.358	1.177	1.597
21	2.080	1.346	1.175	1.582
22	2.074	1.335	1.174	1.568
23	2.069	1.326	1.173	1.555
24	2.064	1.316	1.172	1.544
25	2.060	1.308	1.172	1.533
26	2.056	1.300	1.171	1.522
27	2.052	1.293	1.170	1.513
28	2.048	1.286	1.170	1.504
29	2.045	1.280	1.169	1.496
30	2.042	1.274	1.168	1.488
31	2.040	1.268	1.168	1.481
32	2.037	1.263	1.167	1.474
33	2.035	1.258	1.167	1.467
34	2.032	1.253	1.166	1.461
35	2.030	1.248	1.166	1.455
36	2.028	1.244	1.165	1.450
37	2.026	1.240	1.165	1.444
38	2.024	1.236	1.165	1.439
39	2.023	1.232	1.164	1.435
40	2.021	1.228	1.164	1.430

TABLE 1.—FACTORS FOR CALCULATION OF CONFIDENCE AND TOLERANCE INTERVAL HALF RANGES—Continued

df	Student's t, t <sub>df</sub>	Tolerance interval with 75% coverage and 95% confidence level		
		V <sub>df</sub> (95%)	u <sub>n</sub> , (75%)	k <sub>T</sub>
41	2.020	1.225	1.164	1.425
42	2.018	1.222	1.163	1.421
43	2.017	1.218	1.163	1.417
44	2.015	1.215	1.163	1.413
45	2.014	1.212	1.163	1.410
46	2.013	1.210	1.162	1.406
47	2.012	1.207	1.162	1.403
48	2.011	1.204	1.162	1.399
49	2.010	1.202	1.162	1.396
50	2.009	1.199	1.161	1.393
51	2.008	1.197	1.161	1.390
52	2.007	1.195	1.161	1.387
53	2.006	1.192	1.161	1.384
54	2.005	1.190	1.161	1.381
55	2.004	1.188	1.160	1.379
56	2.003	1.186	1.160	1.376
57	2.002	1.184	1.160	1.374
58	2.002	1.182	1.160	1.371
59	2.001	1.180	1.160	1.369
60	2.000	1.179	1.160	1.367

References 16.8 (t values) and 16.9 (v<sub>df</sub> and u<sub>n</sub>, values).

\* \* \* \* \*

8. In Appendix B, by adding Performance Specification 16 to read as follows:

**Appendix B—Performance Specifications**

\* \* \* \* \*

**Performance Specification 16—Specifications and Test Procedures for Predictive Emission Monitoring Systems in Stationary Sources**

*1.0 Scope and Application*

1.1 Does this performance specification apply to me? If you, the source owner or operator, intend to use a predictive emission monitoring system (PEMS) to show compliance with your emission limitation(s), you must use the procedures in this performance specification (PS) to determine whether your PEMS has acceptable performance. Use these procedures to certify your PEMS after initial installation and periodically thereafter to ensure the PEMS is operating properly. Additional tests may be required by an applicable regulation or by us, the reviewing authority. If your PEMS contains a diluent (O<sub>2</sub> or CO<sub>2</sub>) measuring component, this must be tested as well.

1.1.1 How do I certify my PEMS after it is installed? We require that a relative accuracy (RA) test and accompanying statistical tests be passed in the initial certification test before your PEMS is acceptable for use in demonstrating compliance with applicable requirements. Ongoing quality assurance tests must be

conducted to ensure the PEMS is operating properly. An ongoing sensor evaluation procedure must be in place before the PEMS certification is complete. The amount of testing and data validation we require depends upon the regulatory needs, *i.e.*, whether precise quantification of emissions will be needed or whether indication of exceedances of some regulatory threshold will suffice. Performance criteria are more rigorous for PEMSs that are used in market-based programs and for determining continual compliance with an emission limit than those used to measure excess emissions or indicate control device operation and maintenance (O&M). You must perform the initial certification test on your PEMS before reporting any PEMS data as quality-assured.

1.1.2 Is other testing required after certification? After you initially certify your PEMS, you must pass additional periodic performance checks to ensure the long-term quality of data. These periodic checks are listed in the table in Section 9. You are always responsible for maintaining and operating your PEMS properly.

*2.0 Summary of Performance Specification*

The following performance tests are required in addition to equipment and measurement location requirements.

2.1 Initial PEMS Certification.

2.1.1 Operation and Maintenance PEMS. PEMS that are used for excess emission reporting and as indicators of control device operation and

maintenance must perform a minimum 9-run, 3-level (3 runs at each level) RA test (see Section 8.2).

2.1.2 Compliance and Market Trading PEMS. PEMS that are used for continual compliance standards or in a market trading program must perform a minimum 27-run, 3-level (9 runs at each level) comparison test against the reference method (RM) (see Section 8.1.6). The data are evaluated for bias and by F-test and correlation analysis.

2.2 Periodic Quality Assurance (QA) Assessments. All PEMSs are required to conduct quarterly relative accuracy audits (RAA) and yearly relative accuracy test audits (RATA) to assess ongoing PEMS operation.

*3.0 Definitions*

The following definitions apply:

3.1 Centroidal Area means that area in the center of the stack (or duct) comprising no more than 1 percent of the stack cross-sectional area and having the same geometric shape as the stack.

3.2 Data Recorder means the equipment that provides a permanent record of the PEMS output. The data recorder may include automatic data reduction capabilities and may include electronic data records, paper records, or a combination of electronic data and paper records.

3.3 Defective sensor means a sensor that is responsible for PEMS malfunction or that operates outside the approved operating envelope.

3.4 Diluent PEMS means the total equipment required to predict a diluent gas concentration.

3.5 Operating envelope means the defined range of a parameter input that is established during PEMS development. Emission data generated from parameter inputs that are outside the operating envelope are not considered quality assured and are therefore unacceptable.

3.6 PEMS means all of the equipment required to predict an emission concentration or emission rate. The system may consist of any of the following major subsystems: sensors and sensor interfaces, emission model, algorithm, or equation that uses process data to generate an output that is proportional to the emission concentration or emission rate, diluent emission model, data recorder, and sensor evaluation system. Simple relationships that use fewer than 3 variables may not be acceptable as PEMS, and such systems must have the Administrator's approval before use. A PEMS may or may not predict emissions data that are corrected for diluent.

3.7 Reconciled Process Data means substitute data that are generated by a sensor evaluation system to replace that of a failed sensor.

3.8 Relative Accuracy means the accuracy of the PEMS when compared to a RM at the source. The RA is the average difference between the pollutant PEMS and RM data for a specified number of runs plus a 2.5 percent confidence coefficient, divided by the average of the RM tests or the emission standard. For diluent PEMS, the RA may be expressed as a percentage absolute difference between the PEMS and RM. Alternative specifications may be given for low-emitting units.

3.9 Relative Accuracy Audit means a quarterly audit of the PEMS against a portable analyzer meeting the requirements of ASTM D6522-00 or RM for a specified number of runs.

3.10 Relative Accuracy Test Audit means a RA test that is performed at least once every four calendar quarters

while the PEMS is operating at the normal operating level. The RATA must not be conducted in consecutive quarters.

3.11 Reference Value means a PEMS baseline value established by RM testing under conditions when all sensors are functioning properly.

3.12 Sensor Evaluation System means the equipment or procedure used to periodically assess the quality of sensor input data. This system may be a sub-model that periodically cross-checks sensor inputs against other inputs or any other procedure that checks sensor integrity at least daily.

3.13 Sensors and Sensor Interface means the equipment that measures the process input signals and transports them to the emission prediction system.

4.0 Interferences [Reserved]

5.0 Safety [Reserved]

6.0 Equipment and Supplies

6.1 PEMS Design. You must define and make available details on the design of your PEMS. You must also establish the following, as applicable:

6.1.1 Number of Input Parameters. An acceptable PEMS will normally use three or more input parameters. You must obtain our permission on a case-by-case basis to use a PEMS having fewer than three input parameters.

6.1.2 Parameter Operating Envelopes. Before you evaluate your PEMS through the certification test, you must specify the input parameters your PEMS uses, define their range of minimum and maximum values (operating envelope), and demonstrate the integrity of the parameter operating envelopes using graphs and data from the PEMS development process. After the certification test, the PEMS must be operated within these envelopes at all times for the system to be acceptable. If these operating envelopes are not clearly defined, the PEMS operation will be limited to the range of parameter

inputs encountered during the certification test until the PEMS has a new operating envelope established.

6.1.3 Source-Specific Operating Conditions. Identify any source-specific operating conditions, such as fuel type, that will affect the output of your PEMS. You may only use your PEMS under the source-specific operating conditions it was certified for.

6.1.4 Ambient Conditions. You must explain whether and how ambient conditions and seasonal changes affect your PEMS. Some parameters such as absolute ambient humidity cannot be manipulated during a test. The effect of ambient conditions such as humidity on the pollutant concentration must be determined and this effect extrapolated to include future anticipated conditions. Seasonal changes and their effects on the PEMS must be evaluated unless you can show that such effects are negligible.

6.1.5 PEMS Principle of Operation. If your PEMS is developed on the basis of known physical principles, you must identify the specific physical assumptions or mathematical manipulations that support its operation. If your PEMS is developed on the basis of linear or nonlinear regression analysis, you must make available the paired data (preferably in graphic form) used to develop or train the model.

6.1.6 Data Recorder Scale. If you are not using a digital recorder, you must choose a recorder scale that accurately captures the desired range of potential emissions. The lower limit of your data recorder's range must be no greater than 20 percent of the applicable emission standard (if subject to an emission standard). The upper limit of your data recorder's range must be determined using the following table. If you obtain approval first, you may use other lower and upper recorder limits.

If PEMS is measuring . . .	And if . . .	Then your upper limit . . .
Uncontrolled emissions, such as NO <sub>x</sub> at the stack of a natural gas-fired boiler.	No regulation says otherwise .....	Must be 1.25 to 2 times the average potential emission level.
Uncontrolled emissions, such as NO <sub>x</sub> at the stack of a natural gas-fired boiler.	A regulation says otherwise .....	Must follow the other regulation.
Controlled emissions .....	.....	Must be 1.5 to 2.0 times the concentration of the emission standard that applies to your emission unit.
Continual compliance emissions for an applicable regulation.	.....	Must be 1.1 to 1.5 times the concentration of the emission standard that applies to your emission unit.

6.1.7 Sensor Location and Repair. We recommend you install sensors in an accessible location in order to perform

repairs and replacements. Permanently installed platforms or ladders may not be needed. If you install sensors in an

area which is not accessible, you may be required to shut down the emissions unit to repair or replace a sensor. If

necessary after repairing or replacing a sensor, correct the process data to match the data obtained from the originally tested sensor, or conduct another RA test. All sensors must be calibrated as often as needed but in no event less often than recommended by the manufacturers be exceeded.

**6.1.8 Sensor Evaluation System.** Your PEMS must be designed to perform automatic or manual determination of defective sensors on at least a daily basis. This sensor evaluation system may consist of a sensor validation sub-model, a comparison of redundant sensors, a spot check of sensor input readings at a reference value, operation, or emission level, or other procedure that detects faulty or failed sensors. Some sensor evaluation systems generate substitute values (reconciled data) that are used when a sensor is perceived to have failed. You must have our prior approval before you use reconciled data.

**6.1.9 Parameter Envelope Exceedances.** Your PEMS must include a plan to detect and notify the operator of parameter envelope exceedances. Emission data collected outside any of the operating ranges will not be considered quality assured.

**6.2 Recordkeeping.** All valid data recorded by the PEMS must be used to calculate the emission value. For a valid hourly average emission value, each 15-minute quadrant of the hour in which the unit combusts any fuel must contain at least one valid emission value.

## 7.0 Reagents and Standards [Reserved]

### 8.0 Sample Collection, Preservation, Storage, and Transport

**8.1 Initial Certification.** Use the following procedure to certify your PEMS. Complete all PEMS training before the certification.

#### 8.2 Relative Accuracy Test.

**8.2.1 Reference Methods.** Unless otherwise specified in the applicable regulations, you must use the test methods in Appendix A of this part for the RM test. Conduct the RM tests at three operating levels of the key parameter that affects emissions, *e.g.*, load level. Conduct the specified number of RM tests at the low (minimum to 50 percent of maximum), normal, and high (80 percent to maximum) operating levels as practicable.

**8.2.2 Number of RM Tests for O&M PEMS.** Conduct at least nine RM tests at the following key parameter operating levels:

- Three at a low level.
- Three at the normal level.
- Three at a high level.

You may choose to perform more than nine RM tests. If you perform more than nine tests, you may reject a maximum of three tests as long as the total number of test results used to determine the RA is greater than or equal to nine and each operating level has at least three tests. You must report all data, including the rejected data.

**8.2.3 Number of RM Tests for Continual Compliance and Market-Trading PEMS.** Conduct at least 27 RM tests at the following key parameter operating levels:

- Nine at a low level.
- Nine at the normal operating level.
- Nine at a high level.

You may choose to perform more than 9 RM runs at each operating level. If you perform more than 9 runs, you may reject a maximum of three runs as long as the total number of runs used to determine the RA at each operating level is greater than or equal to 9.

**8.2.4 Reference Method Measurement Location.** Select an accessible measurement point for the RM that will ensure that you measure emissions representatively. Ensure the location is at least two equivalent stack diameters downstream and a half equivalent diameter upstream from the nearest flow disturbance such as the control device, point of pollutant generation, or other place where the pollutant concentration or emission rate can change. You may use a half diameter downstream instead of the two diameters if you meet both of the following conditions:

- Changes in the pollutant concentration are caused solely by diluent leakage, such as leaks from air heaters.
- You measure pollutants and diluents simultaneously at the same location.

**8.2.5 Traverse Points.** Select traverse points that ensure you obtain representative samples. Conduct all RM tests within 3 cm of each selected traverse point but no closer than 3 cm to the stack or duct wall. The minimum requirements for selecting traverse points are as follows:

1. Establish a measurement line across the stack that passes through the center and in the direction of any expected stratification.

2. Locate a minimum of three traverse points on the line at 16.7, 50.0, and 83.3 percent of the stack inside diameter.

3. If the stack inside diameter is greater than 2.4 meters, you may locate the three traverse points on the line at 0.4, 1.2, and 2.0 meters from the stack or duct wall. You cannot use this option after wet scrubbers or at points where

two streams with different pollutant concentrations are combined.

4. You may select a different traverse point if you demonstrate and provide verification that it provides a representative sample.

If you desire to test at only one traverse point, use the following procedure, or provide supporting information for alternative procedures, to show that the single point yields representative results.

1. Use Method 1 to establish the number and location of traverse points that are normally used to sample the stack or duct.

2. Following the RM procedures, measure emissions at each traverse point for a period of two minutes plus twice the response time of the RM.

3. Determine the average of the emissions from all traverse points.

4. Choose the traverse point with emissions closest to the average emissions from all points as the sampling location for the RM tests.

5. You may select a different traverse point if you can show that it provides a representative sample.

**8.2.6 Relative Accuracy Procedure.** Perform the number of RA tests at the levels required in Sections 8.2.2 and 8.2.3. For integrated samples, *e.g.*, Method 3A or 7E, make a sample traverse of at least 21 minutes, sampling for 7 minutes at each traverse point. For grab samples, *e.g.*, Method 3 or 7, take one sample at each traverse point, scheduling the grab samples so that they are taken simultaneously (within a 3-minute period) or at an equal interval of time apart over a 21-minute (or less) period. A test run for grab samples must be made up of at least three separate measurements.

Where multiple fuels are used in the monitored unit and the fuel type affects the predicted emissions, determine a RA for each fuel unless the effects of the alternative fuel on predicted emissions or diluent were addressed in the model training process. You may only use fuels in your unit that have been evaluated this way.

**8.2.4 Correlation of RM and PEMS Data.** Mark the beginning and end of each RM test run (including the exact time of day) on the permanent record of PEMS output. Correlate the PEMS and the RM test data as to the time and duration using the following steps:

A. Determine the integrated pollutant concentration for the PEMS for each corresponding RM test period.

B. Consider system response time, if important, and confirm that the pair of results are on a consistent moisture, temperature, and diluent concentration basis.

C. Compare each average PEMS value to the corresponding average RM value. Use the following guidelines to make these comparisons.

If . . .	Then . . .	And then . . .
The RM has an instrumental or integrated non-instrumental sampling technique.	Directly compare RM and PEMS results..	
The RM has a grab sampling technique .....	Average the results from all grab samples taken during the test run. The test run must include ≥3 separate grab measurements.	Compare this average RM result with the PEMS result obtained during the run.

8.2.5 Relative Accuracy for O&M PEMS. Use the paired PEMS and RM data and the equations in Section 12.2 to calculate the RA in the units of the applicable emission standard. For this 3-level RA test, calculate the RA at each operation level.

8.3 Statistical Tests for PEMS that are Used for Continual Compliance or Market-Trading. In addition to the RA determination, evaluate the paired RA and PEMS data using the following statistical tests.

8.3.1 Bias Test. From the RA data taken at the normal operating level, determine if a bias exists between the RM and PEMS. Use the equations in Section 12.3.1.

8.3.2 F-test. Perform a separate F-test for the RA paired data from each operating level to determine if the RM and PEMS variances differ by more than might be expected from chance. Use the equations in Section 12.3.2.

8.3.3 Correlation Analysis. Perform a correlation analysis on all RA paired data from all operating levels, combined, to determine how well the RM and PEMS correlate. Use the equations in Section 12.3.3.

If the process cannot be varied to produce a concentration change sufficient for a successful correlation test because of its technical design, the correlation analysis may be temporarily

waived by the Administrator if the emission concentration is less than 50 percent of the applicable emission standard. Requests for waiver must be accompanied by RM documentation of the emission concentration. The waiver will be based on the measured value at the time of the waiver. Should a subsequent RATA identify a change in the RM measured value by more than 30 percent, the correlation analysis test must be repeated at the next RATA.

8.3.4 Additional Statistical Tests. Consult the reviewing authority with jurisdiction over your emissions unit for additional requirements.

8.4 Reporting. Summarize in tabular form the results of the RA and statistical tests. Include all data sheets, calculations, and charts (records of PEMS responses) necessary to verify your PEMS's meeting the performance specifications. Include in the report the documentation used to establish your PEMS parameter envelopes. Consult the EPA regional office or permitting authority with jurisdiction over your emissions unit for additional requirements.

8.5 Reevaluating Your PEMS After a Failed Test, Change in Operations, or Change in Critical PEMS Parameter. After initial certification, if a quarterly RAA or yearly RATA is failed due to a problem with the PEMS, or if changes

occur that result in a significant change in the emission rate (e.g., turbine aging, process modification, new process operating modes, or changes to emission controls), your PEMS must be recertified using the tests and procedures in Section 8.1. For example, if you initially operated the emissions unit at 80–100 percent of its range, you would have performed the initial test under these conditions. Later, if you wanted to operate the emission unit at 50–100 percent of its range, you must conduct another RA test and statistical tests, as applicable, under the new conditions of 50–100 percent of range. These tests must demonstrate that your PEMS provides acceptable data when operating in the new range or with the new critical PEMS parameter(s). The requirements of Section 8.1 must be completed by the earlier of 60 unit operating days or 180 calendar days after the failed RATA or after the change that caused a significant change in emission rate.

9.0 Quality Control.

You must incorporate a QA plan beyond the initial PEMS certification test to verify that your system is generating quality-assured data. The QA plan must include the components of this section.

9.1 QA/QC Summary. Conduct the applicable ongoing tests listed below.

ONGOING QUALITY ASSURANCE TESTS

Test	PEMS Regulatory Purpose	Acceptability	Frequency
Sensor Evaluation Check .....	All .....	.....	Daily.
RAA .....	Compliance .....	3-test average ≤ 10% of simultaneous PEMS average.	Each quarter except quarter when RATA performed.
RATA .....	All .....	Same as for RA in Sec. 13.1 .....	Yearly in quarter when RAA not performed.
Bias Correction .....	All .....	If $d_{avg} >  cc $ .....	Determine factor after each RATA.
PEMS Training .....	All .....	If $F_{critical} \geq F_r \geq 0.8$ .....	After initial and subsequent RATAs.
Sensor Evaluation Alert Test .....	All .....	See Section 6.1.8 .....	After each PEMS training.

9.2 Daily Sensor Evaluation Check. Your sensor evaluation system must check the integrity of each PEMS input at least daily.

9.3 Quarterly Relative Accuracy Audit. Perform a RAA consisting of at

least three 30-minute portable analyzer determinations each quarter a RATA is not performed.

9.4 Yearly Relative Accuracy Test Audit. Perform a minimum 9-run RATA at the normal operating level on a yearly

basis in the quarter that the RAA is not preformed.

10.0 Calibration and Standardization [Reserved]

11.0 Analytical Procedure [Reserved]

12.0 Calculations and Data Analysis

12.1 Nomenclature.

B = PEMS bias adjustment factor.

cc = Confidence coefficient.

$d_i$  = Difference between each RM and PEMS run.

$\bar{d}$  = Arithmetic mean of differences for all runs.

$e_i$  = Individual measurement provided by the PEMS or RM at a particular level.

$e_m$  = Mean of the PEMS or RM measurements at a particular level.

$e_p$  = Individual measurement provided by the PEMS.

$e_v$  = Individual measurement provided by the RM.

F = Calculated F-value.

n = Number of RM runs.

$PEMS_i$  = Individual measurement provided by the PEMS.

$PEMS_{iAdjusted}$  = Individual measurement provided by the PEMS adjusted for bias.

$\overline{PEMS}$  = Mean of the values provided by the PEMS at the normal operating range during the bias test.

r = coefficient of correlation.

RA = Relative accuracy.

RM = Average RM value. In cases where the average emissions for the test are less than 50 percent of the applicable standard, substitute the emission standard value here in place of the average RM value.

$S_d$  = Standard deviation of differences.

$S^2$  = variance of your PEMS or RM.

$t_{0.025}$  = t-value for a one-sided, 97.5 percent confidence interval (see Table 16-1).

12.2 Relative Accuracy Calculations. Calculate the mean of the RM values. Calculate the differences between the pairs of observations for the RM and the PEMS output sets. Finally, calculate the mean of the differences, standard deviation, confidence coefficient, and PEMS RA, using Equations 16-1, 16-2, 16-3, and 16-4, respectively. For compliance and market-trading PEMS, calculate the RA at each operating level. The PEMS must pass the RA criterion at each operating level.

12.2.1 Arithmetic Mean. Calculate the arithmetic mean of the differences

between paired RM and PEMS observations using Equation 16-1.

$$\bar{d} = \frac{1}{n} \sum_{i=1}^n d_i \quad \text{Eq. 16-1}$$

12.2.2 Standard Deviation. Calculate the standard deviation of the differences using Equation 16-2 (positive square root).

$$S_d = \sqrt{\frac{\sum_{i=1}^n d_i - \frac{\left(\sum_{i=1}^n d_i\right)^2}{n}}{n-1}} \quad \text{Eq. 16-2}$$

12.2.3 Confidence Coefficient. Calculate the confidence coefficient using Equation 16-3 and Table 16-1.

$$cc = t_{0.025} \frac{S_d}{\sqrt{n}} \quad \text{Eq. 16-3}$$

12.2.4 Relative Accuracy. Calculate the RA of your data using Equation 16-4.

$$RA = \frac{|\bar{d}| + |cc|}{RM} \times 100 \quad \text{Eq. 16-4}$$

12.3 Compliance and Market-Trading PEMS Statistical Tests. If your PEMS will be used for continual compliance or market-trading purposes, conduct the following tests using the information obtained during the RA tests. For the pollutant measurements at any one test level, if the mean value of the RM is less than either 10 ppm or 5 percent of the emission standard, all statistical tests are waived at that specific test level. For diluent measurements at any one test level, if the mean value of the RM is less than 3 percent of span, all statistical tests are waived for that specific test level.

12.3.1 Bias Test. Conduct a bias test to determine if your PEMS is biased relative to the RM. Determine the PEMS bias by comparing the confidence coefficient obtained from Equation 16-3 to the arithmetic mean of the differences determined in Equation 16-1. If the arithmetic mean of the

differences  $\bar{d}$  is greater than the absolute value of the confidence coefficient (cc), your PEMS must incorporate a bias factor to adjust future PEMS values as in Equation 16-5.

$$PEMS_{iAdjusted} = PEMS_i \times B \quad \text{Eq. 16-5}$$

Where:

$$B = 1 + \frac{|\bar{d}|}{PEMS} \quad \text{Eq. 16-6a}$$

12.3.2 F-test. Conduct an F-test for each of the three RA data sets collected at different parameter operating levels. Calculate the variances of the PEMS and the RM using Equation 16-6.

$$S^2 = \frac{\sum_{i=1}^n (e_i - e_m)^2}{n-1} \quad \text{Eq. 16-6}$$

Determine if the variance of the PEMS data is significantly different from that of the RM data at each level by calculating the F-value using Equation 16-7.

$$F = \frac{S^2_{PEMS}}{S^2_{RM}} \quad \text{Eq. 16-7}$$

Compare the calculated F-value with the critical value of F at the 95 percent confidence level with n-1 degrees of freedom. The critical value is obtained from Table 16-2 or a similar table for F-distribution. If the calculated F-value is greater than the critical value at any level, your proposed PEMS is unacceptable.

For pollutant PEMS measurements, if the standard deviation of the RM is less than either 3 percent of the span or 5 ppm, use a RM standard deviation of either 5 ppm or 3 percent of span. For diluent PEMS measurements, if the standard deviation of the reference method is less than 3 percent of span, use a RM standard deviation of 3 percent of span.

12.3.3 Correlation Analysis. Calculate the correlation coefficient either manually using Eq. 16-8, on a graph, or by computer using all of the paired data points from all operating levels. Your PEMS correlation must be 0.8 or greater to be acceptable.

$$r = \frac{\sum e_p e_v - (\sum e_p)(\sum e_v)/n}{\sqrt{\left[ \left( \sum e_p^2 - (\sum e_p)^2/n \right) \left( \sum e_v^2 - (\sum e_v)^2/n \right) \right]}} \quad \text{(Eq. 16-8)}$$

13.0 Method Performance.

13.1 PEMS Relative Accuracy. See the relevant regulation for the applicable RA criterion. For PEMS installed to meet New Source Performance Standards, the RA of your PEMS must be no greater than 10 percent when based upon the average RM data (which must be measured in the units of your emission standard). For emissions below 25 percent of the emission standard, 20 percent RA based upon the emission standard may be used. For emissions below 10 percent of the emission standard, average PEMS measurements within 2 ppm of the RM mean value constitutes an acceptable RA test. For diluent PEMS, an alternative criterion of ±1 percent absolute difference between the PEMS and RM may be used if less stringent.

13.2 PEMS Bias. Your PEMS data is considered biased and must be adjusted if the arithmetic mean (d) is greater than the absolute value of the confidence coefficient (cc) in Equations 16.1 and 16.3. In such cases, a bias factor must be used to correct your PEMS data.

13.3 PEMS Variance. Your calculated F-value must not be greater than the critical F-value at the 95-percent confidence level for your PEMS to be acceptable.

13.4 PEMS Correlation. Your calculated r-value must be greater than or equal to 0.8 for your PEMS to be acceptable.

14.0 Pollution Prevention. [Reserved]

15.0 Waste Management. [Reserved]

16.0 References. [Reserved]

17.0 Tables, Diagrams, Flowcharts, and Validation Data

TABLE 16-1.—T-VALUES FOR ONE-SIDED, 97.5 PERCENT CONFIDENCE INTERVALS FOR SELECTED SAMPLE SIZES†

n-1	t <sub>0.025</sub>
2	12.706
3	4.303
4	3.182
5	2.776
6	2.571
7	2.447

TABLE 16-1.—T-VALUES FOR ONE-SIDED, 97.5 PERCENT CONFIDENCE INTERVALS FOR SELECTED SAMPLE SIZES†—Continued

n-1	t <sub>0.025</sub>
8	2.365
9	2.306
10	2.262
11	2.228
12	2.201
13	2.179
14	2.160
15	2.145
16	2.131
17	2.120
18	2.110
19	2.101
20	2.093
21	2.086
22	2.080
23	2.074
24	2.069
25	2.064
26	2.060
27	2.056
28	2.052
>29	t-Table

†(Use n equal to the number of data points (n-1 equals the degrees of freedom).

TABLE 16-2.—F-VALUES FOR CRITICAL VALUE OF F AT THE 95 PERCENT CONFIDENCE LEVEL

d.f. for S <sup>2</sup> <sub>RM</sub>	d.f. for S <sup>2</sup> <sub>PEMS</sub>											
	1	2	3	4	5	6	7	8	9	10	11	12
1	161.4	199.5	215.7	224.6	230.2	234.0	236.8	238.9	240.5	241.8	243.0	243.9
2	18.51	19.00	19.16	19.25	19.30	19.33	19.35	19.37	19.38	19.50	19.40	19.41
3	10.13	9.552	9.277	9.117	9.014	8.941	8.887	8.845	8.812	8.786	8.763	8.745
4	7.709	6.944	6.591	6.388	6.256	6.163	6.094	6.041	5.999	5.964	5.935	5.912
5	6.608	5.786	5.410	5.192	5.050	4.950	4.876	4.818	4.773	4.735	4.703	4.678
6	5.987	5.143	4.757	4.534	4.387	4.284	4.207	4.147	4.099	4.060	4.027	4.000
7	5.591	4.734	4.347	4.120	3.971	3.866	3.787	3.726	3.677	3.637	3.603	3.575
8	5.318	4.459	4.066	3.838	3.688	3.581	3.501	3.438	3.388	3.347	3.312	3.284
9	5.117	4.257	3.863	3.633	3.482	3.374	3.293	3.230	3.197	3.137	3.102	3.073
10	4.965	4.103	3.709	3.478	3.326	3.217	3.136	3.072	3.020	2.978	2.942	2.913
11	4.844	3.982	3.587	3.357	3.204	3.095	3.012	2.948	2.896	2.854	2.817	2.788
12	4.747	3.885	3.490	3.259	3.106	2.996	2.913	2.849	2.796	2.753	2.717	2.687

\* \* \* \* \*  
**Appendix F—[Amended]**

9. In Procedure 1 of Appendix F, by revising paragraph (3) of Section 5.1.2 and Section 8 as follows:

**Procedure 1. Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used for Compliance Determination**

\* \* \* \* \*  
 5.1.2 Cylinder Gas Audit (CGA).  
 \* \* \* \* \*

(3) Use Certified Reference Materials (CRM's) (See Citation 1) audit gases that have been certified by comparison to National Institute of Standards and Technology (NIST) or EPA Traceability Protocol Materials (ETPM's) following

the most recent edition of EPA's Traceability Protocol No. 1 (See Citation 2). Procedures for preparation of CRM's are described in Citation 1. Procedures for preparation of ETPM's are described in Citation 2. As an alternative to CRM's or ETPM gases, Method 205 (See Citation 3) may be used.

The difference between the actual concentration of the audit gas and the concentration indicated by the monitor is used to assess the accuracy of the CEMS.  
 \* \* \* \* \*

**8. Bibliography**

1. "A Procedure for Establishing Traceability of Gas Mixtures to Certain National Bureau of Standards Standard

Reference Materials." Joint publication by NBS and EPA-600/7-81-010, Revised 1989. Available from the U.S. Environmental Protection Agency, Quality Assurance Division (MD-77). Research Triangle Park, NC 27711.

2. "EPA Traceability Protocol For Assay And Certification Of Gaseous Calibration Standards." EPA-600/R-97/121, September 1997. Available from EPA's Emission Measurement Center at [www.epa.gov/ttn/emc](http://www.epa.gov/ttn/emc).

3. Method 205, "Verification of Gas Dilution Systems for Field Instrument Calibrations," 40 CFR 51, Appendix M.  
 \* \* \* \* \*

10. In Procedure 2, by revising Section 10.1, paragraph (3) of Section

10.4, paragraph (2) of Section 12.0 as follows:

**Procedure 2—Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources**

10.1 When should I use paired trains for reference method testing? Although not required, we recommend that you should use paired-train reference method testing to generate data used to develop your PM CEMS correlation and for RCA testing. Guidance on the use of paired sampling trains can be found in

the PM CEMS Knowledge Document (see section 16.5 of PS-11).

10.4 What are my limits for excessive audit inaccuracy?

(3) What are the criteria for excessive ACA error? Your PM CEMS is out of control if the results of any ACA exceed ±10 percent of the average audit value, as calculated using Equation 2-1a, or 7.5 percent of the applicable standard, as calculated using Equation 2-1b, whichever is greater.

12.0 What calculations and data analysis must I perform for my PM CEMS?

(2) How do I calculate ACA accuracy? You must use either Equation 2-1a or 2-1b to calculate ACA accuracy for each of the three audit points. However, when calculating ACA accuracy for the first audit point (0 to 20 percent of measurement range), you must use Equation 2-1b to calculate ACA accuracy if the reference standard value (R<sub>v</sub>) equals zero.

$$ACA\ Accuracy = \frac{|R_{CEM} - R_v|}{R_v} \times 100\% \quad (Eq. 2-1a)$$

Where:

ACA Accuracy=The ACA accuracy at each audit point, in percent,

R<sub>CEM</sub> = Your PM CEMS response to the reference standard, and  
R<sub>v</sub> = The reference standard value.

$$ACA\ Accuracy = \frac{|C_{CEM} - C_{RV}|}{C_s} \times 100\% \quad (Eq. 2-1b)$$

Where:

ACA Accuracy = The ACA accuracy at each audit point, in percent,  
C<sub>CEM</sub> = The PM concentration that corresponds to your PM CEMS response to the reference standard, as calculated using the correlation equation for your PM CEMS,  
C<sub>RV</sub> = The PM concentration that corresponds to the reference standard value in units consistent with C<sub>CEM</sub>, and  
C<sub>s</sub> = The PM concentration that corresponds to the applicable emission limit in units consistent with C<sub>CEM</sub>.

11. The authority citation for Part 63 continues to read as follows:  
Authority: 42 U.S.C. 7401 *et seq.*

**PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES**

12. In Method 303 of Appendix A, by adding the following sentence to Section 1.1:

**Appendix A to Part 63—Test Methods**

**Method 303—Determination of Visible Emissions From By-Product Coke Oven Batteries**

**1.0 Scope and Application**

1.1 Applicability. \* \* \* In order for the test method results to be indicative of plant performance, the time of day of the run should vary.

\* \* \* \* \* Q P='03'≤  
[FR Doc. 05-15330 Filed 8-5-05; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[OPP-2005-0069; FRL-7729-4]

**Inert Ingredients; Proposal to Revoke 34 Pesticide Tolerance Exemptions for 31 Chemicals; Reopening of Comment Period**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: This document reopens the public comment period of EPA's proposal to revoke 34 exemptions from the requirement of a tolerance that are associated with 31 inert ingredients because, according to Agency records, these substances are no longer contained in active Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

pesticide product registrations (70 FR 31401, June 1, 2005).

**DATES:** Comments, identified by the docket identification (ID) number OPP-2005-0069, must be received on or before August 31, 2005.

**ADDRESSES:** Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of June 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Karen Angulo, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 306-0404; fax number: (703) 305-0599; e-mail address: [angulo.karen@epa.gov](mailto:angulo.karen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

The Agency included in the proposed rule a list of those who may be potentially affected by this action. 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 Access Electronic Copies of this Document and Other Related Information?*

In addition to using EDOCKET (<http://www.epa.gov/edocket/>), you may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at <http://www.gpoaccess.gov/ecfr/>.

## II. What Action is EPA taking?

This document reopens the public comment period established in the **Federal Register** issued on June 1, 2005 (FRL-7712-7) (70 FR 31401). In that document, EPA sought comment on a proposed rule revoking 34 exemptions from the requirement of a tolerance that are associated with 31 inert ingredients because, according to Agency records, these substances are no longer contained in active FIFRA pesticide product registrations. EPA is hereby reopening the comment period, which ended on August 1, 2005. Comments are now due on or before August 31, 2005.

## III. What is the Agency’s Authority for Taking this Action?

The proposed rule is issued pursuant to section 408(d) of FFDCA (21 U.S.C. 346a(d)). Section 408 of FFDCA authorizes the establishment of tolerances, exemptions from the requirement of a tolerance, modifications in tolerances, and revocation of tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed foods. Without a tolerance or tolerance exemption, food containing pesticide residues is considered to be unsafe and therefore “adulterated” under section 402(a) of FFDCA. If food containing pesticide residues is found to be adulterated, the food may not be distributed in interstate commerce (21 U.S.C. 331(a) and 342 (a)).

## IV. Do Any Statutory and Executive Order Reviews Apply to this Action?

No. This action is not a rulemaking, it merely reopens the comment period by which public comments on a proposed rule must be submitted to EPA. For information about the applicability of the regulatory assessment requirements to the proposed rule, please refer to the discussion in Unit IV. of the June 1, 2005 document (70 FR 31403).

### List of Subjects in 40 CFR Part 180

Environmental protection,  
Administrative practice and procedure,

Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 28, 2005.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 05-15606 Filed 8-4-05; 9:07 am]

**BILLING CODE 6560-50-S**

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 531

[Docket No. 05-05]

RIN 3072-AC31

### Non-Vessel-Operating Common Carrier Service Arrangements

August 3, 2005.

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Maritime Commission is proposing changes to its exemption for non-vessel-operating common carriers (NVOCCs) from the tariff publication requirements of the Shipping Act of 1984. The proposed rule would revise the exemption to allow NVOCCs and shippers’ associations with NVOCC members to act as shipper parties in NVOCC Service Arrangements.

**DATES:** Submit original and 15 copies of comments (paper), or e-mail comments as an attachment in WordPerfect 10, Microsoft Word 2003, or earlier versions of these applications, no later than August 23, 2005.

**ADDRESSES:** Address all comments concerning this proposed rule to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1046, Washington, DC 20573-0001, [Secretary@fmc.gov](mailto:Secretary@fmc.gov).

#### FOR FURTHER INFORMATION CONTACT:

Amy W. Larson, General Counsel, Federal Maritime Commission, 800 N. Capitol St., NW., Washington, DC 20573-0001, (202) 523-5740, [generalcounsel@fmc.gov](mailto:generalcounsel@fmc.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Background

On January 19, 2005, a final rule of the Federal Maritime Commission (“FMC” or “Commission”) exempting non-vessel-operating common carriers (“NVOCCs”) from certain tariff publication requirements of the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.* (“Shipping Act”), became

effective. 69 FR 75850 (December 20, 2004). The rule was issued pursuant to the Commission’s authority under section 16 of the Shipping Act, 46 U.S.C. app. 1715. The exemption enables individual NVOCCs to offer NVOCC Service Arrangements (“NSAs”) to NSA shippers, provided that such NSAs are filed with the Commission and their essential terms are published in the NVOCC’s tariff. The rule defines an NSA as “a written contract, other than a bill of lading or receipt, between one or more NSA shippers and an individual NVOCC in which the NSA shipper makes a commitment to provide a certain minimum quantity or portion of its cargo or freight revenue over a fixed time period, and the NVOCC commits to a certain rate or rate schedule and a defined service level.” 46 CFR 531.3(p). The rule also defines an “NSA shipper” as a cargo owner, the person for whose account the ocean transportation is provided, the person to whom delivery is to be made, or a shippers’ association. 46 CFR 531.3(o). This definition, however, specifically excludes NVOCCs and shippers’ associations with NVOCC members. *Id.*

The Commission previously stated that it would continue to consider how it could remove the limitations on shipper participation while ensuring the criteria of section 16 were met. 69 FR at 75852. The Commission now proposes to remove those limitations.

## II. Discussion

An NVOCC is defined by the Shipping Act as “a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.” 46 U.S.C. app. 1702(17)(B). An NVOCC simultaneously holds two transportation roles—as a carrier vis-à-vis the shipper to which it offers service, and as a shipper vis-à-vis the ocean common carrier from which it obtains service.

The Commission was concerned that a court could interpret section 7(a)(2) of the Shipping Act, 46 U.S.C. app. 1706(a)(2), to immunize NVOCCs acting under filed NSAs from the antitrust laws. *Cf. United States v. Tucor*, 189 F.3d 834 (9th Cir. 1999) (holding 46 U.S.C. app. 1706(a)(4) immunized a price-fixing arrangement among NVOCCs related to the foreign inland provision of services). Therefore, the exemption did not allow NVOCCs either individually or as members of shippers’ associations to act as NSA shippers. 46 CFR 531.3(p).

On June 14, 2005, the U.S. Court of Appeals for the Fourth Circuit found, *inter alia*, that price fixing by two

NVOCCs was not immunized from the antitrust laws by section 7(a)(2). *United States of America v. The Pasha Group and Gosselin World Wide Moving, N.V.*, \_\_\_ F.3d. \_\_\_ 2005 WL 1389531, Slip Op. No. 04-4877 (4th Cir. June 14, 2005), *reh'g denied*, July 12, 2005 (“*Gosselin*”). Finding the case factually distinguishable from *Tucor*, the Fourth Circuit declined to decide whether conduct by NVOCCs could ever be immune from the antitrust laws under the Shipping Act, thus leaving the issue unsettled. *Gosselin*, Slip Op. at 11-12; 17 n.3.

We disagree with *Tucor*'s broader holding that the Shipping Act may be read to immunize any price-fixing agreement among NVOCCs from the antitrust laws. We continue to believe that the rationale of *Tucor* is incorrect, and that its precedential value is limited to section 7(a)(4).

With respect to the limitations the Commission placed on who may act as an NSA shipper, the agency was concerned that price fixing between NVOCCs acting as shippers and NVOCCs acting as carriers would adversely affect the price eventually paid by the end-user, *i.e.*, the beneficial cargo owner. However, unlike horizontal price fixing, collusion is not inherent in an arrangement between an NVOCC acting as a carrier and an NVOCC acting as a shipper. Instead, a reduction in competition or detriment to commerce would occur only if (1) two or more NVOCCs chose to collude in violation of the antitrust laws; and (2) in the event of prosecution, the antitrust laws were then deemed not to apply to those NVOCCs because of the *Tucor* analysis.

With regard to NVOCC coordination through shippers' associations, it may similarly be the case that ill effects on beneficial cargo interest shippers are unlikely. It appears that shippers' associations function only as buyers' collectives, and it is unlikely that shippers' associations with NVOCC members purchasing space pursuant to NSAs could effectively coordinate their resale of that space under the auspices of a shippers' association. Were they to do so, it is clear that they would no longer meet the U.S. Department of Justice's "safe harbor" provisions for joint purchasing agreements, and would likely be subject to enforcement action. See Antitrust Division Response to Request for Business Review Letter—Household Goods Forwarders Association of America, Inc., September 19, 1985, B.R.L. 85-21, 1985 WL 71889 (DOJ) (unopposed because there was no collective rate making or discussions and because the negotiation of rates for

services in a market substantially controlled by the group expressly was not authorized).

On the basis of the above, it appears that amending the exemption to allow NVOCCs and shippers' associations with NVOCC members to act as shippers in NSAs may satisfy the dual criteria of section 16. The Commission seeks comment on whether the proposed rule would or would not result in a substantial reduction in competition or be detrimental to commerce.

### III. The Proposed Revisions

For the foregoing reasons, the Commission proposes to make the following changes to 46 CFR part 531. First, the Commission proposes the deletion of the last sentence of 46 CFR 531.3(o), which currently reads: “The term does not include NVOCCs or shippers' associations whose membership includes NVOCCs.” The Commission proposes a revised definition that would mirror its definition of shipper in the Shipping Act. 46 U.S.C. app. 1702(21). The revised provision would thus read, “NSA shipper means a cargo owner, the person for whose account the ocean transportation is provided, the person to whom delivery is to be made, a shippers' association, or an ocean transportation intermediary, as defined in section 3(17)(B) of the Act, that accepts responsibility for payment of all applicable charges under the NSA.”

Second, the Commission proposes to revise the final sentence of 46 CFR 531.6(c)(2) to insert the phrase “acting as carrier” to describe which tariff appropriately may be cross-referenced, to read thus:

(c) Certainty of terms. The terms described in paragraph (b) of this section may not: [\* \* \*]

(2) Make reference to terms not explicitly contained in the NSA itself unless those terms are contained in a publication widely available to the public and well known within the industry. Reference may not be made to a tariff of a common carrier other than the NVOCC acting as carrier party to the NSA.

Third, for similar reasons the Commission proposes to insert the same phrase in 46 CFR 531.5 (a), as follows: “(a) The duty under this part to file NSAs, amendments and notices, and to publish statements of essential terms, shall be upon the NVOCC acting as carrier party to the NSA.”

Finally, the Commission proposes a provision to mirror the prohibition of the Shipping Act from concluding contracts with NVOCCs who are not in compliance with the Shipping Act. 46 U.S.C. app. 1709(b)(12).

### IV. Statutory Reviews and Requests for Comment

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Chairman of the Federal Maritime Commission certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The Commission recognizes that the majority of businesses that would be affected by this rule qualify as small entities under the guidelines of the Small Business Administration. The proposed rule, however, would broaden the optional method for NVOCCs to carry cargo for their customers to be used at their discretion. The rule would pose no economic detriment to small business entities.

This regulatory action is not a “major rule” under 5 U.S.C. 804(2).

The collection of information requirements contained in this proposed revision to 46 CFR part 531 have been submitted to the Office of Management and Budget (“AOMB”) for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The estimated total annual burden for the estimated 635 annual respondents is 190,252 manhours. This estimate includes, as applicable, 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 respond to a collection of information, search existing data sources, gather and maintain the data needed, and complete and review the collection of information; and transmit or otherwise disclose the information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Derek O. Scarbrough, Deputy Director/Chief Information Officer, Office of Administration, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573 or by electronic mail to [cio@fmc.gov](mailto:cio@fmc.gov); and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Maritime Commission, Washington, DC 20503. Please reference the information collection's title and OMB number in your comments. A copy of the OMB submission may be obtained by contacting Jane Gregory by telephone

at (202) 523-5800 or by electronic mail at [jgregory@fmc.gov](mailto:jgregory@fmc.gov).

**List of Subjects for 46 CFR Part 531**

Exports, Non-vessel-operating common carriers, Ocean transportation intermediaries.

For the reasons set forth in the preamble, the Federal Maritime Commission proposes to amend 46 CFR part 531 as follows:

**PART 531—NVOCC SERVICE ARRANGEMENTS**

1. The authority citation for part 531 continues to read as follows:

**Authority:** 46 U.S.C. app. 1715.

2. Revise paragraph (o) of § 531.3 to read as follows:

**§ 531.3 Definitions.**

\* \* \* \* \*

(o) *NSA shipper* means a cargo owner, the person for whose account the ocean transportation is provided, the person to whom delivery is to be made, a shippers' association, or an ocean transportation intermediary, as defined in section 3(17)(B) of the Act, that accepts responsibility for payment of all applicable charges under the NSA.

\* \* \* \* \*

3. Revise paragraph (a) of § 531.5 to read as follows:

**§ 531.5 Duty to file.**

(a) The duty under this part to file NSAs, amendments and notices, and to publish statements of essential terms, shall be upon the NVOCC acting as carrier party to the NSA.

\* \* \* \* \*

4. Revise paragraph (c)(2) and add paragraph (d)(4) to § 531.6 to read as follows:

**§ 531.6 NVOCC Service Arrangements.**

\* \* \* \* \*

(c) \* \* \*

(2) Make reference to terms not explicitly contained in the NSA itself unless those terms are contained in a publication widely available to the public and well known within the industry. Reference may not be made to a tariff of a common carrier other than the NVOCC acting as carrier party to the NSA.

\* \* \* \* \*

(d) \* \* \*

(4) No NVOCC may knowingly and willfully enter into an NSA with an ocean transportation intermediary that does not have a tariff and a bond,

insurance, or other surety as required by sections 8 and 19 of the Act.

\* \* \* \* \*

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 05-15641 Filed 8-5-05; 8:45 am]

**BILLING CODE 6730-01-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No.050520136-5136-01; I.D. 040705A]

**RIN 0648-AS80**

**Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Amendment 13 and Framework Adjustment 40-A**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** The final rule implementing Amendment 13 and the interim final rule implementing Framework Adjustment (Framework) 40-A to the Northeast (NE) Multispecies Fishery Management Plan (FMP) contained several inadvertent errors and omissions. The intent of this proposed rule is to correct these inadvertent errors and omissions, clarify specific regulations to maintain consistency with and accurately reflect the intent of Amendment 13 and Framework 40-A, and seek comment on these proposed corrections and clarifications. This action is being taken by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Written comments must be received on or before September 7, 2005.

**ADDRESSES:** You may submit comments by any of the following methods:  
• E-mail: [Mula13Corr@NOAA.gov](mailto:Mula13Corr@NOAA.gov). Include in the subject line the following: "Comments on the Proposed Rule to Correct/Modify NE Multispecies Amendment 13."  
• Federal e-Rulemaking Portal: <http://www.regulations.gov>.

• Mail: Paper, disk, or CD-ROM comments should be sent to Patricia A. Kurkul, Regional Administrator, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930.

Mark the outside of the envelope, "Comments on the Proposed Rule to Correct/Modify NE Multispecies Amendment 13."

• Fax: (978) 281-9135.

Copies of the Regulatory Impact Review (RIR) and the Initial Regulatory Flexibility Analysis (IRFA) prepared for this action are available upon request from the Regional Administrator at the above address. Copies of the Final Supplemental Environmental Impact Statement (FSEIS) prepared for Amendment 13 and the environmental assessment (EA) prepared for Framework 40-A may be obtained from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Douglas W. Christel, Fishery Policy Analyst, phone (978) 281-9141, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:**

**Background**

Amendment 13 was developed by the New England Fishery Management Council (Council) to end overfishing and rebuild NE multispecies stocks managed under the authority of the Magnuson-Stevens Act. NMFS proposed measures to implement Amendment 13 on January 29, 2004 (69 FR 4362). The proposed rule contained a detailed description of the development of Amendment 13. NMFS published final regulations to implement the approved measures in Amendment 13 in the **Federal Register** on April 27, 2004 (69 FR 22906). The majority of the measures in the final rule became effective on May 1, 2004.

However, the final rule implementing Amendment 13 contained several inadvertent errors and inconsistencies with the intent of Amendment 13, as specified below. This action proposes to correct these errors, and clarify or modify the current regulations to maintain consistency with Amendment 13 as proposed by the Council and partially approved by the Secretary of Commerce.

Framework 40-A was developed by the Council to provide additional opportunities for NE multispecies vessels to target healthy stocks in an effort to help achieve optimum yield from the fishery and to mitigate some of the economic impacts resulting from effort reductions implemented under Amendment 13. NMFS published a proposed rule to implement Framework 40-A on September 14, 2004 (69 FR 55388). The proposed rule contained a detailed description of the development

of Framework 40–A. NMFS published an interim final rule implementing Framework 40–A measures on November 19, 2004 (69 FR 67780), which became effective on November 19, 2004. The measures proposed in this action that would modify provisions implemented through the interim final rule for Framework 40–A are not intended to be implemented on an interim basis.

## Proposed Measures

### 1. Monkfish Permit Category Descriptions

The regulations at § 648.4(a)(9) establish four limited access monkfish permit categories based on the size of the vessel and whether the vessel also possesses a limited access NE multispecies or Atlantic sea scallop permit. The regulations at § 648.92(b), as amended by Amendment 2 to the monkfish FMP (April 28, 2005; 70 FR 21927), state that vessels currently possessing a limited access NE multispecies permit that also possess a valid limited access monkfish permit (i.e., currently a Category C or D monkfish permit) must use a multispecies DAS concurrently with their monkfish Days-at-Sea (DAS). These regulations do not differentiate between a limited access NE multispecies DAS category permit and other limited access NE multispecies permits, including the new Handgear A permit implemented under Amendment 13, thereby creating some confusion to its applicability. Since a limited access Handgear A permit is not a DAS category permit and does not require a vessel to use a DAS to fish for groundfish, this regulation essentially precludes those vessels that have been issued a limited access monkfish Category A or B permit (i.e., monkfish vessels not issued a limited access NE multispecies or scallop permit), and that qualify for a limited access Handgear A permit, from obtaining the new limited access Handgear A permit. Further, it is possible that a vessel currently issued a limited access monkfish Category C or D permit may also qualify for a limited access Handgear A permit based upon its previous fishing history. That is, the regulations at § 648.92(b) currently prohibit, unintentionally and contrary to the intent of the measure, a vessel issued a Category C or D monkfish permit that qualifies for a limited access NE multispecies Handgear A permit from obtaining such a permit, because Category C or D monkfish vessels must use a NE multispecies DAS when fishing under a monkfish DAS.

This action would clarify that limited access monkfish Category C and D permits may be issued only to those vessels that have been issued a limited access monkfish permit and a limited access NE multispecies DAS category permit or a limited access scallop DAS permit. This action would also clarify that limited access monkfish Category A and B permits may be issued to vessels without a NE multispecies DAS category permit or a limited access scallop DAS permit.

### 2. Vessel Monitoring System (VMS) Power-down Exemption

Amendment 13 included a provision to allow vessels issued a limited access NE multispecies permit to turn off their VMS units for a minimum period of one calendar month by obtaining a letter of exemption. This measure provides an opportunity to reduce costs, since a vessel operator can choose to turn the vessel's VMS off, if the vessel is exiting the fishery for an extended period. The use of one calendar month as the minimum participation period was intended to facilitate the administration of the power-down exemption. However, industry has indicated that this requirement represents an unnecessary burden on vessels (e.g., if a vessel requested a letter of exemption on September 15, it would be required to remain under the exemption until November 1) and has requested that NMFS modify this minimum participation period to 30 calendar days. Changing the participation period to a minimum of 30 calendar days would satisfy the intent of the measure as defined in Amendment 13 without unnecessarily limiting the operations of the fishing industry to the beginning of a calendar month, and would not add to NMFS's burden in administering the VMS power-down exemption. Therefore, this action would change the participation period for the VMS power-down exemption specified at § 648.9(c)(2)(i)(B) from one calendar month to 30 calendar days.

### 3. Prohibitions for GB Hook Sector Participants

#### Sector Landing Prohibition

Amendment 13 included provisions to allow for the formation of fishing sectors. The final rule implementing Amendment 13 included several prohibitions to enforce the regulations governing Sector vessel operations. The prohibition at § 648.14(a)(55) states that it is unlawful for any dealer to purchase, possess, or receive species in excess of the possession limits specified in § 648.85 or 648.86. According to the

regulations at § 648.87(c)(3), Sector vessels may be issued letters of authorization exempting these vessels from any Federal fishing regulation, including the possession limits specified in § 648.85 or 648.86, in accordance with an approved Sector Operations Plan, provided such exemptions are consistent with the goals and objectives of the FMP. Accordingly, this existing prohibition is inconsistent with the possibility of a Sector receiving an exemption from the possession limits, and prevents dealers from receiving species from Sector participants, should an approved Sector Operations Plan specify possession limits in excess of those specified in § 648.85 or 648.86. To be consistent with the exemption provision, this action would modify the prohibition at § 648.14(a)(55) to allow dealers to receive species from Sector participants in accordance with an approved Operations Plan as specified in § 648.87.

#### Sector Operations Prohibition

Amendment 13 approved the formation of the GB Cod Hook Sector. The existing prohibition at § 648.14(a)(156) inadvertently states that vessels fishing under the GB Cod Hook Sector may not fish in the NE multispecies DAS program in a given fishing year. Each approved Sector is allocated a portion of the overall total allowable catch (TAC), based upon the fishing history of Sector participants. The prohibition at § 648.14(a)(156) is inconsistent with the intent of Amendment 13 to allow an approved Sector to set its own rules to ensure that the TAC allocated will not be exceeded through the implementation of Sector hard TACs or DAS allocations, as described in section 3.4.16.1 of the FSEIS to Amendment 13. This action would modify the prohibition at § 648.14(a)(156) to allow vessels participating in the GB Cod Hook Sector to fish under the NE multispecies DAS program as authorized by their Sector Operations Plan, which was approved by NMFS on May 4, 2005 (70 FR 23096).

### 4. Rolling Closure Areas II and III

Regulations implementing the current seasonal GOM Rolling Closure Areas were originally published on May 5, 1999 (64 FR 24066), as part of the final rule implementing Framework Adjustment 27 to the FMP. The August 1, 2002, interim final rule (67 FR 50292) retained the previous GOM Rolling Closure Areas II and V, but modified the GOM Rolling Closure Areas I, III, and IV.

The August 1, 2002, interim final rule contained inaccurate coordinate points

defining the GOM Rolling Closure Area II specified at § 648.81(g)(1)(ii). The final two coordinate points for the GOM Rolling Closure Area II were erroneously defined as GM6, at 42°30' N. lat. and 68°30' W. long.; and GM9, at 42°30' N. lat. and the intersection with the Massachusetts shoreline. The correct coordinate points are GM13, at 43°00' N. lat. and 68°30' W. long.; and GM10, at 43°00' N. lat. and the intersection with the New Hampshire shoreline. On March 25, 2003, NMFS published a final rule amendment to an interim final rule (68 FR 14347) to correct the inaccurate coordinates contained within the August 1, 2002, interim final rule. While the actual coordinates were corrected in the March 25, 2003, final rule, the coordinate point GM9 was not corrected to read GM10.

The August 1, 2002, interim final rule also contained an additional error in the coordinate points defining the GOM Rolling Closure Area III at § 648.81(g)(1)(iii). This error was continued in the final rule implementing Amendment 13, but specified at § 648.81(f)(1)(iii). The final coordinate point for the GOM Rolling Closure Area III should read GM18, instead of GM10. These inadvertent errors only apply to the names assigned to specific coordinate points and do not affect the actual coordinates contained in the rule. Accordingly, this proposed rule would amend the final rule implementing Amendment 13 by correcting the erroneous coordinate point names by replacing point GM9 with point GM10 for the GOM Rolling Closure Area II at § 648.81(f)(1)(ii), and by replacing point GM10 with point GM18 for the GOM Rolling Closure Area III at § 648.81(f)(1)(iii).

#### 5. GB Seasonal Closure Area

The GB Seasonal Closure Area was first implemented through Framework 33 to the FMP (April 24, 2000; 65 FR 21658). This closure area stretches from the eastern shore of Cape Cod to the western boundary of Closed Area (CA) II and prohibits vessels capable of catching NE multispecies from fishing in this area from May 1 through May 31.

As specified above, the management measures in Framework 40–A were implemented on November 19, 2004. Framework 40–A included several new programs that allow vessels to target healthy stocks using a Category B Regular DAS, including the Eastern U.S./Canada Haddock Special Access Program (SAP) Pilot Program. The Eastern U.S./Canada Haddock SAP Pilot Program allows vessels to fish for haddock in an area bordering the western edge of CA II and a small

portion of the northern tip of the CA II from May 1 through December 31. The regulations implementing Framework 40–A inadvertently excluded a provision that would exempt vessels fishing under this SAP from the GB Seasonal Closure Area. This omission is inconsistent with the Council's intent in Framework 40–A.

Therefore, this action would revise § 648.81(g)(2) to include a provision to exempt vessels fishing under the Eastern U.S./Canada Haddock SAP Pilot Program provisions at § 648.85(b)(8) from the GB Seasonal Closure Area.

#### 6. CA II Habitat Closure Area

The FSEIS for Amendment 13 included several alternatives for the CA II Habitat Closure Area. The FSEIS indicated that the Council selected Habitat Alternative 10B instead of Habitat Alternative 10A. Habitat Alternative 10A was considered, but rejected by the Council. However, in both the proposed and the final rule implementing Amendment 13, the coordinates for the CA II Habitat Closure Area inadvertently reflected the coordinates under Habitat Alternative 10A of the FSEIS instead of the correct coordinates defined under Habitat Alternative 10B.

This action would replace the inaccurate coordinates at § 648.81(h)(1)(v) for Habitat Alternative 10A with the correct coordinates for Habitat Alternative 10B from the FSEIS. While this correction would change the area closed to all bottom tending mobile gear within CA II, this action would not affect current fishing operations within CA II.

#### 7. Eastern U.S./Canada Area Gear Requirements

The final rule implementing Amendment 13 included gear restrictions for vessels targeting regulated groundfish within the Eastern U.S./Canada Area. These gear restrictions are intended to reduce cod bycatch within this area. The final rule required that trawl vessels fishing within this area use a haddock separator trawl or one of two types of flounder trawl nets, as defined at § 648.85(a)(3)(iii).

An informal trawl workshop was held at the NMFS Northeast Regional Office on May 27, 2004, to solicit input on the above gear definitions specified in Amendment 13. This workshop was intended to gather together a range of expertise regarding trawl gear to identify possible deficiencies within these definitions and to suggest refinements of these definitions, if necessary. This workshop resulted in a number of

suggestions to refine these definitions based on input from the participants. As a result of this workshop, this action proposes several revisions to the gear definitions specified at § 648.85(a)(3)(iii) and solicits additional public input on the proposed revisions.

Participants in the May 27, 2004, trawl workshop indicated that the use of "balloon nets" may compromise the effectiveness of the haddock separator panel as defined in Amendment 13. They indicated that balloon nets contain a greater number of meshes in the top panel of the net than in the bottom panel of the net, allowing the top panel of the net to extend higher than the bottom panel of the net. Participants agreed that this would result in a higher fishing circle (i.e., opening of the net) than if both panels were made of an equal number of meshes. In accordance with the regulations at § 648.85(a)(3)(iii)(A), a separator panel may be constructed such that the forward edge of the separator panel is 80–85 percent of the width of the after edge of the larger top panel of a balloon net, instead of 80–85 percent of the width of the after edge of the smaller bottom panel of the net. A separator panel constructed in this manner would be wider than intended under the current regulations and may be equal to or greater than the width of the smaller bottom panel of the net. A net that has been designed so that the separator panel is the same width or larger than the width of the bottom panel of the net may result in the separator panel dropping down and mimicking the bottom panel of the net by resting on top of the bottom panel under normal operations. This could potentially close off the bottom portion of the net, resulting in all fish being retained in the upper portion of the net with the closed codend, instead of allowing the cod to escape through the opened bottom portion of the net. To avoid this, participants suggested modifying the haddock separator trawl description to state that the separator panel shall be constructed such that the forward edge of the panel is no less than 80 percent, but not greater than 85 percent, and no less than 90 percent, but not greater than 95 percent, of the after edge of the first bottom belly of the net where the panel is attached for both two-seam and four-seam bottom trawl nets, respectively. This action proposes to revise the haddock separator trawl specified at § 648.85(a)(3)(iii)(A) as described above.

The May 27, 2004, trawl workshop also resulted in a number of suggested revisions to the two flounder net definitions specified at

§ 648.85(a)(3)(iii). For both net descriptions, the participants agreed that the language restricting the vertical dimension of the forward wing end to 3.0 ft (0.91 m) would not affect the height of the fishing circle (i.e., opening of the net) unless combined with restrictions on the headrope/footrope length. While the flounder trawl net defined at § 648.85(a)(3)(iii)(B)(1) includes a restriction on the headrope, it was decided that the current definition without the restriction on the vertical dimension of the forward wing end would maintain a relatively shallow fishing circle under normal operations. Participants also recommended removing the prohibition on floats in the center 50 percent of this net, stating that it would negatively affect the performance of the net and prevent the center portion of the headrope from maintaining the proper shape of the fishing circle.

The flounder net defined at § 648.85(a)(3)(iii)(B)(2) specifies that the mesh composing the square of the top panel of the net shall not be smaller than 12-inch (30.5-cm) square mesh. The intent of this provision was to allow vessels to target flounder while allowing cod to escape through the large mesh in the square of top panel of the net. This provision should not have included the requirement for square mesh within the square of the top panel of the net. The inclusion of the square mesh requirement within the definition was the result of a misinterpretation of information used to define this flounder trawl net. Twelve-inch (30.5-cm) square mesh is not commercially available at this time, while 12-inch (30.5-cm) diamond mesh is available. Larger square mesh is available, but at a greater cost. As a result, gear manufacturers have had to purchase 12-inch (30.5-cm) diamond mesh and reorient it to meet the square mesh requirements. This is not only an additional expense to comply with the current regulations, but it also results in a weaker net design that may change shape during normal fishing operations. Participants in the May 27, 2004, trawl workshop indicated that, due to variations in the design and construction of various flounder nets, the potential exists for different interpretations of the square of the net and where to place the 12-inch (30.5-cm) mesh specified in the definition of the flounder trawl net at § 648.85(a)(3)(iii)(B)(2).

Accordingly, this action would remove the regulations restricting the vertical dimension of the forward wing end to 3.0 ft (0.91 m) from §§ 648.85(a)(3)(iii)(B)(1) and (2), and the prohibition of floats in the center 50

percent of the headrope for the flounder trawl net specified at § 648.85(a)(3)(iii)(B)(1). In addition, this action would change the definition of the flounder net at § 648.85(a)(3)(iii)(B)(2) to allow for the use of diamond mesh in the top panel of the net, remove references to the square of the net, and insert language requiring that the top panel of the net contain a section of mesh at least 10-ft (3.05-m) long, stretching from selvedge to selvedge, composed of at least 12-in (30.5-cm) mesh, inserted no farther than 4.5 meshes behind the headrope. Participants at the May 27, 2004, trawl workshop were uncertain about the appropriate length for the trouser extension of the bottom codend of a haddock separator trawl. NMFS, therefore, specifically requests public comment on the appropriate length for the trouser extension of the bottom codend of a haddock separator trawl. Since square mesh is more costly than diamond mesh, this action would reduce the costs associated with complying with this provision, eliminate unnecessary restrictions on gear, and simplify the gear requirements for the Eastern U.S./Canada Area.

#### *8. U.S./Canada Management Area In-season Adjustment*

The U.S./Canada Resource Sharing Understanding implemented by Amendment 13 included provisions to authorize the Regional Administrator to revise the gear requirements, modify access to the U.S./Canada Management Area, adjust the trip limits, and revise the total number of trips into the U.S./Canada Management Area to prevent the over-harvesting or under-harvesting of the specified U.S./Canada Management Area TAC allocations. According to the regulations at § 648.85(a)(3)(iv)(D), this adjustment could be made when 30 percent and/or 60 percent of the U.S./Canada Management Area TAC allocations are projected to be harvested. The current language is ambiguous as to whether such adjustments may be made only at the precise event when 30 percent or 60 percent of the TAC's would be landed or at any time after those percentage levels have been reached. NMFS believes that the Council intended the Regional Administrator to have flexibility in adjusting measures at different times during the fishing season. Therefore, to eliminate the current ambiguity, this action would clarify the regulations at § 648.85(a)(3)(iv)(D) to specify that adjustments to the U.S./Canada Management Area provisions may be made when 30 percent and/or 60

percent of the TAC allocations are projected to be, or have been, harvested. This allows more flexibility for the Regional Administrator in implementing such adjustments to ensure that the TAC allocations are not over-harvested or under-harvested for a particular fishing year.

#### *9. CA II Yellowtail Flounder SAP Observer Declaration*

The final rule implementing Amendment 13 included an administrative measure for the purpose of selecting vessels for observer coverage. Vessel owners who choose to fish in either of the two U.S./Canada Areas, including the CA II Yellowtail Flounder SAP, must provide notice to NMFS of the vessel name; contact name for coordination of observer deployment; telephone number for contact; date, time, and port of departure at least five working days prior to the beginning of any trip that is declared into the U.S./Canada Management Area. The goal of this requirement was to obtain a level of observer coverage on NE multispecies vessels fishing in the U.S./Canada Management Area that is consistent with the rest of the fishery. The provision provides notification to the NMFS Observer Program of planned trips, prior to the departure of the trips, so that the Observer Program has sufficient time to contact and deploy observers.

Although a notification period of five working days was determined, at the time of the implementation of the final rule for Amendment 13, to be optimal in terms of the operational requirements of the NMFS Observer Program, public comments received from numerous industry members have indicated that a shorter notification requirement would provide vessels greater flexibility to react to contingencies such as weather developments. Upon further consideration, NMFS has determined that a notification period of 72 hours represents an acceptable balance between the requirements of the Observer Program and the interests of the fishing industry, while still meeting the objectives of Amendment 13. On June 14, 2004, a final rule, regulatory amendment was published in the **Federal Register** (69 FR 32900) correcting this regulation for the U.S./Canada Area at § 648.85(a)(3)(ii). However, this rule inadvertently did not correct the observer declaration for vessels fishing in the CA II Yellowtail Flounder SAP as specified at § 648.85(b)(3)(v). Therefore, this proposed rule would reduce the notification time for groundfish DAS

vessels prior to departure of a trip into the CA II Yellowtail Flounder SAP from five working days to 72 hours.

#### 10. Small-mesh Multispecies Possession Restrictions

On March 29, 2000, NMFS published the final rule implementing provisions in Amendment 12 to the FMP (65 FR 16766). That rule contained revisions to the regulations governing possession limits for small-mesh multispecies. On the same day, NMFS also published the final rule implementing Framework Adjustment 32 (Framework 32) to the FMP (65 FR 16780). Framework 32 revised the regulations at § 648.86(d) governing small-mesh multispecies, superceding the regulations implemented under Amendment 12. On June 19, 2000, the final rule to implement provisions under Framework Adjustment 13 to the Atlantic Sea Scallop FMP and Framework Adjustment 34 to the NE Multispecies FMP (Frameworks 13/34) was published (65 FR 37903). However, when revising the regulations governing small-mesh multispecies possession limits at §§ 648.86(d)(1)(i) through (iii), the final rule for Frameworks 13/34 inadvertently modified the regulations implemented under Amendment 12 rather than the regulations implemented under Framework 32 that superceded those in Amendment 12. This inadvertent error was not discovered until recently.

This action would correct § 648.86(d) to accurately reflect the intent of the regulations implemented under Framework 32, as well as any revisions made to these regulations under Amendment 13. Consistent with Council intent, this correction would remove the requirement that a letter of authorization is necessary to fish for, and/or possess, silver hake and offshore hake caught with small mesh where such a requirement should not exist as a result of measures previously implemented by Framework 32. This paragraph would be further clarified to maintain consistency with existing regulations while at the same time decreasing the complexity of the current regulations pertaining to the net size requirements and possession limits.

#### 11. Yellowtail Flounder Possession Limit Restrictions

The regulations at §§ 648.86(g)(1) and (2) specify the yellowtail flounder possession limits for vessels fishing within the Cape Cod (CC)/Gulf of Maine (GOM) Yellowtail Flounder Area and the Southern New England (SNE)/Mid-Atlantic (MA) Yellowtail Flounder Area, respectively. These provisions require that vessels fishing within either of

these areas possess on board a yellowtail flounder possession/landing authorization letter (or letter of authorization (LOA)) issued by the Regional Administrator. The LOA specifies seasonal landing limits for each area. Vessels possessing such an LOA may fish outside of the CC/GOM or SNE/MA Yellowtail Flounder Areas, provided the vessels comply with the possession/landing limits specified in the LOA during the period of participation.

Amendment 13 implemented the U.S./Canada Management Area and the CA II Yellowtail Flounder SAP to allow U.S. vessels to fish for shared yellowtail flounder resources within these areas. These provisions established a yellowtail flounder possession limit of 30,000 lb (13,608 kg) per trip for vessels fishing within the CA II Yellowtail Flounder SAP, while vessels fishing outside of the SAP within the U.S./Canada Management Area are not restricted by daily or trip limits for yellowtail flounder. The final rule implementing Framework 40B (June 1, 2005; 70 FR 31323) revised the GB yellowtail flounder trip limit for the CA II Yellowtail Flounder SAP to 10,000 lb (4,536 kg), but did not change the trip limit in the U.S./Canada Management Area outside of the SAP.

Under the current regulations, vessels issued an LOA as specified above that wish to participate in the U.S./Canada Management Area or the CA II Yellowtail Flounder SAP would be required to abide by the restrictive yellowtail flounder possession limits of the CC/GOM or SNE/MA Yellowtail Flounder Areas when operating within the U.S./Canada Management Area during the participation period. To participate in the U.S./Canada Management Area and its approved SAP's, and to be subject to the less restrictive yellowtail flounder landing limits for these areas, a vessel issued a yellowtail flounder LOA would have to wait a minimum of seven days before cancelling its LOA before it may begin a trip into the U.S./Canada Management Area or an approved SAP. Given that the provisions of the U.S./Canada Management Area are very tightly controlled (e.g., VMS, daily catch reporting, etc.), this requirement imposes unnecessary restrictions on vessel activities, causes difficulties in planning fishing trips, and makes participation in these programs administratively burdensome for NMFS. As a result, this action would modify the yellowtail flounder possession limit restrictions by allowing vessels possessing a yellowtail flounder LOA to abide by the less restrictive yellowtail

flounder possession limits of the U.S./Canada Management Area and the CA II Yellowtail Flounder SAP when operating within these areas as specified in §§ 648.85(a)(3) and 648.85(b)(3).

#### 12. Offloading Requirement

The current regulations are not explicit as to the disposition of a vessel's catch upon the completion of a fishing trip. The regulations at §§ 648.10(b)(2)(iii) and (c)(3) state that DAS counting, and therefore a fishing trip, ends when a vessel has either crossed the VMS demarcation line defined at § 648.10(a), or has called out of the DAS program, respectively. The regulations at § 648.85 specify the possession restrictions for species managed by the U.S./Canada Resource Sharing Understanding, while the regulations at § 648.86 specify the haddock, cod, Atlantic halibut, small-mesh multispecies, and yellowtail flounder possession restrictions for vessels fishing outside of the U.S./Canada Management Area. Possession restrictions include landing limits specified for each species on a per DAS or per trip basis.

This action proposes to include an explicit provision in the regulations at § 648.86 requiring a vessel that has ended its trip (i.e., by crossing the VMS demarcation line or calling out of the DAS program) to offload species regulated by a daily landing limit (i.e., pounds per DAS) prior to leaving port and beginning a subsequent fishing trip. Offloading species for which there is a daily landing limit is necessary to effectively enforce these limits. Conversely, a vessel that has ended its trip could retain on board species regulated by an overall trip limit (i.e., pounds per trip) for a subsequent trip, provided the vessel abides by the overall trip limit for those species during that subsequent trip.

#### 13. GB Cod Hook Sector Liability Regulations

The January 29, 2004, proposed rule to implement Amendment 13 specified that the Sector and its participants would be held liable for any violations of applicable Federal regulations. The April 27, 2004, final rule expanded upon this, specifying that it shall be unlawful for any Sector, Sector vessel, and Sector vessel operator and/or owner to violate the conditions of an approved Operations Plan or the LOA exempting Sector vessels from specific regulations. However, both the GB Cod Hook Sector representatives and the Council expressed concern that the regulations, as written in the final rule implementing Amendment 13, could be

interpreted to expand NMFS's enforcement authority beyond that which was intended in Amendment 13 and would make all violations of the Operations Plan, including non-payment of Sector dues, a violation of Federal law.

Section 3.4.16 of the FEIS for Amendment 13 indicates that the intent of Sector provisions is to encourage self-governance of fishing activities. Further, this section assigns responsibility to enforce the provisions of an approved Operations Plan to each Sector. Finally, section 3.4.16.1.2.2 specifies that a Sector is a legal entity that can be subject to NMFS enforcement action for violations of the regulations pertaining to Sectors. Because the current regulations could be broadly interpreted to mean that any violation of an approved Sector Operations Plan would constitute a violation of Federal regulations, NMFS proposes to clarify the regulations at § 648.87(b)(2)(x) to indicate that it would be unlawful for Sector participants to violate the conditions of an approved Sector Operations Plan unless such conditions and restrictions are identified as administrative only in the Operations Plan.

#### 14. GB Cod Hook Sector Area Coordinates

Both the January 29, 2004, proposed rule and the April 27, 2004, final rule implementing Amendment 13 incorrectly specified the intended coordinates defining the GB Cod Hook Sector Area. Within both rules, the latitude and longitude for each coordinate point defining this area were inadvertently reversed such that the latitude of each coordinate point appeared in the longitude column and the longitude of each coordinate point appeared in the latitude column. The coordinates specified in the current regulations are not only geographically impossible (e.g., 70°00' N. Lat. does not intersect the east-facing shoreline of Cape Cod, MA), but many of the other coordinates would also require GB Cod Hook Sector vessels to fish outside of the jurisdiction of NMFS. In addition, it was observed that there were two coordinate points named "HS3." To correct this inadvertent error, the final three coordinate points should be renamed "HS4," "HS5," and "HS6" instead of "HS3," "HS4," and "HS5." Accordingly, this proposed rule would modify the final rule implementing Amendment 13 by renaming the coordinate points as specified above and by correcting the erroneous latitude and longitude for each coordinate point for

the GB Cod Hook Sector Area specified at § 648.87(d)(1)(i).

#### 15. Additional Corrections

In addition to the changes specified above, the following changes to the final rule implementing Amendment 13 are proposed to correct inaccurate references and to further clarify the intent of Amendment 13. The changes listed below are in the order in which they appear in the regulations.

In § 648.2, the reference to the specifications of pelagic gillnet gear at "§ 648.81(g)(2)(ii)" in the definition for "Gillnet gear capable of catching multispecies" would be corrected to read "§ 648.81(f)(2)(ii)."

In § 648.14, paragraph (a)(134) would be revised to include a cross reference to the authority of the Regional Administrator to close the Eastern U.S./Canada Area as described under § 648.85(a)(3)(iv)(D) and a reference to the Eastern U.S./Canada Haddock SAP Pilot Program in § 648.85(b)(8).

In § 648.81(b)(2)(ii), the reference to paragraph "(h)(v)" would be changed to read "(h)(1)(v)."

In § 648.81(b)(2)(iii), the reference to the coordinates for the CA II Yellowtail Flounder SAP in § 648.85(b)(3)(ii) and the Eastern U.S./Canada Haddock SAP Pilot Program in § 648.85(b)(8)(ii) would be inserted to further clarify where vessels may fish within CA II.

In § 648.82, in paragraph (b)(4), the reference to "paragraphs (a)(3)(iii), (a)(4)(iii), (b)(2)(iii), and (c)(2)(ii) of this section" would be revised to read "paragraphs §§ 648.80(a)(3)(iii), (a)(4)(iii), (b)(2)(iii), and (c)(2)(ii)." Further, in paragraph (f), the reference to "§ 648.53(f)" would be changed to read "§ 648.53(g)."

In § 648.85, the word "calendar" would be inserted in front of the word "month" in paragraph (b)(3)(vi) to clarify that vessels may only take a maximum of two trips into the CA II Yellowtail Flounder SAP per calendar month as proposed in Amendment 13. In addition, paragraph (b)(3)(x) would be revised to clarify regulatory references and to add language that would allow gear other than a haddock separator trawl or a flounder net to be carried on board, provided this gear is stowed in accordance with § 648.23(b).

In § 648.87(b)(2)(ix), the reference to paragraph "(b)(2)(v)" would be corrected to read "(b)(1)(v)."

In § 648.90(a)(2)(iv), the reference to paragraph "(a)(1)(vii)" would be corrected to read "(a)(2)(vii)."

#### Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS has prepared an IRFA that describes the economic impact this proposed rule, if adopted, would have on small entities. The IRFA prepared for this action follows NMFS's "Guidelines for Economic Analysis of Fishery Management Actions" (NMFS's guidelines). A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY**. A summary of the analysis follows:

The universe of vessels impacted by this action are those vessels that have currently been issued an active limited access NE multispecies permit, an open access NE multispecies Handgear B permit, or a limited access monkfish permit. Vessels that have currently been issued a NE multispecies Handgear B permit were formerly issued an open access Handgear permit prior to the implementation of Amendment 13 and may qualify for a limited access Handgear A permit under Amendment 13. Data from the NE permit application database show that, as of October 4, 2004, there were 2,622 vessels issued a limited access NE multispecies permit or an open access NE multispecies Handgear B permit, including a total of 1,304 vessels issued an open access Handgear B permit. There were a total of 712 vessels issued a limited access monkfish permit. All of these vessels are considered to be small entities according to the definition provided by the Small Business Administration and described in the Regulatory Flexibility Act.

Section 5.4 of the FSEIS prepared for Amendment 13 and section 7.2.4 of the EA prepared for Framework 40-A provide an analysis of the economic impacts resulting from the measures implemented under Amendment 13 and Framework 40-A, respectively. This action references and builds upon the analysis presented in the FSEIS and the FRFA prepared for Amendment 13 and the EA and the FRFA prepared for Framework 40-A to assess the impacts of this action. Due to a lack of data reflecting costs associated with fishing, changes in total revenue are considered to be a proxy for changes in profitability in this action. This analysis indicates that individual vessels would be likely to increase profitability under most measures proposed in this action. This action would allow limited access monkfish vessels qualified to be issued a limited access NE multispecies

Handgear A permit to be issued such a permit. The issuance of this permit to Category A and B monkfish vessels would allow these vessels additional opportunities to fish, thereby increasing vessel revenue. This action would also eliminate some of the more restrictive gear requirements for vessels operating in the Eastern U.S./Canada Area. These Amendment 13 restrictions pose further economic costs for gear modifications and reduced gear efficiency to vessels without effectively increasing the conservation benefits of the gear requirements. Modification of these gear requirements would reduce these unnecessary costs and therefore increase vessel revenues.

The administrative nature of the revisions to the regulations proposed under this action do not facilitate the development of alternatives to this action. Alternatives to the substantive provisions revised through this action have previously been developed as part of the development of Amendment 13 and Framework 40-A.

This proposed rule does not contain any new, nor does it revise any existing reporting, recordkeeping, and other compliance requirements. This proposed rule does not duplicate, overlap or conflict with other Federal rules, and does not contain new reporting or recordkeeping requirements.

A copy of this analysis is available from NMFS (see ADDRESSES).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting.

Dated: August 2, 2005.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 648.2, the definition for "Gillnet gear capable of catching multispecies" is revised to read as follows:

§ 648.2 Definitions.

\* \* \* \* \*

Gillnet gear capable of catching multispecies means all gillnet gear except pelagic gillnet gear specified at § 648.81(f)(2)(ii) and pelagic gillnet gear that is designed to fish for and is used

to fish for or catch tunas, swordfish, and sharks.

\* \* \* \* \*

3. In § 648.4, paragraphs (a)(9)(i)(A)(1) through (4) are revised to read as follows:

§ 648.4 Vessel permits.

- (a) \* \* \*
(9) \* \* \*
(i) \* \* \*
(A) \* \* \*

(1) Category A permit (vessels without NE multispecies or scallop limited access DAS permits). The vessel landed at least 50,000 lb (22,680 kg) tail-weight or 166,000 lb (75,297.6 kg) whole weight of monkfish between February 28, 1991, and February 27, 1995;

(2) Category B permit (vessels less than 51 gross registered tonnage (GRT) without NE multispecies or scallop limited access DAS permits that do not qualify for a Category A permit). The vessel landed at least 7,500 lb (3,402 kg) tail-weight or 24,900 lb (11,294.6 kg) whole weight of monkfish between February 28, 1991, and February 27, 1995;

(3) Category C permit (vessels with NE multispecies or scallop limited access DAS permits). The vessel landed at least 50,000 lb (22,680 kg) tail-weight or 166,000 lb (75,297.6 kg) whole weight of monkfish between February 28, 1991, and February 27, 1995; or

(4) Category D permit (all vessels with NE multispecies limited access DAS permits and vessels less than 51 GRT with scallop limited access DAS permits that do not qualify for a Category C permit). The vessel landed at least 7,500 lb (3,402 kg) tail-weight or 24,900 lb (11,294.6 kg) whole weight of monkfish between February 28, 1991, and February 27, 1995.

\* \* \* \* \*

4. In § 648.9, paragraph (c)(2)(i)(B) is revised to read as follows:

§ 648.9 VMS requirements.

\* \* \* \* \*

- (c) \* \* \*
(2) \* \* \*
(i) \* \* \*

(B) For vessels fishing with a valid NE multispecies limited access permit, the vessel owner signs out of the VMS program for a minimum period of 30 consecutive days by obtaining a valid letter of exemption pursuant to paragraph (c)(2)(ii) of this section, the vessel does not engage in any fisheries until the VMS unit is turned back on, and the vessel complies with all conditions and requirements of said letter; or

\* \* \* \* \*

5. In § 648.14, paragraphs (a)(55), (a)(134), and (a)(156) are revised, and paragraph (a)(169) is revised to read as follows:

§ 648.14 Prohibitions.

(a) \* \* \*

(55) Purchase, possess, or receive as a dealer, or in the capacity of a dealer, regulated species in excess of the possession limits specified in § 648.85 or § 648.86 applicable to a vessel issued a NE multispecies permit, unless otherwise specified in § 648.17, or unless the regulated species are purchased or received from a member of an approved Sector as specified at § 648.87 that is exempt from such possession limits in accordance with an approved Sector Operations Plan.

\* \* \* \* \*

(134) If fishing under a NE multispecies DAS, enter or fish in the Eastern U.S./Canada Area specified in § 648.85(a)(1), if the area is closed under the authority of the Regional Administrator as described in § 648.85(a)(3)(iv)(D) or (E), unless fishing in the Closed Area II Yellowtail Flounder SAP specified in § 648.85(b)(3) or the Eastern U.S./Canada Haddock SAP Pilot Program specified in § 648.85(b)(8).

\* \* \* \* \*

(156) If fishing under the Georges Bank (GB) Cod Hook Sector, as authorized under § 648.87, fish in the NE multispecies DAS program in a given fishing year, unless authorized by an approved Sector Operations Plan, or if fishing under a NE multispecies DAS, fish under the GB Cod Hook Sector in a given fishing year, unless as otherwise provided under § 648.87(b)(1)(xii).

\* \* \* \* \*

(169) If, upon the end of a fishing trip as specified under § 648.10(b)(2)(iii) or (c)(3), fail to offload regulated species subject to a landing limit based on a DAS fished under § 648.85 or 648.86, as required by § 648.86(i).

\* \* \* \* \*

6. In § 648.81, paragraphs (b)(2)(ii), (b)(2)(iii), (f)(1)(ii), (f)(1)(iii), (g)(2)(ii), (g)(2)(iii), and (h)(1)(v) are revised, and paragraph (g)(2)(iv) is added to read as follows:

§ 648.81 NE multispecies closed areas and measures to protect EFH.

\* \* \* \* \*

- (b) \* \* \*
(2) \* \* \*

(ii) Fishing with tuna purse seine gear outside of the portion of CA II known as the Habitat Area of Particular Concern, as described in paragraph (h)(1)(v) of this section;

(iii) Fishing in the CA II Yellowtail Flounder SAP or the Eastern U.S./Canada Haddock SAP Pilot Program as specified at § 648.85(b)(3)(ii) or (b)(8)(ii), respectively; or

\* \* \* \* \*

(f) \* \* \*  
(1) \* \* \*

(ii) *Rolling Closure Area II*. From April 1 through April 30, the restrictions specified in this paragraph (f)(1)(ii) apply to Rolling Closure Area II, which is the area bounded by straight lines connecting the following points in the order stated:

**ROLLING CLOSURE AREA II**

[April 1–April 30]

Point	N. Lat.	W. Long.
GM1	42°00'	(1)
GM2	42°00'	(2)
GM3	42°00'	(3)
GM5	42°00'	68°30'
GM13	43°00'	68°30'
GM10	43°00'	(4)

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> Cape Cod shoreline on Cape Cod Bay.

<sup>3</sup> Cape Cod shoreline on the Atlantic Ocean.

<sup>4</sup> New Hampshire shoreline.

(iii) *Rolling Closure Area III*. From May 1 through May 31, the restrictions specified in paragraph (f)(1) of this section apply to Rolling Closure Area III, which is the area bounded by straight lines connecting the following points in the order stated:

**ROLLING CLOSURE AREA III**

[May 1–May 31]

Point	N. Lat.	W. Long.
GM1	42°00'	(1)
GM2	42°00'	(2)
GM3	42°00'	(3)
GM4	42°00'	70°00'
GM23	42°30'	70°00'
GM6	42°30'	68°30'
GM14	43°30'	68°30'
GM18	43°30'	(4)

<sup>1</sup> Massachusetts shoreline.

<sup>2</sup> Cape Cod shoreline on Cape Cod Bay.

<sup>3</sup> Cape Cod shoreline on the Atlantic Ocean.

<sup>4</sup> Maine shoreline.

\* \* \* \* \*

(g) \* \* \*  
(2) \* \* \*

(ii) That are fishing as charter/party or recreational vessels;

(iii) That are fishing with or using scallop dredge gear when fishing under a scallop DAS or when lawfully fishing in the Scallop Dredge Fishery Exemption Area, as described in § 648.80(a)(11), provided the minimum mesh size of the twine top used in the

dredge by the vessel is 10 inches (25.4 cm), and provided that the vessel complies with the NE multispecies possession restrictions for scallop vessels specified at § 648.80(h); or

(iv) That are fishing under a NE multispecies DAS in the Eastern U.S./Canada Haddock SAP Pilot Program as defined at § 648.85(b)(8).

\* \* \* \* \*

(h) \* \* \*  
(1) \* \* \*

(v) *Closed Area II Habitat Closure Area*. The restrictions specified in paragraph (h)(1) of this section apply to the Closed Area II Habitat Closure Area (also referred to as the Habitat Area of Particular Concern), which is the area bound by straight lines connecting the following points in the order stated:

**CLOSED AREA II HABITAT CLOSURE AREA**

Point	N. Lat.	W. Long.
CIH1	42°10'	67°20'
CIH2	42°10'	67°9.3'
CIH3	42°00'	67°0.5'
CIH4	42°00'	67°10'
CIH5	41°50'	67°10'
CIH6	41°50'	67°20'
CIH1	42°10'	67°20'

\* \* \* \* \*

7. In § 648.82, paragraphs (b)(4), and (f) are revised to read as follows:

**§ 648.82 Effort-control program for NE multispecies limited access vessels.**

\* \* \* \* \*

(b) \* \* \*

(4) *Large Mesh Individual DAS category*. This category is for vessels allocated individual DAS that area not fishing under the Hook Gear, Combination, or Individual DAS categories. Beginning May 1, 2004, for a vessel fishing under the Large Mesh Individual DAS category, the baseline for determining the number of NE multispecies DAS available for use shall be calculated based upon the fishing history associated with the vessel's permit, as specified in paragraph (c)(1) of this section. The number and categories of DAS that are allocated for use in a given fishing year are specified in paragraph (d) of this section. The number of Category A DAS shall be increased by 36 percent. To be eligible to fish under the Large Mesh Individual DAS category, a vessel, while fishing under this category, must fish under the specific regulated mesh area minimum mesh size restrictions, as specified in paragraphs §§ 648.80(a)(3)(iii), (a)(4)(iii), (b)(2)(iii), and (c)(2)(ii).

\* \* \* \* \*

(f) *Good Samaritan credit*. See § 648.53(g).

\* \* \* \* \*

8. In § 648.85, paragraphs (a)(3)(iii), (a)(3)(iv)(D), (b)(3)(v), and (b)(3)(x) are revised to read as follows:

**§ 648.85 Special management programs.**

(a) \* \* \*  
(3) \* \* \*

(iii) *Gear requirements*. NE multispecies vessels fishing with trawl gear in the Eastern U.S./Canada Area defined in paragraph (a)(1)(ii) of this section must fish with a haddock separator trawl or a flounder trawl net, as described in paragraphs (a)(3)(iii)(A) and (B) of this section (both nets may be onboard the fishing vessel simultaneously). Gear other than the haddock separator trawl or the flounder trawl net as described in paragraph this (a)(3)(iii) may be on board the vessel during a trip to the Eastern U.S./Canada Area, provided the gear is stowed according to the regulations at § 648.23(b). The description of the haddock separator trawl and flounder trawl net in this paragraph (a)(3)(iii) may be further specified by the Regional Administrator through publication of such specifications in the **Federal Register**, consistent with the requirements of the Administrative Procedure Act.

(A) *Haddock separator trawl*. A haddock separator trawl is defined as a groundfish trawl modified to a vertically oriented trouser trawl configuration, with two extensions arranged one over the other, with a codend attached only to the upper extension, and the bottom extension left open and with no codend attached. A horizontal separating panel constructed with a minimum of 6.0–inch (15.2–cm) diamond mesh must be installed laterally between the selvages joining the upper and lower panels of a two-seam net, as described in this paragraph (a)(3)(iii)(A) and between the side panels of a four-seam net as described in paragraph (a)(3)(iii)(B) of this section, to completely divide the net into equal top and bottom portions. The separator panel shall be constructed so as to extend forward from the front of the trouser junction to the after edge of the first belly of the net.

(1) *Two-seam bottom trawl nets*. For two-seam nets, the separator panel must be constructed such that the stretched width of the forward edge of the panel is no less than 80 percent, but no larger than 85 percent of the width of the after edge of the first bottom belly of the net where the separator panel is attached. For example, if the first bottom belly of the net is 200 meshes wide (from selvedge to selvedge), the separator

panel must be not less than 160 meshes, but no larger than 170 meshes wide.

(2) *Four-seam bottom trawl nets.* For four-seam nets, the separator panel must be constructed such that the stretched width of the forward edge of the panel is no less than 90 percent, but no larger than 95 percent of the width of the after edge of the first bottom belly of the net where the separator panel is attached. For example, if the first bottom belly of the net is 200 meshes wide (from selvedge to selvedge), the separator panel must be no less than 180 meshes, but no larger than 190 meshes wide. The separator panel must be attached to both of the side panels of the net along the midpoint of the side panels. For example, if the side panel is 100 meshes tall, the separator panel must be attached at the 50<sup>th</sup> mesh.

(B) *Flounder trawl net.* A flounder trawl net is defined as bottom-tending trawl gear meeting one of the following two net descriptions:

(1) A two-seam, low-rise net constructed with mesh size in compliance with § 648.80(a)(4), where the maximum footrope length is not greater than 105 ft (32.0 m) and the headrope is at least 30 percent longer than the footrope. The footrope and headrope lengths shall be measured from the forward wing end.

(2) A two-seam, low-rise net constructed with mesh size in compliance with § 648.80(a)(4), with the exception that the top panel of the net contains a section of mesh at least 10 ft (3.05 m) long and stretching from selvedge to selvedge, composed of at least 12-in (30.5-cm) mesh that is inserted no farther than 4.5 meshes behind the headrope.

(iv) \* \* \*

(D) *Other restrictions or in-season adjustments.* In addition to the possession restrictions specified in this paragraph (a)(3)(iv), when 30 percent and/or 60 percent of the TAC allocations specified under paragraph (a)(2) of this section are projected to be, or have been, harvested, the Regional Administrator, through rulemaking consistent with the Administrative Procedure Act, may modify the gear requirements, modify or close access to the U.S./Canada Management Areas, increase or decrease the trip limits specified under paragraphs (a)(3)(iv)(A) through (C) of this section, or modify the total number of trips into the U.S./Canada Management Area, to prevent over-harvesting or under-harvesting the TAC allocations.

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \*

(v) *Declaration.* For the purposes of selecting vessels for observer deployment, a vessel must provide notice to NMFS of the vessel name; contact name for coordination of observer deployment; telephone number for contact; date, time and port of departure; and special access program to be fished, at least 72 hours prior to the beginning of any trip which it declares into the Special Access Program as required under this paragraph (b)(3)(v). Prior to departure from port, a vessel intending to participate in the Closed Area II Yellowtail Flounder SAP must declare into this area through the VMS, in accordance with instructions provided by the Regional Administrator. In addition to fishing in the Closed Area II Yellowtail Flounder SAP, a vessel, on the same trip, may also declare its intent to fish in the area outside of Closed Area II that resides within the Eastern U.S./Canada Area as defined in paragraph (a)(1)(ii) of this section, provided the vessel fishes in these areas under the most restrictive provisions of either the Closed Area II Yellowtail Flounder SAP or the Eastern U.S./Canada Area.

\* \* \* \* \*

(x) *Gear requirements.* NE multispecies vessels fishing with trawl gear in the Eastern U.S./Canada Area defined in paragraph (a)(1) of this section must fish with a haddock separator trawl or a flounder trawl net, as described in paragraph (a)(3)(iii) of this section (both nets may be onboard the fishing vessel simultaneously). Gear other than the haddock separator trawl or the flounder trawl net as described in paragraph (a)(3)(iii) of this section may be on board the vessel during a trip to the Eastern U.S./Canada Area, provided the gear is stowed according to the regulations at § 648.23(b).

\* \* \* \* \*

9. In § 648.86, paragraphs (d), (g)(1)(ii)(B), and (g)(2)(ii)(B) are revised, and paragraphs (g)(4) and (i) are added to read as follows:

**§ 648.86 Multispecies possession restrictions.**

\* \* \* \* \*

(d) *Small-mesh multispecies.* (1) Vessels issued a valid Federal NE multispecies permit specified under § 648.4(a)(1) are subject to the following possession limits for small-mesh multispecies, which are based on the mesh size used by, or on board vessels fishing for, in possession of, or landing small-mesh multispecies.

(i) *Vessels possessing on board or using nets of mesh size smaller than 2.5 inches (6.35 cm).* Owners or operators of a vessel may possess and land not more than 3,500 lb (1,588 kg) of combined

silver hake and offshore hake if either of the following conditions apply:

(A) The mesh size of any net or any part of a net used by or on board the vessel is smaller than 2.5 inches (6.35 cm), as applied to the part of the net specified in paragraph (d)(1)(iv) of this section, as measured in accordance with § 648.80(f); or

(B) The mesh size of any net or part of a net on board the vessel not incorporated into a fully constructed net is smaller than 2.5 inches (6.35 cm), as measured by methods specified in § 648.80(f). “Incorporated into a fully constructed net” means that any mesh smaller than 2.5 inches (6.35 cm) that is incorporated into a fully constructed net may occur only in the part of the net not subject to the mesh size restrictions specified in paragraph (d)(1)(iv) of this section, and the net into which the mesh is incorporated must be available for immediate use.

(ii) *Vessels possessing on board or using nets of mesh size equal to or greater than 2.5 inches (6.35 cm) but less than 3 inches (7.62 cm).* Owners or operators of a vessel that is not subject to the possession limit specified in paragraph (d)(1)(i) of this section, may possess and land not more than 7,500 lb (3,402 kg) of combined silver hake and offshore hake if either of the following conditions apply:

(A) The mesh size of any net or any part of a net used by or on board the vessel is equal to or greater than 2.5 inches (6.35 cm) but smaller than 3 inches (7.62 cm), as applied to the part of the net specified in paragraph (d)(1)(iv) of this section, as measured by methods specified in § 648.80(f); or

(B) The mesh size of any net or part of a net on board the vessel not incorporated into a fully constructed net is equal to or greater than 2.5 inches (6.35 cm) but smaller than 3 inches (7.62 cm), as measured by methods specified in § 648.80(f). “Incorporated into a fully constructed net” means that any mesh smaller than 2.5 inches (6.35 cm) that is incorporated into a fully constructed net may occur only in the part of the net not subject to the mesh size restrictions as specified in paragraph (d)(1)(iv) of this section, and the net into which the mesh is incorporated must be available for immediate use.

(iii) *Vessels possessing on board or using nets of mesh size equal to or greater than 3 inches (7.62 cm).* An owner or operator of a vessel that is not subject to the possession limits specified in paragraphs (d)(1)(i) and (ii) of this section may possess and land not more than 30,000 lb (13,608 kg) of combined silver hake and offshore hake

if both of the following conditions apply:

(A) The mesh size of any net or any part of a net used by or on board the vessel is equal to or greater than 3 inches (7.62 cm), as applied to the part of the net specified in paragraph (d)(1)(iv) of this section, as measured by methods specified in § 648.80(f); and

(B) The mesh size of any net or part of a net on board the vessel not incorporated into a fully constructed net is equal to or greater than 3 inches (7.62 cm), as measured by methods specified in § 648.80(f). "Incorporated into a fully constructed net" means that any mesh smaller than 3 inches (7.62 cm) that is incorporated into a fully constructed net may occur only in the part of the net not subject to the mesh size restrictions as specified in paragraph (d)(1)(iv) of this section, and the net into which the mesh is incorporated must be available for immediate use.

(iv) *Application of mesh size.*

Counting from the terminus of the net, the mesh size restrictions specified in paragraphs (d)(1)(i) through (iii) of this section are only applicable to the first 100 meshes (200 bars in the case of square mesh) for vessels greater than 60 ft (18.3 m) in length, and to the first 50 meshes (100 bars in the case of square mesh) for vessels 60 ft (18.3 m) or less in length. Notwithstanding any other provision of this section, the restrictions and conditions pertaining to mesh size do not apply to nets or pieces of net smaller than 3 ft (0.9 m) by 3 ft (0.9 m), (9 sq ft (0.81 sq m)).

(2) *Possession limit for vessels participating in the northern shrimp fishery.* Owners and operators of vessels participating in the Small-Mesh Northern Shrimp Fishery Exemption Area, as described in § 648.80(a)(3), with a vessel issued a valid Federal NE multispecies permit specified under § 648.4(a)(1), may possess and land silver hake and offshore hake, combined, up to an amount equal to the weight of shrimp on board, not to exceed 3,500 lb (1,588 kg). Silver hake and offshore hake on board a vessel subject to this possession limit must be separated from other species of fish and stored so as to be readily available for inspection.

(3) *Possession restriction for vessels electing to transfer small-mesh NE multispecies at sea.* Owners and operators of vessels issued a valid Federal NE multispecies permit and issued a letter of authorization to transfer small-mesh NE multispecies at sea according to the provisions specified in § 648.13(b) are subject to a combined silver hake and offshore hake possession limit that is 500 lb (226.8 kg) less than

the possession limit the vessel otherwise receives. This deduction shall be noted on the transferring vessel's letter of authorization from the Regional Administrator.

\* \* \* \* \*

- (g) \* \* \*
- (1) \* \* \*
- (ii) \* \* \*

(B) The vessel may not fish inside the SNE/MA Yellowtail Flounder Area, for a minimum of seven consecutive days (when fishing with a limited access Handgear A permit, under the NE multispecies DAS program, or under the monkfish DAS program if the vessels is fishing under the limited access monkfish Category C or D permit provisions), unless otherwise specified in paragraph (g)(3) of this section. Vessels subject to these restrictions may fish any portion of a trip in the portion of the GB, SNE, and MA Regulated Mesh Areas outside of the SNE/MA Yellowtail Flounder Area, provided the vessel complies with the possession restrictions specified under this paragraph (g), unless otherwise specified in paragraph (g)(4) of this section. Vessels subject to these restrictions may transit the SNE/MA Yellowtail Flounder Area, provided the gear is stowed in accordance with § 648.23(b).

\* \* \* \* \*

- (2) \* \* \*
- (ii) \* \* \*

(B) The vessel may not fish in the Cape Cod/GOM Yellowtail Flounder Area for a minimum of seven consecutive days (when fishing with a limited access Handgear A permit, under the NE multispecies DAS program, or under the monkfish DAS program if the vessel is fishing under the limited access monkfish Category C or D permit provisions), unless otherwise specified in paragraph (g)(3) of this section. Vessels subject to these restrictions may fish any portion of the GB, SNE, and MA Regulated Mesh Areas outside of the Cape Cod/GOM Yellowtail Flounder Area, provided the vessel complies with the possession restrictions specified under this paragraph (g), unless otherwise specified in paragraph (g)(4) of this section. Vessels subject to these restrictions may transit the Cape Cod/GOM Yellowtail Flounder Area, provided gear is stowed in accordance with § 648.23(b).

\* \* \* \* \*

(4) Vessels that obtain a yellowtail flounder possession/landing letter of authorization as specified under paragraphs (g)(1)(ii)(A) and (g)(2)(ii)(A) of this section and that fish on a

separate trip in the U.S./Canada Management Area according to the regulations at § 648.85(a), including a trip into an approved SAP as specified at § 648.85(b)(3), are exempt from the possession limits and restrictions specified under paragraphs (g)(1)(ii)(A) and (g)(2)(ii)(A) of this section during the authorized time period.

\* \* \* \* \*

(i) *Offloading requirement for vessels possessing species regulated by a daily possession limit.* Vessels that have ended a trip as specified in § 648.10(b)(2)(iii) or (c)(3) that possess on board species regulated by a daily possession limit (i.e., pounds per DAS) as specified at § 648.85(a)(3)(iv), § 648.85(a)(6)(iv)(D), or § 648.86 must offload these species prior to leaving port on a subsequent trip. Other species regulated by an overall trip limit may be retained on board for a subsequent trip. For example, a vessel ending a trip in October that possesses cod and yellowtail flounder harvested from the Gulf of Maine is subject to a daily possession limit for cod of 800 lb (363 kg)/DAS and an overall trip limit of 250 lb (113 kg)/trip for yellowtail flounder. This vessel would be required to offload any cod harvested, but may retain any yellowtail flounder on board prior to leaving port on a subsequent trip.

10. In § 648.87, paragraphs (b)(2)(ix), (b)(2)(x), and (d)(1)(i) are revised to read as follows:

**§ 648.87 Sector allocation.**

\* \* \* \* \*

- (b) \* \* \*
- (2) \* \* \*

(ix) If the Operations Plan is inconsistent with, or outside the scope of the NEPA analysis associated with the Sector proposal/framework adjustment as specified in paragraph (b)(1)(v) of this section, a supplemental NEPA analysis may be required with the Operations Plan.

(x) Each vessel and vessel operator and/or vessel owner participating in a Sector must comply with all applicable requirements and conditions of the Operations Plan specified in paragraph (b)(2) of this section and the Letter of Authorization issued pursuant to paragraph (c)(3) of this section. It shall be unlawful to violate any such conditions and requirements unless such conditions or restrictions are identified as administrative only in an approved Operations Plan. Each Sector, vessel, and vessel operator and/or vessel owner participating in the Sector may be charged jointly and severally for civil penalties and permit sanctions pursuant to 15 CFR part 904.

\* \* \* \* \*

(d) \* \* \*
(1) \* \* \*

(i) GB Cod Hook Sector Area (GBCHSA). The GBCHSA is defined by straight lines connecting the following points in the order stated (copies of a map depicting the area are available from the Regional Administrator upon request):

GEORGES BANK COD HOOK SECTOR AREA

Table with 3 columns: Point, N. Lat., W. Long. Rows include HS1, HS2, HS3, HS4, HS5, HS6 with coordinates and boundary descriptions.

1 The east facing shoreline of Cape Cod, MA.
2 The south facing shoreline of Rhode Island.

11. In § 648.90, paragraph (a)(2)(iv) is revised to read as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

(a) \* \* \*
(2) \* \* \*
(iv) The Council shall review the target TACs recommended by the PDT and all of the options developed by the PDT and other relevant information; consider public comment; and develop a recommendation to meet the FMP objective pertaining to regulated species, Atlantic halibut, and ocean pout that is consistent with other applicable law. If the Council does not submit a recommendation that meets the FMP objectives and is consistent with other applicable law, the Regional Administrator may adopt any option developed by the PDT, unless rejected by the Council, as specified in paragraph (a)(2)(vii) of this section, provided the option meets the FMP objectives and is consistent with other applicable law.

12. In § 648.92, paragraph (b)(1)(i) is revised to read as follows:

§ 648.92 Effort-control program for monkfish limited access vessels.

(b) \* \* \*
(1) \* \* \*

(i) General provision. All limited access monkfish permit holders shall be allocated monkfish DAS each fishing year to be used in accordance with the restrictions of this paragraph (b), unless modified by paragraph (b)(1)(ii) of this section according to the provisions specified at § 648.96(b)(3). The number of monkfish DAS to be allocated, before accounting for any such modification, is 40 DAS minus the amount calculated in paragraph (b)(1)(iv) of this section, unless the vessel is enrolled in the Offshore Fishery Program in the SFMA, as specified in paragraph (b)(1)(iii) of this section. Limited access NE multispecies and limited access sea scallop DAS permit holders who also possess a valid limited access monkfish permit must use a NE multispecies or sea scallop DAS concurrently with their monkfish DAS, except as provided in paragraph (b)(2) of this section, unless otherwise specified under this subpart F.

[FR Doc. 05-15644 Filed 8-5-05; 8:45 am]
BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 050722198-5198-01; I.D. 071805B]

RIN 0648-AS93

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to amend regulations supporting the North Pacific Groundfish Observer Program (Observer Program). This action is necessary to revise requirements for the facilitation of observer data transmission, improve support for observers, and provide consistency with current regulations. The proposed rule is intended to promote the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs).

DATES: Comments must be received on or before September 7, 2005.

ADDRESSES: Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Lori Durall. Comments may be submitted by any of the following methods:

- E-mail: OCS-0648-AS93@noaa.gov.
Include in the subject line the following identifier: OCS proposed rule. E-mail comments, with or without attachments, are limited to 5 megabytes.
Federal e-Rulemaking Portal: http://www.regulations.gov.
Mail: P.O. Box 21668, Juneau, AK 99802.
Fax: (907) 586-7557.
Hand delivery to the Federal Building, 709 West 9th Street, Room 420A, Juneau, AK.

Copies of the Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) prepared for this action may be obtained from the same mailing address above or from the NMFS Alaska Region website at http://www.fakr.noaa.gov.

Send comments on these or any other aspects of the collection of information to NMFS at the addresses above, and to OMB via e-mail at David.Rostker@omb.eop.gov, or fax (202) 395-7285.

FOR FURTHER INFORMATION CONTACT: Jason Anderson, 907-586-7228, or jason.anderson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

NMFS manages the U.S. groundfish fisheries of the Bering Sea and Aleutian Islands Management Area (BSAI) and Gulf of Alaska (GOA) in the Exclusive Economic Zone under their respective FMPs. The North Pacific Fishery Management Council (Council) has prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. Regulations implementing the FMPs appear at 50 CFR part 679. General regulations that pertain to U.S. fisheries appear at subpart H of 50 CFR part 600.

The Council adopted and NMFS approved and implemented the current "interim" Observer Program (Observer Program) in 1996 (61 FR 56425, November 1, 1996). The requirements of the Observer Program were extended through 1998 (62 FR 67755, December 30, 1997), then through 2000 (63 FR 69024, December 15, 1998), through 2002 (65 FR 80381, December 21, 2000), and again through 2007 (67 FR 72595, December 6, 2002). The Observer Program provides the regulatory

framework for the collection of data by observers to obtain information necessary for the conservation and management of the groundfish fisheries managed under the FMPs. Regulations implementing the Observer Program at § 679.50 require observer coverage aboard catcher vessels, catcher/processors, motherships, and shoreside or stationary floating processors that participate in the groundfish fisheries off Alaska and establish vessel, processor, and observer provider responsibilities relating to the Observer Program.

Timely electronic communication between the fishing industry and NMFS of catch reports submitted to NMFS by industry and observers is crucial to the effective in-season monitoring of groundfish quotas and protected species catch allowances. In July 1995, NMFS issued a final rule that required all catcher/processors, motherships, and shoreside processors that process groundfish to have computer hardware and software that would enable observers to send electronic data to NMFS (60 FR 34904, July 5, 1995). In October 2003, a final rule was published (68 FR 58038, October 8, 2003) that extended these requirements to all catcher vessels that are required to carry an observer at all times during fishing operations.

Regulations describing hardware and software requirements for electronic submission of observer reports on all catcher/processors, motherships, catcher vessels required to carry an observer at all times, and shoreside or stationary floating processors are found at § 679.50(g)(1) and (g)(2). This electronic data submission and communications system is called the observer communications system (OCS, previously referred to as "ATLAS)." This system is comprised of computers and communications equipment supplied by catcher vessels, catcher/processors, motherships, and shoreside or stationary floating processors, and custom software provided by NMFS. The OCS system allows observers to rapidly process and report the data they collect to NMFS. Its use on catcher vessels, catcher/processors, motherships, and shoreside or stationary floating processors has led to more timely and accurate fisheries data.

#### Revisions to OCS Regulations

Observer Program staff are engaged in upgrading the software component of the OCS. The upgraded OCS software is intended to increase overall data quality by increasing the functionality and efficiency of the OCS system. In this action, NMFS proposes to require

catcher vessels, catcher/processors, motherships, and shoreside or stationary floating processors already subject to OCS requirements to install hardware upgrades to meet current technology standards necessary to support OCS software and facilitate its installation. Presently, regulations at § 679.50(g)(1)(iii)(B)(1) and (g)(2)(iii)(B)(1) require a minimum of a Windows 9x or NT compatible operating system, both of which are older, now unsupported operating systems. This action would amend those regulations to require a Windows 98 or more recent operating system such as Windows 2000, Millennium, or XP. Only Windows-based operating systems would be acceptable because the upgraded software component would only be compatible with Windows-based operating systems. These regulations also would be revised to require catcher vessels, catcher/processors, motherships, and shoreside or stationary floating processors subject to OCS requirements to ensure that the personal computer provided for use by the observer contains a functioning compact disc (CD) drive. Additionally, the minimum random access memory (RAM) requirement would be upgraded to 256 megabytes.

The revisions described above are necessary to accommodate the larger, more sophisticated software and database programs provided by NMFS. The new software would require an upgraded operating system to function and would be stored on CDs to avoid storage on multiple floppy discs and facilitate installation. Additionally, Windows 95 is no longer supported by the manufacturer.

#### Other Revisions

Regulations at § 679.2 contain definitions for terms used elsewhere in part 679. Regulations at § 679.50(c) describe observer coverage requirements for catcher vessels, catcher/processors, and motherships engaged in directed fishing for groundfish. However, the first paragraph of the current definition of "directed fishing" is contained under the heading, "With respect to groundfish recordkeeping and reporting." This action proposes to revise the heading of the first paragraph of the definition for "directed fishing" to read, "Unless otherwise indicated" to clarify that the definition also applies to observer coverage regulations.

Regulations at § 679.28 describe requirements for scales, observer sampling stations, bins for volumetric estimates, and vessel monitoring system hardware. Section 679.28(g)(1) describes catch monitoring control plans (CMCPs)

generally and § 679.28(g)(4)(iii) describes a component of the inspection process for CMCPs. However, these sections incorrectly cross reference performance standards in § 679.28(g)(6). This action proposes to correct this error and replace the reference to (g)(6) in § 679.28(g)(1) and (g)(4)(iii) with (g)(7).

Regulations at § 679.50(i)(2)(vi)(A)(1) describe travel and logistics requirements for observer providers when deploying observers. For a variety of reasons, including incorrect routing of luggage or weight restrictions on airplanes, observers occasionally become separated from their personal belongings and gear necessary to conduct sampling duties during travel to an assignment. If this occurs, luggage normally will be delivered on a subsequent flight. However, an observer provider recently encouraged an observer who had become separated from personal belongings and gear necessary to conduct sampling duties to borrow personal belongings from other observers so the observer could be deployed in a timely manner. The observer was deployed to a vessel without the observer's personal belongings or gear necessary to conduct sampling duties. Such a failure compromises an observer's safety, comfort, and ability to complete the observer's duties. This action proposes to require an observer provider to provide all necessary transportation, including arrangements and logistics, to ensure the observer and the observer's gear and personal belongings arrive at the initial location of deployment and to all subsequent vessel and shoreside or stationary floating processor assignments during that deployment.

#### Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS prepared an initial regulatory flexibility analysis (IRFA) as required by section 603 of the Regulatory Flexibility Act. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of the preamble and in the **SUMMARY** section of this document. A copy of the IRFA is available from NMFS (see **ADDRESSES**). A summary of the analysis follows.

This proposed rule would require vessels and shoreside or stationary floating processors already subject to OCS requirements to adopt hardware upgrades to meet current technology standards necessary to support the OCS

software. This includes all motherships, catcher/processors, shoreside or stationary floating processors and catcher vessels required to carry an observer at all times. Additionally, the proposed rule includes several clarifications and corrections to current regulations. These proposed actions are intended to revise requirements for the facilitation of observer data transmission, improve support for observers, and provide consistency with current regulations.

All motherships have gross revenues in excess of \$3.5 million and are considered large entities. Data available for 2003, indicate that 22 of the 82 catcher/processors active in the groundfish fisheries that year would be considered small entities. All four permitted observer provider companies would be considered small entities. Confidentiality restrictions require NMFS to report gross revenue information in aggregate of four or more entities. These restrictions prevent NMFS from reporting the number of catcher vessels and shoreside or stationary floating processors regulated under this proposed action for small entities.

Alternative 1 described in the EA/RIR/IRFA is the status quo alternative. Current regulations regarding retention and discards would remain in effect.

Alternative 2 would: (1) require all catcher vessels, catcher/processors, motherships, and shoreside or stationary floating processors currently subject to OCS requirements to upgrade their computing hardware to a minimum operating system of Windows 98 and 256k of RAM; (2) require observer providers to ensure observers are deployed with their personal belongings and gear; and (3) provide other non-substantive administrative changes to current regulations.

In addition to the requirements in Alternative 2, Alternative 3 would also require all catcher vessels, catcher/processors, motherships, and shoreside or stationary floating processors currently subject to OCS requirements to upgrade their computer hardware to a CD drive.

The one-time upgrade cost for OCS equipment that would be required for all catcher/processors, motherships, shoreside and stationary floating processors, and catcher vessels required to carry an observer at all times under the proposed action would be about \$500 for each of these affected small entities. For the 22 catcher/processors considered small entities, the cost is estimated at about .02 percent of one year's gross revenues. As noted above, NMFS is unable to report gross revenues

for catcher vessels and shoreside or stationary floating processors considered small entities under this action. Therefore, OCS upgrade costs cannot be reported as a percentage of gross revenues for these entities.

Under the proposed action, observer provider companies would be responsible for ensuring that observers are deployed with their gear and personal belongings. While proposed regulations would require observer providers to be responsible for transportation, logistics and arrangements, observer providers typically pass these costs on to the vessel or shoreside or stationary floating processor. However, arrangements (and subsequent costs) between these entities and observer providers, where the observer is separated from his or her gear and personal belongings, are not known. Additionally, vessels may be required to remain in port until an observer's gear and personal belongings arrive, and the vessel may incur costs associated with missed fishing opportunity. Instances where observers have not been deployed with their gear and personal belongings are rare, and the frequency of these occurrences is impossible to estimate. However, these costs are expected to be small.

This proposed rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number OMB 0648-0330. Public reporting burden for Catch Monitoring and Control Plan (CMCP) is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden to NMFS (see ADDRESSEES) and to OMB.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any 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 Control Number.

The analysis did not reveal any Federal rules that duplicate, overlap, or conflict with the proposed action.

**List of Subjects in 50 CFR Part 679**

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: August 2, 2005.

**William T. Hogarth**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 679 is proposed to be amended as follows:

**PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA**

1. The authority citation for part 679 continues to read as follows:

**Authority:** 16 U.S.C. 773 *et seq.*; 1540(f); 1801 *et seq.*; 1851 note; 3631 *et seq.*

2. In § 679.2, the definition of “directed fishing”, paragraph (1), is revised to read as follows:

**§ 679.2 Definitions.**

\* \* \* \* \*

*Directed fishing* means:

(1) Unless indicated otherwise, any fishing activity that results in the retention of an amount of a species or species group on board a vessel that is greater than the maximum retainable amount for that species or species group as calculated under § 679.20.

\* \* \* \* \*

3. In § 679.28, paragraphs (g)(1) and (g)(4)(iii) are revised to read as follows:

**§ 679.28 Equipment and operational requirements.**

\* \* \* \* \*

(g) \* \* \*

(1) *What is a CMCP?* A CMCP is a plan submitted by the owner and manager of a processing plant, and approved by NMFS, detailing how the processing plant will meet the catch monitoring and control standards detailed in paragraph (g)(7) of this section.

\* \* \* \* \*

(4) \* \* \*

(iii) A proposed CMCP detailing how the processor will meet each of the performance standards in paragraph (g)(7) of this section.

\* \* \* \* \*

4. In § 679.50, paragraphs (g)(1)(iii)(B)(1), (g)(2)(iii)(B)(1), and (i)(2)(vi)(A)(1) are revised to read as follows:

**§ 679.50 Groundfish Observer Program applicable through December 31, 2007.**

\* \* \* \* \*

(g) \* \* \*

(1) \* \* \*

(iii) \* \* \*

(B) \* \* \*

(1) *Hardware and software.* Making available for use by the observer a personal computer in working condition that contains: a full Pentium 120Mhz or

greater capacity processing chip, at least 256 megabytes of RAM, at least 75 megabytes of free hard disk storage, a Windows 98 (or more recent) compatible operating system, an operating mouse, a 3.5-inch (8.9 cm) floppy disk drive, and a readable CD ROM disk drive. The associated computer monitor must have a viewable screen size of at least 14.1 inches (35.8cm) and minimum display settings of 600 × 800 pixels. The computer equipment specified in paragraph (g)(1)(iii)(B) of this section must be connected to a communication device that provides a point-to-point modem connection to the NMFS host computer and supports one or more of the following protocols: ITU V.22, ITU V.22bis, ITU V.32, ITU V.32bis, or ITU V.34. Personal computers utilizing a

modem must have at least a 28.8 kbs Hayes-compatible modem.

\* \* \* \* \*

(2) \* \* \*

(1) *Hardware and software.* Making available for use by the observer a personal computer in working condition that contains: a full Pentium 120Mhz or greater capacity processing chip, at least 256 megabytes of RAM, at least 75 megabytes of free hard disk storage, a Windows 98 (or more recent) compatible operating system, an operating mouse, a 3.5-inch (8.9 cm) floppy disk drive, and a readable CD ROM disk drive. The associated computer monitor must have a viewable screen size of at least 14.1 inches (35.8cm) and minimum display settings of 600 × 800 pixels. The computer equipment specified in paragraph (g)(2)(iii)(B) of this section must be connected to a communication device

that provides a point-to-point modem connection to the NMFS host computer and supports one or more of the following protocols: ITU V.22, ITU V.22bis, ITU V.32, ITU V.32bis, or ITU V.34. Personal computers utilizing a modem must have at least a 28.8 kbs Hayes-compatible modem.

\* \* \* \* \*

(i) \* \* \*

(1) All arrangements and logistics necessary for transporting observers and their gear and belongings to the initial location of deployment, to all subsequent vessel and shoreside or stationary floating processor assignments during that deployment, and to the debriefing location when a deployment ends for any reason; and

\* \* \* \* \*

[FR Doc. 05-15646 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-22-S**

# Notices

Federal Register

Vol. 70, No. 151

Monday, August 8, 2005

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.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket No. FV05-378]

#### Fruit and Vegetable Industry Advisory Committee

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of reestablishment of the U.S. Department of Agriculture (USDA) Fruit and Vegetable Industry Advisory Committee and a Request for Nominations

**SUMMARY:** The USDA intends to reestablish the Fruit and Vegetable Industry Advisory Committee (Committee). The purpose of the Committee is to examine the full spectrum of issues faced by the fruit and vegetable industry and provide suggestions and ideas to the Secretary of Agriculture on how USDA can tailor its programs to better meet the fruit and vegetable industry's needs. USDA also seeks nominations of individuals to be considered for selection as Committee members.

**DATES:** Written nominations must be received on or before September 30, 2005.

**ADDRESSES:** Nominations should be sent to Robert C. Keeney, Deputy Administrator, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., Room 2077-S, Stop 0235, Washington, DC 20250-0235; Facsimile: (202) 720-0016. E-mail: [robert.keeney@usda.gov](mailto:robert.keeney@usda.gov).

**FOR FURTHER INFORMATION CONTACT:** Andrew Hatch, Designated Federal Official; Phone: (202) 690-0182; E-mail: [andrew.hatch@usda.gov](mailto:andrew.hatch@usda.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. App.), notice is hereby given that the Secretary of Agriculture intends to reestablish the Fruit and Vegetable Industry Advisory Committee

for two years. The purpose of the Committee is to examine the full spectrum of issues faced by the fruit and vegetable industry and provide suggestions and ideas to the Secretary on how USDA can tailor its programs to better meet the fruit and vegetable industry's needs. The Deputy Administrator of the Agricultural Marketing Service's Fruit and Vegetable Programs will serve as the Committee's Executive Secretary. Representatives from USDA mission areas and agencies affecting the fruit and vegetable industry will be called upon to participate in the Committee's meetings as determined by the Committee Chairperson.

Industry members will be appointed by the Secretary of Agriculture and serve 2-year terms. Membership will consist of up to twenty-five (25) members who represent the fruit and vegetable industry and will include individuals representing fruit and vegetable growers/shippers, wholesalers, brokers, retailers, processors, fresh cut processors, foodservice suppliers, state departments of agriculture, and trade associations. The members of the reestablished Committee will elect the Chairperson and Vice Chairperson of the Committee. In absence of the Chairperson, the Vice-Chairperson will act in the Chairperson's stead.

The Secretary of Agriculture invites those individuals, organizations, and groups affiliated with the categories listed above to nominate individuals for membership on the reestablished Committee. Nominations should describe and document the proposed member's qualifications for membership to the Committee, and list their name, title, address, telephone, and fax number. The Secretary of Agriculture seeks a diverse group of members representing a broad spectrum of persons interested in providing suggestions and ideas on how USDA can tailor its programs to meet the fruit and vegetable industry's needs.

Individuals who are nominated will receive necessary forms from USDA for membership. The biographical information and clearance forms must be completed and returned to USDA within 10 working days of notification, to expedite the clearance process that is required before selection of Committee members by the Secretary of Agriculture.

Equal opportunity practices will be followed in all appointments to the Committee in accordance with USDA policies. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, persons with disabilities, and limited resource agriculture producers.

Dated: August 3, 2005.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 05-15622 Filed 8-5-05; 8:45 am]

**BILLING CODE 3410-02-P**

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket Number FV-05-311]

#### United States Standards for Grades of Muscadine (*Vitis rotundifolia*) Grapes

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice; request for public comment.

**SUMMARY:** The Agricultural Marketing Service (AMS) is soliciting comments on its proposal to create a voluntary United States Standards for Grades of Muscadine (*Vitis rotundifolia*) Grapes. AMS has received a request from an industry group representing muscadine grape growers to develop a standard for Muscadine Grapes. This proposal will provide a common language for trade and a means of measuring value in the marketing of muscadine grapes, thus promoting orderly and efficient marketing of muscadine grapes.

**DATES:** Comments must be received by October 7, 2005.

**ADDRESSES:** Interested persons are invited to submit written comments to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 1661 South Building, Stop 0240, Washington, DC 20250-0240; Fax (202) 720-8871, e-mail [FPB.DocketClerk@usda.gov](mailto:FPB.DocketClerk@usda.gov). Comments should make reference to the dates and

page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours.

The proposed U.S. Standards for Grades of Muscadine (*Vitis rotundifolia*) Grapes are available either from the above address or the Agricultural Marketing Service (AMS), Fresh Products Branch Web site at: <http://www.ams.usda.gov/fv/fpbdoctlist.htm>.

**FOR FURTHER INFORMATION CONTACT:**

David L. Priester, at the above address or call (202) 720-2185; e-mail [David.Priester@usda.gov](mailto:David.Priester@usda.gov).

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), as amended, directs and authorizes the Secretary of Agriculture "To develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices." AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements no longer appear in the Code of Federal Regulations, but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is proposing to establish voluntary United States Standards for Grades of Muscadine (*Vitis rotundifolia*) Grapes using procedures that appear in part 36, title 7 of the Code of Federal Regulations (7 CFR part 36).

**Background**

The petitioner, an industry group representing growers, requested that AMS develop a grade standard for muscadine grapes. AMS attended various industry meetings, visited several grower facilities, and worked with University Extension Specialists to collect information regarding muscadine grapes for the development of grade standards. In January 2004, a discussion draft for the proposed standard was sent out to the muscadine grape industry for input. Based on information gathered and comments rendered by the industry, AMS has developed a proposed U.S. Standards for Grades of Muscadine (*Vitis rotundifolia*) Grapes. The proposal would establish the following grades as well as a tolerance for each grade: U.S. Extra No. 1 and U.S. No. 1. In addition, proposed "Application of Tolerances"

and "Size Classifications" sections would be established. This proposal also defines "Damage," "Serious Damage," specific basic requirements and other defects. AMS is soliciting comments on the proposed standard to better serve the industry and the probable impact on growers, processors, and distributors.

This proposal will provide a common language for trade and a means of measuring value in the marketing of muscadine grapes. The official grade of a lot of muscadine grapes covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables, and Other Products (Sec. 51.1 to 51.61).

This notice provides for a 60-day comment period for interested parties to comment on the proposed U.S. Standards for Grades of Muscadine (*Vitis rotundifolia*) Grapes.

**Authority:** 7 U.S.C. 1621-1627.

Dated: August 2, 2005.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 05-15555 Filed 8-5-05; 8:45 am]

**BILLING CODE 3410-02-P**

**DEPARTMENT OF AGRICULTURE**

**Food and Nutrition Service**

**Agency Information Collection Activities: Proposed Collection; Comment Request—Food Stamp Program Application, Form FNS-252, Food Stamp Application for Stores**

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** USDA's Food and Nutrition Service (FNS) has revised its Food Stamp Program Application for Stores, Form FNS-252 in Fiscal Year (FY) 2004. The form was revised to simplify and streamline information collected from retailers on the application and make it easier to read. The Office of Management and Budget (OMB) granted a one year approval of the use of this form. FNS did not begin to use the new form until the fourth quarter of FY 2004 when the new Store Tracking and Redemption Subsystem (STARS II) became operational. We are soliciting public comments on the content, format and design of the revised Form FNS-252.

As conditions of clearance for the revised retailer application, OMB is

requiring that FNS translate the Form FNS-252 into Spanish and have it in active use within the year. OMB is also requiring FNS to track and report on the completion rates for questions 14c, 15b, 16, and 17b. FNS translated the Form FNS-252, into Spanish and is in the process of working with a contractor to post this information on the FNS website. We expect to have the Spanish version of Form FNS-252 in active use by the end of the fourth quarter of FY 2005. FNS is also in the process of tracking the completion rate of those questions identified by OMB, and referenced above. We will report the results upon resubmission to OMB for approval. Finally, a question asking retailers to provide the number of check-out registers that are in the store was omitted from the revised Form FNS-252 in error. FNS needs this information for program management purposes, and it impacts our ability to accurately provide point-of-sale information to third party processors and State contractors. As a result of this finding, FNS intends to add this question to the revised Form FNS-252.

**DATES:** Written comments must be received on or before October 7, 2005, to be assured of consideration.

**ADDRESSES:** Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Andrea Gordon, Chief, Retailer Management Branch, Benefit Redemption Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 404, Alexandria, VA 22302; FAX number (703) 305-1863; or via e-mail to: [BRDHQ-WEB@fns.usda.gov](mailto:BRDHQ-WEB@fns.usda.gov). All submitted comments should refer to the title of this notice and/or the OMB approval number.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** The public can download the English version of Form FNS-252 from the FNS public Web site at: [http://www.fns.usda.gov/fsp/retailers/retailer\\_app/default.htm](http://www.fns.usda.gov/fsp/retailers/retailer_app/default.htm). Requests for additional information should be directed to Andrea Gordon at (703) 305-2456 or via e-mail at: [BRDHQ-WEB@fns.usda.gov](mailto:BRDHQ-WEB@fns.usda.gov). Information requests submitted through email should refer to the title of this notice and/or the OMB approval number in the subject line.

**SUPPLEMENTARY INFORMATION:**

*Title:* Food Stamp Program: Food Stamp Program Application for Stores, Form FNS-252 (Soliciting Comments from Retailers on the Revised Application).

*OMB Number:* 0584-0008.

*Form Number:* FNS-252.

*Expiration Date:* November 30, 2005.

*Type of Request:* Revision of a currently approved collection.

*Abstract:* Section 9 of the Food Stamp Act of 1977, as amended (7 U.S.C. 2018), requires retail food stores to submit applications to FNS for approval prior to participating in the Food Stamp Program (FSP). FNS recently revised Form FNS-252 to make it easier to understand and to streamline the information collected on the application. The revised Form FNS-252 is a significant improvement over the previous Form FNS-252, while adhering to the regulatory requirements for the authorization process for retailers. FNS implemented the revised Form FNS-252 when the new Store Tracking and Redemption Subsystem (STARS II) became operational during the fourth quarter of FY 2004. We know that in the past, many retailers submitted an incomplete or erroneous application to the FNS field office. This can be attributed, in part, to applicants who are purchasing a business and do not have complete inventory or financial records at the time of application to the FSP. The revised Form FNS-252 deleted redundant questions and questions that solicit information that can be collected from other FNS sources such as store visits and databases. It is our belief that the revised application is easier to understand and complete, and has resulted in fewer mistakes upfront. Use of the revised Form FNS-252 also has reduced the time it takes for a field office to process an incomplete or incorrect application. Retailers also benefit from the simplified, revised Form FNS-252 because they better understand what information is being asked of them initially. Additionally,

FNS published a 60-day notice in the **Federal Register**, on January 2, 2003 at 68 FR 79 and again on December 24, 2003 at 68 FR 74546, asking for comments from the public on the revised Forms FNS-252 and Form FNS-252-2 and the newly developed Addendum to Revised Retailer Application for Chain Stores, Form FNS-252-C respectively. We are now seeking comments on the content, design and format of the revised Form FNS-252.

*Burden Estimates:* As noted above, we will evaluate the revised Form FNS-252 on the appropriateness and clarity of the form's content, format and design. Before making final changes to this form, we will consider feedback from the public. The burden associated with the revised Form FNS-252 is determined from information available in the STARS database on initial authorizations and reauthorizations. For the burden associated with initial authorizations, we have used end-of-year FY 2004 data as the base number for current estimates for the burden associated with adding the one additional question referenced above to the revised Form FNS-252. We believe this number will be constant for the present year. We will use 24,658 as the base number for FY 2005 for all newly authorized stores. For burden estimates associated with applications for reauthorization, we have used FY 2004 data of 30,097 reauthorizations as the base number for FY 2005 estimates because we do not anticipate any radical variation in the number of stores to be reauthorized in the current year. We estimate that 99 percent (24,411) of the 24,658 applications and 3 percent (903) of the 30,097 reauthorizations will be submitted using the Form FNS-252. In our previous submission to OMB, we estimated that it takes a retailer, on average, 19.4 minutes to complete the revised Form FNS-252. For this submission to OMB, we estimate that it will take a retailer an additional five seconds to complete the one additional question referenced above. We estimate the annual burden for the revised Form FNS-252 to be 8,100 hours [25,314 affected retailers (24,411 new authorizations + 903 reauthorizations) × .32 (19.4 minutes)].

The estimated burden computation is provided below:

New Authorizations—24,411 (24,658 × 99%); Reauthorizations—903 (30,097 × 3%);

Total Responses = 25,314 (24,411 + 903)

*Estimated Total Annual Burden:* FNS-252: 8,100 (25,314 × .32) hour.

*Total Annual Hours:* 8,100.

*Affected Public:* Retail food stores.  
*Estimated Number of Respondents:* 25,314.

*Estimated Annual Number of Responses per Respondent:* 1.

*Estimated Total Annual Responses:* 25,314.

*Estimate of Burden:* 8,100.

Dated: July 25, 2005.

**Roberto Salazar,**

*Administrator, Food and Nutrition Service.*

[FR Doc. 05-15624 Filed 8-5-05; 8:45 am]

**BILLING CODE 3410-30-P**

**DEPARTMENT OF AGRICULTURE**

**Foreign Agricultural Service**

**Trade Adjustment Assistance for Farmers**

**AGENCY:** Foreign Agricultural Service, USDA.

**ACTION:** Notice.

The Administrator, Foreign Agricultural Service (FAS), will begin accepting Trade Adjustment Assistance for Farmers petitions for fiscal year 2006 starting August 15, 2005. Petitioners can file their form FAS-930 or other acceptable petitions to FAS from August 15, 2005, through January 31, 2006.

Petitioners should file their petition in accordance with 7 CFR 1580.201. The petition must be received by the TAA office by close of business January 31, 2006. The TAA office address is Foreign Agricultural Service, ITP/IPPD, MS-1021, Washington, DC 20250-1021, or facsimile number is (202) 720-0876, or by e-mail to [trade.adjustment@fas.usda.gov](mailto:trade.adjustment@fas.usda.gov). Use of fax or e-mail is recommended.

**SUPPLEMENTARY INFORMATION:** The Trade Act of 2002 (P.L. 107-210) amended the Trade Act of 1974 (19 U.S.C. 2551, *et seq.*) to add a new chapter 6, which established a program of trade adjustment assistance for farmers, providing both technical assistance and cash benefits to producers and qualified fishermen. The statute authorizes an appropriation of not more than \$90 million for each fiscal year 2003 through 2007 to carry out the program.

Under this program, a group of agricultural commodity producers and qualified fishermen may petition the Administrator for trade adjustment assistance. Petitions will be reviewed for completeness and timeliness. Once the petition is completed in accordance with 7 CFR 1580.201, the acceptance of the petition will be published in the **Federal Register**. Once a petition has been accepted, a determination will be made to verify that the most recent

marketing year price for the commodity produced by the group is less than 80 percent of the average of the national average prices for the 5 marketing years preceding the most recent marketing year and that increases in imports of a like or directly competitive product contributed importantly to the decline in price. If these conditions are met, the Administrator will certify the group as eligible for trade adjustment assistance.

Once a petition has been certified, eligible producers and qualified fisherman will have 90 days to contact the Farm Service Agency to apply for assistance.

**FOR FURTHER INFORMATION OR ASSISTANCE IN COMPLETING FORM FAS-930, CONTACT:** Jean-Louis Pajot, Coordinator, Trade Adjustment Assistance for Farmers, FAS, USDA, (202) 720-2916, e-mail: [trade.adjustment@fas.usda.gov](mailto:trade.adjustment@fas.usda.gov). Additional program information can be obtained at the TAA website. The URL is <http://www.fas.usda.gov/itp/taa/taaindex.htm>.

**Kenneth L. Roberts,**

*Acting Administrator, Foreign Agricultural Service.*

[FR Doc. 05-15554 Filed 8-5-05; 8:45 am]

**BILLING CODE 3410-10-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Information Collection; Request for Comment; National Survey on Recreation and the Environment

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the revised information collection, National Survey on Recreation and the Environment.

**DATES:** Comments must be received in writing on or before October 7, 2005.

**ADDRESSES:** Comments concerning this notice should be addressed to H. Ken Cordell, Southern Research Station, Forest Service, USDA, 320 Green Street, Athens, GA 30602-2044.

Comments also may be submitted via facsimile to (706)559-4266 or by e-mail to: [kcordell@fs.fed.us](mailto:kcordell@fs.fed.us)

The public may inspect comments received at Research Work Unit SRS-4901, Room 233, Forest Service, USDA, 320 Green Street, Athens, GA, during normal business hours. Visitors are encouraged to call ahead to (706) 559-4262 to facilitate entry to the building.

**FOR FURTHER INFORMATION CONTACT:** H. Ken Cordell, Research Work Unit SRS-4901, 706-559-4263. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, every day of the year, including holidays.

**SUPPLEMENTARY INFORMATION:** *Title:* National Survey on Recreation and the Environment.

*OMB Number:* 0596-0127.

*Expiration Date of Approval:* 08/31/2007.

*Type of Request:* Renewal.

*Abstract:* The Forest Service intends to revise this information collection. Because more sponsors have requested use of the National Survey on Recreation and the Environment (NSRE) for their government research needs, additional modules by the Environmental Protection Agency (EPA), United States Coast Guard, and Forest Service have been included. These additional modules have been balanced with existing or shortened modules to stay within the specified time frame for all versions.

Federal land managing agencies are responsible for the management of over 650 million acres of public lands. These lands are managed according to the legislation and overall mission pertaining to each agency. For all federal agencies, this includes management for recreation opportunities. To manage well and wisely, knowledge of recreation demands, opinions, preferences and attitudes regarding the management of these lands is imperative. Understanding these dimensions of public demand is important, expected, and necessary to the development of effective policy, planning, and on-the-ground management. For all federal agencies, input from and knowledge about the public is mandatory. For the non-land managing agencies as well, the collection and analysis of public demand data is vital to defining effective policies and to implementation of programs affecting the management and use of water, forest and wildlife resources. Recreation choice behavior has been identified as an effective measure of the value of natural resources. The Forest and Rangeland Renewable Resources Planning Act (RPA) (PL 93-378) was enacted in 1974 and directed the Secretary of Agriculture to assess periodically the status of the nation's forest and range lands and to recommend a Forest Service program for their sustained management and use. Among the program areas included in the Forest

Service assessment are outdoor recreation and wilderness.

This collection is a multi-agency partnership with the U.S. Department of Agriculture, Forest Service and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) as the lead agencies. NSRE 2005 will be the eighth time this survey has been conducted since 1960. The survey is used to measure the demands the public makes on the Nation's land, water, and other natural resources for outdoor recreation; to identify the public perceptions of accessibility to recreational sites, especially those of persons with disabilities; to gain feedback from the public about the management of public recreation sites and natural resources; to ask the public how they think public agencies could improve management of public recreation areas and natural resources; to understand public attitudes about the environment and preferences of visitors for public and private recreational sites; and to keep abreast of shifts in recreational demands that might influence the delivery of recreational services.

The NSRE 2005 will be implemented by a telephone survey of 75,000 individuals, age 16 or older, residing in the United States. The survey will be conducted using computer-assisted telephone interviewing (CATI) technology. A CATI system is efficient because it enables a series of "skips" so that respondents are not asked questions that do not apply to them. Sample elements will be selected by means of a Random Digit Dialing technique, permitting a natural stratification of the sample by state, county, and area code. This represents the civilian, non-institutionalized population, 16 years of age or older in the U.S. The Human Dimensions Research Laboratory at the University of Tennessee in Knoxville, Tennessee will conduct the telephone interviews and data collection. Analysis will be conducted by a board of research scientist who represent the main federal agencies involved in the NSRE.

The telephone surveys are stratified random samples done in versions. Each version consists of modules of questions. Activity Participation and demographics make up the CORE of the survey and are asked of all those in the sample. Other sets of questions (modules) are included in each version. Each version is tested to ensure an average time of 15 minutes to complete. Approximately 5,000 people are surveyed in each version; each group is a nationally representative sample. Research scientist will use U.S. Department of Commerce, Bureau of the

Census, 2000 Census data to construct post-sample weights to correct for over-sampling. Both English and Spanish versions of the questionnaires are used and interviews are conducted bilingually to overcome language barriers.

For the U.S. Coast Guard and NOAA the information is critical to assessing the recreational boating community's knowledge and use of available products and services that promote safe navigation, which are important missions of both agencies. The Government Performance Results Act of 1993 (GPRA) requires that public input be considered when the Forest Service Strategic Plan is revised. Not collecting the data will hinder the ability of the Forest Service to comply with the requirements of GPRA. The Bureau of Land Management (BLM) is presently revising its overall mission and strategic goals for which it requires public input, but the BLM has no overarching national-level data on the public knowledge and awareness of (and management references for) BLM lands. The EPA is concerned that in most benefit estimations, the recreation value of a water resource is assumed to be its "use" value. Unfortunately, when estimating the benefits of regulatory water quality changes, the regulatory deadlines EPA faces often do not leave enough time to collect the appropriate data to do original studies specific to the water resources in question. Because of this, EPA is generally forced to rely on benefit transfer methods to value resources. The NSRE offers a cost effective way to collect a nationwide freshwater recreation revealed preference data set that could help address this problem. EPA intends to use the collected data as a readily available resource that will enable EPA and others to estimate original recreation demand models in support of proposed regulations and in the evaluation of other government proposed projects. The issues facing many federal agencies are current and need to be addressed. Because environmental and social conditions are changing rapidly, old information will no longer suffice as the basis for decision-making. Timing is also an issue as the NSRE is only conducted every five years.

*Estimate of Annual Burden:* 15 minutes.

*Type of Respondents:* Individuals, age 16 or older, residing in the United States.

*Estimated Annual Number of Respondents:* 25,000.

*Estimated Annual Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 4,915 hours

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: August 2, 2005.

**Ann M. Bartuska,**

*Deputy Chief for Research & Development.*

[FR Doc. 05-15642 Filed 8-5-05; 8:45 am]

**BILLING CODE 3410-11-U**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Tuolumne County Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Tuolumne County Resource Advisory Committee will meet on August 15, 2005, at the City of Sonora Fire Department, in Sonora, California. The purpose of the meeting is to review carryover funds and allocation amounts, identify projects requiring grant administration costs, and identify projects meeting section 204(f) requirements.

**DATES:** The meeting will be held August 15, 2005, from 12 p.m. to 3 p.m.

**ADDRESSES:** The meeting will be held at the City of Sonora Fire Department located at 201 South Shepherd Street, in Sonora, California (CA 95370).

**FOR FURTHER INFORMATION CONTACT:** Pat Kaunert, Committee Coordinator, USDA, Stanislaus National Forest, 19777 Greenley Road, Sonora, CA 95370. (209) 532-3671; e-mail [pkauner@fs.fed.us](mailto:pkauner@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Agenda items to be covered include: (1) Review allocation and carryover amounts; (2) identify projects requiring grant administration costs; (3) identify projects meeting Section 204(f) requirements; (4) general discussion/dialogue about projects; (5) dot voting, dialogue, vote; and (6) public comment on meeting proceedings. This meeting is open to the public.

Dated: August 2, 2005.

**Jerome E. Perez,**

*Deputy Forest Supervisor.*

[FR Doc. 05-15582 Filed 8-5-05; 8:45 am]

**BILLING CODE 3410-ED-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Tuolumne County Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Tuolumne County Resource Advisory Committee will meet on August 29, 2005, at the City of Sonora Fire Department, in Sonora, California. The purpose of the meeting is to finalize voting on projects, determine final grant administration costs based on projects selection, determine need for the September 12 meeting, and schedule meetings and topics for year 2006

**DATES:** The meeting will be held August 29, 2005, from 12 p.m. to 3 p.m.

**ADDRESSES:** The meeting will be held at the City of Sonora Fire Department located at 201 South Shepherd Street, in Sonora, California (CA 95370).

**FOR FURTHER INFORMATION CONTACT:** Pat Kaunert, Committee Coordinator, USDA, Stanislaus National Forest, 19777 Greenley Road, Sonora, CA 95370. (209) 532-3671; e-mail [pkauner@fs.fed.us](mailto:pkauner@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Agenda items to be covered include: (1) Finalize voting on projects, dialogue; (2) determine final grant administration costs based on project selection; (3) determine need for September 12 meeting; (4) schedule meetings/topics for 2006; and (5) public comment on meeting proceedings. This meeting is open to the public.

Dated: August 2, 2005.

**Jerome E. Perez,**

*Deputy Forest Supervisor.*

[FR Doc. 05-15583 Filed 8-5-05; 8:45 am]

**BILLING CODE 3410-ED-M**

**DEPARTMENT OF AGRICULTURE****Forest Service****Wilderness Evaluation Direction for National Forest System Land Management Planning**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of issuance of interim directive.

**SUMMARY:** The Forest Service has issued an interim directive (ID) 1902.2–2005–10 to Forest Service Handbook 1909.12, section 71.12, to guide agency employees in identifying and evaluating potential wilderness areas during land management planning. This ID revises ID 1902.12–2005–8, issued March 23, 2005.

**DATES:** ID 1902.12–2005–10 was effective on July 26, 2005.

**ADDRESSES:** ID 1902.12–2005–10 is available electronically from the Forest Service via the World Wide Web/Internet at <http://www.fs.fed.us/im/directives> or at <http://www.fs.fed.us/emc/nfma/index.htm>. You may request a compact disc (CD) copy of the ID by contacting Regis Terney by email ([rterney@fs.fed.us](mailto:rterney@fs.fed.us)) or by phone at 1–866–235–6652 or 202–205–1552.

**FOR FURTHER INFORMATION CONTACT:** Regis Terney, Planning Specialist, Ecosystem Management Coordination Staff, Forest Service (202) 205–1552.

**SUPPLEMENTARY INFORMATION:** Direction in the parent text to Forest Service Handbook 1909.12, section 7.11b (parent text is coded as a 1-digit chapter, while IDs 1909.12–2005–8 and 1909.12–2005–10 are coded as 2-digit chapters) provided (in paragraph 4) that “The location of the area is conducive to the perpetuation of wilderness values. Consider the relationship of the area to sources of noise, air, and water pollution, as well as unsightly conditions that would have an effect on the wilderness experience.

The amount and pattern of Federal ownership is also an influencing factor.” This direction was mistakenly left out of ID 1909.12–2005–8. The issuance of ID 1909.12–2005–10 incorporates this direction back into ID 1909.12–2005–8, section 71.12, as a new paragraph 4 and renumbers previous paragraphs 4 through 7 as paragraphs 5 through 8 respectively.

Dated: July 27, 2005.

**Dale N. Bosworth,**  
*Chief.*

[FR Doc. 05–15573 Filed 8–5–05; 8:45 am]

**BILLING CODE 3410–11–P**

**DEPARTMENT OF AGRICULTURE****Natural Resources Conservation Service****Notice of Availability of a Finding of No Significant Impact for the Caney-Coon Creek Watershed Site No. 2 in Coal County, OK**

**AGENCY:** Natural Resources Conservation Service (NRCS) in Oklahoma, U.S. Department of Agriculture.

**ACTION:** Notice of Finding of No Significant Impact.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Natural Resources Conservation Service Regulations (7 CFR Part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Caney-Coon Creek Watershed Site No. 2, Coal County, Oklahoma.

**FOR FURTHER INFORMATION CONTACT:** M. Darrel Dominick, State Conservationist, Natural Resources Conservation Service, 100 USDA, Suite 206, Stillwater, Oklahoma 74074, (405) 742–1206.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, M. Darrel Dominick, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project. The project purposes are flood control and municipal water supply. The planned works of improvement include the rehabilitation of one aging floodwater retarding structure to meet current safety criteria and performance standards for a high hazard dam.

The Notice of a Finding Of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting M. Darrel Dominick.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: July 27, 2005.

**M. Darrel Dominick,**  
*State Conservationist, Oklahoma.*

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

[FR Doc. 05–15633 Filed 8–5–05; 8:45 am]

**BILLING CODE 3410–16–P**

**DEPARTMENT OF AGRICULTURE****Natural Resources Conservation Service****Indian Creek Watershed Supplemental Watershed Plan & Environmental Assessment Number 1 Pottawattamie County, IA.**

**AGENCY:** Natural Resources Conservation Service (NRCS), USDA.

**ACTION:** Notice of Finding of No Significant Impact.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Regulations (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Indian Creek Watershed Supplemental Watershed Plan and Environmental Assessment Number 1, Pottawattamie County, Iowa.

**FOR FURTHER INFORMATION CONTACT:** Richard Van Klaveren, State Conservationist, Natural Resources Conservation Service, 210 Walnut Street, 693 Federal Building, Des Moines, IA 50309–2180.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant impacts on the environment. As a result of these findings, Richard Van Klaveren, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The purpose of the project is to provide continued gully stabilization and sediment control while improving public safety. The rehabilitation of Site 2 of the Indian Creek Watershed project is necessary because seven houses occupied by approximately 25 people are in the breach inundation area of the dam. One business is also located in the

breach area. Site 2 has been reclassified as high hazard by NRCS and the State of Iowa because of the potential loss of life should the dam fail.

The plan consists of rehabilitating the Site 2 dam to high hazard criteria for a new 50-year life. The top of the dam will be raised three feet, the principal spillway elevation will remain at the same elevation to maintain the current water level, and a new vegetated spillway will be added to the existing dam.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies. A limited number of copies of the FONSI are available to fill single copy requests at the above address. The FONSI is also available at the Iowa NRCS Web site at <http://www.ia.nrcs.usda.gov>. A copy of the Supplemental Watershed Plan-Environmental Assessment may be obtained by contacting Richard Van Klaveren.

No administrative action will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: July 29, 2005.

**Richard Van Klaveren,**  
State Conservationist.

### Introduction

The supplemental watershed plan and environmental assessment describes the recommended alternative and other alternatives to prevent the loss of life from a catastrophic failure of Site 2 of the Indian Creek watershed project. Rehabilitating Site 2 provides continued grade stabilization and sediment control.

This project is necessary because seven houses occupied by about 25 people and one business are in the breach inundation area of the dam. Site 2 has been reclassified as high hazard by NRCS and the State of Iowa because of the possibility of loss of life should the dam fail.

The dam was installed to control severe gully erosion and reduce sedimentation. The drainage area of Site 2 is 687 acres.

The Indian Creek Watershed project was authorized in 1961 under the authority of the Watershed Protection and Flood Prevention Act of 1954 (Pub. L. No. 566, 83rd Congress.) The Site 2 dam was installed in 1975 as a component of the Indian Creek Watershed project.

This rehabilitation action is being planned and will be implemented under the Watershed Protection and Flood Prevention Act of 1954 as amended by

PL 106-472 the Small Watershed Rehabilitation Amendments of 2000 (16 U.S.C. 1001 *et seq.*). It is being planned and is in compliance with all National Environmental Policy Act (NEPA) and the National Historic Preservation Act of 1966 as amended (NHPA) provisions.

An environmental evaluation was undertaken by the Natural Resources Conservation Service (NRCS) in conjunction with the development of this rehabilitation plan. This evaluation was undertaken in conjunction with local, state and federal agencies as well as interested organizations and individuals. Data developed during this evaluation and copies of the rehabilitation plan are available for public review at the following location: Natural Resources Conservation Service, 210 Walnut Street, 693 Federal Building, Des Moines, IA 50309-2180.

### Recommended Action

The top of the dam will be raised about three feet to elevation 1161. The principal spillway crest will remain at the same elevation, so no additional land will be permanently inundated by the rehabilitated dam. A new vegetated spillway will be added to the existing dam. This compacted earthfill auxiliary spillway will be 80 feet wide with a crest elevation of 1155. The private access road on top of the dam that currently provides access to multiple properties will be rebuilt.

The county will enforce the current state law that prohibits development of the upstream area below the top of dam. If the area is annexed by the city of Council Bluffs, the West Pottawattamie SWCD will assure continued restrictions.

### Effects of the Recommended Actions

- *Wetlands*: No impact on existing artificial wetland areas.
- *Prime Farmland*: The selected plan results in the potential for infrequent short term flooding of 18.2 acres of prime farmland in the flood pool, an increase of 13.0 acres.
- *Threatened and Endangered Species*: There are no identified Threatened and Endangered species present at the site; therefore no impact to any Threatened and Endangered species is anticipated.
- *Cultural Resources*: The plan does not have the potential to affect historic properties.
- *Natural/Unique Areas*: The plan results in gully erosion control being maintained in this portion of the Loess Hills. Sheet and rill erosion and ephemeral cropland gully erosion control will be maintained to protect the

soil resources on 660 acres of the Loess Hills.

- *Safety/Social*: Reduces the breach flood threat to seven houses occupied by 25 people and one business. The breach flood threat to 370 Mudhollow Road motorists per day and several public utility service lines is greatly reduced but not eliminated. Emergency services to dozens of neighborhood residents will be less threatened by a sudden dam failure.

- *Water Quality*: Sediment and attached nutrients will continue to be trapped and stored in the flood pool.

- *Real Estate Property Values*: Property values in and near the breach inundation area are protected by eliminating the breach hazard. Property values adjacent to and near the pool are maintained by keeping the pool level at its current elevation.

- *Stormwater Flooding*: Release rates do not change and flooding on Indian Creek does not change.

- *Soil Erosion*: Gully erosion remains controlled. Both sheet and rill erosion and ephemeral cropland gully erosion are controlled

- *Wildlife Habitat*: There is potential for infrequent short term flooding of up to 21 acres in the flood pool, an increase of 15 acres. Consultation with the USFWS and IDNR indicate that these impacts to wildlife resources in the watershed are minor and no formal mitigation is necessary.

- *Air Quality*: Construction will result in temporary generation of dust and emissions from internal combustion engines.

- No other significant adverse environmental impacts will occur from installation of project features.

- There are no existing or anticipated public controversies associated with this proposed action.

- Cumulative impacts: Effects of public programs and individual actions that protect or enhance soil, water and related resources are maintained.

### Alternative Actions

Other alternative actions were considered in the planning process but were rejected. The recommended plan is the most acceptable to local residents and local project sponsors. The recommended plan eliminates threats to loss of life from catastrophic breaches and storm events. The original project purposes of gully stabilization and sediment control are maintained. The recommended plan is the National Economic Development (NED) plan.

### Consultation and Public Participation

The West Pottawattamie County SWCD and the Pottawattamie County

Board of Supervisors held discussions at regular meetings in 2003 regarding the need for rehabilitating Indian Creek Site 2. A meeting to present the initial results of the NRCS assessment and preliminary rehabilitation ideas was held on August 6, 2003. The meeting was attended by representatives of the SWCD, County Board of Supervisors, City of Council Bluffs, and the Council Bluffs Chamber of Commerce.

The NRCS planning staff met with the County Board of Supervisors at their regular meeting on August 20, 2003. As a result of this meeting, sponsors firmly supported proceeding with the development of a plan to rehabilitate Site 2.

A public meeting conducted jointly by sponsors and the NRCS was held in Council Bluffs the evening of September 17, 2003. Preliminary alternatives were presented and public input was requested. Forty-five local residents attended the meeting. Most of the attendees live near the Site 2 pool and along Mudhollow Road. Following the presentation, many questions and much discussion occurred about the breach inundation area, property values, and preliminary alternatives.

Forty letters of invitation were sent to representatives of state and federal agencies, conservation groups, agricultural groups, and others for a "scoping meeting" on September 18, 2003. No representatives of the target audience attended except for two representatives of the sponsors who attended the public meeting the night before and earlier meetings. The two declined the opportunity for further discussions.

The tri-agency biology review for Site 2 was initiated by a field review on September 30, 2003. The Iowa DNR, U.S. Fish and Wildlife Service, consulted with NRCS on the likely impacts of the project on wildlife habitat, wetlands, and T&E species.

Eight Indian tribal contacts and the local county historical society were notified of this intended action in accordance with 36CFR800. They were consulted about their knowledge of historical properties in the project area. No response was received from the tribal contacts. The local historical society responded that they knew of no historic properties in the project area.

NRCS planning staff members met with sponsors at a Pottawattamie County Board of Supervisors meeting on May 12, 2004. The staff presented initial study results of the alternatives. The sponsors requested further study of outflow rates from Site 2 for various storm events. They also requested discontinuing study of an alternative

that would reduce the pool size by over 50 percent. Reducing the pool size was not acceptable to the sponsors or the local residents of the watershed. The NRCS agreed to follow up on these requests and meet again with the sponsors.

The follow up meeting was held on August 11, 2004. Sponsors received updates from NRCS planning staff studies. The sponsors agreed they would select an alternative and respond to NRCS by September 1, 2004. The sponsors agreed to coordinate a public information meeting in the early fall.

The sponsors selected Alternative F on August 25, 2004. They asked NRCS to proceed with plan development following a public information meeting in October 2004.

A public informational meeting was held in Council Bluffs on October 20, 2004. The alternative plans, their effects, and their costs were presented by NRCS to the 26 local people present. Most of the attendees live in proximity to Site 2. Representatives of the sponsors publicly endorsed Alternative F as their selection. Members of the public present supported the plan and did not present any new information to consider in plan development. No public controversy was evident.

#### Conclusion

The Environmental Assessment summarized above indicates that this Federal action will not cause significant impacts on the environment. Therefore, based on the above findings, I have determined that an environmental impact statement for the Indian Creek Watershed Draft Supplemental Watershed Plan and Environmental Assessment Number 1 is not required.

Dated: July 29, 2005.

**Richard Van Klaveren**,  
State Conservationist.

[FR Doc. 05-15635 Filed 8-5-05; 8:45 am]

BILLING CODE 3410-16-P

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## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Notice of Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Indiana

**AGENCY:** Natural Resources Conservation Service (NRCS).

**ACTION:** Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Indiana for review and comment.

**SUMMARY:** It is the intention of NRCS in Indiana to issue eight revised conservation practice standards in Section IV of the FOTG. The revised standards are: Waste Storage Facility (313), Waste Treatment Lagoon (359), Irrigation Storage Reservoir (436), Irrigation Storage, Microirrigation, (441) Irrigation System, Sprinkler (442), Irrigation System, Surface and Subsurface (443), Irrigation Water Management (449), and Irrigation Regulating Reservoir (552).

These practices may be used in conservation systems that treat highly erodible land and/or wetlands.

**DATES:** Comments will be received for a 30-day period commencing with this date of publication.

**ADDRESSES:** Address all requests and comments to Jane E. Hardisty, State Conservationist, Natural Resources Conservation Service (NRCS), 6013 Lakeside Blvd., Indianapolis, Indiana 46278. Copies of these standards will be made available upon written request. You may submit your electronic requests and comments to [darrell.brown@in.usda.gov](mailto:darrell.brown@in.usda.gov).

**FOR FURTHER INFORMATION CONTACT:** Jane E. Hardisty, 317-290-3200.

**SUPPLEMENTARY INFORMATION:** Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that after enactment of the law, revisions made to NRCS state technical guides used to carry out highly erodible land and wetland provisions of the law, shall be made available for public review and comment. For the next 30 days, the NRCS in Indiana will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Indiana regarding disposition of those comments and a final determination of changes will be made.

Dated: July 25, 2005.

**Jane E. Hardisty**,

State Conservationist, Indianapolis, Indiana.

[FR Doc. 05-15626 Filed 8-5-05; 8:45 am]

BILLING CODE 3410-16-U

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## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Notice of Meeting of the Agricultural Air Quality Task Force

**AGENCY:** Natural Resources Conservation Service (NRCS), USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Agricultural Air Quality Task Force (AAQTF) will meet to

continue discussions on critical air quality issues in relation to agriculture. Special emphasis will be placed on obtaining a greater understanding about the relationship between agricultural production and air quality.

**DATES:** The meeting will convene on Thursday, September 22, 2005, from 8 a.m. to 5 p.m., and resume on Friday, September 23, 2005, from 8 a.m. to 4:30 p.m. Individuals with written materials, and those who have requests to make oral presentations, should contact NRCS, at the address below, on or before August 29, 2005.

**ADDRESSES:** The meeting will be held at the Holiday Inn Ithaca Downtown, 222 South Cayuga Street, Ithaca, New York 14850; telephone: (607) 272-1000. Written material and requests to make oral presentations should be sent to Dr. Diane Gelburd, Designated Federal Official, NRCS, Post Office Box 2890, Room 6158-S, Washington, DC 20013.

**FOR FURTHER INFORMATION, CONTACT:** Questions or comments should be directed to Dr. Diane Gelburd, Designated Federal Official; telephone: (202) 720-2587; fax: (202) 720-2646, or (202) 720-1814; e-mail: [Diane.Gelburd@wdc.usda.gov](mailto:Diane.Gelburd@wdc.usda.gov).

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2. Additional information concerning AAQTF may be found on the World Wide Web at <http://aaqtf.tamu.edu/>.

**Draft Agenda of the September 22-23, 2005, Meeting of the AAQTF:**

- A. *Welcome to Ithaca, New York*  
Local and NRCS officials
- B. *Discussion and Approval of Minutes from Previous Meeting*
- C. *Federal Agency and Other Update Reports*
- D. *Subcommittee Presentations*
  - 1. Emerging Issues Committee Report
  - 2. Research Committee Report
  - 3. Policy Committee Report
  - 4. Education/Technology Transfer Committee Report
- E. Local Research Presentations
- I. Next Meeting, Time and Place
- J. Public Input

(Time will be reserved in the morning and afternoon of each daily session to receive public comment. Individual presentations will be limited to 5 minutes.)

**Procedural:**

This meeting is open to the public. At the discretion of the Chair, members of the public may give oral presentations during the meeting. Oral comments must be germane to the meeting agenda

and committee discussions. Those persons wishing to make oral presentations should contact Dr. Gelburd no later than August 29, 2005. A person submitting written material that would like a copy distributed to each member in advance of the meeting should submit 50 copies to Dr. Gelburd no later than August 29, 2005.

**Information on Services for Individuals with Disabilities:**

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, please contact Dr. Gelburd. The Department of Agriculture (USDA) prohibits discrimination in its programs and activities on the basis of race, color, national origin, gender, religion, age, sexual orientation, or disability. Discrimination on the basis of political beliefs and marital or family status is also prohibited by statutes enforced by USDA (not all prohibited bases apply to all programs). Persons with disabilities who require alternate means for communication of program information (Braille, large print, audio tape, etc.) should contact the USDA's Target Center at (202) 720-2000 (voice and TDD). USDA is an equal opportunity provider and employer.

Signed in Washington, DC on July 27, 2005.

**Bruce I. Knight,**  
Chief.

[FR Doc. 05-15634 Filed 8-5-05; 8:45 am]

BILLING CODE 3410-16-P

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-351-603, A-122-601, A-427-602, A-475-601, A-588-704]

**Brass Sheet and Strip from Brazil, Canada, France, Italy and Japan; Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders**

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

**SUMMARY:** On April 1, 2005, the Department of Commerce ("the Department") initiated sunset reviews of the antidumping duty orders on brass sheet and strip from Brazil, Canada, France, Italy and Japan pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). The Department conducted expedited (120-day) sunset reviews for these orders. As a result of these sunset reviews, the

Department finds that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping. The dumping margins are identified in the *Final Results of Reviews* section of this notice.

**EFFECTIVE DATE:** August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Audrey Twyman or David Goldberger, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3534 and (202) 482-4136, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 1, 2005, the Department published the notice of initiation of the second sunset reviews of the antidumping duty orders on brass sheet and strip from Brazil, Canada, France, Italy and Japan pursuant to section 751(c) of the Act. See *Initiation of Five-year ("Sunset") Reviews*, 70 FR 16800 (April 1, 2005). The Department received the Notice of Intent to Participate from Heyco Metals, Inc., Olin Corporation - Brass Group, Outokumpu American Brass, PMX Industries, Inc., Revere Copper Products, Inc., Scott Brass, International Association of Machinist and Aerospace Workers, United Auto Workers (Local 2367 and Local 1024), and United Steelworkers of America AFL-CIO/CLC (collectively "the domestic interested parties"), within the deadline specified in section 351.218(d)(1)(i) of the Department's Regulations ("Sunset Regulations"). The domestic interested parties claimed interested party status under section 771(9)(C) and (D) of the Act, as manufacturers of a domestic-like product in the United States, and unions whose workers are engaged in the production of a domestic-like product in the United States.

We received complete substantive responses from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no responses from respondent interested parties with respect to any of the orders covered by these sunset reviews.<sup>1</sup> As a result, pursuant to section 751(c)(4)(A) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of these orders

<sup>1</sup> On April 21, 2005, we received a notification on behalf of Nikko Metal Manufacturing Co., Ltd. in Japan (which claims to be the successor-in-interest to Nippon Mining Co., Ltd.) that it would not be submitting a substantive response.

for Brazil, Canada, France, Italy and Japan.

### Scope of the Orders

The product covered by these orders is brass sheet and strip ("BSS"), other than leaded and tinned BSS. The chemical composition of the covered product is currently defined in the Copper Development Association ("C.D.A.") 200 Series or the Unified Numbering System ("U.N.S.") C2000. These orders do not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. In physical dimensions, the product covered by these orders has a solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in finished thickness or gauge, regardless of width. Coiled, wound-on-reels (traverse wound), and cut-to-length products are included. The merchandise is currently classified under Harmonized Tariff Schedule of the United States ("HTSUS") item numbers 7409.21.00 and 7409.29.00. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope of these orders remains dispositive.

### Analysis of Comments Received

All issues raised in these reviews are addressed in the "Issues and Decision Memorandum for the Expedited Sunset Reviews of the Antidumping Duty Orders on Brass Sheet and Strip from Brazil, Canada, France, Italy and Japan; Final Results" ("Decision Memo") from Barbara Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated August 1, 2005, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the orders were to be revoked. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum which is on file in 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 "August 2005." The paper copy and electronic version of the Decision Memo are identical in content.

### Final Results of Reviews

We determine that revocation of the antidumping duty orders on brass sheet and strip from Brazil, Canada, France,

Italy and Japan would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Manufacturers/Exporters/Producers	Weighted Average Margin (percent)
<b>Brazil.</b>	
Eluma Corporation .....	40.62
All Others .....	40.62
<b>Canada.</b>	
Wolverine Tube, Inc. ....	11.54
All Others .....	8.10
<b>France.</b>	
Trefimetaux S.A. ....	42.24
All Others .....	42.24
<b>Italy.</b>	
LMI - La Metalli Industriale, SpA	5.44
All Others .....	5.44
<b>Japan.</b>	
Nippon Mining Co., Ltd. ....	57.98
Sambo Copper Alloy Co., Ltd. ...	13.30
Mitsubishi Shindoh Co., Ltd. ....	57.98
Kobe Steel, Ltd. ....	57.98
All Others .....	45.72

This notice also serves as the only reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-4251 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-813]

### Canned Pineapple Fruit From Thailand: Preliminary Results of Antidumping Duty Administrative Review

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

**SUMMARY:** In response to requests by certain producers/exporters of the subject merchandise and the

petitioners,<sup>1</sup> the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on canned pineapple fruit (CPF) from Thailand. This review covers two producers/exporters of the subject merchandise. The period of review (POR) is July 1, 2003, through June 30, 2004.

The Department has preliminarily determined that the companies subject to this review made U.S. sales at prices less than normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Interested parties are invited to comment on these preliminary results of review. We will issue the final results of review no later than 120 days from the date of publication of this notice.

**DATES:** Effective August 8, 2005.

### FOR FURTHER INFORMATION CONTACT:

Magd Zalok or Drew Jackson, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-4162 or (202) 482-4406, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On July 1, 2004, the Department published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" of the antidumping duty order on CPF from Thailand. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 69 FR 39903 (July 1, 2004). In accordance with 19 CFR 351.213(b)(2), during July 2004, the following producers/exporters requested that the Department conduct an administrative review of their sales and entries of subject merchandise into the United States during the POR: Vita Food Factory (1989) Co., Ltd. (Vita); Thai Pineapple Canning Industry Corp., Ltd. (TPC); and the Dole Food Company, Inc., Dole Packaged Foods Company, and Dole Thailand, Ltd. (collectively, Dole). Additionally, in accordance with 19 CFR 351.213(b)(1), on July 29, 2004, the petitioners requested that the Department conduct a review of The Thai Pineapple Public Company (TIPCO); Vita; The Parhuab Fruit Canning Co., Ltd. (PRAFT); Dole; and Kuiburi Fruit Canning Co., Ltd. (KFC).

<sup>1</sup>The petitioners are Maui Pineapple Company Ltd. and the International Longshoremen's and Warehousemen's Union.

On August 30, 2004, the Department initiated an administrative review of PRAFT, TPC, and Vita.<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 69 FR 52857 (August 30, 2004).

On August 20, 2004, the Department issued its antidumping questionnaire to PRAFT, TPC, and Vita. On September 1, 2004, PRAFT informed the Department that it had no sales or shipments of the subject merchandise during the POR. In September and October 2004, TPC and Vita responded to the Department's antidumping questionnaire.

Subsequently, the Department issued supplemental questionnaires to TPC and Vita. Throughout this administrative review, the petitioners have submitted comments regarding the respondents' questionnaire responses.

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit of 245 days. On February 28, 2005, the Department extended the time limits for the preliminary results of review until August 1, 2005 (see *Canned Pineapple Fruit From Thailand: Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 10952 (March 7, 2005)).

During March 2005, the Department conducted a verification of Vita. On June 3, 2005, TPC submitted a letter to the Department in which it stated it would not participate in the scheduled verifications of its sales and cost information and would no longer participate in the administrative review.

The Department is conducting this administrative review in accordance with section 751 of the Act.

#### Period of Review

The POR is July 1, 2003, through June 30, 2004.

#### Scope of the Order

The product covered by the order is canned pineapple fruit, defined as pineapple processed and/or prepared into various product forms, including rings, pieces, chunks, tidbits and

crushed pineapple, that is packed and cooked in metal cans with either pineapple juice or sugar syrup added. Imports of canned pineapple fruit are currently classifiable under subheadings 2008.20.0010 and 2008.20.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). HTSUS 2008.20.0010 covers canned pineapple fruit packed in a sugar-based syrup; HTSUS 2008.20.0090 covers CPF packed without added sugar (*i.e.*, juice-packed). The HTSUS subheadings are provided for convenience and customs purposes. The written description of the merchandise covered by this order is dispositive.

#### Partial Preliminary Rescission of Review

As noted above, PRAFT informed the Department that it had no shipments of subject merchandise to the United States during the POR. The Department confirmed, through CBP data, that there were no entries of subject merchandise from PRAFT during the POR. Therefore, in accordance with 19 CFR 351.213(d)(3), and consistent with the Department's practice, we are preliminarily rescinding our review of PRAFT. See, *e.g.*, *Certain Steel Concrete Reinforcing Bars From Turkey; Final Results, Rescission of Antidumping Duty Administrative Review in Part, and Determination Not To Revoke in Part*, 68 FR 53127, 53128 (September 9, 2003).

#### Verification

As provided in section 782(i) of the Act, during March 2005, the Department conducted a verification of the sales and cost information; provided by Vita. The Department conducted the verification using standard procedures, including on-site inspection of the manufacturer's facilities, examination of relevant sales, cost of production, and financial records, and selection of relevant source documentation as exhibits. The Department's verification findings may be found in the memorandum to the file dated July 21, 2005, the public version of which is on file in the Central Records Unit (CRU), Room B-099, of the Department's main building.

#### Use of Adverse Facts Available (AFA)

Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information requested by the Department, (B) fails to provide such information by the deadline, or in the form or manner requested, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified, the Department shall use, subject to sections 782(d) and (e) of the

Act, facts otherwise available in reaching the applicable determination.

Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if all of the following requirements are met: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

In a letter submitted to the Department on June 3, 2005, TPC declined to participate in the Department's scheduled verifications of its responses, and withdrew from further participation in the instant administrative review. Because TPC did not agree to the requested verification, the accuracy and completeness of its submitted information has not been established and such information cannot be relied upon. TPC's refusal to allow verification has hindered the calculation of an accurate dumping margin for the company and impeded the proceeding. Therefore, pursuant to sections 776(a)(2)(C) and (D) of the Act, we have based TPC's dumping margin on total facts available (FA).

In selecting from among the facts otherwise available, section 776(b) of the Act authorizes the Department to use an adverse inference if the Department finds that an interested party failed to cooperate by not acting to the best of its ability to comply with a request for information. See, *e.g.*, *Certain Welded Carbon Steel Pipes and Tubes From Thailand: Final Results of Antidumping Duty Administrative Review*, 62 FR 53808, 53819-20 (October 16, 1997). As a general matter, it is reasonable for the Department to assume that TPC possessed the records necessary for the Department to complete its verification of TPC's responses. Therefore, by declining to participate in verification, TPC failed to cooperate to the best of its ability. See *Crawfish Processors Alliance v. United States*, 343 F. Supp.2d 1242 (CIT 2004) (approving use of AFA when respondent refused to participate in verification). As TPC failed to cooperate to the best of its ability, we are applying an adverse inference pursuant to section 776(b) of the Act. Specifically, we have preliminarily assigned to TPC as AFA, a rate of 51.16 percent, the highest rate determined for any respondent during any segment of this proceeding. This rate was calculated for a respondent in the less than fair value investigation.

<sup>2</sup> The Department did not initiate an administrative review of Dole, KFC, and TIPCO because it revoked the order on CPF from Thailand with respect to these companies in the final results of the prior (July 1, 2002, through June 30, 2003) administrative review. See *Notice of Final Results of Antidumping Duty Administrative Review and Final Determination to Revoke Order in Part: Canned Pineapple Fruit from Thailand*, 60 FR 50164 (August 13, 2004).

*See Notice of Antidumping Duty Order and Amended Final Determination: Canned Pineapple Fruit From Thailand*, 60 FR 36775 (July 18, 1995).

#### A. Corroboration of Information

Section 776(b) of the Act authorizes the Department to use as AFA information derived from the petition, the final determination from the LTFV investigation, a previous administrative review, or any other information placed on the record.

Section 776(c) of the Act requires the Department to corroborate, to the extent practicable, secondary information used as FA. Secondary information is defined as “{i}nformation derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise.” *See* Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act (URAA), H.R. Doc. No. 103-316 at 870 (1994), and 19 CFR 351.308(d).

The SAA clarifies that “corroborate” means that the Department will satisfy itself that the secondary information to be used has probative value (*see* SAA at 870). The SAA also states that independent sources used to corroborate such evidence may include, for example, published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *Id.* To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. This, in an administrative review, if the Department chooses as total AFA a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevancy aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin inappropriate. Where circumstances indicate that the selected margin is not appropriate as AFA, the Department will disregard the margin and determine an appropriate margin. *See, e.g., Fresh Cut Flowers From Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812, 6814 (February 22, 1996) (where the Department

disregarded the highest margin as AFA because the margin was based on another company’s uncharacteristic business expense resulting in an unusually high margin). We preliminarily determine that this rate is appropriate because it was calculated for another respondent in a prior segment of this proceeding, and it has been judicially invalidated. Thus, we consider the calculated rate of 51.16 to be corroborated.

#### Comparison Methodology

In order to determine whether Vita sold CPF to the United States at prices less than NV, the Department compared the export price (EP) of individual U.S. sales to the monthly weighted-average NV of sales of the foreign like product made in the ordinary course of trade (*see* section 777A(d)(2) of the Act; *see also* section 773(a)(1)(B)(i) of the Act). In accordance with section 771(16) of the Act, the Department considered all products within the scope of the order under review that the respondent sold in the comparison market during the POR to be foreign like products for purposes of determining appropriate product comparisons to CPF sold in the United States. The Department compared U.S. sales to sales made in the comparison market within the contemporaneous window period, which extends from three months prior to the U.S. sale until two months after the sale. Where there were no sales of identical merchandise made in the comparison market in the ordinary course of trade, the Department compared U.S. sales to sales of the most similar foreign like product made in the ordinary course of trade. In making product comparisons, the Department selected identical and most similar foreign like product based on the physical characteristics reported by Vita in the following order of importance: weight, form, variety, and grade. Where there were no appropriate sales of foreign like product to compare to a U.S. sale, we compared the price of the U.S. sale to constructed value (CV), in accordance with section 773(a)(4) of the Act.

#### Export Price

The Department based the price of each of Vita’s U.S. sales of subject merchandise on EP, as defined in section 772(a) of the Act, because the merchandise was sold, prior to importation, to unaffiliated purchasers in the United States, or to unaffiliated purchasers for exportation to the United States. We calculated EP using the packed prices charged to unaffiliated customers in the United States or

unaffiliated customers for exportation to the United States. In accordance with section 772(c)(2)(A) of the Act, in calculating EP, we made deductions from the starting price for movement expenses, including, where applicable, charges for transportation, handling, bill of lading preparation, containerization, exportation and port use, documentation, and haulage. *See* Analysis Memorandum for Vita Food Factory (1989) Co., Ltd., (Vita Analysis Memorandum) dated concurrently with this notice.

#### Normal Value

After testing home market viability and whether home market sales were at below-cost prices, we calculated NV for Vita as noted in the “Price-to-Price Comparisons” and “Price-to-CV Comparisons” sections of this notice.

#### A. Home Market Viability

In accordance with section 773(a)(1)(B) of the Act, in order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is greater than or equal to five percent of the aggregate volume of U.S. sales), we compared the aggregate volume of Vita’s home market sales of the foreign like product to the aggregate volume of the U.S. sales of subject merchandise. Because the aggregate volume of Vita’s home market sales of foreign like product is less than five percent of the aggregate volume of the U.S. sales of subject merchandise, we based NV on sales of the foreign like product in a country other than Vita’s home market. *See* section 773(a)(1)(B)(ii) of the Act. Specifically, we based NV for Vita on sales of the foreign like product in Germany, and third-country market with the greatest volume of foreign like product sales.

#### B. Cost of Production (COP) Analysis

In the most recently completed administrative review, the Department determined that Vita sold foreign like product at prices below the cost of producing the merchandise and excluded such sales from the calculation of NV. As a result, the Department determined that there are reasonable grounds to believe or suspect that during the instant POR, Vita sold the foreign like product at prices below the cost of producing the merchandise, *see* section 773(b)(2)(A)(ii) of the Act, and the Department initiated a sales below cost inquiry for Vita.

### 1. Calculation of COP

In accordance with section 773(b)(3) of the Act, for each unique foreign like product sold by Vita during the POR, we calculated a weighted average COP based on the sum of the respondent's materials and fabrication costs and selling, general and administrative (SG&A) expertise, including interest expenses, and packing costs. Consistent with the position taken by the Department in prior segments of this proceeding, for reporting purposes, Vita allocated certain costs between solid and juice products using the net realizable value (NRV) of the products during the five-year period of 1990 through 1994. We relied on the costs submitted by Vita except for the following items, which were revised based upon our verification findings: pineapples, citric acid, steam and labor. For details regarding these revisions, see the Vita verification report (Vita Verification Report), dated July 21, 2005, and the Vita Analysis Memorandum.

### 2. Test of Comparison Market Sales Prices

In order to determine whether sales were made at prices below the COP, on a product-specific basis we compared the respondent's weighted average COPs, adjusted as noted above, to the prices of its comparison market sales of foreign like product, as required under section 773(b) of the Act. In accordance with section 773(b)(1)(A) and (B) of the Act, in determining whether to disregard comparison market sales made at prices less than the COP we examined whether such sales were made: (1) In substantial quantities within an extended period of time; and (2) at prices which permitted the recovery of all costs within a reasonable period of time. We compared the COP to comparison market sales prices, less any applicable movement charges.

### 3. Results of the COP Test

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of a respondent's sales of a given product were made at prices less than the COP, we did not disregard any below-cost sales of that product because the below-cost sales were not made in "substantial quantities." Where 20 percent or more of a respondent's sales of a given product were made at prices less than the COP during the POR, we determined such sales to have been made in "substantial quantities" and within an extended period of time (*i.e.*, one year) pursuant to sections 773(b)(2)(B) and (C) of the Act. Based on our comparison of

POR average costs to reported prices, we also determined, in accordance with section 773(b)(2)(D) of the Act, that certain sales were not made at prices which would permit recovery of all costs within a reasonable period of time. As a result, we disregarded such below-cost sales.

### Price-to-Price Comparisons

Where it was appropriate to base NV on prices, we used the prices at which the foreign like product was first sold for consumption in the comparison market, in the usual commercial quantities, in the ordinary of trade, and, to the extent possible, at the same level of trade (LOT) as the comparison U.S. sale.

For Vita, we based NV on the prices of its sales to unaffiliated customers in Germany. We made adjustments, where appropriate, for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. In accordance with sections 773(a)(6)(A), (B), and (C) of the Act, where appropriate, we deducted from the starting price movement expenses. We also made circumstance of sale adjustments to account for differences in packing, credit and other direct selling expenses incurred in the comparison and U.S. markets. In addition, where applicable, pursuant to 19 CFR 351.410(e), we made a reasonable allowance for other selling expenses where commissions were paid in only one of the markets under consideration. Based on our verification findings, we revised credit, indirect selling expenses, and bank charges reported by Vita. For details regarding these revisions, see the Vita Verification Report, and the Vita Analysis Memorandum. In accordance with the Department's practice, where all contemporaneous matches to a U.S. sale resulted in difference-in-merchandise adjustments exceeding 20 percent of the cost of manufacturing the product sold in the United States, we based NV on CV.

### Price-to-CV Comparisons

In accordance with section 773(a)(4) of the Act, we based NV on CV when we were unable to compare the U.S. sale to a comparison market sale of an identical or similar product. For each unique GPF product sold by Vita in the United States during the POR, we calculated a weighted-average CV based on the sum of the respondent's materials and fabrication costs, SG&A expenses, including interest expenses, packing costs, and profit. In accordance with section 773(e)(2)(A) of the Act, we based SG&A expenses and profit on the

amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product, in the ordinary course of trade, for consumption in Germany. We based selling expenses on weighted-average actual comparison market direct and indirect selling expenses. In calculating CV, we adjusted the reported costs as described in the COP section above.

### Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determined NV based on sales in the comparison market at the same LOT as the EP. The NV LOT is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive SG&A expenses and profit. For EP sales, the U.S. LOT is also the level of the starting price sale, which is usually from the exporter to the importer.

To determine whether NV sales are at a different LOT than the EP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act.

In determining whether separate LOTs exist, we obtained information from Vita regarding the marketing stages for the reported U.S. and comparison market sales, including a description of the selling activities performed by Vita for each channel of distribution. Generally, if the reported LOTs are the same, the functions and activities of the seller at each level should be similar. Conversely, if a party reports that LOTs are different for different groups of sales, the selling functions and activities of the seller for each group should be dissimilar.

Vita reported that it sold the merchandise under review to two types of customers, sales agents and end users, in the United States and Germany through one channel of distribution in each market. See Vita's September 7, 2004, and October 12, 2004, questionnaire responses at 19–23. In each channel of distribution, Vita engaged in the following selling activities for both types of customers: order processing, packing, freight and delivery, providing warranties, and paying sales commissions. Because the

one sales channel in the United States involves the same functions for all sales, and the one sales channel in Germany also involves the same functions for all sales, we have preliminarily determined that there is one LOT in the United States and one LOT in Germany. Moreover, because Vita performed nearly identical selling functions for U.S. and German sales (the only difference being that, at times, Vita arranged the international shipping for German sales, whereas it did not provide this service for U.S. sales), we have preliminarily determined that, during the POR, Vita sold the foreign like product and subject merchandise at the same LOT. Therefore, we have determined that a LOT adjustment is not warranted.

### Currency Conversion

Pursuant to section 773A(a) of the Act, we converted amounts expressed in foreign currencies into U.S. dollar amounts based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank.

### Preliminary Results of Review

As a result of this review, we preliminarily determined that the following weighted-average dumping margins exist for the period July 1, 2003, through June 30, 2004:

Manufacturer/Exporter	Margin (percent)
Vita Food Factory (1989) Ltd. ....	9.12
Thai Pineapple Canning Industry Corp., Ltd .....	51.16

### Public Comment

Within 10 days of publicly announcing the preliminary results of this review, we will disclose to interested parties, any calculations performed in connection with the preliminary results. See 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register**. See 19 § 351.310(c). If requested, a hearing will be held 44 days after the date of publication of this notice in the **Federal Register**, or the first workday thereafter. Interested parties are invited to comment on the preliminary results of this review. The Department will consider case briefs filed by interested parties within 30 days after the date of publication of this notice in the **Federal Register**. Also, interested parties may file rebuttal briefs, limited to issues raised in the case briefs. The Department will consider rebuttal briefs filed not later than five days after the time limit for

filing case briefs. Parties who submit arguments are requested to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument and, (3) a table of authorities. Further, we request that parties submitting written comments provide the Department with a diskette containing an electronic copy of the public version of such comments. Unless the deadline for issuing the final results of review is extended, the Department will issue the final results of this administrative review, including the results of its analysis of issues raised in the written comments, within 120 days of publication of the preliminary results in the **Federal Register**.

### Assessment Rates

Upon completion of this administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we calculated importer-specific assessment rather for Vita's subject merchandise. Since Vita did not report the entered value for its sales, we calculated per-unit assessment rates for its merchandise by aggregating the dumping margins calculated for all U.S. sales to each importer and dividing this amount by the total quantity of those sales. To determine whether the per-unit duty assessment rates were *de minimis* (i.e., less than 0.50 percent *ad valorem*), in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer-specific *ad valorem* ratios based on export prices. For TPC, the respondent received a dumping margin based upon AFA, we will instruct CBP to liquidate entries according to the AFA *ad valorem* rate. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of this review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rate established in the final results of the review (except that if the rate for a particular company is *de minimis*, i.e., less than 0.5 percent, no cash deposit will be required for that company); (2) for previously investigated or review companies not listed above, the cash deposit rate will

continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be the "all others" rate of 24.64 percent, which is the "all others" rate established in the LTFV investigation. These cash deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

### Notification of Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply within this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 05-15640 Filed 8-5-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-427-816, A-533-817, A-560-805, A-475-826, A-588-847, A-580-836)

### Certain Cut-To-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, Japan, and the Republic of Korea; Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

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

**SUMMARY:** On January 3, 2005, the Department of Commerce ("the Department") initiated sunset reviews of the antidumping duty orders ("AD Orders") on Certain Cut-To-Length Carbon-Quality Steel Plate ("CTL Plate") from France, India, Indonesia, Italy, Japan, and the Republic of Korea

pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”). *See Initiation of Five-year (Sunset) Reviews*, 70 FR 75 (January 3, 2005). On the basis of notices of intent to participate and adequate substantive responses filed on behalf of the domestic interested parties and inadequate responses from respondent interested parties, the Department conducted expedited sunset reviews of the AD Orders pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department’s regulations. As a result of these sunset reviews, the Department finds that revocation of the AD Orders would likely lead to continuation or recurrence of dumping at the levels indicated in the “Final Results of Reviews,” section of this notice.

**EFFECTIVE DATE:** August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Roberto Facundus or David Goldberger, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3464 or (202) 482–4136, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 3, 2005, the Department initiated sunset reviews of the AD Orders on CTL Plate from France, India, Indonesia, Italy, Japan, and the Republic of Korea pursuant to section 751(c) of the Act. *See Initiation of Five-year (Sunset) Reviews*, 70 FR 75 (January 3, 2005). The Department received notices of intent to participate from the following domestic parties within the deadline specified in 19 CFR 351.218(d)(1)(i): Mittal Steel USA ISG Inc.<sup>1</sup>, IPSCO Steel Inc., Nucor

Corporation, and United States Steel Corp. These four parties claimed interested party status under section 771(9)(C) of the Act and 19 CFR 351.102(b), as domestic manufacturers and producers of the domestic like product. The Department received a collective substantive response from Mittal Steel USA ISG Inc., IPSCO Steel Inc., and Nucor Corporation (collectively “the domestic interested parties”) within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department received no substantive responses from any of the respondent interested parties to these proceedings.<sup>2</sup> As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited sunset reviews of these AD Orders.

On May 3, 2005, the Department extended the time limit for the final results of these sunset reviews to on or about August 1, 2005. *See Certain Cut-To-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, Japan and Korea; Extension of Final Results of Expedited Sunset Reviews of the Antidumping and Countervailing Duty Orders*, 70 FR 22843 (May 3, 2005).

**Scope of the Orders**

The products covered by the AD Orders are certain hot-rolled carbon-quality steel: (1) 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 nominal or actual thickness of not less than 4 mm, which are cut-to-length (not in coils) and without patterns in relief), of iron or non-alloy-quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils). Steel products to be included in the scope of these orders are of rectangular, square, circular or other shape and of rectangular or non-rectangular cross-section where such non-rectangular 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. Steel products that meet the noted physical characteristics that are painted, varnished or coated with plastic or other non-metallic substances are included within this scope. Also, specifically included in the scope of these orders are high strength, low alloy (“HSLA”) steels. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum.

Steel products to be included in this scope, regardless of Harmonized Tariff Schedule of the United States (“HTSUS”) definitions, are products in which: (1) Iron predominates, by weight, over each of the other contained elements, (2) the carbon content is two percent or less, by weight, and (3) none of the elements listed below is equal to or exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.41 percent of titanium, or 0.15 percent of vanadium, or 0.15 percent zirconium. All products that meet the written physical description, and in which the chemistry quantities do not equal or exceed any one of the levels listed above, are within the scope of these orders unless otherwise specifically excluded. The following products are specifically excluded from these orders: (1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels (*i.e.*, USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel.

Regarding the scope of the order for Japan, the following additional exclusions apply with respect to abrasion-resistant steels: NK-EH-360 (NK Everhard 360) and NK-EH-500 (NK Everhard 500). NK-EH-360 has the following specifications: (a) Physical Properties: Thickness ranging from 6–50 mm, Brinell Hardness: 361 min.; (b) Heat Treatment: controlled heat treatment; and (c) Chemical

<sup>1</sup> Bethlehem Steel Corporation was one of the original petitioners in the investigation. International Steel Group Inc. was the successor company to Bethlehem Steel Corporation. *See* Letters from Nucor Corporation, International Steel Group Inc. (Mittal Steel USA ISG Inc.), and IPSCO Steel Inc. to the Secretary of Commerce re: Five-year (sunset) review(s) pursuant to Section 751(c) of the Tariff Act of 1930 of the Antidumping Duty Order(s) on Cut-to-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, Japan, and the Republic of Korea - Substantive Response(s) to Notice of Initiation (February 1, 2005) (separate letters were simultaneously submitted for each country). International Steel Group Inc. was later acquired and its name changed to Mittal Steel USA ISG Inc. *See* Letters from Mittal Steel USA ISG Inc. to the Secretary of Commerce re: Sunset Review(s) of Certain Cut-To-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, Japan, and the Republic of Korea: Notice of Change in International Steel Group Inc.’s Name (April 20, 2005) (separate letters were simultaneously submitted for each country), and Letters from Mittal Steel USA ISG Inc. to the Secretary of Commerce

re: Antidumping Duty Sunset Review(s) of Certain Cut-To-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, Japan, and the Republic of Korea: Clarification of Mittal Steel USA ISG’s name (May 6, 2005) (separate letters were simultaneously submitted for each country).

<sup>2</sup> GTS Industries S.A., a French producer of subject merchandise, submitted a waiver of participation in the sunset review of CTL Plate from France. *See* Letter to Gary S. Taverman re: Antidumping Duty Sunset Review of Certain Cut-to-Length Carbon-Quality Steel Plate from France; Statement of Waiver (February 2, 2005).

Composition (percent weight): C: 0.20 max., Si: 0.55 max., Mn: 1.60 max., P: 0.030 max., S: 0.030 max., Cr: 0.40 max., Ti: 0.005–0.020, B: 0.004 max. NK–EH–500 has the following specifications: (a) Physical Properties: Thickness ranging from 6–50 mm, Brinell Hardness: 477 min.; (b) Heat Treatment: Controlled heat treatment; and (c) Chemical Composition (percent weight): C: 0.35 max., Si: 0.55 max., Mn: 1.60 max., P: 0.030 max., S: 0.030 max., Cr: 0.80 max., Ti: 0.005–0.020, B: 0.004 max.

The merchandise subject to these orders is currently classifiable in the HTSUS under subheadings: 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, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by these orders is dispositive.

**Analysis of Comments Received**

All issues raised in these reviews are addressed in the Issues and Decision Memorandum from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated August 1, 2005. (“Decision Memorandum”), which is hereby adopted by this notice. The issues discussed in the accompanying Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these reviews 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 Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>, under the heading “August 2005.” The paper copy and electronic version of the Decision Memorandum are identical in content.

**Final Results of Sunset Reviews**

The Department determines that revocation of the AD Orders on CTL Plate from France, India, Indonesia, Italy, Japan, and the Republic of Korea

would likely lead to continuation or recurrence of dumping at the rates listed below:

Exporter/Manufacturer	Margin Percentage
<b>France.</b>	
Usinor, S.A. ....	10.41
All Others .....	10.41
<b>India.</b>	
Steel Authority of India, Ltd. ....	42.39
All Others .....	42.39
<b>Indonesia.</b>	
PT Gunawan Dianjaya/ PT Jaya Pari Steel Corporation .....	50.80
PT Krakatau Steel .....	52.42
All Others .....	50.80
<b>Italy.</b>	
Palini and Bertoli S.p.A. ....	7.85
All Others .....	7.85
<b>Japan.</b>	
Kawasaki Steel Corporation .....	10.78
Kobe Steel, Ltd. ....	59.12
Nippon Steel Corporation .....	59.12
NKK Corporation .....	59.12
Sumitomo Metal Industries, Ltd. ....	59.12
All Others .....	10.78
<b>Republic of Korea.</b>	
Dongkuk Steel Mill Co., Ltd. ....	2.98
All Others .....	2.98

**Notification regarding Administrative Protective Order**

This notice also serves as the only reminder to parties subject to administrative protective order (“APO”) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**  
Acting Assistant Secretary for Import Administration.  
[FR Doc. E5–4249 Filed 8–5–05; 8:45 am]

**BILLING CODE 3510–DS–S**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–570–878]

**Saccharin From the People’s Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review**

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

**SUMMARY:** The Department of Commerce (“the Department”) is conducting the first administrative review of the antidumping duty order on saccharin from the People’s Republic of China (“PRC”) covering the period December 27, 2002, through June 30, 2004. We have preliminarily determined that sales have been made below normal value. If these preliminary results are adopted in our final results of this review, we will instruct U.S. Customs and Border Protection (“CBP”) to assess antidumping duties on entries of subject merchandise during the period of review (“POR”) for which the importer-specific assessment rates are above *de minimis*.

Interested parties are invited to comment on these preliminary results. We will issue the final results no later than 120 days from the date of publication of this notice.

**EFFECTIVE DATE:** August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Blanche Ziv or Steve Williams, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4207 and (202) 482–4619, respectively.

**Background**

On July 9, 2003, the Department published in the **Federal Register** the antidumping duty order on saccharin from the PRC. See *Notice of Antidumping Duty Order: Saccharin from the People’s Republic of China*, 68 FR 40906 (July 9, 2003). On July 1, 2004, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on saccharin from the PRC for the period December 27, 2002, through June 30, 2004. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 69 FR 39903 (July 1, 2004). On July 26, 2004, Shanghai Fortune Chemical Co., Ltd. (“Shanghai Fortune”), an exporter and producer of subject merchandise,

requested an administrative review of its sale(s) to the United States during the POR. On July 30, 2004, PMC Specialities Group, Inc. ("the petitioner") requested an administrative review pursuant to 19 CFR 351.213(b) of the following nine companies: Suzhou Fine Chemicals Group Co. ("Suzhou Chemicals"), Shanghai Fortune, Kaifeng Xinghua Fine Chemical Factory ("Kaifeng Chemical"), Productos Aditivos, S.A. ("Productos Aditivos"), Kenko Corporation, Tianjin North Food, Tianjin Changjie Chemical Co., Ltd. ("Tianjin Changjie"), Daiwa Kenko Company Limited ("Daiwa Kenko"), and Beta Udyog Ltd. ("Beta Udyog"). On August 30, 2004, the Department published in the **Federal Register** a notice of the initiation of the antidumping duty administrative review of saccharin from the PRC for the period December 27, 2002, through June 30, 2004. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 69 FR 52857 (August 30, 2004).

On March 24, 2005, the Department published a notice in the **Federal Register** extending the time limit for the preliminary results of review until July 31, 2005.<sup>1</sup> See *Saccharin From the People's Republic of China: Notice of Extension of Time Limit for Preliminary Results of Antidumping Administrative Review*, 70 FR 15066 (March 24, 2005).

On April 8, 2005, the Department requested from CBP copies of all customs documents pertaining to the entry of saccharin from the PRC exported by Shanghai Fortune during the POR. See the "Request for U.S. Entry Documents—Saccharin from the People's Republic of China (A570878002)" memorandum dated April 8, 2005, which is on file in the Central Records Unit ("CRU"), room B-099 of the main Department building.

On May 17, 2005, we received documentation from CBP regarding our April 8, 2005, request for Shanghai Fortune's entry information. On June 21, 2005, we placed on the record the entry documentation received from CBP in response to our April 8, 2005, request for information on the shipment of saccharin from the PRC exported by Shanghai Fortune during the POR. See the "Results of Request for Assistance from Customs and Border Protection on U.S. Entry Documents" memorandum dated June 21, 2005, which is on file in the CRU.

<sup>1</sup> Because the due date (*i.e.*, July 31, 2005) for these preliminary results falls on a Sunday, the actual date of signature is extended to the next business day (*i.e.*, August 1, 2005).

## Respondents

On September 1, 2004, we issued an antidumping duty questionnaire to Suzhou Chemicals, Shanghai Fortune, Kaifeng Chemical, Productos Aditivos, Kenko Corporation, Tianjin North Food, Tianjin Changjie, and Beta Udyog.<sup>2</sup> We confirmed that all parties named above signed for and received our mailing of the antidumping duty questionnaires. See the "Issuing antidumping questionnaire to respondents without legal counsel" memorandum dated December 8, 2004 ("*Receipt Confirmation Memo*"), which is on file in the CRU. Because we did not receive a response to the antidumping duty questionnaire, the Department issued letters on November 18, 2004, and March 15, 2005 to Suzhou Chemicals, Tianjin Changjie, Beta Udyog, Kaifeng Chemical, and Tianjin North Food, notifying these companies of the consequences of not responding to the Department's antidumping duty questionnaire. Suzhou Chemicals, Tianjin Changjie, Beta Udyog, Kaifeng Chemical, and Tianjin North Food did not respond to the Department's questionnaire or to the Department's warning letter. See the "The PRC-Wide Rate and Use of Facts Otherwise Available" section below for further information regarding these companies.

## Shanghai Fortune

On October 21, 2004, Shanghai Fortune submitted its response to the Department's antidumping duty questionnaire. The Department issued supplemental questionnaires to Shanghai Fortune on January 24 and 28, April 13, May 13, June 14, July 7 and 22, 2005. Shanghai Fortune submitted responses to these supplemental questionnaires on February 8 and 18, April 28, May 27, June 21, July 12 and 26, 2005. The Department also issued a supplemental questionnaire to Shanghai Fortune's U.S. customer, Richwell Group, Inc. ("Richwell") on April 18, 2005. Richwell submitted a response to this supplemental questionnaire on April 25, 2005.

## Daiwa-Kenko

On February 2, 2005, we sent an antidumping duty questionnaire to Daiwa-Kenko to confirm its affiliation

<sup>2</sup> We did not send a questionnaire to Daiwa-Kenko because of its affiliation with Shanghai Fortune, identified during the investigation. See *Notice of Final Determination of Sales at Less Than Fair Value: Saccharin From the People's Republic of China*, 68 FR 27530 (May 30, 2003) ("*LTFV Investigation*") and the "Investigation of Saccharin from the People's Republic of China for the period of January 1, 2002 through June 30, 2002; Analysis of Affiliation for Shanghai Fortune Chemical Co., Ltd." memorandum dated December 18, 2002.

with Shanghai Fortune and its operating status with respect to the merchandise under review. Acknowledging its affiliation with Daiwa-Kenko, Shanghai Fortune responded to the Department's questionnaire on behalf of Daiwa-Kenko on March 3, 2005. Thus, for the purpose of these preliminary results, we continue to find Daiwa-Kenko and Shanghai Fortune affiliated pursuant to section 771(33)(A) of the Tariff Act of 1930, as amended ("the Act"). Pursuant to 19 CFR 351.303(g), Shanghai Fortune certified that Daiwa-Kenko did not manufacture, purchase, sell or export shipments of the subject merchandise during the POR.

## Kenko Corporation and Productos Aditivos

In December 2004, we received notification from Kenko Corporation (located in Japan) and Productos Aditivos (located in Spain), asserting that the merchandise they exported to the United States during the POR was not of PRC origin. See the "Cooperative pro se Respondents Located in Japan and Spain" memorandum dated December 8, 2004, which is on file in the CRU. On December 16, 2004, we issued modified questionnaires to Kenko Corporation and Productos Aditivos requesting certain information regarding each company's corporate structure and affiliations, as well as certifications regarding the origin of their merchandise.

We received a response to our modified questionnaire from Productos Aditivos on January 5, 2005. In its response, Productos Aditivos stated that all of its sales of subject merchandise sold to the United States during the POR were produced by its own production facilities in Spain. As such, it had no sales of PRC saccharin subject to the antidumping duty order and to this review. On July 5, 2005, Productos Aditivos certified that the information submitted in its December 30, 2005, submission was accurate in accordance with section 351.303(g) of the Department's regulations.

On February 17, 2005, we received a response to our modified questionnaire from Kenko Corporation demonstrating that its merchandise sold to the United States during the POR was of Japanese origin and thus not subject to the antidumping duty order on saccharin from the PRC and to this review. On July 5, 2005, Kenko Corporation certified that the information submitted in its February 17, 2005, submission was accurate in accordance with 19 CFR 351.303(g).

### Period of Review

The POR is December 27, 2002, through June 30, 2004.

### Scope of the Order

The product covered by this antidumping duty order is saccharin. Saccharin is defined as a non-nutritive sweetener used in beverages and foods, personal care products such as toothpaste, table top sweeteners, and animal feeds. It is also used in metalworking fluids. There are four primary chemical compositions of saccharin: (1) Sodium saccharin (American Chemical Society Chemical Abstract Service ("CAS") Registry #128-44-9); (2) calcium saccharin (CAS Registry #6485-34-3); (3) acid (or insoluble) saccharin (CAS Registry #81-07-2); and (4) research grade saccharin. Most of the U.S.-produced and imported grades of saccharin from the PRC are sodium and calcium saccharin, which are available in granular, powder, spray-dried powder, and liquid forms.

The merchandise subject to this order is classifiable under subheading 2925.11.00 of the *Harmonized Tariff Schedule of the United States* ("HTSUS") and includes all types of saccharin imported under this HTSUS subheading, including research and specialized grades. Although the HTSUS subheading is provided for convenience and the customs purposes, the Department's written description of the scope of this order remains dispositive.

### Preliminary Partial Rescissions of Administrative Reviews

Pursuant to 19 CFR 351.213(d)(3), we have preliminarily determined that Daiwa-Kenko, Kenko Corporation, and Productos Aditivos did not make shipments of subject merchandise to the United States during the POR. In support of these preliminary results, the responses of these companies indicate that: (1) Daiwa-Kenko did not manufacture, purchase, sell or export shipments of the subject merchandise to the United States during the POR; (2) the saccharin exported to the United States during the POR by Kenko Corporation was produced by a Japanese manufacturer in Japan; and (3) the saccharin exported to the United States during the POR by Productos Aditivos was produced by Productos Aditivos in Spain. Additionally, we conducted a data query of CBP entry information on all saccharin entries made during the POR from Hong Kong, Japan, Spain and the PRC to substantiate their claims that and/or determine whether they made no shipments of subject merchandise

during the POR. Based on the data obtained from CBP, we found no information indicating that there were other U.S. entries of the subject merchandise during the POR from these companies other than the information reported to the Department by Daiwa-Kenko, Kenko Corporation and Productos Aditivos.

Therefore, for the reasons mentioned above and based on the results of our queries, we are preliminarily rescinding the administrative review with respect to Daiwa-Kenko, Kenko Corporation and Productos Aditivos because we found no evidence that these companies made shipments of the subject merchandise during the POR in accordance with 19 CFR 351.213(d)(3).

### Non-Market Economy Country Status

In every case conducted by the Department involving the PRC, the PRC has been treated as a non-market economy ("NME") country. In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Preliminary Results 2001-2002 Administrative Review and Partial Rescission of Review*, 68 FR 7500 (February 14, 2003). None of the parties to this proceeding has contested such treatment. Accordingly, we calculated normal value ("NV") in accordance with section 773(c) of the Act, which applies to NME countries.

### Surrogate Country

When the Department is investigating imports from an NME country, section 773(c)(1) of the Act directs it to base normal value on the NME producer's factors of production, valued in a surrogate market-economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, in valuing the factors of production, the Department shall utilize, to the extent possible, the prices or costs of factors of production in one or more market-economy countries that are: (1) At a level of economic development comparable to that of the NME country; and (2) significant producers of comparable merchandise. The sources of the surrogate factor values are discussed under the "Normal Value" section below and in the "Factors Valuations for the Preliminary Results of the Administrative Review" memorandum, dated August 1, 2005

("Factor Valuation Memo"), which is on file in the CRU.

The Department has determined that India, Indonesia, Sri Lanka, the Philippines, and Egypt are countries comparable to the PRC in terms of economic development. See the "Antidumping Duty Administrative Review of Saccharin from the People's Republic of China (PRC): Request for a List of Surrogate Countries" memorandum dated December 16, 2004, which is on file in the CRU.

Customarily, we select an appropriate surrogate country based on the availability and reliability of data from the countries that are significant producers of comparable merchandise. For PRC cases, the primary surrogate country has often been India if it is a significant producer of comparable merchandise. In this case, we have found that India is a significant producer of comparable merchandise. See the "2002-2004 Administrative Review of the Antidumping Duty Order of Saccharin from the People's Republic of China: Selection of a Surrogate Country" memorandum dated April 26, 2005 ("Surrogate Country Memo"), which is on file in the CRU.

The Department is using India as the primary surrogate country, and, accordingly, has calculated NV using Indian prices to value the PRC producer's factors of production, when available and appropriate. See *Surrogate Country Memo* and *Factor Valuation Memo*. We have obtained and relied upon publicly available information wherever possible.

In accordance with 19 CFR 351.301(c)(3)(ii), for the final results in an antidumping administrative review, interested parties may submit publicly available information to value factors of production within 20 days after the date of publication of these preliminary results.

### Affiliation-Shanghai Fortune

In its April 25, 2005, submission, Richwell, Shanghai Fortune's U.S. customer, stated that the president and one hundred percent owner of the company and the owner and general manager of Shanghai Fortune<sup>3</sup> are cousins. As detailed in our September 1, 2004, original questionnaire and in our April 18, 2005, supplemental questionnaire, an affiliated person is: (1) A family member; (2) an officer or director of an organization and that organization; (3) partners; (4) employers and their employees; and (5) any person

<sup>3</sup> We note that the Shanghai Fortune is controlled by a board of directors, which is controlled by the owner and general manager of Shanghai Fortune.

or organization directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the outstanding voting stock or shares of any organization and that organization. In addition, affiliates include: (6) any person who controls any other person and that other person; and (7) any two or more persons who directly control, are controlled by, or are under common control with, any person. See section 771(33) of the Act.

In order to find affiliation between companies, the Department must find that at least one of the criteria listed above is applicable. Here, where each cousin holds one hundred percent ownership in his company, we consider each cousin and his company to be affiliated under section 771(33)(E) of the Act. Further, we find that each cousin's ownership and position in senior management within the two companies places him in a position of legal and operational control of the company and in a position to impact decisions concerning the production, pricing or cost of the subject merchandise. Thus, affiliation between the cousins and their respective companies is also established under section 771(33)(G) of the Act.

We also find that Shanghai Fortune and Richwell, by virtue of the familial relationships of their owners, are affiliated under section 771(33)(A) of the Act. Section 771(33)(A) of the Act states that "members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants" shall be considered affiliated. "The word 'including' in section (A) of 19 U.S.C. 1677(33) is an indication that Congress did not intend to limit the definition of 'family' to the members listed in this section." See *Ferro Union* 44 F. Supp. 2d 1310 (CIT 1999). The Department has also stated that "we find nothing in the statute to prevent it from applying to uncle-nephew relationships, aunt-niece relationships, or cousin-cousin relationships." See *Notice of Final Determination of Sales at Less Than Fair Value: Steel Concrete Reinforcing Bars From the Republic of Korea*, 66 FR 33526 (June 22, 2001), and accompanying *Issues and Decision Memorandum* at Comment 1. Also, where two companies are affiliated under section 771(33)(A) of the Act, there is no need to address the issue of control.

See *Structural Steel Beams from Korea; Notice of Final Results of Antidumping Duty Administrative Review*, 70 FR 6837 (February 9, 2005), and accompanying *Issues and Decision Memorandum* at Comment 2. Thus, we find that Shanghai Fortune and

Richwell are affiliated as a consequence of the cousin-to-cousin relationship of the owners of his respective company in accordance with sections 771(33)(A), (E), and (G) of the Act.

#### Separate Rates

The Department has treated the PRC as an NME country in all past antidumping investigations. See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Bulk Aspirin From the People's Republic of China*, 65 FR 33805 (May 25, 2000), and *Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China*, 65 FR 19873 (April 13, 2000). A designation as an NME remains in effect until it is revoked by the Department. See section 771(18)(C) of the Act. Accordingly, there is a rebuttable presumption that all companies within the PRC are subject to government control and thus, should be assessed a single antidumping duty rate.

It is the Department's standard policy to assign all exporters of the merchandise subject to review in NME countries a single rate unless an exporter can affirmatively demonstrate an absence of government control, both in law (de jure) and in fact (de facto), with respect to exports. To establish whether a company is sufficiently independent to be entitled to a separate, company-specific rate, the Department analyzes each exporting entity in an NME country under the test established in the *Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991), as amplified by the *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) ("*Silicon Carbide*").

For the reasons discussed in the section below entitled "The PRC-Wide Rate and Use of Facts Otherwise Available," we have determined that Suzhou Chemicals, Kaifeng Chemical, Tianjin North Food, Tianjin Changjie, and Beta Udyog do not qualify for a separate rate and are instead part of the PRC entity.

Shanghai Fortune provided the requested separate-rate information in its responses to our original and supplemental questionnaires. Accordingly, consistent with *Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China*, 61 FR 56570 (April 30, 1996), we performed a separate-rates analysis to determine whether Shanghai Fortune is independent from government control.

#### A. Absence of De Jure Control

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; and (2) any legislative enactments decentralizing control of companies.

Shanghai Fortune reported that the subject merchandise was not subject to any government export provisions<sup>4</sup> or export licensing, and was not subject to export quotas during the POR. Shanghai Fortune also submitted a copy of its business license. We found no inconsistencies with Shanghai Fortune's claims of an absence of restrictive stipulations associated with its business license. Shanghai Fortune submitted copies of statutory and regulatory authority establishing the *de jure* absence of government control over the company. Specifically, the *Administrative Regulations of the People's Republic of China Governing the Registration of Legal Corporations*, issued on June 13, 1988, by the State Council of the PRC, and the *Law of the People's Republic of China of Industrial Enterprises Owned by the Whole People*, effective August 1, 1998, all placed on the record of this review, provide that, to qualify as legal persons, companies must have the "ability to bear civil liability independently" and the right to control and manage their businesses. These regulations also state that, as an independent legal entity, a company is responsible for its own profits and losses. In prior cases, the Department has analyzed these laws and regulations and found that they establish an absence of *de jure* control. See *Notice of Final Determination of Sales at Less Than Fair Value: Manganese Metal from the People's Republic of China*, 60 FR 56045, 56046 (November 6, 1995). We

<sup>4</sup> Although the respondent states that the Chamber of Commerce for Medicines and Health Products Importers and Exporters has attempted to prevent dumping through a program that sets a price floor and other conditions for exports of saccharin, the Department preliminarily determines that this program does not require us to deny a separate rate to members of the saccharin industry. The Department's separate rate test does not consider, in general, macroeconomic/border-type controls (e.g., export licenses, quotas, and minimum export prices), particularly if these controls are imposed to prevent dumping. Rather, the test focuses on controls over the investment, pricing, and output decision-making process at the individual firm level. See, e.g., *Certain Cut-to-Length Carbon Steel Plate from Ukraine: Final Determination of Sales at Less than Fair Value*, 62 FR 61754, 61757 (November 19, 1997); *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 62 FR 61276, 61279 (November 17, 1997).

have no information in this proceeding that would cause us to reconsider this determination. Thus, we believe that the evidence on the record supports a preliminary finding of an absence of de jure government control based on: (1) An absence of restrictive stipulations associated with the exporter's business license; and (2) the legal authority on the record decentralizing control over the respondent.

#### B. Absence of De Facto Control

As stated in previous cases, there is some evidence that certain enactments of the PRC central government have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. See *Final Determination of Sales at Less Than Fair Value: Certain Preserved Mushrooms from the People's Republic of China*, 63 FR 72255 (December 31, 1998). Therefore, the Department has determined that an analysis of de facto control is critical in determining whether respondents are, in fact, subject to a degree of government control which would preclude the Department from assigning separate rates. The Department typically considers four factors in evaluating whether each respondent is subject to de facto government control of its export functions: (1) Whether the exporter sets its own export prices independent of the government and without the approval of a government authority; (2) whether the respondent has the authority to negotiate and sign contracts, and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of its management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses.

Shanghai Fortune reported that it is wholly owned by a foreign entity and has asserted the following: (1) There is no government participation in setting export prices; (2) sales managers and authorized employees have the authority to bind sales contracts; (3) it does not have to notify any government authorities of management selections; (4) there are no restrictions on the use of export revenue; (5) it is responsible for financing its own losses; and (6) it does not coordinate prices with other exporters or producers. During our analysis of the information on the record, we found no information indicating the existence of de facto government control. Consequently, we preliminarily find that Shanghai Fortune has met the criteria for the application of a separate rate.

#### The PRC-Wide Rate and Use of Facts Otherwise Available

All respondents were given the opportunity to respond to the Department's questionnaire. As explained above, we received questionnaire responses from Shanghai Fortune,<sup>5</sup> Kenko Corporation, and Productos Aditivos. We have calculated a separate rate for Shanghai Fortune. The PRC-wide rate applies to all entries of subject merchandise except for entries from companies that have received their own rate based on the *LTFV Investigation*. As discussed below, we have decided to treat Suzhou Chemicals, Tianjin Changjie, Kaifeng Chemical, Tianjin North Food, and Beta Udyog as part of the PRC-wide entity.

Suzhou Chemicals, Tianjin Changjie, Kaifeng Chemical, Tianjin North Food, and Beta Udyog did not respond to the Department's questionnaire. Section 776(a)(2) of the Act provides that, if an interested party or any other person (A) withholds information that has been requested by the administering authority, or (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782, the Department shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title. Furthermore, under section 782(c) of the Act, a respondent has the responsibility not only to notify the Department if it is unable to provide requested information, but also to provide a "full explanation and suggested alternative forms." Because Suzhou Chemicals, Tianjin Changjie, Kaifeng Chemical, Tianjin North Food, and Beta Udyog did not respond to the questionnaire, we find that, in accordance with sections 776(a)(2)(A) and (B) of the Act, the use of total facts available is appropriate. See, e.g., *Final Results of Antidumping Duty Administrative Review for Two Manufacturers/Exporters: Certain Preserved Mushrooms from the People's Republic of China*, 65 FR 50183, 50184 (August 17, 2000).

Section 776(b) of the Act provides that, if the Department finds that an interested party "has failed to cooperate by not acting to the best of its ability to comply with a request for information," the Department may use information that is adverse to the interests of the party as facts otherwise available. Adverse inferences are appropriate "to ensure that the party does not obtain a

more favorable result by failing to cooperate than if it had cooperated fully." See Statement of Administrative Action ("SAA") accompanying the Uruguay Round Agreements Act, H. Doc. No. 103-316, at 870 (1994). Section 776(b) of the Act authorizes the Department to use as adverse facts available information derived from the petition, the final determination from the *LTFV Investigation*, a previous administrative review, or any other information placed on the record.

On September 1, 2004, the Department issued its antidumping duty questionnaire to Suzhou Chemicals, Tianjin Changjie, Kaifeng Chemical, Tianjin North Food, and Beta Udyog (located in India). We confirmed that the questionnaires we sent to Tianjin Changjie, Beta Udyog, Kaifeng Chemical, and Tianjin North Food were delivered and accepted on November 29 and 24, December 8, and November 26, 2004, respectively. See *Receipt Confirmation Memo*. We also confirmed that a representative of Suzhou Chemicals picked up its questionnaire from the main Commerce building. See *id.* Because they did not provide responses to the Department's questionnaire, the Department is unable to determine whether Suzhou Chemicals, Tianjin Changjie, Kaifeng Chemical, and Tianjin North Food are eligible for a separate rate. Thus, Suzhou Chemicals, Tianjin Changjie, Kaifeng Chemical, and Tianjin North Food have not rebutted the presumption of government control and are presumed to be part of the PRC entity.

As noted above, Beta Udyog (located in India), did not respond to the Department's questionnaire. The Department's consistent practice has been to require companies, regardless of whether wholly owned by a market-economy entity, to respond to the Department's questionnaire. Specifically, information requested in the Section A questionnaire is required in order for the Department to assess whether a particular respondent is entitled to a separate rate. While the Department does not conduct a separate-rates test for respondents wholly owned by companies outside the PRC, the Department still needs to analyze the company's Section A questionnaire response to examine information such as whether the company is registered for business in the foreign country or the PRC, the ownership interests of each branch of the company, the type of working relationship between the exporter, producer and other affiliates, and the volume and value of sales that were made to the United States during the

<sup>5</sup> As noted above, Shanghai Fortune also responded on behalf of Daiwa-Kenko because of its affiliation with that entity.

POR. *See, e.g., Final Determination of Sales at Less Than Fair Value: Wooden Bedroom Furniture From the People's Republic of China*, 69 FR 67313 (November 17, 2004); *Memorandum to James J. Jochum: Untimely Section A Questionnaire Submission of Decca Furniture Ltd.*, dated September 16, 2004; and *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Folding Gift Boxes from The People's Republic of China*, 66 FR 40974-75 (August 6, 2001); *Memorandum to the File: Antidumping Duty Investigation on Polyethylene Retail Carrier Bags from the People's Republic of China, Untimely Section A Questionnaire Submission*, dated December 18, 2003. *See also Notice of Final Determination of Sales at Less Than Fair Value: Bicycles from the People's Republic of China*, 61 FR 19026, 19037 (April 30, 1996). Thus, we cannot assess whether Beta Udyog, a company located in India, is entitled to a separate rate because it did not respond to the Department's questionnaire. Therefore, Beta Udyog does not qualify for a separate rate and is instead part of the PRC entity.

The PRC entity (including Suzhou Chemicals, Tianjin Changjie, Kaifeng Chemical, Tianjin North Food, and Beta Udyog) failed to cooperate to the best of its ability in this administrative review, thus making the use of an adverse inference appropriate. Therefore, in accordance with the Department's practice, as adverse facts available, we have preliminarily assigned to the PRC entity the rate of 329.33 percent, the highest rate determined in the current or any previous segment of this proceeding.

#### Corroboration of Secondary Information

Section 776(c) of the Act provides that when the Department relies on the facts otherwise available and relies on "secondary information," the Department shall, to the extent practicable, corroborate that information from independent sources reasonably at its disposal. Secondary information is defined in the SAA as "information derived from the petition that gave rise to the investigation or review, the final determination concerning subject merchandise, or any previous review under section 751 concerning the subject merchandise." *See SAA* at 870. The SAA provides that to "corroborate" means simply that the Department will satisfy itself that the secondary information to be used has probative value. *See id.* The SAA also states that independent sources used to corroborate may include, for example, published

price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *See id.* As noted in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 61 FR 57391, 57392 (November 6, 1996), to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used.

The adverse facts available rate we are applying for the current review was corroborated in the *LTFV Investigation*. *See* the "Final Determination of Saccharin from the People's Republic of China (PRC): Analysis and Corroboration of the PRC-Wide Rate" memorandum, dated May 13, 2003, which is on file in the CRU. We find that the rate remains contemporaneous with the POR of this review. Finally, the Department received no information to date that warrants revisiting the issue of the reliability of the rate calculation itself. *See, e.g., Certain Preserved Mushrooms from the People's Republic of China: Final Results and Partial Rescission of the New Shipper Review and Final Results and Partial Rescission of the Third Antidumping Duty Administrative Review*, 68 FR 41304, 41307-08 (July 11, 2003).<sup>6</sup> Thus, the Department finds that the information is reliable.

With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal to determine whether a margin continues to have relevance. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin. For example, in *Fresh Cut Flowers from Mexico: Final Results of Antidumping Administrative Review*, 61 FR 6812 (February 22, 1996), the Department disregarded the highest margin in that case as adverse best information available (the predecessor to facts available) because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin. Similarly, the Department does not apply a margin that has been

<sup>6</sup>The Department relied on the corroboration memorandum from the *LTFV Investigation* to assess the reliability of the petition rate as the basis for an adverse facts available rate in the administrative review.

discredited. *See D&L Supply Co. v. United States*, 113 F.3d 1220, 1221 (Fed. Cir. 1997) (the Department will not use a margin that has been judicially invalidated). None of these unusual circumstances are present here.

As the petition rate is both reliable and relevant, and there is no information on the record of this review that indicates that this rate is invalid or uncharacteristic of the industry, as adverse facts available for the PRC entity (including Suzhou Chemicals, Tianjin Changjie, Kaifeng Chemical, Tianjin North Food, and Beta Udyog), we determine that this rate has probative value. Accordingly, we determine that this rate, the highest rate from any segment of this administrative proceeding (*i.e.*, the calculated rate of 329.33 percent), is in accord with section 776(c) of the Act, which requires that secondary information be corroborated (*i.e.*, have probative value). As a result, the Department determines that the petition rate is corroborated for the purposes of this administrative review and may reasonably be applied to the PRC-wide entity based on each of these respondent's failure to cooperate to the best of its ability in this administrative review as a total adverse facts available rate.

Because this is a preliminary margin, the Department will consider all margins on the record at the time of the final results for the purpose of determining the most appropriate final margin based on total adverse facts available. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation*, 65 FR 1139 (January 7, 2000).

#### Date of Sale

In its October 21, 2004, questionnaire response to the Department's antidumping duty questionnaire, Shanghai Fortune reported that its date of sale (*i.e.*, the date upon which the material terms of sale were established) was the date of its sales contract (*i.e.*, March 3, 2004) which occurred within the POR. Based on our review of the information on the record regarding Shanghai Fortune's relationship with its U.S. customer, we determined that Shanghai Fortune and its U.S. customer are affiliated under section 771(33) of the Act. *See* the "Affiliation-Shanghai Fortune" section of this notice for further information.

Accordingly, we are reviewing the first sale made by Shanghai Fortune's U.S. affiliate to the first unaffiliated purchaser in the United States in accordance with section 772(b) of the

Act. See the “Constructed Export Price” (“CEP”) section of this notice for further information. Shanghai Fortune reported that the date of this sale by its U.S. affiliate to the first unaffiliated purchaser (*i.e.*, the date the material terms of sale were established) was the date of invoice (*i.e.*, December 16, 2004) which occurred after the POR.<sup>7</sup>

While section 751(a)(2)(A) of the Act states that a dumping calculation should be performed for each entry during the POR, 19 CFR 351.213(e) gives the Department flexibility in this regard by stating that the review can be based on entries, exports, or sales. Indeed, the Department’s normal practice for CEP sales made after importation is to examine each transaction that has a date of sale within the POR and to liquidate POR entries based on the dumping margin calculated on those POR sales. See 19 CFR 351.212 and the preamble to that section of *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27314–15 (May 19, 1997).

We have also recognized that unique circumstances could lead us to base the margin for CEP sales on the sales entered rather than sold during the POR. Here, the respondent requesting an administrative review of its POR entries had only one entry during the POR, but no POR sale upon which to calculate a dumping margin for that entry. Because the entry during the POR can be tied to a sale occurring after the end of the POR and there are no other U.S. sales during the POR that could be considered for examination as a proxy for the post-POR sale, it is appropriate to determine the duties to be assessed on this entry based on the corresponding sale. Therefore, because the purpose of an administrative review is to establish the antidumping duty for entries, as well as to establish a new cash deposit rate (*see* section 751(a) of the Act), and we are able to tie the sale occurring after the end of the POR to the entry during the POR, we are using this U.S. sale in our margin calculation. Thus, we are conducting this review on the basis of the date of entry within the POR, and linking the entered subject merchandise to the appropriate sale to the unaffiliated U.S. customer.

We will instruct CBP to liquidate the specific entry at the calculated rate. If Shanghai Fortune is a respondent in an administrative review covering the period July 1, 2004, through June 30, 2005, we will exclude this U.S. sale from our margin calculation. See, *e.g.*, *Certain Hot-Rolled Flat-Rolled Carbon*

*Quality Steel Products from Brazil; Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 17406 (April 6, 2005).

#### Normal Value Comparisons

To determine whether the sale of saccharin to the United States by Shanghai Fortune was made at less than NV, we compared CEP to NV, as described in the “Constructed Export Price” and “Normal Value” sections of this notice.

#### Constructed Export Price

In accordance with section 772(b) of the Act, we use CEP methodology when the first sale to an unaffiliated purchaser occurred after importation of the merchandise into the United States. We calculated the CEP for Shanghai Fortune because the sale was made by its U.S. affiliate to an unaffiliated U.S. customer. We based CEP on the packed FOB<sup>8</sup> price to the first unaffiliated purchaser in the United States.

For Shanghai Fortune, we made adjustments to the gross unit price for foreign inland freight from processing facility to port of exit, foreign brokerage and handling, international ocean freight, marine insurance, U.S. inland freight from port to warehouse, other U.S. transportation expenses, U.S. brokerage and handling expenses, and U.S. import duties.

In accordance with section 772(d)(1) of the Act, we also deducted those selling expenses associated with economic activities occurring in the United States, including credit expenses, inventory carrying costs and indirect selling expenses. We also made an adjustment for profit in accordance with section 772(d)(3) of the Act.

Because some movement expenses were provided by NME companies, we valued those charges based on surrogate values in India. See *Factor Valuation Memo*.

For a more detailed explanation of the company-specific adjustments that we made in the calculation of the dumping margins for these preliminary results, see the “Analysis for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Saccharin from the People’s Republic of China: Shanghai Fortune Chemical Co., Ltd.” memorandum dated August 1, 2005 (“*Shanghai Fortune Analysis Memo*”), which is on file in the CRU.

<sup>8</sup> The details of the FOB destination are proprietary information. Thus, due to the proprietary nature of this data, we are unable to provide this information in this preliminary results notice.

#### Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine the NV using a factors-of-production methodology if: (1) The merchandise is exported from a non-market economy country; and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act. The Department will base NV on factors of production because the presence of government controls on various aspects of these economies renders price comparisons and the calculation of production costs invalid under our normal methodologies.

Factors of production include: (1) Hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs. We used factors of production reported by Shanghai Fortune for materials, energy, labor, and packing.

In accordance with 19 CFR 351.408(c)(1), the Department will normally use publicly available information to value factors of production, but when a producer sources an input from a market economy and pays for it in market-economy currency, the Department will normally value the factor using the actual price paid for the input. See 19 CFR 351.408(c)(1). See also *Lasko Metal Products v. United States*, 43 F.3d 1442, 1445–46 (Fed. Cir. 1994). However, when the Department has reason to believe or suspect that such prices may be distorted by subsidies, the Department will disregard the market-economy purchase prices and use surrogate values to determine the NV. See *Notice of Amended Final Determination of Sales at Less than Fair Value: Automotive Replacement Glass Windshields from the People’s Republic of China (“PRC”)*, 67 FR 11670 (March 15, 2002).

Shanghai Fortune reported that its international ocean freight was sourced from a market economy, but paid for in a non-market-economy currency (*i.e.*, RMB). Pursuant to 19 CFR 351.408(c)(1), we did not use the actual price paid by Shanghai Fortune for this input because it was not paid for in a market-economy currency.

#### Factor Valuations

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by Shanghai Fortune for the POR. To calculate NV, the reported per-unit factor quantities were multiplied by

<sup>7</sup> See Shanghai Fortune’s May 27, 2005, Supplemental Questionnaire Response at Attachment 1.

publicly available Indian surrogate values with the exception of the surrogate value for ocean freight, which we obtained from an international freight company. In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the data. As appropriate, we adjusted input prices by including freight costs to make them delivered prices. Specifically, we added to Indian import surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory where appropriate. This adjustment is in accordance with the decision of the Court of Appeals for the Federal Circuit in *Sigma Corp. v. United States*, 117 F. 3d 1401 (Fed. Cir. 1997). For a detailed description of all surrogate values used for respondents, see the *Factor Valuation Memorandum*.

Except as noted below, we valued many of the raw material inputs using the weighted-average unit import values derived from Indian import statistics as published in the *Monthly Statistics of the Foreign Trade of India* ("MSFTI"). See *Factor Valuation Memorandum*. The Indian Import Statistics we obtained were reported in Indian rupees and are contemporaneous with the POR. Consistent with the *Final Determination of Sales at Less than Fair Value: Certain Automotive Replacement Glass Windshields From the People's Republic of China*, 67 FR 6482 (February 12, 2002) and accompanying *Issues and Decision Memorandum*, we excluded Indian import data reported in the MSFTI for Korea, Thailand, and Indonesia in our surrogate value calculations. In addition to the Indian import statistics data, we used information from the Indian trade publication, *Indian Chemical Weekly* ("ICW"), to value certain chemical inputs. Where we could not obtain publicly available information contemporaneous with the POR with which to value factors, we adjusted the surrogate values using the Indian Wholesale Price Index ("WPI") as published in the *International Financial Statistics* of the International Monetary Fund.

Shanghai Fortune reported that it sourced all of its raw material inputs within the PRC. Therefore, we have used Indian import statistics or ICW to value each of these inputs. Shanghai Fortune reported that during the production process of saccharin, it recovered and recycled certain chemical products for resale. However, Shanghai Fortune provided no supporting documentation to demonstrate that

these by-products were sold during the POR. The amount of by-products reused or sold during the POR is an integral part of the factor calculation for by-products. See *Notice of Final Determination of Sales at Less Than Fair Value: Urea Ammonium Nitrate Solutions from Belarus*, 68 FR 9055 (February 27, 2003) ("The Department allows such credits, but only for the amount of the by-product/recovery actually sold or reused."). See also *Issues and Decision Memorandum for the Final Determination of the Antidumping Duty Investigation of Saccharin from the People's Republic of China*, 68 FR 27530 (May 20, 2003), at Comment 6. For these preliminary results, we have not allowed a by-product offset for the amounts reported in its responses or for any smaller amount because Shanghai Fortune did not demonstrate that any of its sales of by-products took place during the POR. See *Factor Valuation Memorandum* and *Shanghai Fortune Analysis Memo*. However, the Department has issued a supplemental questionnaire on this issue and will consider any additional factually supported information and source documents timely submitted by Shanghai Fortune for the final results of this review.

*Energy and Water:* To value electricity, we used values from the International Energy Agency to calculate a surrogate value in India for 2000, and adjusted for inflation. No interested parties submitted information or comments regarding these surrogate values and the Department was unable to find a more contemporaneous surrogate value. Because this data was not contemporaneous with the POR, we adjusted the International Energy Agency 2000 Indian price for inflation. See *Factor Valuation Memorandum*. To value steam coal, we used data obtained from the Indian publication, *Teri Energy Data Directory & Yearbook* ("Teri Data"). The *Teri Data* is publicly available and is contemporaneous with the POR. See *id.* To value water and steam, we used the rates from the website maintained by the Maharashtra Industrial Development Corporation (<http://www.midcindia.org/>) which shows industrial water rates from various areas within the Maharashtra Province, India ("Maharashtra Data"). The Maharashtra data is publicly available, and is contemporaneous with the POR. See *id.*

*Labor:* We valued labor, consistent with 19 CFR 351.408(c)(3), using the PRC regression-based wage rate as reported on Import Administration's home page, Import Library, Expected Wages of Selected NME Countries,

revised in November 2004, <http://ia.ita.doc.gov/wages/02wages/02wages.html>. The source of this wage rate data on the Import Administration's web site is the Yearbook of Labour Statistics 2002, ILO, (Geneva: 2002), Chapter 5B: Wages in Manufacturing. The years of the reported wage rates range from 1996 to 2001. Because this regression-based wage rate does not separate the labor rates into different skill levels or types of labor, we have applied the same wage rate to all skill levels and types of labor reported by the respondent. See *id.*

*Packing Materials:* We used Indian import statistics to value material inputs for packing. See *id.*

*Movement Expenses:* We valued the foreign inland freight rate based on an average of truck rates that were published in the Indian publication *Chemical Weekly* during the POR. We valued foreign brokerage and handling charges based on an average value calculated in *Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From India*, 66 FR 50406 (October 3, 2001), *Certain Forged Stainless Steel Flanges from India: Final Results of Antidumping New Shipper Review*, 63 FR 25824 (May 11, 1998), and *Notice of Final Determination of Sales at Less than Fair Value: Carbazole Violet Pigment 23 from India*, 69 FR 67306 (November 17, 2004). We adjusted data not contemporaneous with the POR when appropriate. For ocean freight, we used the rate quotes from the website maintained by Maersk Sealand (<http://www.maersksealand.com>) for the movement of containers from the PRC to the west coast of the United States. For marine insurance, we relied on rate quotes from RJG Consultants (<http://www.rjgconsultants.com>) dating from the POR for the movement of containers from the PRC to the west coast of the United States.

*Factory Overhead, Selling, General and Administrative Expenses, and Profit:* To value factory overhead, selling, general and administrative expenses, and profit, we used the 2003 audited financial statements for Atul Limited, an Indian chemical producer that manufactures many of the intermediate raw materials used in the production of saccharin and utilizes many production processes that are similar to those used in the production of saccharin. For a full discussion of the calculation of these ratios from Atul Limited's financial statements, see *Factor Valuation Memorandum*.

### Currency Conversion

We made currency conversions into U.S. dollars, in accordance with section 773A(a) of the Act, based on the exchange rates in effect on the dates of the U.S. sale(s) as certified by the U.S. Federal Reserve Bank.

### Preliminary Results of the Review

We preliminarily find that the following weighted-average dumping margins exist for the period December 27, 2002, through June 30, 2004:

#### SACCHARIN FROM THE PRC

Producer/manufacturer/exporter	Weighted-average margin (percent)
Shanghai Fortune Chemical Co., Ltd .....	137.79
PRC-wide entity <sup>9</sup> .....	329.33

<sup>9</sup>The PRC-wide entity includes: Suzhou Chemicals, Tianjin Changjie, Kaifeng Chemical, Tianjin North Food, and Beta Udyog.

The Department will disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. See 19 CFR 351.309(c)(ii). Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 35 days after the date of publication of these preliminary results of review. See 19 CFR 351.309(d).

Any interested party may request a hearing within 30 days of publication of these preliminary results. See 19 CFR 351.310(c). Requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If we receive a request for a hearing, we plan to hold the hearing three days after the deadline for submission of the rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of this administrative review. If these preliminary results are adopted in our final results of review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an exporter/importer (or customer)-specific assessment rate or value for merchandise subject to this review. Because Shanghai Fortune reported entered values, for these preliminary results we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each applicable importer. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting percentage margin against the entered customs values for the subject merchandise on each of the applicable importer's/customer's entries during the review period.

### Cash-Deposit Requirements

The following cash-deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Shanghai Fortune will be the rate listed in the final results of review (except where the rate is *de minimis*, i.e., less than 0.5 percent, no cash deposit will be required); (2) for previously investigated companies not listed above that have separate rates, the cash-deposit rate will continue to be the company-specific rate published in the *LTFV Investigation*; (3) the cash-deposit rate for all other PRC exporters will be 329.33 percent, the current PRC-wide rate; and (4) the cash-deposit rate for all other non-PRC exporters will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping

duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b).

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-4252 Filed 8-5-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-806]

#### Silicon Metal From Brazil: Preliminary Results of Antidumping Duty Administrative Review

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

**SUMMARY:** In response to requests by Globe Metallurgical (petitioner) and Camargo Correa Metais S.A. (CCM) the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on silicon metal from Brazil. The period of review (POR) is July 1, 2003, through June 30, 2004.

We preliminarily determine that CCM did not sell subject merchandise at less than normal value (NV) during the POR. If these preliminary results are adopted in our final results of this administrative review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties based on the difference between the export price (EP) and NV. We invite interested parties to comment on the preliminary results.

**EFFECTIVE DATE:** August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Maisha Cryor at (202) 482-5831 or Mark Manning at (202) 482-5253, AD/CVD Operations, Office IV, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

#### Background

On July 31, 1991, the Department published in the **Federal Register** the

antidumping duty order on silicon metal from Brazil. *See Antidumping Duty Order: Silicon Metal from Brazil*, 56 FR 36135 (July 31, 1991). On July 1, 2004, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on silicon metal from Brazil for the period July 1, 2003, through June 30, 2004. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 69 FR 39903 (July 1, 2004). On July 16, 2004, CCM requested that the Department conduct an administrative review of its sales. On July 30, 2004, the petitioner requested that the Department conduct an administrative review of sales made by CCM, Ligas de Alumínio S.A (LIASA), and Companhia Ferroligas de Minas Gerais - Minasligas (Minasligas). On August 30, 2004, in accordance with 19 CFR 351.221(c)(1)(i) of the Department's regulations, the Department published in the **Federal Register** a notice of initiation of this antidumping duty administrative review. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 69 FR 52857 (August 30, 2004). On September 14, 2004, the Department issued questionnaires to CCM, LIASA and Minasligas.<sup>1</sup>

On September 24, 2004, LIASA and Minasligas both submitted letters to the Department stating that they made no sales or shipments of silicon metal to the United States during the POR. We confirmed with CBP that neither LIASA nor Minasligas had entries of subject merchandise during the POR and rescinded the review with respect to both companies. *See Silicon Metal from Brazil; Notice of Partial Rescission of Antidumping Duty Administrative Review*, 69 FR 67702 (November 19, 2004). The Department received a response to section A of the questionnaire from CCM on October 7, 2004, and received responses to sections B through D of the questionnaire on November 1, 2004.

<sup>1</sup> Section A of the questionnaire requests general information concerning a company's corporate structure and business practices, the merchandise under review that it sells, and the manner in which it sells that merchandise in all of its markets. Section B requests a complete listing of all home market sales, or, if the home market is not viable, of sales in the most appropriate third-country market (this section is not applicable to respondents in non-market economy (NME) cases). Section C requests a complete listing of U.S. sales. Section D requests information on the cost of production (COP) of the foreign like product and the constructed value (CV) of the merchandise under review. Section E requests information on further manufacturing.

The Department issued supplemental questionnaires to CCM in December 2004, February 2005, March 2005, June 2005 and July 2005 and received responses in January 2005, February 2005, March 2005, June 2005, and July 2005, respectively.

On March 7, 2005, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), the Department extended the deadline for the preliminary results until August 1, 2005. *See Silicon Metal from Brazil: Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 12185 (March 11, 2005).

The Department is conducting this review in accordance with section 751 of the Act.

#### Scope of the Order

The merchandise covered by this order is silicon metal from Brazil containing at least 96.00 percent but less than 99.99 percent silicon by weight. Also covered by this administrative review is silicon metal from Brazil containing between 89.00 and 96.00 percent silicon by weight but which contains more aluminum than the silicon metal containing at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.69.50 of the Harmonized Tariff Schedule of the United States (HTSUS) as a chemical product, but is commonly referred to as a metal. Semiconductor grade silicon (silicon metal containing by weight not less than 99.99 percent silicon and provided for in subheading 2804.61.00 of the HTSUS) is not subject to the order. Although the HTSUS item numbers are provided for convenience and for customs purposes, the written description remains dispositive.

#### Fair Value Comparisons

During the POR, CCM reported that it made EP sales to the United States. To determine whether sales of subject merchandise made by CCM were made at less than fair value, we compared EP to the NV, as described in the *Export Price* and *Normal Value* sections of this notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual EP transactions, as appropriate.

#### Product Comparisons

In accordance with section 771(16) of the Act, we considered all silicon metal covered by the *Scope of the Order* section of this notice, *supra*, which was produced and sold by CCM in the home

market to be foreign like products for the purpose of determining appropriate product comparisons to U.S. sales of silicon metal. Further, as in a prior segment of this proceeding, we have continued to treat all silicon metal meeting the description of the merchandise under the *Scope of the Order* section above (with the exception of slag and contaminated products) as identical products for purposes of model-matching. *See Silicon Metal From Brazil: Preliminary Results, Intent To Revoke in Part, Partial Rescission of Antidumping Duty Administrative Review, and Extension of Time Limits*, 64 FR 43161 (August 9, 1999), unchanged in *Final Results of Antidumping Duty Administrative Review: Silicon Metal from Brazil*, 65 FR 7497 (February 15, 2000). Therefore, where applicable, if there were no contemporaneous sales of identical merchandise in the home market made in the ordinary course of trade to compare to U.S. sales, we compared U.S. sales to the constructed value (CV) of the product sold in the U.S. market during the comparison period, consistent with section 351.405 of the Department's regulations.

#### Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determined NV based on sales in the comparison market at the same level of trade (LOT) as the U.S. sales. The NV LOT is that of the starting-price sale in the comparison market or, when the NV is based on CV, that of the sales from which we derive SG&A expenses and profit. For EP sales, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to the importer. For CEP sales, it is the level of the constructed sale from the exporter to the importer.

To determine whether comparison market sales are at a different LOT than EP or CEP transactions, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different LOT and the difference affects price comparability with U.S. sales, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment pursuant to section 773(a)(7)(A) of the Act. For CEP sales, if the LOT of the home market sale is more remote from the factory than the CEP level and there is no basis for determining whether the

difference between the LOT of the home market sale and the CEP transaction affects price comparability, we adjust NV pursuant to section 773(a)(7)(B) of the Act (the CEP offset provision). See *Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago*, 70 FR 12648 (March 15, 2005).

To determine whether a LOT adjustment is warranted, we obtained information from CCM about the marketing stages at which its reported U.S. and comparison-market sales were made, including a description of the selling activities performed by CCM for each of its channels of distribution. In identifying LOTs for CCM's EP and comparison market sales, we considered the selling functions reflected in the starting price before any adjustments.

In conducting our LOT analysis for CCM, we took into account the specific customer types, channels of distribution, and selling functions. For CCM we found that there was a single LOT in the United States and a single, identical, LOT in the comparison market. Therefore, it was not necessary to make a LOT adjustment. For a further discussion of our LOT analysis for CCM, see Memorandum from Maisha Cryor, Analyst, to Holly A. Kuga, Senior Office Director, "Level of Trade Analysis: Camargo Correa Metais S.A.," dated August 1, 2005.

#### Export Price

For the price to the United States, we used EP as defined in section 772(a) of the Act. Section 772(a) of the Act defines EP as the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the exporter or producer outside the United States to an unaffiliated purchaser in the United States for exportation to the United States. We based EP on packed and delivered prices to unaffiliated purchasers in the United States. In accordance with section 772(c)(2) of the Act, we reduced the starting price by movement expenses and export taxes and duties, if appropriate. These deductions included, where appropriate, foreign inland freight, foreign brokerage and handling, international freight, marine insurance and U.S. customs duties.

#### Normal Value

##### I. Selection of Comparison Market

Section 773(a)(1) of the Act directs the Department to base NV on the price at which the foreign like product is sold in the home market, provided that, among other things, the merchandise is sold in

sufficient quantities in the home market (or has sufficient aggregate value, if quantity is inappropriate). The statute provides that the total quantity of home market sales of foreign like product (or value) will normally be considered sufficient if it is five percent or more of the aggregate quantity (or value) of sales of the subject merchandise to the United States. See section 773(a)(i)(B)(ii) of the Act. Based on a comparison of the aggregate quantity of home market sales of foreign like product and U.S. sales of subject merchandise by CCM, we determined that the quantity of foreign like product sold in Brazil is more than five percent of the quantity of U.S. sales of subject merchandise. Accordingly, we based NV on home market sales.

In deriving NV, we made adjustments as detailed in the *Calculation of Normal Value Based on Comparison-Market Prices* section below.

##### II. Cost of Production Analysis

In the most recently completed administrative review of CCM, we disregarded home market sales found to be below COP. See *Silicon Metal from Brazil; Preliminary Results of Antidumping Duty Administrative Review, Intent to Revoke in Part, and Intent Not to Revoke in Part*, 61 FR 46776, 46778 (September 15 1996); unchanged in *Silicon Metal from Brazil; Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke in Part*, 62 FR 1954 (January 14, 1997). Therefore, in accordance with section 773(b)(2)(A)(ii) of the Act, the Department had reasonable grounds to believe or suspect that sales of the foreign like product under consideration for the determination of NV in this review may have been made by CCM at prices below the COP. We, therefore, initiated a cost investigation with regard to CCM in order to determine whether this respondent made home market sales during the POR at prices below the COP within the meaning of section 773(b) of the Act.

##### A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated a weighted-average COP for CCM based on the sum of the cost of materials and fabrication of the foreign like product, plus amounts for the home market general and administrative (G&A) expenses, interest expenses and packing costs. We relied on the submitted COP data.

##### B. Test of Home Market Sales Prices for CCM

For CCM, we compared the per-unit adjusted weighted-average COP figures for the POR to home market sale prices of the foreign like product, as required under section 773(b) of the Act, in order

to determine whether these sales were made at prices below the COP. On a product-specific basis, we compared the COP to the home market prices, less any applicable movement charges, rebates, and discounts. In determining whether to disregard home market sales made at prices below the COP, we examined whether: (1) within an extended period of time, such sales were made in substantial quantities; and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time.

##### C. Results of COP Test for CCM

Pursuant to section 773(b)(2)(C), where less than 20 percent of a respondent's sales of a given product were at prices below the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where 20 percent or more of the respondent's sales of a given product during the POR were made at prices below the COP, we determined such sales were made in "substantial quantities" within an extended period of time in accordance with section 773(b)(2)(B) of the Act. In such cases, because we compared prices to POR-average costs, we also determined that such sales were not made at prices which would permit the recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act.

Our cost test revealed that more than twenty percent of CCM's home market sales of certain products were made at below-cost prices during the reporting period. Therefore, we disregarded those below-cost sales, while retaining the above-cost sales for our analysis.

##### C. Calculation of Normal Value Based on Comparison-Market Prices

We determined price-based NVs for CCM as follows. For those comparison products for which there were sales at prices above the COP, we based CCM's NV on the prices at which the foreign like product was first sold to unaffiliated parties for consumption in Brazil, in the usual commercial quantities, in the ordinary course of trade in accordance with section 773(a)(1)(B)(i) of the Act. We based NV on sales at the same LOT as the U.S. transactions. For LOT analysis, please see the *Level of Trade* section above. We adjusted the starting price for any differences in packing costs, in accordance with section 773(a)(6) of the Act, and we deducted from the starting price movement expenses pursuant to section 773(a)(6)(B)(ii) of the Act. In addition, where applicable, we adjusted the starting price to account for differences in circumstances of sale

(COS) in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We also adjusted the starting price, pursuant to 19 CFR 351.410(e), for indirect selling expenses incurred on comparison-market or U.S. sales where commissions were granted on sales in one market but not in the other market, where applicable.

Specifically, we reduced the starting price for inland freight pursuant to section 773(a)(6)(B) of the Act. In accordance with 19 CFR 351.401(c), we increased the starting price for interest revenue. We also made COS adjustments to the starting price for imputed credit expenses in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. Finally, we deducted home market packing costs from, and added U.S. packing costs to the starting price in accordance with sections 773(a)(6)(A) and (B) of the Act.

**Currency Conversions**

We made currency conversions in accordance with section 773A of the Act based on the exchange rates in effect on the dates of the U.S. sales as reported by the Federal Reserve Bank.

**Preliminary Results of Review**

As a result of our review, we preliminarily determine that the following weighted-average dumping margin exists for the period July 1, 2003, through June 30, 2004.

Manufacturer/exporter	Weighted-average margin percentage
CCM .....	0.00

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within 5 days of the date of publication of this notice. Any interested party may request a hearing within 30 days of the date of publication of this notice. Parties who submit arguments in this proceeding are requested to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument and (3) a table of authorities. Further, parties submitting written comments should provide the Department with an additional copy of the public version of any such comments on diskette. All case briefs must be submitted within 30 days of the date of publication of this notice. Rebuttal briefs, which are limited to issues raised in the case briefs, may be filed not later than five days after the case briefs are filed. A hearing, if requested, will be held two days after

the date the rebuttal briefs are filed or the first business day thereafter.

The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of the issues raised in any written comments or at the hearing, within 120 days from the publication of these preliminary results.

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to CBP. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the review and for future deposits of estimated duties. For duty assessment purposes, we will calculate a per-unit customer or importer-specific assessment rate by aggregating the dumping margins calculated for all U.S. sales to each customer/importer and dividing this amount by the total quantity of those sales. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer.

The following deposit requirements will be effective for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash-deposit rates for the reviewed company will be the rate established in the final results of review; (2) for previously reviewed or investigated companies not listed above, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash-deposit rate for all other manufacturers or exporters will continue to be 91.06 percent, the "All Others" rate established in the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries

during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-4255 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-427-814]

**Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from France**

**AGENCY:** Import Administration, International Trade Administration, U.S. Department of Commerce.

**SUMMARY:** In response to requests from Ugine and ALZ France S.A. (U&A France) (the Respondent), and Allegheny Ludlum Corporation, AK Steel, Inc., North American Stainless, United Steelworkers of America, AFL-CIO/CLC, Butler Armco Independent Union, and Zanesville Armco Independent Organization (collectively, the Petitioners), the U.S. Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel sheet and strip in coils (SSSS) from France for the period July 1, 2003, through June 30, 2004 (POR). The Department preliminarily finds that U&A France's sales of SSSS in the United States were made at less than normal value (NV). If these preliminary results are adopted in the final results of this administrative review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on entries of U&A France's merchandise during the period of review. The preliminary results are listed in the section titled "Preliminary Results of Review," below.

**EFFECTIVE DATE:** August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sean Carey, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution

Avenue, NW., Washington, DC 20230; (202) 482-3964.

### Background

On July 27, 1999, the Department published the amended final determination and antidumping duty order on SSSS from France. See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils from France*, 64 FR 40562 (July 27, 1999). On July 1, 2004, the Department published a notice of "Opportunity to Request Administrative Review" of the antidumping duty order on SSSS from France for the period July 1, 2003, through June 30, 2004. See *Notice of Opportunity to Request Administrative Review of Antidumping Duty or Countervailing Duty Order, Finding, or Suspended Investigation*, 69 FR 39903 (July 1, 2004). On July 30, 2004, the Petitioners and U&A France, a producer and exporter of subject merchandise, requested that the Department conduct a review of U&A France's sales or entries of merchandise subject to the Department's antidumping duty order on SSSS from France. On August 30, 2004, in accordance with section 751(a) of the Act, the Department published a notice of initiation of this antidumping duty administrative review for the period July 1, 2003, through June 30, 2004. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 69 FR 52857 (August 30, 2004).

On September 16, 2004, the Department issued a questionnaire to U&A France. On November 19, 2004, U&A France filed its response to Section A through E. On December 1, 2004, U&A France submitted a revised version of the computer file format table, which was submitted in the November 19, 2004 response.

On January 25, 2005, the Petitioners submitted comments on U&A France's response to Section A of the Department's questionnaire. On January 27, 2005, the Petitioners submitted comments on U&A France's response to section D and E of the Department's questionnaire. On February 4, 2005, the Petitioners submitted their comments on U&A France's response to section B and C of the Department's questionnaire.

On February 15, 2005, the Department issued a supplemental questionnaire for section A to U&A France. On February 25, 2005, the Department issued supplemental questionnaires for section B and C to U&A France.

On March 7, 2004, the Department extended the time limit for the

preliminary results of the antidumping duty administrative review. See *Notice of Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from France*, 70 FR 10985 (March 7, 2005).

On March 22, 2005, U&A France filed its response to the section A supplemental questionnaire. On April 1, 2005, U&A France filed its response to section B and C supplemental questionnaire. On May 3, 2005, the Department issued a section D and E supplemental questionnaire to U&A France. On May 27, 2005, U&A France filed its response to the section D and E supplemental questionnaire. On June 15, 2005, the Department issued a second supplemental section D questionnaire to U&A France. On June 24, 2005, U&A France filed its response to the second supplemental section D questionnaire.

On June 27, 2005 the Petitioners filed comments on the section A-C supplemental questionnaire responses for U&A France. On July 8, 2005, the Department issued a third supplemental section D questionnaire to U&A France. On the same date, U&A France filed its sales reconciliation with the Department. On July 15, 2005, U&A France filed its response to the third supplemental section D questionnaire.

On July 28, 2005, U&A France responded to Petitioners' comments dated June 27, 2005. On July 29, 2005, the Department issued a second supplemental questionnaire regarding sections A, B, and C to clarify a number of issues raised by the Petitioners. U&A France's response is due after the issuance of the preliminary results of this review. In accordance with 19 CFR 351.301(c), parties will have 10 days to comment on the new information. Any decision reached by the Department concerning these issues will be reflected in the final results of this review.

### Scope of the Order

The products covered by this order are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (e.g., cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific

dimensions of sheet and strip following such processing.

The merchandise subject to this order is currently classifiable in the *Harmonized Tariff Schedule of the United States* (HTSUS) at subheadings: 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.1300.81<sup>1</sup>, 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044, 7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035, 7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.20.8000, 7220.20.9030, 7220.20.9060, 7220.90.0010, 7220.90.0015, 7220.90.7060, and 7220.90.0080.

Although the HTSUS subheadings are provided for convenience and customs' purposes, the Department's written description of the merchandise under the order is dispositive.

Excluded from the order are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (i.e., flat-rolled stainless sheet products of a thickness of 4.75 mm or more); (4) flat wire (i.e., cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. See Chapter 72 of the HTSUS, "Additional U.S. Note" 1(d).

Flapper valve steel is also excluded from the scope of the order. This

<sup>1</sup> Due to changes to HTSUS numbers in 2001, 7219.13.0030, 7219.13.0050, 7219.13.0070, and 7219.13.0080 are now 7219.13.0031, 7219.13.0051, 7219.13.0071, and 7219.13.0081, respectively.

product is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel strip contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with exclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves in compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless foil for automotive catalytic converters is also excluded from the scope of this order. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of less than 0.002 or greater than 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of this order. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and

12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as "Arnokrome III."<sup>2</sup>

Certain electrical resistance alloy steel is also excluded from the scope of this order. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (ASTM) specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as "Gilphy 36."<sup>3</sup>

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of this order. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (UNS) as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as "Durphynox 17."<sup>4</sup>

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments are also excluded from the scope of this order. These include stainless steel strip in coils used in the production of textile cutting tools (e.g., carpet knives).<sup>5</sup> This steel is similar to

AISI grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as "GIN4 Mo." The second excluded stainless steel strip in coils in similar to AISI 420-J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per 100 square microns. An example of this product is "GIN5" steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, "GIN6."<sup>6</sup>

#### Affiliation

U&A France and Imphy Ugine Precision (IUP) are wholly owned subsidiaries of Usinor S.A. (Usinor). See Section A Response of Ugine & ALZ France S.A., dated November 19, 2004, at 18 (Section A Response). Usinor, Arbed, S.A. (Arbed), and Aceralia Corporacion Siderurgica, S.A. (Aceralia) comprise the Arcelor Group. *Id.* at 1, n.2. In the U.S. market, U&A France made sales through one affiliated U.S. company: Arcelor Stainless USA, Inc. (AUSA). IUP made sales in the United States through two affiliated U.S. companies: Rahns Specialty Metals, Inc. (Rahns), which ceased operations in December 2003, and thereafter Hood & Co., Inc. (Hood). AUSA also sold to an affiliate, Arcelor Stainless Processing, LLC (ASP) and to unaffiliated customers. ASP resold subject merchandise to unaffiliated customers both with and without further processing. AUSA is wholly owned by Arcelor USA Holding, Inc., which is owned by Arcelor Project, Usinor, Matthey Et Cie S.A. Sidarfin and Arcelor International. See Section A Response, at 16. These companies are

<sup>2</sup> "Arnokrome III" is a trademark of the Arnold Engineering Company.

<sup>3</sup> "Gilphy 36" is a trademark of Imphy, S.A.

<sup>4</sup> "Durphynox 17" is a trademark of Imphy, S.A.

<sup>5</sup> This list of uses is illustrative and provided for descriptive purposes only.

<sup>6</sup> "GIN4 Mo," "GIN5" and "GIN6" are the proprietary grades of Hitachi Metals America, Ltd.

owned by Arcelor, Usinor, and Aceralia. *Id.*

We note that there are no significant changes to the ownership structure of these companies since the last review. As a result, the Department preliminarily finds, as we have in all previous reviews, that U&A France, IUP and its U.S. resellers are affiliated. *See Stainless Steel Sheet and Strip in Coils from France: Preliminary Results of Antidumping Administrative Review*, 69 FR 47892 (August 6, 2004) (*Preliminary Results Fourth Review*).

#### Collapsing of Affiliated Parties

In accordance with 19 CFR 351.401, the Department preliminarily finds that it is appropriate to treat U&A France and IUP as a single entity for purposes of calculating a dumping margin. *See Memorandum to Maria MacKay, Acting Office Director, through Sean Carey, Program Manager, from Sebastian Wright, Analyst, Stainless Steel Sheet and Strip in Coils From France; Collapsing of Ugine & Alz, Franc, S.A. and Imphy Ugine Precision*, (August 1, 2005), on file in the Central Records Unit (CRU), Room B-099 of the main Commerce Building.

#### Normal Value Comparison

To determine whether U&A France's sales of subject merchandise to the United States were made at less than fair value, we compared the constructed export price (CEP) to the normal value (NV), as described in the "Constructed Export Price" and "Normal Value" sections of this notice, below. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual CEP transactions.

#### A. Home Market Viability

In accordance with section 773(a)(1) of the Act, to determine whether there were sufficient sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is greater than or equal to five percent of the aggregate volume of U.S. sales), we compared U&A France's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise. Pursuant to section 773(a)(1)(B) of the Act, because U&A France's aggregate volume of home market sales of the foreign like product during the POR was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable.

#### B. Arm's-Length Test

U&A France reported that it made sales in the home market to affiliated end users and resellers during the POR. In accordance with 19 CFR 351.403(c), the Secretary may calculate NV based on sales to an affiliated party only if satisfied that the price is comparable to the price at which the exporter or producer sold the foreign like product to a person who is not affiliated with the seller.

To test whether U&A France's sales were made at arm's length, we compared the starting prices of sales to affiliated and unaffiliated customers net of all movement charges, direct selling expenses, discounts, and packing. Where identical merchandise was not sold to unaffiliated customers, we based the comparisons on sales of the most similar merchandise. Where prices to the affiliated party were on average between 98 and 102 percent of the price to the unrelated party, we determined that sales made to the related party were at arm's length. *See Antidumping Proceedings: Affiliated Party Sales in the Ordinary Course of Trade*, 67 FR 69186 (November 15, 2002). We have included in our NV calculations U&A France's sales to affiliated customers that passed the Department's arm's-length test. Conversely, certain sales to affiliated customers that did not pass the arm's-length test have been excluded from our NV calculation.

U&A France's sales to PUM, a reseller, did not pass the arm's-length test. In accordance with 19 CFR 351.403(d), the Secretary normally will not calculate NV based on the downstream sales by an affiliated parties if the total sales of the foreign like product by an exporter or producer to affiliated parties account for less than five percent of the reporter's or producer's sales of the foreign like product in the market in question. In the instant case, U&A France's sales to affiliates in the home market account for more than five percent of the total value of U&A France's home market sales. Therefore, the department cannot disregard the downstream sales of the affiliated party in the calculation of NV. U&A France, however, did not provide PUM's downstream sales information.

Section 776(a)(2) of the Act provides that if an interested party: (A) Withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form of manner requested, subject to subsections 782(c)(1) and (e) of the Act; (C) significantly impedes a determination under the antidumping statute; or (D)

provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination. In its response to the Department's questionnaire, U&A France claimed, as it has in prior reviews, that sales by PUM were insignificant and would not be used as matches for U.S. sales because the product sold by PUM would not match to a sale of merchandise in the United States. *See* Section A Supplemental Questionnaire Response at 24 (March 22, 2005) (Supplemental Section A Response). U&A France also again claimed that it would be difficult to collect all of the information requested by the Department. *Id.* In a subsequent questionnaire we asked U&A France why is contended that it should not have to report the downstream sales for PUM. *Id.* U&A France reiterated that it would endure an undue burden in providing the downstream sales for PUM and asked the Department to rely on the sales by U&A France to PUM. *Id.* U&A France did not provide any of the requested downstream sales information in the database provided with the submission, nor did it include that information in any subsequently reported datasets.

Consistent with sections 776(a)(2)(A) and (B) of the act, because U&A France withheld information requested by the department, we are applying facts otherwise available. In addition, section 776(b) of the Act provides that, if the Department finds that an interested party "has failed to cooperate by not acting the best of its ability to comply with a requested information," the Department may use information that is adverse to the interests of that party as facts otherwise available. In this case, even after receiving the Department's supplemental request, U&A France has refused to provide downstream information for PUM, claiming that to do so would be overly burdensome given the insignificant volume of this reseller's sales compare to the total volume of home market sales and that the product sold by this reseller would not be matched to products sold in the United States. In the prior administrative review, U&A France also refused to provide this information, and the Department applied adverse facts available to these downstream sales. *See Preliminary Results Forth Review at 47896-47897.*

Because U&A France explicitly refused to provide the requested downstream sales by PUM, the department preliminarily finds that, in accordance with section 776(b) of the

Act, the application of partial adverse facts available is appropriate. As adverse facts available or U&A France's sales to PUM, we will use the higher of the price charged to PUM by U&A France (the "upstream" price) or the price charged for the most similar product purchased in the home market by an unaffiliated customer. In selecting this information as adverse facts available, we took into account the small volume of sales involved.

### C. Date of Sale

As stated at 19 CFR 351.401(i), the Department normally will use the invoice date as the date of sale unless another date better reflects the date upon which the exporter or producer establishes the essential terms of sale. U&A France reported the invoice date as the date of sale for both home market and U.S. sales. In the prior segment of this proceeding, we found that invoice date is the correct date of sale for U.S. and home-market sales. See *Preliminary Results Fourth Review* at 47897. Nothing has changed in U&A France's sales process or channels of distribution since the prior review that would cause the Department to revisit its prior decision. Accordingly, the Department preliminarily finds that invoice date is the proper date of sale for both home market and U.S. sales.

### Product Comparisons

In accordance with section 771(16) of the Act, we considered all SSSS products covered by the "Scope of the Order" section of this notice and sold in the home market during the POR, to be foreign like products for the purpose of determining appropriate product comparisons to U.S. sales of SSSS products. We relied on nine characteristics to match U.S. sales of subject merchandise to comparison sales of the foreign like product (listed in order of preference): (1) Grande; (2) hot/cold rolled; (3) gauge; (4) surface finish; (5) metallic coating; (6) non-metallic coating; (7) width; (8) temper; and (9) edge trim. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics and reporting instructions listed in the Department's questionnaire.

### Normal Value

After testing home market viability and whether home market sales were at prices below the cost of production, we calculated NV as noted in the "Price-to-Constructed Value (CV) Comparison"

and "Price-to-Price Comparisons" sections of this notice.

### Cost of Production Analysis

Because we disregarded sales below the cost of production in the most recently completed segment of this proceeding, we have reasonable grounds to believe or suspect that sales by U&A France in its home market were made at prices below the cost of production (COP), pursuant to section 773(b)(1) of the Act. See *Stainless Steel Sheet and Strip in Coils from France: Final Results Fourth Review*, 70 FR 7240 (February 11, 2005). Therefore, pursuant to section 773(b)(1) of the Act, we conducted a COP analysis of home market sales by U&A France as described below.

#### A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated a weighted-average COP based on the sum of U&A France's cost of materials and fabrication for the foreign like product, plus amounts for selling, general and administrative expenses (SG&A), including interest expenses, and packing costs. We relied on the COP data submitted by U&A France in its May 27, 2005, cost questionnaire response. U&A France submitted two sets of cost data, one based on monthly costs and the other based on the weighted-average cost for the POR.

U&A France argues that because raw material prices increased significantly during the POR, the Department should depart from its normal practice of calculating an average COP for each CONNUM and instead use average monthly COP. See Section D response dated November 19, 2004, at page 42. Pursuant to 19 CFR 351.414(d)(3), for purposes of these preliminary results, we have relied on the weighted-average cost for the POR instead of the monthly costs reported by U&A France because fluctuating raw material prices were not significant enough for us to depart from our standard practice of using one weighted average COP for the POR. See *Memorandum to the File: Analysis of Monthly Costs Submitted by Ugine & Alz France, S.A. from Christopher J. Zimpo*, (August 1, 2005).

#### B. COP test of Home Market Prices

We compared the weighted-average COP for U&A France to home market sales of the foreign like product to determine whether these sales had been made at prices below the COP as required under section 773(b) of the Act. In determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made (1) within an extended

period of time in substantial quantities, and (2) at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade, in accordance with sections 773(b)(1)(A) and (B) of the Act. On a product-specific basis, we compared the COP to home market prices, less any applicable billing adjustments, movement charges, discounts, and direct and indirect selling expenses.

#### C. Results of the COP Test

Pursuant to section 773(b)(2) of the Act, where less than 20 percent of U&A France's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where 20 percent or more of U&A France's sales of a given product during the POR were at prices less than the COP, we determined that such sales have been made in "substantial quantities" within an extended period of time, in accordance with section 773(b)(2)(B) of the Act. In such cases, because we use POR average costs, we also determined that such sales were not made at prices that would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. Therefore, we disregarded the below-cost sales.

### Calculation of Constructed Value

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of U&A France's cost of materials, fabrication, SG&A (including interest expenses), U.S. packing costs, and profit. In accordance with section 773(e)(2)(A) of the Act, we based SG&A and profit on the amounts incurred and realized by U&A France in connection with the production and sale of the foreign like product in the ordinary course of trade for consumption in the foreign country. For selling expenses, we used the actual weighted-average home market direct and indirect selling expenses.

### Export Price and Constructed Export Price

In accordance with section 772(a) of the Act, export price (EP) is the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter of the subject merchandise outside of the United States to an unaffiliated purchaser in the United States or to an unaffiliated purchaser for exportation to the United States. In accordance with section 772(b) of the Act, constructed export price (CEP) is

the price at which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of such merchandise, or by a seller affiliated with the producer or exporter, to a purchaser not affiliated with the producer or exporter.

For purposes of this review, U&A France classified all of its reported U.S. sales of SSSS as CEP sales. During the review period U&A France made sales to the United States through its U.S. based affiliates, AUSA, Rahns, Hood, and ASP, which resold the merchandise to unaffiliated customers. Therefore, because U&A France's U.S. sales were made by AUSA, Rahns, Hood and ASP after the subject merchandise was imported into the United States, it is appropriate to classify these sales as CEP sales.

We calculated the CEP in accordance with section 772(b) of the Act. We based CEP on the packed ex-warehouse or delivered prices to unaffiliated purchasers in the United States. We also made deductions for the following movement expenses, where appropriate, in accordance with section 772(c)(2)(A) of the Act: foreign inland freight from plant to distribution warehouse, international freight, marine insurance, U.S. inland freight from port to warehouse, U.S. inland freight from warehouse/plant to the unaffiliated customer, U.S. warehouse expenses, other U.S. transportation expense, wharfage expenses, and customs duties. In accordance with section 772(d)(1) of the Act, we deducted selling expenses associated with economic activities occurring in the United States, including direct selling expenses, inventory carrying costs, credit, warranty expenses, commissions, and other indirect selling expenses.

For products that were further manufactured by ASP after importation, readjusted the starting price for all costs of further manufacturing in the United States, in accordance with section 772(d)(2) of the Act. In calculating the cost of further manufacturing for ASP, we relied upon the further manufacturing information provided by U&A France.

We deducted the profit allocated to expenses listed under sections 772(d)(1) and (d)(2), in accordance with sections 772(d)(3) and 772(f) of the Act. In accordance with section 772(f) of the Act, we computed profit based on total revenues realized on sales in both the U.S. and home markets, less all expenses associated with those sales. We then allocated profit to expenses incurred with respect to U.S. economic

activity (including further manufacturing costs), based on the ratio of total U.S. expenses to total expenses for both the U.S. and home market in accordance with section 772(f). We also adjusted the starting price for billing adjustments, discounts, rebates, other revenues and freight revenue.

#### **Price-to-Constructed Value Comparisons**

In accordance with section 773(a)(4) of the Act, we base NV on CV if we are unable to find a home market match of identical or similar merchandise that is not disregarded due to the cost test. For these preliminary results, we did not use CV for NV because we were able to find a home market match of identical or similar merchandise that was not disregarded due to the cost test under 19 CFR 351.405(a) for each product sold in the United States.

#### **Price-to-Price Comparisons**

For those product comparisons for which there were sales at prices above the COP, we based NV on prices to unaffiliated home market customers or prices to affiliated customers that were determined to be at arm's length. Where appropriate, we deducted discounts, rebates, credit expenses, warranty expenses, inland freight, inland insurance, and warehousing expense. We also adjusted the starting price for billing adjustments, freight revenue, other revenues, and direct selling expenses. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in CEP comparisons. We made adjustments, where appropriate, for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. Additionally, in accordance with sections 773(a)(6)(A) and (B), we deducted home market packing costs and added U.S. packing costs.

For reasons discussed in the "Level of Trade" section below, we allowed a CEP offset for comparisons made at different levels of trade. To calculate the CEP offset, we deducted the home market indirect selling expenses (less any offset of U.S. commissions) from NV for home market sales that were compared to U.S. CEP sales. We limited the home market indirect selling expense deduction by the amount of the indirect selling expenses deducted in calculating the CEP as required under section 772(d)(1)(D) of the Act.

#### **Level of Trade**

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV using

sales in the comparison market at the same level of trade (LOT) at the U.S. sales. See 19 CFR 351.412. The NV LOT is the level of the starting-price sale in the comparison market. For CEP sales it is the level of the constructed sales from the exporter to the importer. See 19 CFR 351.412. U&A France classified all of its U.S. sales as CEP and the Department's analysis found no indication that the sales were not CEP sales.

To determine whether NV sales are at a different LOT than CEP sales, we examine selling functions between the producer and the unaffiliated or affiliated customer (if the arm's-length test is passed) for home market sales, and between the producer and the affiliated customer for CEP sales. However, if the selected comparison market sales are at a different LOT than the CEP sales, and a consistent pattern of price differences is manifested between the sales on which NV is based and other home market sales at the same LOT as the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV LOT is more remote from the factory than the CEP LOT and there is no basis for determining a consistent pattern of price differences, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731, 61732-33 (November 19, 1997). For CEP sales, we consider only the selling activities reflected in the price after the deduction of expenses and CEP profit under section 772(d) of the Act. See *Micron Technology, Inc. v. United States*, 243 F.3d 1301, 1314-1315 (Fed. Cir. 2001). We expect that, if the claimed LOTs are the same, the functions and activities of the seller should be similar. Conversely, if a party claims that the LOTs are different for different groups of sales, the functions and activities of the seller should be dissimilar. See *Porcelain-on-Steel Cookware from Mexico: Final Results of Administrative Review*, 65 FR 30068 (May 10, 2000).

In the home market, U&A France sells directly to the customer and through an affiliated service center, U&A FS. IUP sells directly to customers. U&A France reported three channels of distribution, two customer categories, and one level of trade. We found that, in the home market, U&A France performs a variety of distinct selling functions including: Strategy planning and marketing, customer sales contact, production planning and order evaluation, advertising, warranty, technical service, administrative, and freight and delivery

in both customer categories. See Section A Response of Uguine & ALZ France, Vol. 1, Appendix A-8 (November 19, 2004) (Appendix A-8). We examined the selling functions performed for the two customer categories and found there were no significant differences in selling functions performed. Therefore, we preliminarily find that the three home market channels of distribution to the two customer categories constitute one level of trade.

U&A France reported four channels of distribution, three customer categories, and one level of trade in the U.S. market. U&A France's channels of distribution and customer categories within each channel are as follows: (1) AUSA sold subject merchandise to unaffiliated end users and unaffiliated service centers/processors; (2) AUSA sold subject merchandise to ASP with ASP sold to unaffiliated end users. (3) AUSA sold subject merchandise imported from U&A France via Arcelor Canada to ASP which sold the subject merchandise to unaffiliated end users; and (4) IUP sold merchandise to Rahns and Hood which sold to unaffiliated end users. See Appendix A-8. As explained in U&A France's Section A Response, U&A France performed very few selling activities for the U.S. Sales because most selling functions were performed by the U.S. sales affiliates (AUSA, Rahns, Hood, and ASP). We examined the selling functions performed and found that there were only minor differences with respect to the degree to which the U.S. affiliates performed those selling function in all channels. We preliminarily find that U&A France's U.S. sales channels constitute one LOT. See *Memorandum to the File through Sean Carey, Program Manager, from Sebastian Wright, Analyst, Concerning Stainless Steel Sheet and Strip in Coils from France: Analysis Memorandum*, (August 1, 2005) (*Analysis Memorandum*).

U&A France and its home market affiliates perform all home market selling activities. Selling functions for the U.S. market, as indicated above, are performed by ASUSA, Rahns and Hood. We compared the U.S. and home market LOTs and determined that, after eliminating from consideration selling functions performed by ASUSA (pursuant to section 772(d) of the Act), U&A France's home market sales are made at a different and more remote, LOT than its CEP sales. See *Analysis Memorandum*.

We examined whether a LOT adjustment of CEP offset may be appropriate. In this case, U&A France sold at one LOT in the home market. Therefore, there is no information

available to determine a pattern of consistent price differences between the sales on which NV is based and the home market sales at the LOT of the export transaction, in accordance with the Department's normal methodology as described above. See 19 CFR 351.412(d). We do not have record information which would allow us to examine pricing patterns based on U&A France's sales of other products, and there are no other respondents or other record information on which such as analysis could be based. Accordingly, because the data available do not provide an appropriate basis for making an LOT adjustment, but the LOT in the home market is at a more advanced state of distribution than the LOT of the CEP transactions, we made a CEP offset adjustment in accordance with section 773(a)(7)(B) of the Act and 19 CFR 351.412(f). This offset is equal to the amount of indirect selling expenses incurred in the home market not exceeding the amount of indirect selling expenses and commissions deducted from the U.S. price in accordance with section 772(d)(1)(D) of the Act. We note that in all prior administrative reviews of this order, where similar situations existed, we also granted a CEP offset. See, e.g., *Preliminary Results Fourth Review* at 47899; See also *Stainless Steel Plate in Coils From Belgium: Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 32573, 32576 (June 3, 2005).

#### Current Conversion

For purposes of the preliminary results, in accordance with section 773A of the Act, we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York.

#### Assessment Calculation

U&A France contends that the Department should include in the denominator of the Department's assessment calculation the value of subject merchandise entered for consumption into the United States, but first sold to customers outside of the United States during the POR. Specifically, U&A France proposes that in calculating the assessment rate, the Department should divide the total dumping duties calculated on U.S. sales by the sum of the entered value of the sales reported in the U.S. sales database plus the entered value of the sales entered for consumption but first sold to customers outside of the United States. According to U&A France, "[i]n cases where a respondent imports a product for consumption which is physically

within the scope of the order at the time of entry and subsequently makes the first sales of this product to a customer outside the United States, it is the Department's practice to add the entered value associated with these sales to the denominator in the calculation of the assessment rate in order to avoid collecting antidumping duties on these non-subject sales." See Section A Supplemental, at page 3. U&A France contends that its position is supported by prior Department and court decisions.<sup>7</sup>

The Petitioners counter that the Department's regulations direct the Department to calculate the assessment rate for each importer by dividing the dumping margin found on the subject merchandise examined by the entered value of such merchandise. See 19 CFR 351.212(b)(1). The Petitioners assert that the Department recognized that it would deviate from the methodology using the entered value of the U.S. sales made during the POR in only unusual situation.<sup>8</sup> They further contend that U&A France has not provided sufficient reason for the Department to deviate from the methodology mandated by 19 CFR 351.212(b)(1). The Petitioners assert that U&A France has not provided any evidence that using the entered value of the U.S. sales during the POR will result in a significant distortion of the assessment rate. Moreover, the Petitioners contend that the record is not clear as to who was the importer of record for the sales entered for consumption into the customs territory of the United States, but first sold outside the United States. According to the Petitioners, there is no basis for the Department to determine which importer's assessment calculation should have these sales included in the denominator.

Based on the information available to the Department at this time, we have preliminarily included the value of these non-U.S., suspended sales in the denominator of the assessment

<sup>7</sup> See *Stainless Steel Sheet & Strip in Coils from Mexico: Final Results of Antidumping Administrative Review*, 67 FR 6490 (February 12, 2002) at Comment 15 (*Mexinox 2002*); *Stainless Steel Sheet & Strip in Coils from Mexico: Final Results of Antidumping Administrative Review*, 68 FR 6889 (February 11, 2003) and the accompanying Issues and Decision Memorandum at Comment 15 (*Mexinox 2003*); *Stainless Steel Sheet & Strip in Coils from Mexico: Final Results of Antidumping Administrative Review*, 69 FR 6259 (February 10, 2004) and accompanying Issues and Decision Memorandum at Comment 19 (*Mexinox 2004*); see also *Torrington Co. v. United States*, 82 F.3d 1039, 1047 (Fed. Cir. 1996).

<sup>8</sup> See *Antidumping Duties, Countervailing Duties, Proposed Rule: Uruguay Round Agreement Act (URAA): Conformance*, 61 FR 7308, 7316-7317 (February 27, 1996).

calculations. As noted by U&A France, the Department has previously included the value of merchandise entered for consumption into the United States, but first sold outside of the United States, in the denominator of the importer specific assessment calculations. *See Mexinox 2002; Mexinox 2003; and Mexinox 2004.* In *Mexinox 2002*, we determined that it is appropriate to include the entered value of merchandise entered for consumption into the United States, but subsequently first sold outside of the United States into the denominator of the Department's importer specific assessment calculation to "facilitate the U.S. Customs Service's collection of antidumping duties on subject merchandise." *See Mexinox 2002 and accompanying Issues and Decision Memorandum*, at comment 15.

Finally, we disagree with the Petitioners' assertion that we are unable to determine who is the importer of record from the record of this case. U&A France specifically states that U&A France is the importer of record for the sales entered for consumption, but subsequently first sold outside of the United States, at Appendix SA-2 of the supplemental questionnaire response dated March 22, 2005. Accordingly, the Department has preliminarily included the entered value of the merchandise which was imported for consumption into the United States, but subsequently first sold outside of the United States in the denominator of the importer specific assessment calculation. A more detailed discussion of this issue and the computer code which implements this decision is included in the Department's analysis memorandum. *See Analysis Memorandum*.

#### Preliminary Results of Review

As a result of this review, we preliminarily find that the following weighted-average dumping margin exists:

#### STAINLESS STEEL SHEET AND STRIP IN COILS FROM FRANCE

Producer/manufacturer/exporter	Weighted-average margin
U&A France .....	11.11 percent.

#### Duty Assessment

Upon issuance of the final results of review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department will issue appraisal instructions directly to CBP within fifteen days of publication of the final results of review. The final results of this review shall be the basis for the

assessment of antidumping duties on entries of merchandise covered by these results and for future deposits of estimated duties. For duty assessment purposes, we calculated an importer-specific assessment rate by dividing the total dumping margins calculated for the U.S. sales to the importer by the sum of total entered value of these sales plus the entered value of subject merchandise entered for consumption but first sold outside of the United States. If the preliminary results are adopted in the final results of review, this rate will be used for assessment of antidumping duties on all entries of the subject merchandise by that importer during the POR.

#### Revocation of the Order

On July 12, 2005, the United States International Trade Commission (ITC) informed the Department that the revocation of the antidumping duty orders on stainless steel sheet and strip from France would not likely lead to continuation of recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Accordingly, the Department will be revoking this antidumping duty order effective, July 27, 2004. Therefore, cash deposits of estimated antidumping duties are no longer required.

#### Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculation performed in connection with these preliminary results within five days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Unless extended by the Department, case briefs are to be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, are to be submitted no later than five days after the time limit for filing case briefs. Parties who submit arguments in this proceeding are requested to submit with the argument: (1) A statement of the issues, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

Also, pursuant to 19 CFR 351.310(c), within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs. Parties

will be notified of the time and location. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief, no later than 120 days after publication of these preliminary results, unless extended. *See* 19 CFR 351.213(h).

#### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under regulation 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These preliminary results of this administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-822]

#### Stainless Steel Sheet and Strip in Coils from Mexico; Preliminary Results of Antidumping Duty Administrative Review

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

**SUMMARY:** In response to requests from respondent ThyssenKrupp Mexinox S.A. de C.V. (Mexinox S.A.) and Mexinox USA, Inc. (Mexinox USA) (collectively, Mexinox) and petitioners,<sup>1</sup> the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel sheet and strip in coils (S4 in coils) from Mexico. This administrative review covers imports of subject

<sup>1</sup> Petitioners are Allegheny Ludlum Corporation, North American Stainless, United Auto Workers Local 3303, Zanesville Armco Independent Organization, Inc. and the United Steelworkers of America, AFL-CIO/CLC.

merchandise from Mexinox S.A. during the period July 1, 2003, to June 30, 2004.

We preliminarily determine that sales of S4 in coils from Mexico have been made below normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties based on the difference between the constructed export price (CEP) and NV. Interested parties are invited to comment on these preliminary results. Parties who submit argument in these proceedings are requested to submit with the argument: 1) a statement of the issues, 2) a brief summary of the argument, and 3) a table of authorities.

**EFFECTIVE DATE:** August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Angela Strom, Maryanne Burke or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482-2704, (202) 482-5604 or (202) 482-0649, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 27, 1999, the Department published in the **Federal Register** the *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils from Mexico* (64 FR 40560). On July 1, 2004, the Department published the *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, of, *inter alia*, S4 in coils from Mexico for the period July 1, 2003, through June 30, 2004. 69 FR 39903.

In accordance with 19 CFR 351.213(b)(1), Mexinox and petitioners requested that we conduct an administrative review. On August 30, 2004, we published in the **Federal Register** a notice of initiation of this antidumping duty administrative review covering the period July 1, 2003 through June 30, 2004. *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 69 FR 52857 (August 30, 2004).

On September 8, 2004, the Department issued an antidumping duty questionnaire to Mexinox. Mexinox submitted its response to section A of the questionnaire on October 8, 2004, and its response to sections B through E of the questionnaire on November 10, 2004. On January 28, 2005, the

Department issued its first supplemental questionnaire for sections A, B, and C, to which Mexinox responded on March 7, 2005. On April 14, 2005, the Department issued a second supplemental questionnaire for sections A through C, as well as for section E pertaining to an affiliated U.S. reseller, Ken-Mac Metals, Inc. (Ken-Mac). Mexinox responded to sections A-C of this supplemental questionnaire on May 16, 2005, and filed its response to section E on May 23, 2005. The Department also issued a supplemental questionnaire for section D on April 18, 2005; Mexinox submitted its response to this questionnaire on May 16, 2005. On May 25, 2005, the Department issued a second supplemental questionnaire for section D and Mexinox filed its response to this on June 8, 2005. Finally, on July 6, 2005, the Department issued a third supplemental questionnaire for sections A through C, to which Mexinox responded on July 14, 2005.

Because it was not practicable to complete this review within the normal time frame, on March 8, 2005, we published in the **Federal Register** our notice of the extension of time limits for this review. *Stainless Steel Sheet and Strip in Coils from Mexico; Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 11194 (March 8, 2005). This extension established the deadline for these preliminary results as July 31, 2005.

**Period of Review**

The period of review (POR) is July 1, 2003, through June 30, 2004.

**Scope of the Order**

For purposes of this order, the products covered are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (e.g., cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific dimensions of sheet and strip following such processing.

The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) at subheadings: 7219.13.00.31, 7219.13.00.51, 7219.13.00.71, 7219.13.00.81,

7219.14.00.30, 7219.14.00.65, 7219.14.00.90, 7219.32.00.05, 7219.32.00.20, 7219.32.00.25, 7219.32.00.35, 7219.32.00.36, 7219.32.00.38, 7219.32.00.42, 7219.32.00.44, 7219.33.00.05, 7219.33.00.20, 7219.33.00.25, 7219.33.00.35, 7219.33.00.36, 7219.33.00.38, 7219.33.00.42, 7219.33.00.44, 7219.34.00.05, 7219.34.00.20, 7219.34.00.25, 7219.34.00.30, 7219.34.00.35, 7219.35.00.05, 7219.35.00.15, 7219.35.00.30, 7219.35.00.35, 7219.90.00.10, 7219.90.00.20, 7219.90.00.25, 7219.90.00.60, 7219.90.00.80, 7220.12.10.00, 7220.12.50.00, 7220.20.10.10, 7220.20.10.15, 7220.20.10.60, 7220.20.10.80, 7220.20.60.05, 7220.20.60.10, 7220.20.60.15, 7220.20.60.60, 7220.20.60.80, 7220.20.70.05, 7220.20.70.10, 7220.20.70.15, 7220.20.70.60, 7220.20.70.80, 7220.20.80.00, 7220.20.90.30, 7220.20.90.60, 7220.90.00.10, 7220.90.00.15, 7220.90.00.60, and 7220.90.00.80. Although the HTS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under this order is dispositive.

Excluded from the scope of this order are the following: (1) sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled; (2) sheet and strip that is cut to length; (3) plate (*i.e.*, flat-rolled stainless steel products of a thickness of 4.75 mm or more); (4) flat wire (*i.e.*, cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm); and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. See Chapter 72 of the HTSUS, "Additional U.S. Note" 1(d).

In response to comments by interested parties, the Department has determined that certain specialty stainless steel products are also excluded from the scope of this order. These excluded products are described below.

Flapper valve steel is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between

0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves for compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this order. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of between 0.002 and 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of this order. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently

available under proprietary trade names such as "Arnokrome III."<sup>2</sup>

Certain electrical resistance alloy steel is also excluded from the scope of this order. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (ASTM) specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as "Gilphy 36."<sup>3</sup>

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of this order. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (UNS) as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as "Durphynox 17."<sup>4</sup>

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments are also excluded from the scope of this order. These include stainless steel strip in coils used in the production of textile cutting tools (e.g., carpet knives).<sup>5</sup> This steel is similar to ASTM grade 440F, but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and

1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as "GIN4 Mo." The second excluded stainless steel strip in coils is similar to AISI 420-J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per square micron. An example of this product is "GIN5" steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, "GIN6."<sup>6</sup>

#### Sales Made Through Affiliated Resellers

##### A. U.S. Market

Mexinox USA, a wholly-owned subsidiary of Mexinox S.A., which is a subsidiary of ThyssenKrupp AG, the lead holding company for steel operations in the ThyssenKrupp Group, sold subject merchandise in the United States during the POR to unaffiliated customers. Mexinox USA also made sales of subject merchandise to affiliated company, Ken-Mac, located in the United States. Ken-Mac is an operating division of ThyssenKrupp Materials Inc., a subsidiary of ThyssenKrupp USA Inc. (TKUSA), which is the primary holding company for ThyssenKrupp AG in the U.S. market. Ken-Mac further manufactured and/or resold the subject merchandise to unaffiliated customers in the United States. See Mexinox's October 8, 2004, questionnaire response at A-10, A-18 and A-37 through A-38. For purposes of this review, we have included both Mexinox USA's and Ken-Mac's sales of subject merchandise to unaffiliated customers in the United States in our sales analysis.

##### B. Home Market

Mexinox Trading, S.A. de C.V. (Mexinox Trading), a wholly-owned subsidiary of Mexinox S.A., resells the foreign like product as well as other

<sup>2</sup> "Arnokrome III" is a trademark of the Arnold Engineering Company.

<sup>3</sup> "Gilphy 36" is a trademark of Imphy, S.A.

<sup>4</sup> "Durphynox 17" is a trademark of Imphy, S.A.

<sup>5</sup> This list of uses is illustrative and provided for descriptive purposes only.

<sup>6</sup> "GIN4 Mo," "GIN5" and "GIN6" are the proprietary grades of Hitachi Metals America, Ltd.

merchandise in the home market. Mexinox reported its sales to Mexinox Trading during the POR. These sales represented a small portion of Mexinox's total sales of the foreign like product in the home market and were less than five percent of home market sales. *See, e.g.,* Mexinox's October 8, 2004, questionnaire response at A-3 to A-4 and its May 23, 2005, supplemental questionnaire response at Attachment A-28 (quantity and value chart). Because Mexinox Trading's sales of the foreign like product were less than five percent of home market sales of the foreign like product, in accordance with 19 CFR 351.403(d), we did not require Mexinox to report downstream sales by Mexinox Trading to its first unaffiliated customers. This treatment is also consistent with that employed in past administrative reviews of S4 in coils from Mexico. *See, e.g., Stainless Steel Sheet and Strip in Coils from Mexico; Final Results of Antidumping Duty Administrative Review*, 70 FR 3677 (January 26, 2005) (*S4 in Coils from Mexico 2002-2003 Final Results*).

#### Fair Value Comparisons

To determine whether sales of S4 in coils from Mexico to the United States were made at less than fair value, we compared the CEP to NV, as described in the "Constructed Export Price" and "Normal Value" sections of this notice, below. In accordance with section 777A(d)(2) of the Tariff Act of 1930, as amended (the Act), we compared individual CEPs to monthly weighted-average NVs.

#### Transactions Reviewed

For its home market and U.S. sales, Mexinox reported the date of invoice as the date of sale. This is consistent with the Department's stated preference for using the invoice date as the date of sale, unless a date other than the date of invoice better reflects the date on which the exporter or producer establishes the material terms of sale. *See* 19 CFR 351.401(i). Mexinox indicated the invoice date represented the date when the material terms of sales (*i.e.*, price and quantity) are definitively set, and that up to the date of shipment and invoicing, these terms were subject to change. *See, e.g.,* Mexinox's October 8, 2004, questionnaire response at A-35 and A-41. Mexinox stated that sale orders may include provisional prices and customers may adjust the quantity of an order up to the date of shipment. *See* March 7, 2005, supplemental questionnaire response at 12. We have preliminarily determined the date of invoice is the appropriate date of sale

because evidence on the record indicates that final prices are not fixed until the material is sought to be released for shipment and invoicing. *See* Mexinox's October 8, 2004, questionnaire response at A-35.

#### Product Comparisons

In accordance with section 771(16) of the Act we considered all products produced by Mexinox S.A. covered by the description in the "Scope of the Order" section, above, and sold in the home market during the POR, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We relied on nine characteristics to match U.S. sales of subject merchandise to comparison sales of the foreign like product (listed in order of priority): (1) grade; (2) cold/hot rolled; (3) gauge; (4) surface finish; (5) metallic coating; (6) non-metallic coating; (7) width; (8) temper; and (9) edge trim. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics and reporting instructions listed in the Department's September 8, 2004, questionnaire.

#### Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we base NV on sales made in the comparison market at the same level of trade (LOT) as the export transaction. There is one LOT in the comparison market, the NV LOT, which is defined as the starting price of the comparison sales in the home market or, when NV is based on constructed value (CV), we use the sales from which selling, general, and administrative (SG&A) expenses and profit are derived. With respect to CEP transactions in the U.S. market, the CEP LOT is defined as the level of the constructed sale from the exporter to the importer. *See* 773(a)(7)(A) of the Act.

To determine whether NV sales are at a different LOT than CEP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. *See* 19 CFR 351.412(c)(2). If the comparison-market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make an LOT adjustment under section 773(a)(7)(A) of the Act. For CEP sales, if the NV level is more remote from the factory than the

CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). *See, e.g., Final Determination of Sales at Less Than Fair Value: Greenhouse Tomatoes From Canada*, 67 FR 8781 (February 26, 2002); *see also Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997) and *Certain Hot-Rolled Flat-Rolled Carbon Quality Steel Products from Brazil; Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 17406 (April 6, 2005). For CEP sales, we consider only the selling activities reflected in the price after the deduction of expenses and CEP profit under section 772(d) of the Act. *See Micron Technology Inc. v. United States*, 243 F.3d 1301, 1314-1315 (Fed. Cir. 2001). We expect that, if the claimed LOTs are the same, the functions and activities of the seller should be similar. Conversely, if a party claims that the LOTs are different for different groups of sales, the functions and activities of the seller should be dissimilar. *See Porcelain-on-Steel Cookware from Mexico: Final Results of Administrative Review*, 65 FR 30068 (May 10, 2000).

We obtained information from Mexinox regarding the marketing stages involved in making the reported foreign market and U.S. sales. Mexinox provided a description of all selling activities performed, along with a flowchart and tables comparing the levels of trade and degrees of intensity among each channel of distribution and type in both markets. *See* Mexinox's October 8, 2004, questionnaire response at A-30 through A-35 and Attachments A-4-A through A-4-C. Mexinox sold S4 in coils to end-users and retailers/distributors in the home market and to end-users and distributors/service centers in the U.S.

With respect to the home market, Mexinox identified two channels of distribution described as follows: 1) direct shipments (*i.e.*, products produced to order) and 2) sales from inventory. *See* Mexinox's October 8, 2004, questionnaire response at A-22 through A-23. We compared the selling functions performed across all home market channels of distribution. In certain activities such as pre-sale technical assistance, process customer orders, sample analysis, prototypes and trial lots, freight and delivery, price negotiation/customer communications, sales calls and visits and warranty services, the level of intensity for direct

shipments and sales through inventory were identical, while only a few functions such as inventory maintenance and just-in-time performance differed. Within its two channels of distribution, Mexinox S.A. made sales to both affiliated and unaffiliated distributors/retailers and end-users, all requiring smaller volume transactions, technical assistance, frequent sales calls and visits and other similar selling services. See October 8, 2004, at A-25 and Attachments A-4-B and A-4-C. While we find slight differences in the level of intensity of these selling activities performed for direct shipments and sales through inventory to both end-users and retailers, these differences are minor and do not establish distinct, multiple levels of trade in Mexico. Based on our analysis of all of Mexinox's home market selling functions, we find that all home market sales were made at the same LOT, the NV LOT.

With respect to the U.S. market, Mexinox indicated that it made CEP sales through its U.S. affiliate, Mexinox USA, through the following four channels of distribution: 1) direct shipments to unaffiliated customers; 2) stock sales from the San Luis Potosi (SLP) factory; 3) sales to unaffiliated customers through Mexinox USA's inventory/warehouses; and 4) sales through Ken-Mac. Ken-Mac is an affiliated service center located in the United States which purchases S4 in coils produced by Mexinox and Ken-Mac then resells (after, in some instances, further manufacturing the merchandise) to unaffiliated U.S. customers. We compared the selling activities performed in each channel and found the same selling functions (e.g., price negotiation/customer communications, sales calls, warranty services and freight/delivery arrangements) were performed at the same relative level of intensity in all channels of distribution. See October 8, 2004, questionnaire response at Attachment A 4-C. Accordingly, we find all CEP sales constitute one LOT, the CEP LOT, in the U.S. market.

We then compared the CEP LOT to the NV LOT. The CEP LOT is based on the selling activities associated with the transaction between Mexinox and its affiliated importer, Mexinox USA; whereas the NV LOT is based on the selling activities associated with the transactions with unaffiliated customers in the home market. From our analysis, we found that the selling functions performed for home market customers are either performed at a higher degree of intensity or are greater in number than the selling functions performed for

the U.S. customer. For example, in comparing Mexinox's selling activities, we find there are more functions performed in the home market which are not a part of CEP transactions (e.g., technical assistance, sample analysis, prototypes and trial lots, price negotiation/customer communications, inventory maintenance, just-in-time deliveries, sales calls and visits, and warranty services). For selling activities performed in both markets (e.g., process customer orders, freight and delivery), we find that Mexinox performed each of these at a higher level of intensity in the home market than in the U.S. market. We note that CEP sales from Mexinox to Mexinox USA generally occur at the beginning of the distribution chain and more closely resemble that of an ex-factory sale. In contrast, all sales in the home market occur closer to the end of the distribution chain and involve smaller individual transaction volumes, which require more selling functions to be performed. See Mexinox's October 8, 2004, questionnaire response at A-30 through A-35 and Attachments A-4-A through A-4-C. See also Mexinox's July 14, 2005, supplemental questionnaire response at 3 to 6. From the evidence on the record, we conclude that the NV LOT is at a more advanced stage than the CEP LOT.

Since we found that the home market and U.S. sales were made at different LOTs, we examined whether an LOT adjustment or a CEP offset may be appropriate in this review. As we found only one LOT in the home market, it was not possible to make an LOT adjustment to home market sales, because such an adjustment is dependent on our ability to identify a pattern of consistent price differences between the home market sales on which NV is based and home market sales at the LOT of the export transaction. See 19 CFR 351.412(d)(1)(ii). Furthermore, we have no other information that provides an appropriate basis for determining an LOT adjustment. Because the data available do not form an appropriate basis for making an LOT adjustment, and because the NV LOT is at a more advanced stage of distribution than the CEP LOT, we have made a CEP offset to NV in accordance with section 773(a)(7)(B) of the Act.

#### Constructed Export Price

In accordance with section 772(b) of the Act, CEP is the price at which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of such merchandise, or by a

seller affiliated with the producer or exporter, to a purchaser not affiliated with the producer or exporter. Mexinox properly classified all of its U.S. sales of subject merchandise as CEP transactions because such sales were made in the United States by Mexinox's affiliate, Mexinox USA, to unaffiliated purchasers. We based CEP on packed prices to unaffiliated purchasers in the United States. We made adjustments for billing adjustments, discounts and rebates, and commissions, where applicable. We also made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act. These expenses included, where appropriate: foreign inland freight, foreign brokerage and handling, inland insurance, ocean freight (for sales to Puerto Rico), U.S. customs duties, U.S. inland freight, U.S. brokerage, and U.S. warehousing expenses. As directed by section 772(d)(1) of the Act, we deducted those selling expenses associated with economic activities occurring in the United States, including direct selling expenses (i.e., credit costs, warranty expenses, and another expense not subject to public disclosure), inventory carrying costs, and other indirect selling expenses. We also made an adjustment for profit in accordance with section 772(d)(3) of the Act. We used the adjustments as reported by Mexinox, except we recalculated the U.S. indirect selling expense ratio. See Analysis of Data Submitted by ThyssenKrupp Mexinox S.A. de C.V. for the Preliminary Results of the Antidumping Duty Administrative Review of S4 in Coils from Mexico (Preliminary Analysis Memorandum) from Angela Strom and Maryanne Burke to the File dated August 1, 2005.

For sales in which the material was sent to an unaffiliated U.S. processor to be further processed, we made an adjustment based on the transaction-specific further-processing amounts reported by Mexinox. In addition, the U.S. affiliated reseller Ken-Mac performed some further manufacturing of some of Mexinox's U.S. sales. For these sales, we deducted the cost of further processing in accordance with section 772(d)(2) of the Act. In calculating the cost of further manufacturing for Ken-Mac, we relied upon Ken-Mac's reported cost of further manufacturing materials, labor and overhead, plus amounts for further manufacturing general and administrative expenses (G&A), as reported in the May 23, 2005, supplemental questionnaire response and incorporated the revised financial expense ratio (INTEX). See the

Department's Cost of Production and Constructed Value Calculation Adjustments for the Preliminary Results - ThyssenKrupp Mexinox S.A. de C.V. (Cost Calculation Memorandum) from Laurens Van Houten to the File and Preliminary Analysis Memorandum, both dated August 1, 2005.

### Normal Value

#### A. Selection of Comparison Market

To determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is greater than five percent of the aggregate volume of U.S. sales), we compared Mexinox's volume of home market sales of the foreign like product to the volume of its U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(B) of the Act. Because Mexinox's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined the home market was viable. *See, e.g.*, Mexinox's May 23, 2005, supplemental questionnaire response at Attachment A-28.

#### B. Affiliated-Party Transactions and Arm's-Length Test

Sales to affiliated customers in the home market not made at arm's-length prices are excluded from our analysis because we consider them to be outside the ordinary course of trade. *See* 19 CFR 351.102(b). Consistent with 19 CFR 351.403(c) and (d) and agency practice, "the Department may calculate NV based on sales to affiliates if satisfied that the transactions were made at arm's length." *See China Steel Corp. v. United States*, 264 F. Supp. 2d 1339, 1365 (CIT 2003). To test whether the sales to affiliates were made at arm's-length prices, we compared on a model-specific basis the starting prices of sales to affiliated and unaffiliated customers net of all direct selling expenses, discounts and rebates, movement charges, and packing. Where prices to the affiliated party were, on average, within a range of 98 to 102 percent of the price of identical or comparable merchandise to the unaffiliated parties, we determined that the sales made to the affiliated party were at arm's length. *See Antidumping Proceedings: Affiliated Party Sales in the Ordinary Course of Trade*, 67 FR 69186, 69194 (November 15, 2002). We found that one affiliated home market customer failed the arm's length test and, in accordance with the Department's practice, we excluded these sales from our analysis. *See* section 773(f)(2) of the Act.

#### C. Cost of Production Analysis

Because we disregarded sales of certain products made at prices below the cost of production (COP) in the most recently completed review of S4 in coils from Mexico (*See, e.g., Stainless Steel Sheet and Strip in Coils from Mexico; Final Results of Antidumping Duty Administrative Review*, 69 FR 6259 (February 10, 2004) (*S4 in Coils from Mexico 2001-2002 Final Results*)), we had reasonable grounds to believe or suspect that sales of the foreign like product under consideration for the determination of NV in this review for Mexinox may have been made at prices below the COP, as provided by section 773(b)(2)(A)(ii) of the Act. Pursuant to section 773(b)(1) of the Act, we initiated a COP investigation of sales by Mexinox.

We recalculated Mexinox's G&A and INTEX as described in the Cost Calculation Memorandum and Preliminary Analysis Memorandum. We added material and fabrication costs for the foreign like product, plus amounts for SG&A and packing costs, in accordance with section 773(b)(3) of the Act. We then computed weighted-average COPs during the POR, and compared the weighted-average COP figures to home market sales prices of the foreign like product as required under section 773(b) of the Act, to determine whether these sales had been made at prices below the COP. On a product-specific basis, we compared the COP to the home market prices net of billing adjustments, discounts and rebates, and any applicable movement charges.

In determining whether to disregard home market sales made at prices below the COP, we examined, in accordance with sections 773(b)(1)(A) and (B) of the Act, whether, within an extended period of time, such sales were made in substantial quantities; and whether such sales were made at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade. Where less than 20 percent of the respondent's home market sales of a given model were at prices below the COP, we did not disregard any below-cost sales of that model because we determined that the below-cost sales were not made within an extended period of time and in "substantial quantities." Where 20 percent or more of the respondent's home market sales of a given model were at prices less than the COP, we disregarded the below-cost sales because: (1) they were made within an extended period of time in "substantial quantities," in accordance with sections 773(b)(2)(B) and (C) of the Act; and (2)

based on our comparison of prices to the weighted-average COPs for the POR, they were at prices which would not permit the recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act.

Our cost test for Mexinox revealed that, for home market sales of certain models, less than 20 percent of the sales of those models were at prices below the COP. We therefore retained all such sales in our analysis and used them as the basis for determining NV. Our cost test also indicated that, for certain models, more than 20 percent of the home market sales of those models were sold at prices below the COP within an extended period of time and were at prices which would not permit the recovery of all costs within a reasonable period of time. Thus, in accordance with section 773(b)(1) of the Act, we excluded these below-cost sales from our analysis and used the remaining above-cost sales as the basis for determining NV.

#### D. Constructed Value

In accordance with section 773(e) of the Act, we calculated CV based on the sum of Mexinox's material and fabrication costs, SG&A expenses, profit, and U.S. packing costs. We calculated the COP component of CV as described above in the "Cost of Production Analysis" section of this notice. In accordance with section 773(e)(2)(A) of the Act, we based SG&A expenses and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country.

#### E. Price-to-Price Comparisons

We calculated NV based on prices to unaffiliated customers or prices to affiliated customers we determined to be at arm's length. We made adjustments for billing adjustments, discounts, rebates and interest revenue, where appropriate. We made deductions, where appropriate, for foreign inland freight, insurance, handling, and warehousing, pursuant to section 773(a)(6)(B) of the Act. In addition, we made adjustments for differences in cost attributable to differences in physical characteristics of the merchandise pursuant to section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411, as well as for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We made COS adjustments for imputed credit expenses and warranty expenses. As noted in the "Level of Trade" section of this notice, we also made an

adjustment for the CEP offset in accordance with section 773(a)(7)(B) of the Act. Finally, we deducted home market packing costs and added U.S. packing costs in accordance with sections 773(a)(6)(A) and (B) of the Act.

We used Mexinox's adjustments and deductions as reported, except for certain handling expenses and imputed credit expenses. We have recalculated the handling expenses incurred by home market affiliate, Mexinox Trading, and applied the revised ratio to those home market sales whereby Mexinox reported a handling expense. We based imputed credit expense on the short-term borrowing rate associated with the currency of each home market sale transaction at issue. *See Preliminary Analysis Memorandum.* Both methodologies are consistent with past administrative reviews of this case. *See e.g., S4 in Coils from Mexico 2002-2003 Final Results.*

#### F. Price-to-CV Comparisons

In accordance with section 773(a)(4) of the Act, we based NV on CV if we were unable to find a home market match of such or similar merchandise. Where appropriate, we made adjustments to CV in accordance with section 773(a)(8) of the Act.

#### Facts Available

In accordance with section 776(a)(1) of the Act, for these preliminary results we find it necessary to use partial facts available in those instances where the respondent did not provide certain information necessary to conduct our analysis.

In our September 8, 2004, questionnaire at G-6, we requested that Mexinox provide sales and cost data for all affiliates involved with the production or sale of the merchandise under review during the POR in both home and U.S. markets. In its October 8, 2004, questionnaire response at A-2, Mexinox indicated that its affiliated reseller, Ken-Mac, sold subject merchandise in the United States during the POR. In its November 10, 2004, submission at KMC-2, Mexinox provided data related to Ken-Mac's resales of subject merchandise to unaffiliated customers in the United States, although Mexinox notified the Department that a small subset of sale transactions could not be traced to an original stock item or supplier. In its supplemental questionnaire response dated May 23, 2005, at 2, Mexinox reported those sale transactions (unattributed sales) where the origin of the original stock item could not be determined.

Because of the unknown origin of a certain number of Ken-Mac resales,

Mexinox has not provided all the information necessary to complete our analysis. Pursuant to section 776(a)(1) of the Act, it is appropriate to use the facts otherwise available in calculating a margin on Ken-Mac's unattributed sales. Section 776(a)(1) of the Act provides that the Department will, subject to section 782(d) of the Act, use the facts otherwise available in reaching a determination if "necessary information is not available on the record." For these preliminary results, we have calculated a margin on Ken-Mac's unattributed sales by applying the overall margin calculated on Mexinox's other U.S. sales of subject merchandise to the weighted-average price of Ken-Mac's unattributed sales. This methodology is consistent with that employed in past administrative reviews of S4 in coils from Mexico. *See, e.g., S4 in Coils from Mexico 2002-2003 Final Results.*

Prior to applying the overall margin calculated on other sales/resales of subject merchandise to Ken-Mac's unattributed sales, we calculated the portion of the unattributed sales quantity that could be reasonably allocated to subject stainless steel merchandise purchased from Mexinox. We based our allocation on the relative percentage (by volume) of subject stainless steel merchandise that Ken-Mac had purchased from Mexinox as compared to the total stainless steel merchandise it had purchased from all vendors. *See Mexinox's May 23, 2005, supplemental questionnaire response at Attachment KMC-14.* The Department finds that Mexinox, to the best of its ability, complied with the Department's request for information; thus, we have not used an adverse inference, as provided under section 776(b) of the Act, to calculate a margin on Ken-Mac's unattributed sales.

#### Currency Conversion

We made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank, in accordance with section 773A(a) of the Act.

#### Preliminary Results of Review

As a result of our review we preliminarily determine the following weighted-average dumping margin exists for the period July 1, 2003 through June 30, 2004:

Manufacturer / Exporter	Weighted Average Margin (percentage)
ThyssenKrupp Mexinox S.A. de C.V. ....	3.01

The Department will disclose calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). An interested party may request a hearing within thirty days of publication of these preliminary results. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 37 days after the date of publication, or the first business day thereafter, unless the Department alters the date per 19 CFR 351.310(d). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs limited to issues raised in the case briefs, may be filed no later than 35 days after the date of publication of this notice. Parties who submit argument in these proceedings are requested to submit with the argument: 1) a statement of the issue, 2) a brief summary of the argument and 3) a table of authorities. Further, parties submitting case briefs and/or rebuttal briefs are requested to provide the Department with an additional copy of the public version of any such argument on diskette. The Department will issue final results of this administrative review, including the results of our analysis of the issues in any such argument or at a hearing, within 120 days of publication of these preliminary results.

Upon completion of this administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we will calculate importer-specific *ad valorem* assessment rates for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. The total customs value is based on the entered value reported by Mexinox, for all U.S. entries of subject merchandise initially purchased for consumption to the United States made during the POR. *See Preliminary Analysis Memorandum.* In accordance with 19 CFR 356.8(a), the Department will issue appropriate assessment instructions directly to CBP on or after 41 days following the publication of the final results of review.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of S4 in coils from Mexico entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act:

- (1) The cash deposit rate for Mexinox will be the rate established in the final results of review;
- (2) If the exporter is not a firm covered in this review or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and
- (3) If neither the exporter nor the manufacturer is a firm covered in this or any previous review, or the LTFV investigation conducted by the Department, the cash deposit rate will be the "all others" rate from the investigation (30.85 percent). *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils from Mexico*, 64 FR 40560, 40562 (July 27, 1999).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-4254 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-428-825]

#### **Stainless Steel Sheet and Strip in Coils From Germany; Notice of Preliminary Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** In response to a request from Allegheny Ludlum, North American Stainless, Local 3303 United Auto Workers, United Steelworkers of America, AFL-CIO/CLC, and Zanesville Armco Independent Organization (collectively, petitioners), the Department is conducting an administrative review of the antidumping duty order on stainless steel sheet and strip in coils (S4) from Germany. The review covers exports of the subject merchandise to the United States of the collapsed parties, ThyssenKrupp Nirosta GmbH (ThyssenKrupp Nirosta), ThyssenKrupp VDM GmbH (TKVDM), and ThyssenKrupp Nirosta Prazisionsband GmbH (TKNP) (collectively, TKN). The period of review (POR) is July 1, 2003, through June 30, 2004.

We preliminarily find that TKN made sales at less than normal value during the POR. If these preliminary results are adopted in our final results of this review, we will instruct U.S. Customs and Border Protection (Customs) to assess antidumping duties based on the difference between the United States Price (USP) and normal value (NV). Interested parties are invited to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with the arguments: (1) a statement of the issues, (2) a brief summary of the arguments (no longer than five pages, including footnotes) and (3) a table of authorities.

**EFFECTIVE DATE:** August 8, 2005.

#### **FOR FURTHER INFORMATION CONTACT:**

Deborah Scott, Tyler Weinholt, or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482-2657, (202) 482-1121 or (202) 482-0649, respectively.

#### **SUPPLEMENTARY INFORMATION:**

## Background

The Department published an antidumping duty order on S4 from Germany on July 27, 1999. *Notice of Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils from Germany*, 64 FR 40557 (July 27, 1999) (Antidumping Duty Order). On July 1, 2004, the Department published the "Notice of Opportunity to Request Administrative Review" of S4 from Germany for the period July 1, 2003, through June 30, 2004. *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 69 FR 39903 (July 1, 2004).

On July 30, 2004, petitioners requested an administrative review of TKN's sales for the period July 1, 2003, through June 30, 2004. On August 30, 2004, we published in the **Federal Register** a notice of initiation of this antidumping duty administrative review. *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 69 FR 52857 (August 30, 2004).

On September 8, 2004, the Department issued an antidumping duty questionnaire to TKN. TKN submitted its response to section A of the questionnaire on September 29, 2004, and its response to sections B through D of the questionnaire on November 9, 2004.<sup>1</sup> On March 3, 2005, the Department issued a supplemental questionnaire requesting that TKN provide downstream sales data for certain affiliated parties in the home market. On March 7, 2005, TKN filed a letter asking that it be required to report downstream sales information for only two of the affiliated parties identified in the Department's March 3, 2005, letter, ThyssenKrupp Schulte GmbH (TS) and EBOR Edelstahl GmbH (EBOR). The Department granted TKN's request and on March 28, 2005, TKN submitted home market sales information for TS and EBOR. On April 14, 2005, the Department issued a supplemental questionnaire for sections A, B, and C,

<sup>1</sup> Section A of the questionnaire requests general information concerning a company's corporate structure and business practices, the merchandise under review that it sells, and the manner in which it sells that merchandise in all of its markets. Section B requests a complete listing of all home market sales, or, if the home market is not viable, of sales in the most appropriate third-country market (this section is not applicable to respondents in non-market economy cases). Section C requests a complete listing of U.S. sales. Section D requests information on the cost of production of the foreign like product and the constructed value of the merchandise under review. Section E requests information on further manufacturing.

to which TKN responded on May 13, 2005.<sup>2</sup> On May 5, 2005, the Department issued a supplemental questionnaire for section D. TKN responded to this supplemental questionnaire on June 2, 2005. On June 23, 2005, TKN made an additional filing to its May 13, 2005, supplemental questionnaire response in which it provided information it had not been able to gather before May 13. We sent a final supplemental questionnaire to TKN on June 28, 2005, to which TKN responded on July 11, 2005.

Because it was not practicable to complete this review within the normal time frame, on March 28, 2005, we published in the **Federal Register** our notice of the extension of time limits for this review. *Stainless Steel Sheet and Strips in Coils from Germany: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 15616 (March 28, 2005). This extension established the deadline for these preliminary results as August 1, 2005.

#### Scope of the Order

The products covered by this order are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (*e.g.*, cold-rolled, polished, aluminized, coated, *etc.*) provided that it maintains the specific dimensions of sheet and strip following such processing. The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) at subheadings: 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.1300.81<sup>3</sup>, 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044,

7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035, 7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.20.8000, 7220.20.9030, 7220.20.9060, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080. Although the HTS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under this order is dispositive.

Excluded from the scope of the order are the following: (1) Sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (*i.e.*, flat-rolled stainless steel products of a thickness of 4.75 mm or more), (4) flat wire (*i.e.*, cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. *See* chapter 72 of the HTS, "Additional U.S. Note" 1(d).

Flapper valve steel is also excluded from the scope of the order. This product is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less, silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves in compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this order. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of less than 0.002 or greater than 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of this order. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as "Arnokrome III."<sup>4</sup>

Certain electrical resistance alloy steel is also excluded from the scope of this order. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (ASTM) specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature

<sup>4</sup> "Arnokrome III" is a trademark of the Arnold Engineering Company.

<sup>2</sup>Included in this supplemental questionnaire were questions regarding TKN's March 28, 2005, response regarding TS and EBOR.

<sup>3</sup>Due to changes to the HTS numbers in 2001, 7219.13.0030, 7219.13.0050, 7219.13.0070, and 7219.13.0080 are now 7219.13.0031, 7219.13.0051, 7219.13.0071, and 7219.13.0081, respectively.

corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as "Gilphy 36."<sup>5</sup>

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of this order. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (UNS) as S45500-grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as "Durphynox 17."<sup>6</sup>

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments are also excluded from the scope of this order. These include stainless steel strip in coils used in the production of textile cutting tools (e.g., carpet knives).<sup>7</sup> This steel is similar to AISI grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as "GIN4 Mo." The second excluded stainless steel strip in coils is similar to AISI 420-J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel

has a carbide density on average of 100 carbide particles per 100 square microns. An example of this product is "GIN5" steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, "GIN6."<sup>8</sup>

#### Affiliation/Collapsing

Section 351.401(f)(1) of the Department's regulations provides that certain persons found to be affiliated in accordance with Section 771(33) of the Tariff Act of 1930, as amended (the Tariff Act), may be treated as a single entity (collapsed), if certain circumstances exist. In previous administrative reviews of stainless steel sheet and strip in coils from Germany, the Department treated TKN and TKVDM as a single entity (i.e., collapsed them) because the two companies were affiliated, would not need to engage in major retooling to shift production of S4 from one company to the other and were capable, through their sales and production operations, of manipulating prices or affecting production decisions. *Stainless Steel Sheet and Strip in Coils From Germany; Notice of Final Results of Antidumping Duty Administrative Review*, 68 FR 6716 (February 10, 2003) (2000-2001 Final Results), Memorandum to Faryar Shirzad, Assistant Secretary for Import Administration, "Issues and Decision Memorandum for the Administrative Review of Stainless Steel Sheet and Strip in Coils from Germany: July 1, 2000, through June 30, 2001," dated February 10, 2003, at comment 1, and *Stainless Steel Sheet and Strip in Coils From Germany; Notice of Preliminary Results of Antidumping Duty Administrative Review*, 67 FR 51199 (August 7, 2002); *Stainless Steel Sheet and Strip in Coils From Germany; Notice of Final Results of Antidumping Duty Administrative Review*, 69 FR 6262 (February 10, 2004) (2001-2002 Final Results) and *Stainless Steel Sheet and Strip in Coils From Germany; Notice of Final Results of Antidumping Duty Administrative Review*, 69 FR 75930 (December 20, 2004) (2002-2003 Final Results).

As in prior administrative reviews, the record establishes that both TKN and TKVDM are affiliated based on their common control by ThyssenKrupp Stainless GmbH (TKS), another entity within the ThyssenKrupp group of companies. Section 771(33)(F) of the Tariff Act, provides that two or more persons directly or indirectly controlling, controlled by, or under common control of another entity are affiliated. A "person" may be an individual, corporation, or group. Further, as provided by 771(33) of the Tariff Act, "a person shall be considered to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person." The Department has analyzed the information on the record of this administrative review regarding the affiliation of TKN and TKVDM and has determined preliminarily that TKN and TKVDM should be considered affiliated under section 771(33)(F) of the Tariff Act. For a detailed discussion, see the Memorandum to Barbara E. Tillman, Acting Deputy Assistant Secretary for AD/CVD Operations, "Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from Germany: Affiliation Issue regarding ThyssenKrupp Nirosta GmbH, ThyssenKrupp Nirosta Präzisionsband GmbH and ThyssenKrupp VDM GmbH," dated July 21, 2005 (Collapsing Memorandum).

Moreover, the Department has determined preliminarily that TKN and TKVDM should be treated as a single entity or "collapsed" for the purpose of calculating an antidumping duty margin. As explained in the Collapsing Memorandum, TKN and TKVDM have production facilities to produce similar or identical merchandise without substantial retooling and should be treated as a single entity in accordance with 19 CFR 351.401(f)(1). Additionally, in determining whether there is a significant potential for manipulation of price or production, as contemplated by 19 CFR 351.401(f)(2), the Department considers the totality of the circumstances of the situation and may place more reliance on some factors than others. The totality of the circumstances here shows there is a significant potential for the manipulation of price or production.

Because the Department relied on both proprietary and non-proprietary information in making its preliminary finding, a more detailed description of the circumstances that led to the Department's finding is not possible here. A more complete discussion of these circumstances and the

<sup>5</sup> "Gilphy 36" is a trademark of Imphy, S.A.

<sup>6</sup> "Durphynox 17" is a trademark of Imphy, S.A.

<sup>7</sup> This list of uses is illustrative and provided for descriptive purposes only.

<sup>8</sup> "GIN4 Mo," "GIN5" and "GIN6" are the proprietary grades of Hitachi Metals America, Ltd.

Department's decision can be found in the Collapsing Memorandum.

In sum, applying the criteria set forth in the Collapsing Memorandum, we find that: (1) TKN and TKVDM are affiliated under section 771(33)(F) of the Tariff Act; (2) a shift in production would not require substantial retooling of the facilities of either company; and (3) there is a significant potential for price and production manipulation due to the significant degree of common ownership, interlocking board members, and the intertwined nature of operations between the two companies. Therefore, the Department preliminarily finds that TKN and TKVDM are affiliated and should be treated as a single entity or "collapsed" for the purpose of calculating an antidumping duty margin for this administrative review.

In addition to TKN and TKVDM, we also preliminarily find that TKN and TKNP should be treated as a single entity or "collapsed" for the purpose of this administrative review. During the POR, on October 1, 2003, TKN's Dahlerbrück Works were incorporated into a separate legal entity called TKNP. TKNP is wholly-owned by TKN. *See* TKN's September 29, 2004, questionnaire response at A-7, footnote 2 and at A-8. Section 771(33)(E) of the Tariff Act provides any person directly or indirectly owning, controlling, or holding with power to vote, five percent or more of the voting stock or shares of any organization is affiliated with the entity it owns or controls. Section 771(33)(G) provides that any entity controlled by another entity is affiliated with the controlling entity. In this case, because TKN controls TKNP through its 100 percent ownership of TKNP, we have preliminarily found that the two entities are affiliated within the meaning of section 771(E) and (G) of the Tariff Act.

As noted above, prior to October 1, 2003, TKNP's operations were conducted as an integral part of TKN. *See id.* There is no evidence on the record that TKNP uses substantially different production processes now that it is incorporated as a separate legal entity. Although TKNP does not cast its own stainless steel sheet, it purchases hot-rolled, annealed, and pickled (HRAP) or cold-rolled stainless steel sheet in coils from TKN and produces stainless steel sheet and strip in width and thickness ranges that span much of the width and thickness ranges that TKN can produce. *See* the Collapsing Memorandum. Thus, TKN and TKNP have production facilities to produce similar or identical merchandise that would not require substantial retooling and should be treated as a single entity

in keeping with 19 CFR 351.401(f)(1). In addition, as discussed in detail in the Collapsing Memorandum, the information on the record demonstrates there is a significant potential for the manipulation of price or production within the meaning of 19 CFR 351.401(f)(2). Specifically, TKN's whole ownership of TKNP and the intertwined nature of the two companies' operations are indicative of a significant potential for the manipulation of price or production. In summary, we find that: (1) TKN and TKNP are affiliated within the meaning of section 771(33)(E) and (G) of the Tariff Act; (2) a shift in production would not require substantial retooling of the facilities of either company; and (3) there is a significant potential for price and production manipulation due to the level of common ownership and the intertwined nature of operations between the two companies. As a result, the Department preliminarily finds that TKN and TKNP are also affiliated and also should be treated as a single entity or "collapsed" for the purpose of calculating an antidumping duty margin for this administrative review.

#### **Use of Partial Facts Available Regarding Downstream Sales by an Affiliated Home Market Reseller**

As part of its normal business practice, TKN sells all of its merchandise with physical defects to its affiliate, Nirosta Service Center (NSC). *See* TKN's July 11, 2005, supplemental questionnaire response at 1. NSC may process this material or it may sell the material in its original condition. Merchandise that is not processed by NSC is sold in the same condition in which it was received into inventory. *See* TKN's November 9, 2004, questionnaire response at B-5 and TKN's May 13, 2005, supplemental questionnaire response at B-2.

In its April 14, 2005, supplemental questionnaire, the Department asked TKN to explain any circumstances wherein TKN re-classifies prime merchandise as non-prime merchandise based on time in inventory. In its May 13, 2005, supplemental questionnaire response, TKN replied that it generally re-classifies merchandise that has been in inventory for more than 12 months as non-prime. *See* TKN's May 13, 2005, supplemental questionnaire response at B-3.

TKN used NSC's invoicing system as the basis for its sales listing. In its May 13, 2005, supplemental questionnaire response at B-2, TKN indicated that NSC maintains information in its inventory system on whether merchandise was considered prime or

non-prime by TKN as well as information on physical defects. However, TKN indicated that NSC does not maintain this information in its invoicing system and that NSC's invoicing and inventory systems cannot be linked. TKN indicated that NSC's invoicing system does differentiate between merchandise reprocessed by NSC and merchandise sold in the original condition in which it was received in inventory. Therefore, since TKN used NSC's invoicing system as the basis for its sales listing, and since NSC's invoicing system does not differentiate between prime and non-prime merchandise, TKN has reported in its sales listing sales of merchandise reprocessed by NSC as prime and sales sold directly from NSC's inventory as non-prime. *See id.* at B-2.

In its second supplemental questionnaire dated June 28, 2005, the Department asked TKN to revise its database such that only merchandise with physical defects was reported as non-prime. TKN replied in its July 11, 2005, supplemental questionnaire response that while information on whether merchandise was classified as prime or non-prime and on the types of defects was recorded in NSC's inventory system, there was no way to link electronically the inventory system to the invoicing system. *See* TKN's July 11, 2005, supplemental questionnaire response at question 2. TKN also stated it did not have sufficient time to manually compile the required information from its invoices within the time granted to respond to the Department's supplemental questionnaire. *See id.*

Because TKN did not identify as prime merchandise sales of merchandise that was reclassified as non-prime based on time in inventory, TKN has not provided all of the information necessary to complete our analysis. Section 776(a)(1) of the Tariff Act provides that the Department will, subject to section 782(d) of the Tariff Act, use the facts otherwise available in reaching a determination if "necessary information is not available on the record." Therefore, in accordance with section 776(a)(1) of the Tariff Act, for these preliminary results we find it necessary to use partial facts available with regard to TKN's home market sales of non-prime material made through NSC. For these preliminary results, we have classified all of NSC's sales of non-prime merchandise as sales of prime merchandise for the purpose of conducting the margin calculation. The Department finds that TKN complied, to the best of its ability, with the Department's request for information.

Therefore, we have not used an adverse inference, as provided under section 776(b) of the Tariff Act, in classifying NSC's sales.

#### Fair Value Comparisons

To determine whether sales of S4 in the United States were made at less than fair value, we compared U.S. price to normal value (NV), as described in the "Constructed Export Price" and "Normal Value" sections of this notice. In accordance with section 777A(d)(2) of the Tariff Act, we calculated monthly weighted-average NVs and compared these to individual U.S. transactions. Because TKN made no "export price" transactions during the POR, we used only Constructed Export Price (CEP) sales in our comparisons.

#### Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by TKN covered by the description in the "Scope of the Order" section, above, and sold in the home market during the POR, to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. We relied on nine characteristics to match U.S. sales of subject merchandise to comparison sales of the foreign like product (listed in order of preference): 1) grade; 2) cold/hot rolled; 3) gauge; 4) surface finish; 5) metallic coating; 6) non-metallic coating; 7) width; 8) temper; and 9) edge trim. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the product characteristics and reporting instructions listed in the Department's September 8, 2004, questionnaire. Where there were no sales of identical or similar merchandise in the home market suitable for comparison to U.S. sales, we compared these U.S. sales to constructed value (CV), pursuant to section 773(a)(4) of the Tariff Act.

#### Constructed Export Price (CEP)

In accordance with section 772(b) of the Tariff Act, CEP is the price at which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of such merchandise or by a seller affiliated with the producer or exporter, to a purchaser not affiliated with the producer or exporter, as adjusted under subsections (c) and (d). In accordance with subsection 772(b) of the Tariff Act, we used CEP for all of TKN's U.S. sales because it sold

merchandise to affiliated companies in the United States,<sup>9</sup> which in turn sold subject merchandise to unaffiliated U.S. customers. TKN reported that sales made through its affiliated importers, ThyssenKrupp Nirosta North America, Inc. (TKNNA), TK Specialty Steels Canada (TKSSC), and ThyssenKrupp VDM USA, Inc. (TKVDMUSA), consisted of two channels of distribution, back-to-back sales and inventory sales. See ThyssenKrupp Nirosta's November 9, 2004, questionnaire response at C-17 and TKVDM's November 9, 2004, questionnaire response at C-16. We have preliminarily found that TKN's U.S. sales are properly classified as CEP sales because these sales occurred in the United States and were made through TKN's U.S. affiliates to unaffiliated U.S. customers.

We based CEP on the packed, delivered, duty paid or FOB warehouse prices to unaffiliated purchasers in the United States. We made adjustments for price or billing errors and early payment discounts, where applicable. We also made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Tariff Act; these included, where appropriate, foreign inland freight, foreign brokerage and handling, international freight, marine insurance, war risk insurance, U.S. customs duties, U.S. brokerage, U.S. inland freight, and U.S. warehousing expenses. In accordance with section 772(d)(1) of the Tariff Act, we deducted those selling expenses associated with economic activities occurring in the United States, including direct selling expenses (credit costs, warranty expenses, and commissions), inventory carrying costs, and indirect selling expenses. We also made an adjustment for profit in accordance with section 772(d)(3) of the Tariff Act. Finally, for those sales in which material was sent to an unaffiliated U.S. processor to be further processed, we made an adjustment based on the transaction-specific further-processing amounts reported by TKN.

#### Normal Value

##### A. Selection of Comparison Market

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product was equal to or greater than five percent of the aggregate volume of U.S. sales), we compared the

respondent's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1) of the Tariff Act. As TKN's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined the home market was viable. Therefore, we have based NV on home market sales in the usual commercial quantities and in the ordinary course of trade.

##### B. Affiliated-Party Transactions and Arm's-Length Test

Sales to affiliated customers in the home market not made at arm's-length prices (if any) were excluded from our analysis because we considered them to be outside the ordinary course of trade. If sales were not made at arm's-length, then the Department used the sale from the affiliated party to the first unaffiliated party. See 19 CFR 351.102. To test whether sales to affiliates were made at arm's-length prices, we compared on a model-specific basis the starting prices of sales to affiliated and unaffiliated customers net of all early payment discounts, movement charges, direct selling expenses, and packing. Where, for the tested models of subject merchandise, prices to the affiliated party were, on average, between 98 and 102 percent of the price of identical or comparable merchandise to the unaffiliated parties, we determined that sales made to the affiliated party were at arm's length. See 19 CFR 351.403(c). In instances where no price ratio could be calculated for an affiliated customer because identical merchandise was not sold to unaffiliated customers, we were unable to determine whether these sales were made at arm's-length prices and, therefore, excluded them from our analysis.

##### C. Cost of Production Analysis

In the segment of this proceeding most recently completed at the time of our initiation of this review, the Department disregarded certain sales made by TKN in the home market because these sales were made at less than their cost of production (COP). *Stainless Steel Sheet and Strip in Coils from Germany; Notice of Final Results of Antidumping Duty Administrative Review*, 69 FR 6262 (February 10, 2004) and *Stainless Steel Sheet and Strip in Coils from Germany; Notice of Preliminary Results of Antidumping Duty Administrative Review*, 69 FR 47039, 47041 (August 7, 2003). Thus, in accordance with section 773(b)(2)(A)(ii) of the Tariff Act, there are reasonable

<sup>9</sup>One of the affiliated companies through which TKN sold subject merchandise to unaffiliated U.S. customers was TK Specialty Steels Canada.

grounds to believe or suspect that sales of the foreign like product in the home market were made at prices below their COP in the current review period. Accordingly, pursuant to section 773(b)(1) of the Tariff Act, we initiated a cost investigation to determine whether sales made during the POR were at prices below their respective COP.

#### D. Calculation of Cost of Production

In accordance with section 773(b)(3) of the Tariff Act, we calculated COP based on the sum of the cost of materials and fabrication for the foreign like product, plus an amount for home market selling, general and administrative (SG&A) expenses, interest expenses, and packing costs. We relied on the COP data submitted by TKN, except for the changes noted below.

In accordance with section 773(f)(2) of the Tariff Act, where TKN's reported transfer prices for purchases of nickel from an affiliated party were not at arm's-length, we increased these prices to reflect the prevailing market prices. See memorandum to Neal Halper, "Cost of Production and Constructed Value Adjustments for the Preliminary Results," dated August 1, 2005 (COP/CV Adjustment memorandum). We also revised the interest expense ratio for TKN, TKVDM, and TKNP to exclude the short-term interest income related to accounts receivable and to include the net miscellaneous financial expense. See *id.* Finally, we revised TKVDM's general and administrative (G & A) expense rate to include other operating incomes and expenses. See *id.*

#### E. Test of Home Market Prices

We compared the weighted-average COP of TKN's home market sales to home market sales prices (net of billing adjustments, early payment discounts, and any applicable movement charges) of the foreign like product as required under section 773(b) of the Tariff Act in order to determine whether these sales had been made at prices below the COP. In determining whether to disregard home market sales made at prices below the COP, we examined, in accordance with sections 773(b)(1)(A) and (B) of the Tariff Act, whether such sales were made in substantial quantities within an extended period of time, and whether such sales were made at prices which would permit recovery of all costs within a reasonable period of time.

#### F. Results of the Cost Test

Pursuant to section 773(b)(2)(C) of the Tariff Act, where less than 20 percent of TKN's sales of a given model were at

prices less than the COP, we did not disregard any below-cost sales of that model because these below-cost sales were not made in substantial quantities. Where 20 percent or more of TKN's home market sales of a given model were at prices less than the COP, we disregarded the below-cost sales because such sales were made: (1) in substantial quantities within the POR (*i.e.*, within an extended period of time) in accordance with section 773(b)(2)(B) of the Tariff Act, and (2) at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Tariff Act (*i.e.*, the sales were made at prices below the weighted-average per-unit COP for the POR). We used the remaining sales as the basis for determining NV, if such sales existed, in accordance with section 773(b)(1) of the Tariff Act.

#### G. Price-to-Price Comparisons

We calculated NV based on prices to unaffiliated customers or prices to affiliated customers that we determined to be at arm's length. We made adjustments for billing adjustments, early payment discounts, and rebates, where appropriate. We made deductions, where appropriate, for foreign inland freight and warehousing, pursuant to section 773(a)(6)(B) of the Tariff Act. In addition, when comparing sales of similar merchandise, we made adjustments for differences in cost attributable to differences in physical characteristics of the merchandise (*i.e.*, difmer) pursuant to section 773(a)(6)(C)(ii) of the Tariff Act and 19 CFR 351.411. We also made adjustments for differences in circumstances of sale (COS) in accordance with section 773(a)(6)(C)(iii) of the Tariff Act and 19 CFR 351.410. We made COS adjustments for commissions, imputed credit expenses and warranty expenses; we offset imputed credit expenses by interest revenue. We also made an adjustment, where appropriate, for the CEP offset in accordance with section 773(a)(7)(B) of the Tariff Act. See "Level of Trade and CEP Offset" section below. In accordance with 19 CFR 351.410(e), we made an adjustment (*i.e.*, the commission offset) to account for commissions paid in one market but not the other. Finally, we deducted home market packing costs and added U.S. packing costs in accordance with sections 773(a)(6)(A) and (B) of the Tariff Act.

#### H. Constructed Value

In accordance with section 773(a)(4) of the Tariff Act, we based NV on CV if we were unable to find a

contemporaneous comparison market match of such or similar merchandise for the U.S. sale. Section 773(e) of the Tariff Act provides that CV shall be based on the sum of the cost of materials and fabrication employed in making the subject merchandise, SG&A expenses, profit, and U.S. packing costs. We calculated the cost of materials and fabrication for TKN based on the methodology described in the COP section of this notice. In accordance with section 773(e)(2)(A) of the Tariff Act, we based SG&A expenses and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country.

#### Level of Trade and CEP Offset

In accordance with section 773(a)(1)(B)(i) of the Tariff Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the CEP transaction. The NV LOT is based on the starting price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive SG&A expenses and profit. For CEP, it is the level of the constructed sale from the exporter to the affiliated importer after the deductions required under section 772(d) of the Tariff Act.

To determine whether NV sales are at a different LOT than CEP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison market sales are at a different LOT, and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Tariff Act. If the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the differences in the levels between NV and CEP affect price comparability, we adjust NV under section 773(a)(7)(B) of the Tariff Act (the CEP offset provision). See, *e.g.*, *Certain Carbon Steel Plate from South Africa, Final Determination of Sales at Less Than Fair Value*, 62 FR 61731, 61733 (November 19, 1997).

In implementing these principles in this review, we asked TKN to identify the specific differences and similarities in selling functions and support services between all phases of marketing in the home market and the United States.

TKN reported home market sales made through four channels of distribution: (1) mill direct sales, (2) mill inventory sales, (3) service center inventory sales, and (4) service center processed sales. See TKN's November 9, 2004, questionnaire response at B-21, TKVDM's November 9, 2004, questionnaire response at B-21, and the March 28, 2005, supplemental questionnaire response for TS and EBOR at B-17. For all channels, TKN performs similar selling functions such as negotiating prices with customers, setting credit terms and collecting payment, arranging freight to the customer, conducting sales calls and visits, and processing customer orders. See, e.g., TKN's September 29, 2004, questionnaire response at Exhibit 3. The remaining selling activities did not differ significantly by channel of distribution. Because channels of distribution do not qualify as separate levels of trade when the selling functions performed for each customer class or channel are sufficiently similar, we determined that one level of trade exists for TKN's home market sales. See, e.g., *Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan: Final Results and Final Rescission in Part of Antidumping Duty Administrative Review*, 67 FR 78417 (December 24, 2002).

In the U.S. market, TKN made sales of subject merchandise through TKNNA, TKSSC, and TKVDMUSA. As stated above, TKN reported that sales made through these affiliated importers consisted of two channels of distribution, back-to-back sales and inventory sales. See ThyssenKrupp Nirossta's November 9, 2004, questionnaire response at C-17 and TKVDM's November 9, 2004, questionnaire response at C-16. All U.S. sales were CEP transactions and TKN performed the same selling functions in its sale to the affiliated importer in each instance. See, e.g., TKN's September 29, 2004, questionnaire response at Exhibit 3. Therefore, the U.S. market has one LOT.

When we compared CEP sales (after deductions made pursuant to section 772(d) of the Tariff Act) to home market sales, we determined that for CEP sales TKN performed fewer customer sales contacts, technical services, delivery services, and warranty services. In addition, the differences in selling functions performed for home market and CEP transactions indicate that home market sales involved a more advanced stage of distribution than CEP sales. In the home market TKN provides marketing further down the chain of distribution by providing certain

downstream selling functions that are normally performed by the affiliated resellers in the U.S. market (e.g., technical advice, sales calls and visits, etc.).

Based on our analysis, we determined that CEP and the starting price of home market sales represent different stages in the marketing process, and are thus at different LOTs. Therefore, when we compared CEP sales to HM sales, we examined whether a LOT adjustment may be appropriate. In this case TKN sold at one LOT in the home market; therefore, there is no basis upon which to determine whether there is a pattern of consistent price differences between LOTs. Further, we do not have the information which would allow us to examine pricing patterns of TKN's sales of other similar products, and there is no other record evidence upon which such an analysis could be based.

Because the data available do not provide an appropriate basis for making a LOT adjustment and the LOT of TKN's home market sales is at a more advanced stage than the LOT of CEP sales, a CEP offset is appropriate in accordance with section 773(a)(7)(B) of the Tariff Act, as claimed by TKN. We based the amount of the CEP offset on home market indirect selling expenses, and limited the deduction for home market indirect selling expenses to the amount of indirect selling expenses deducted from CEP in accordance with section 772(d)(1)(D) of the Tariff Act. We applied the CEP offset to NV, whether based on home market prices or CV.

**Currency Conversions**

We made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank, in accordance with section 773A(a) of the Tariff Act.

**Preliminary Results of Review**

As a result of our review, we preliminarily find the following weighted-average dumping margin exists for the period July 1, 2003, through June 30, 2004:

Manufacturer / Exporter	Weighted Average Margin (percentage)
TKN .....	8.10

The Department will disclose calculations performed within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). An interested party may request a hearing within thirty days of publication. See 19 CFR 351.310(c). Any

hearing, if requested, will be held 37 days after the date of publication, or the first business day thereafter, unless the Department alters the date pursuant to 19 CFR 351.310(d). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than 35 days after the date of publication of this notice. Parties who submit argument in these proceedings are requested to submit with the argument 1) a statement of the issue, 2) a brief summary of the argument and (3) a table of authorities. Further, parties submitting written comments should provide the Department with an additional copy of the public version of any such comments on diskette. The Department will issue final results of this administrative review, including the results of our analysis of the issues in any such written comments or at a hearing, within 120 days of publication of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Upon completion of this administrative review, pursuant to 19 CFR 351.212(b), the Department will calculate an assessment rate on all appropriate entries. TKN has reported entered values for its sales of subject merchandise to the U.S. during the POR. Therefore, in accordance with 19 CFR 351.212(b)(1), we will calculate importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales of that importer. These rates will be assessed uniformly on all entries the respective importers made during the POR if these preliminary results are adopted in the final results of review. Where the assessment rate is above *de minimis*, we will instruct Customs to assess duties on all entries of subject merchandise by that importer. The Department will issue appropriate appraisal instructions directly to Customs within fifteen days of publication of the final results of review.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of S4 from Germany entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act:

1) The cash deposit rate for TKN will be the rate established in the final results of review; 2) If the exporter is not a firm covered in this review or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and

3) If neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be the "all others" rate of 13.48 percent from the LTFV investigation. *Notice of Amended Final Determination of Antidumping Duty Investigation: Stainless Steel Sheet and Strip in Coils from Germany*, 67 FR 15178 (March 29, 2002).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-4260 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Dartmouth College, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes**

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Suite 4100W, Franklin Court Building, U.S. Department of Commerce, 1099 14th Street, NW., Washington, DC.

*Docket Number:* 05-023. Applicant: Dartmouth College, Hanover, NH 03755. Instrument: Electron Microscope, Model Technai G<sup>2</sup> 20 U-TWIN with XL30 ESEM FEG. Manufacturer: FEI

Company, The Netherlands. Intended Use: See notice at 70 FR 38881, July 6, 2005. Order Date: February 17, 2004.

*Docket Number:* 05-027. Applicant: Beckman Research Institute of the City of Hope National Medical Center, Duarte, CA 91010. Instrument: Electron Microscope, Model Quanta 200 ESEM. Manufacturer: FEI Company, The Netherlands. Intended Use: See notice at 70 FR 38881, July 6, 2005. Order Date: September 8, 2004.

*Docket Number:* 05-028. Applicant: University of Wisconsin, Madison, Madison, WI 53706-1544. Instrument: Electron Microscope, Model Technai 12 TWIN. Manufacturer: FEI Company, The Netherlands. Intended Use: See notice at 70 FR 38881, July 6, 2005. Order Date: October 1, 2004.

*Comments:* None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument OR at the time of receipt of application by U.S. Customs and Border Protection.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. E5-4248 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Application for Duty-Free Entry of Scientific Instrument**

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether an instrument of equivalent scientific value, for the purposes for which the instrument shown below is intended to be used, is being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S.

Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

*Docket Number:* 05-033. Applicant: Seton Hall University, 400 South Orange Avenue, South Orange, NJ 07079. Instrument: Excimer Laser, Model ThinFilmStar. Manufacturer: Tuilaser, AG, Germany. Intended Use: The instrument is intended to be used to study the pulsed laser deposition of thin films and their subsequent characterization using high dielectric constant oxides and similar materials. It will also be used to investigate pulsed laser deposition as a tool to deposit metal nanoparticle thin films, colossal magnetoresistive materials and polymers.

Application accepted by Commissioner of Customs: July 25, 2005.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. E5-4250 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C-580-837]**

#### **Final Results of Expedited Sunset Review of the Countervailing Duty Order: Certain Cut-To-Length Carbon-Quality Steel Plate From Korea**

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

**SUMMARY:** On January 3, 2005, the Department of Commerce ("the Department") initiated a sunset review of the countervailing duty ("CVD") order on certain cut-to-length carbon-quality steel plate from Korea pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Initiation of Five-year ("Sunset") Reviews*, 70 FR 75 (January 3, 2005). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested parties, as well as inadequate response from respondent interested parties, the Department conducted an expedited sunset review pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B). As a result of this sunset review, the Department finds that revocation of the CVD order would be likely to lead to continuation or recurrence of countervailable subsidies

at the levels indicated in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Tipten Troidl or David Goldberger, AD/CVD Operations, Office 3, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-1767 or 202-482-4136, respectively.

**SUPPLEMENTARY INFORMATION:**

### Background

On January 3, 2005, the Department initiated a sunset review of the countervailing duty order on certain cut-to-length carbon-quality steel plate from Korea pursuant to section 751(c) of the Act. *See Initiation of Five-year ("Sunset") Reviews*, 70 FR 75 (January 3, 2005). On January 6, 2005, the Department received a notice of intent to participate on behalf of Nucor Corporation ("Nucor"), and on January 14, 2005, we received a notice of intent to participate on behalf of International Steel Group Inc. ("ISG"), within the deadline specified in 19 CFR 351.218(d)(1)(i). On January 19, 2005, the Department received requests for a one-day extension of the deadline and notices of intent to participate on behalf of United States Steel Corporation ("U.S. Steel") and IPSCO Steel Inc. ("IPSCO"). Due to circumstances beyond their control, IPSCO and U.S. Steel were prevented from delivering and filing their notice of intent to participate with the Department within the 15-day deadline. Therefore, the Department determined it appropriate to grant their extension request. Each of the domestic interested parties claimed interested party status under section 771(9)(C) of the Act as domestic producers of a domestic like product. The Department received a complete substantive response on behalf of ISG,<sup>1</sup> IPSCO and Nucor (collectively, "domestic interested parties") within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from any respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of this CVD order.

The Department determined, pursuant to section 751(c)(5)(C) of the Act, that the sunset review of the CVD order on

certain cut-to-length carbon-quality steel plate from Korea is extraordinarily complicated. Therefore, on April 25, 2005, the Department extended the time limit for completion of the final results of this review until not later than August 1, 2005.<sup>2</sup>

### Scope of the Order

The merchandises covered by the CVD order is certain hot-rolled carbon-quality steel: (1) 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 nominal or actual thickness of not less than 4 mm, which are cut-to-length (not in coils) and without patterns in relief), of iron or non-alloy-quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils). Steel products to be included in the scope of this order are of rectangular, square, circular or other shape and of rectangular or non-rectangular cross-section where such non-rectangular 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. Steel products that meet the noted physical characteristics that are painted, varnished or coated with plastic or other non-metallic substances are included within this scope. Also, specifically included in the scope of this order are high strength, low alloy ("HSLA") steels. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Steel products to be included in this scope, regardless of Harmonized Tariff Schedule of the United States ("HTSUS") definitions, are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is two percent or less, by weight; and (3) none of the elements listed below is equal to or exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of

lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.41 percent of titanium, or 0.15 percent of vanadium, or 0.15 percent zirconium. All products that meet the written physical description, and in which the chemistry quantities do not equal or exceed any one of the levels listed above, are within the scope of this order unless otherwise specifically excluded. The following products are specifically excluded from this order: (1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels (*i.e.*, USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel. The merchandise subject to this order is currently classifiable in the HTSUS under subheadings: 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, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this order is dispositive.

### Analysis of Comments Received

All issues raised in this review are addressed in the "Issues and Decision Memorandum" ("Decision Memorandum") from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated August 1, 2005, which is hereby adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation 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 Memorandum can be accessed directly on the Web at <http://>

<sup>2</sup> See *Certain Cut-To-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, Japan and Korea; Extension of Final Results of the Expedited Sunset Reviews of the Antidumping and Countervailing Duty Orders*, 70 FR 22843 (May 3, 2005).

<sup>1</sup> On April 20, and May 6, 2005, ISG notified the Department that as a result of a name change, ISG's official name is now Mittal Steel USA ISG Inc.

ia.ita.doc.gov/frn. The paper copy and electronic version of the Decision Memorandum are identical in content.

### Final Results of Review

The Department determines that revocation of the CVD order on certain cut-to-length carbon-quality steel plate from Korea would be likely to lead to continuation or recurrence of a countervailable subsidy at the rate listed below:

Manufacturer/exporters	Net Countervailable Subsidy (percent)
Dongkuk Steel Mill, Ltd.	2.36
All others <sup>3</sup> .....	2.36

<sup>3</sup> Pohang Iron & Steel Co., Ltd. ("POSCO") was excluded from the order on the basis of a *de minimis* net subsidy rate of 0.82 percent. See *Notice of Amended Final Determinations: Certain Cut-to-Length Carbon-Quality Steel Plated From India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-to-Length Carbon-Quality Steel Plate From France, India, Indonesia, Italy, and the Republic of Korea*, 65 FR 6587 (February 10, 2000).

### Notification Regarding Administrative Protective Order:

This notice also serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-4253 Filed 8-5-05; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-818]

### Final Results of Expedited Sunset Review of the Countervailing Duty Order: Certain Cut-To-Length Carbon-Quality Steel Plate From India

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

**SUMMARY:** On January 3, 2005, the Department of Commerce ("the Department") initiated a sunset review of the countervailing duty ("CVD") order on certain cut-to-length carbon-quality steel plate from India pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Initiation of Five-year ("Sunset") Reviews*, 70 FR 75 (January 3, 2005). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested parties, as well as inadequate response from respondent interested parties, the Department conducted an expedited sunset review pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B). As a result of this sunset review, the Department finds that revocation of the CVD order would be likely to lead to continuation or recurrence of countervailable subsidies at the level indicated in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Tipten Troidl or David Goldberger, AD/CVD Operations, Office 3, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-1767 or 202-482-4136, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On January 3, 2005, the Department initiated a sunset review of the CVD order on certain cut-to-length carbon-quality steel plate from India pursuant to section 751(c) of the Act. See *Initiation of Five-year ("Sunset") Reviews*, 70 FR 75 (January 3, 2005). On January 6, 2005, the Department received a notice of intent to participate on behalf of Nucor Corporation ("Nucor"), and on January 14, 2005, we received a notice of intent to participate on behalf of International Steel Group Inc. ("ISG"), within the deadline specified in 19 CFR 351.218(d)(1)(i). On January 19, 2005, the Department received requests for a one-day extension of the deadline and notices of intent to participate on behalf of United States Steel Corporation ("U.S. Steel") and IPSCO Steel Inc. ("IPSCO"). Due to circumstances beyond their control, IPSCO and U.S. Steel were prevented from delivering and filing their notice of intent to participate with the Department within the 15-day deadline. Therefore, the Department determined it appropriate to grant their extension request. Each of the domestic interested parties claimed interested party status

under section 771(9)(C) of the Act as domestic producers of a domestic like product. The Department received a complete substantive response on behalf of ISG,<sup>1</sup> IPSCO and Nucor (collectively, "domestic interested parties") within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). On February 25, 2005, subsequent to the Department granting an extension to the Government of India ("GOI"),<sup>2</sup> the Department received a substantive response on behalf of the GOI. The Department did not receive a substantive response from any other respondent interested parties. On March 7, 2005, the Department received rebuttal comments from the domestic interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of this CVD order.

The Department determined, pursuant to section 751(c)(5)(C) of the Act, that the sunset review of the CVD order on certain cut-to-length carbon-quality steel plate from India is extraordinarily complicated. Therefore, on April 25, 2005, the Department extended the time limit for completion of the final results of this review until not later than August 1, 2005.<sup>3</sup>

### Scope of the Order

The merchandise covered by the CVD order is certain hot-rolled carbon-quality steel: (1) 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 nominal or actual thickness of not less than 4 mm, which are cut-to-length (not in coils) and without patterns in relief), of iron or non-alloy-quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils). Steel products to be included in the scope of this order are of rectangular, square, circular or other shape and of rectangular or non-rectangular cross-section where such non-rectangular cross-section is achieved subsequent to the rolling

<sup>1</sup> On April 20, and May 6, 2005, ISG notified the Department that as a result of a name change, ISG's official name is now Mittal Steel USA ISG Inc.

<sup>2</sup> See Letter from Kelly Parkhill, Director Industry and Support Analysis, to Mr. V.S. Seshadri, Minister Counselor, Embassy of India, February 14, 2005.

<sup>3</sup> See *Certain Cut-To-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, Japan and Korea; Extension of Final Results of the Expedited Sunset Reviews of the Antidumping and Countervailing Duty Orders*, 70 FR 22843 (May 3, 2005).

process (*i.e.*, products which have been “worked after rolling”)—for example, products which have been beveled or rounded at the edges. Steel products that meet the noted physical characteristics that are painted, varnished or coated with plastic or other non-metallic substances are included within the scope of this order. Also, specifically included in the scope of this order are high strength, low alloy (“HSLA”) steels. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum. Steel products to be included in this scope, regardless of Harmonized Tariff Schedule of the United States (“HTSUS”) definitions, are products in which: (1) Iron predominates, by weight, over each of the other contained elements; (2) the carbon content is two percent or less, by weight; and (3) none of the elements listed below is equal to or exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.41 percent of titanium, or 0.15 percent of vanadium, or 0.15 percent zirconium. All products that meet the written physical description, and in which the chemistry quantities do not equal or exceed any one of the levels listed above, are within the scope of this order unless otherwise specifically excluded. The following products are specifically excluded from this order: (1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels (*i.e.*, USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel. The merchandise subject to this order is currently classifiable in the HTSUS under subheadings: 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, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this order is dispositive.

**Analysis of Comments Received**

All issues raised in this review are addressed in the “Issues and Decision Memorandum” (“Decision Memorandum”) from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated August 1, 2005, which is hereby adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation 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 Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

**Final Results of Review**

The Department determines that revocation of the CVD order on certain cut-to-length carbon-quality steel plate from India would be likely to lead to continuation or recurrence of a countervailable subsidy at the rate listed below:

Manufacturer/exporters	Net Countervailable Subsidy (percent)
Steel Authority of India (“SAIL”) .....	12.82
All other producers/manufacturers/exporters .....	12.82

**Notification Regarding Administrative Protective Order**

This notice also serves as the only reminder to parties subject to administrative protective order (“APO”) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an

APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-4257 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-560-806]

**Certain Cut-to-Length Carbon-Quality Steel Plate from Indonesia: Final Results of Expedited Sunset Review**

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

**SUMMARY:** On January 3, 2005, the Department of Commerce (“the Department”) initiated a sunset review of the countervailing duty order (“CVD”) on certain cut-to-length carbon-quality steel plate from Indonesia (70 FR 75) pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”). *See Initiation of Five-year (“Sunset”) Reviews*, 70 FR 75 (January 3, 2005). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested parties and inadequate response from respondent interested parties (in this case, no response), the Department conducted an expedited sunset review of this CVD order pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B). As a result of this sunset review, the Department finds that revocation of the CVD order would be likely to lead to continuation or recurrence of a countervailable subsidy at the level indicated in the “Final Results of Review” section of this notice.

**EFFECTIVE DATE:** August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Tipten Troidl or David Goldberger, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1767 or (202) 482-4136, respectively.

**SUPPLEMENTARY INFORMATION:**

## Background

On January 3, 2005, the Department initiated a sunset review of the CVD order on certain cut-to-length carbon-quality steel plate from Indonesia pursuant to section 751(c) of the Act. *See Initiation of Five-year ("Sunset") Reviews*, 70 FR 75 (January 3, 2005). The Department received a Notice of Intent to Participate from the following domestic interested parties: Nucor Corporation ("Nucor"), International Steel Group Inc. ("ISG"), IPSCO Steel Inc. ("IPSCO"), and United States Steel Corporation ("U.S. Steel") (collectively, "domestic interested parties") within the deadline specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act.

The Department received a complete substantive response collectively from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(I). However, the Department did not receive a substantive response from any government or respondent interested party to this proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited review of this CVD order.

On May 3, 2005, the Department published in the **Federal Register** an *Extension of Final Results*, extending the final results until August 1, 2005. *See Certain Cut-to-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, Japan and Korea; Extension of Final Results of Expedited Sunset Reviews of the Antidumping and Countervailing Duty Order*, May 3, 2005 (70 FR 22843) ("*Extension of Final Results*").

## Scope of the Order

The products covered by the countervailing duty order are certain hot-rolled carbon-quality steel: (1) 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 nominal or actual thickness of not less than 4 mm, which are cut-to-length (not in coils) and without patterns in relief), of iron or non-alloy-quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils).

Steel products to be included in this scope are of rectangular, square, circular

or other shape and of rectangular or non-rectangular cross-section where such non-rectangular 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. Steel products that meet the noted physical characteristics that are painted, varnished or coated with plastic or other non-metallic substances are included within this scope. Also, specifically included in this scope are high strength, low alloy (HSLA) steels. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum.

Steel products to be included in this scope, regardless of Harmonized Tariff Schedule of the United States ("HTSUS") definitions, are products in which: (1) Iron predominates, by weight, over each of the other contained elements, (2) the carbon content is two percent or less, by weight, and (3) none of the elements listed below is equal to or exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.41 percent of titanium, or 0.15 percent of vanadium, or 0.15 percent zirconium. All products that meet the written physical description, and in which the chemistry quantities do not equal or exceed any one of the levels listed above, are within the scope of these investigations unless otherwise specifically excluded. The following products are specifically excluded from these investigations: (1) products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels (*i.e.*, USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel. The merchandise subject to the order is currently classifiable in the HTSUS under subheadings: 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, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this order is dispositive.

## Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum ("Decision Memorandum") from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated August 1, 2005, which is hereby adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation 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 Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

## Final Results of Review

The Department determines that revocation of the CVD order would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Producers/Exporters	Net Countervailable Subsidy (percent)
P.T. Krakatau Steel .....	47.72
All Others .....	15.90

## Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing the results and notice in accordance with

sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-4258 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-475-827]

#### Certain Cut-to-Length Carbon-Quality Steel Plate from Italy: Final Results of Expedited Sunset Review

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

**SUMMARY:** On January 3, 2005, the Department of Commerce ("the Department") initiated a sunset review of the countervailing duty ("CVD") order on certain cut-to-length carbon-quality steel plate from Italy pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). See *Initiation of Five-year ("Sunset") Reviews*, 70 FR 75 (January 3, 2005). On the basis of a notice of intent to participate and an adequate substantive response filed on behalf of the domestic interested parties, as well as inadequate response from respondent interested parties, the Department conducted an expedited sunset review pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B). As a result of this sunset review, the Department finds that revocation of the CVD order would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** August 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** Tipten Troidl or David Goldberger, AD/CVD Enforcement, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-1767 or (202) 482-4136, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 3, 2005, the Department initiated a sunset review of the CVD order on certain cut-to-length carbon-quality steel plate from Italy pursuant to section 751(c) of the Act. See *Initiation of Five-year ("Sunset") Reviews*, 70 FR 75 (January 3, 2005). The Department

received a Notice of Intent to Participate from the following domestic interested parties: Nucor Corporation ("Nucor"), Mittal Steel USA ISG Inc. ("Mittal") (formerly International Steel Group Inc.), IPSCO Steel Inc. ("IPSCO"), and United States Steel Corporation ("U.S. Steel") (collectively, "domestic interested parties") within the deadline specified in 19 CFR 351.218(d)(1)(i). The domestic interested parties claimed interested party status under section 771(9)(C) of the Act. Moreover, the Department received one complete collective substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).

The Department also received responses from: ILVA S.p.A. ("ILVA"), the European Commission ("EC"), and the Government of Italy ("GOI") (collectively, "respondent interested parties"). The Department found that ILVA's imports did not fulfill the 50-percent threshold that the Department considers to be an adequate response under 19 CFR 351.218(e)(1)(ii)(A). Therefore, on March 23, 2005, the Department issued a memorandum finding the respondent's response inadequate. See March 23, 2005, Memorandum for Ronald K. Lorentzen through Kelly Parkhill from Hilary E. Sadler, Subject: Carbon-Quality Steel Plate from Italy: Determination of Adequacy of Response ("Adequacy Response Memorandum"). Because the Department found that the respondent interested parties' responses were inadequate, the Department conducted an expedited review of this CVD order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

The Department determined, pursuant to section 751(c)(5)(C) of the Act, that the sunset review of the CVD order on certain cut-to-length carbon-quality steel plate from Italy is extraordinarily complicated. Therefore, on April 25, 2005, the Department extended the time limit for completion of the final results of this review until not later than August 1, 2005.<sup>1</sup>

##### Scope of the Order

The merchandise covered by the CVD order is certain hot-rolled carbon-quality steel: (1) 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 nominal or actual

thickness of not less than 4 mm, which are cut-to-length (not in coils) and without patterns in relief), of iron or non-alloy-quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils). Steel products to be included in the scope of this order are of rectangular, square, circular or other shape and of rectangular or non-rectangular cross-section where such non-rectangular 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. Steel products that meet the noted physical characteristics that are painted, varnished or coated with plastic or other non-metallic substances are included within this scope. Also, specifically included in this scope are high strength, low alloy ("HSLA") steels. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum.

Steel products to be included in this scope, regardless of Harmonized Tariff Schedule of the United States ("HTSUS") definitions, are products in which: (1) iron predominates, by weight, over each of the other contained elements, (2) the carbon content is two percent or less, by weight, and (3) none of the elements listed below is equal to or exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.41 percent of titanium, or 0.15 percent of vanadium, or 0.15 percent of zirconium. All products that meet the written physical description, and in which the chemistry quantities do not equal or exceed any one of the levels listed above, are within the scope of these investigations unless otherwise specifically excluded. The following products are specifically excluded from these investigations: (1) products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels

<sup>1</sup> See *Certain Cut-To-Length Carbon-Quality Steel Plate from France, India, Indonesia, Italy, Japan and Korea; Extension of Final Results of the Expedited Sunset Reviews of the Antidumping and Countervailing Duty Orders*, 70 FR 22843 (May 3, 2005).

(i.e., USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel. The merchandise subject to the order is currently classifiable in the HTSUS under subheadings: 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, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this order.

**Analysis of Comments Received**

All issues raised in this review are addressed in the Issues and Decision Memorandum (“Decision Memorandum”) from Barbara E. Tillman, Acting Deputy Assistant Secretary for Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated August 1, 2005, which is hereby adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendation 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 Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

**Final Results of Review**

The Department determines that revocation of the CVD order would be likely to lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

Producers/Exporters	Net Countervailable Subsidy (percent)
ILVA S.p.A. ....	2.38
Palini & Bertoli ....	<i>De minimis</i>
All Others .....	2.38

**Notification Regarding Administrative Protective Order**

This notice serves as the only reminder to parties subject to administrative protective order (“APO”)

of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/ destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation. We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: August 1, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-4259 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[Docket No. 041029298-5209-04; I.D. 052004A]

**RIN 0648-AS38**

**Magnuson-Stevens Act Provisions; Fishing Capacity Reduction Program; Pacific Coast Groundfish Fishery; California, Washington, and Oregon Fisheries for Coastal Dungeness Crab and Pink Shrimp**

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

**ACTION:** Notice of fee effective date.

**SUMMARY:** NMFS issues this establishing the effective date of fees for repaying the \$35,662,471 reduction loan financing the Pacific Coast groundfish fishing capacity reduction program.

**DATES:** The groundfish program fee payment collection will begin on September 8, 2005.

**ADDRESSES:** Send questions about this notice to Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3282.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Grable, (301) 713-2390.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Sections 312(b)-(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b) through (e)) is the general authority for fishing capacity reduction programs. In particular, section 312(d) authorizes

industry fee systems for repaying reduction loans which finance reduction program costs.

Subpart L of 50 CFR part 600 is the framework rule generally implementing section 312(b)-(e).

Sections 1111 and 1112 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279f and 1279g) generally authorizes loans financing reduction programs.

Enacted on February 20, 2003, section 212 of Division B, Title II, of Public Law 108-7 (section 212) specifically authorizes a fishing capacity reduction program for that portion of the limited entry trawl fishery under the Pacific Coast Groundfish Fishery Management Plan whose permits, excluding those registered to whiting catcher-processors are endorsed for trawl gear operation. This is the program’s reduction fishery.

The groundfish reduction program’s objective was to reduce the number of vessels and permits endorsed for the operation of groundfish trawl gear. The program also involved corollary fishing capacity reduction in the California, Oregon, and Washington fisheries for Dungeness crab and pink shrimp. These are the program’s fee-share fisheries.

All post-reduction fish landings from the reduction fishery and the six fee-share fisheries are subject to the groundfish program’s fee. The object of this notice is to establish the effective date of the fee which fish sellers must pay and fish buyers must collect on all fee fish landed from these seven fisheries.

NMFS implemented the groundfish program by **Federal Register** notification (rather than by the more usual regulatory method). NMFS proposed the implementing notice on May 28, 2003 (68 FR 31653) and published the final notice on July 18, 2003 (68 FR 42613). Please refer to the final notice for groundfish program details.

NMFS allocated the \$35,662,471 reduction loan to the reduction fishery and to each of the six fee-share fisheries as follows:

1. Reduction fishery, \$28,428,719; and
2. Fee-share fisheries:
  - a. California coastal Dungeness crab fishery, \$2,334,334,
  - b. California pink shrimp fishery, \$674,202,
  - c. Oregon coastal Dungeness crab fishery, \$1,367,545,
  - d. Oregon pink shrimp fishery, \$2,228,845,
  - e. Washington coastal Dungeness crab fishery, \$369,426, and
  - f. Washington pink shrimp fishery, \$259,400.

Each of these allocations became a reduction loan subamount repayable by

fees from the fishery to which the subamount relates.

On November 4, 2003, NMFS published another **Federal Register** document (68 FR 62435) advising the public that NMFS would, in one month, tender the groundfish program's reduction payments to the 91 accepted bidders. On December 4, 2003, NMFS required all accepted bidders to permanently stop all further fishing with the fishing vessels and permits whose fishing privileges they had relinquished in return for reduction payments. Subsequently, NMFS:

1. Disbursed \$45,662,471 in reduction payments to 91 accepted bidders;
2. Revoked the relinquished Federal permits;
3. Advised California, Oregon, and Washington about the relinquished state permits or licenses;
4. Arranged with the National Vessel Documentation Center for permanent revocation of the reduction vessels' fishery trade endorsements; and
5. Notified the U.S. Maritime Administration to prohibit placement of the reduction vessels under foreign registry or the operational authority of foreign countries.

On November 16, 2004, NMFS published a **Federal Register** document (69 FR 67100) proposing regulations to implement the groundfish program's industry fee system.

In response to public comment about this proposed rule, NMFS modified it and published a second proposed rule in the **Federal Register** on April 8, 2005 (70 FR 17949).

NMFS published in the **Federal Register** on July 13, 2005 (70 FR 40225), the final rule to implement the industry fee system for repaying the groundfish program's reduction loan. The

regulations implementing the program are located at § 600.1012 of 50 CFR part 600's subpart M.

**II. Purpose**

This document's purpose is to establish, in accordance with the framework rule's § 600.1013(d), the date from and after which the fee is effective.

**III. Notice**

Groundfish program fee payment and collection will begin on September 8, 2005.

From and after this date, all groundfish program fish sellers must pay the groundfish program fee in accordance with the applicable regulations.

From and after this date, all groundfish program fish buyers must collect the groundfish program fee in accordance with the applicable regulations.

From and after this date, all groundfish program fish buyers must deposit, disburse, record, and report groundfish program fee matters in accordance with the applicable regulations.

The initial fee applicable to the groundfish program's reduction fishery and to each of its six fee-share fishery is as follows:

Fishery	Fee Rate
Reduction fishery	5.00%
California coastal Dungeness crab	1.24%
California pink shrimp	5.00%
Oregon coastal Dungeness crab	0.55%
Oregon pink shrimp	3.75%
Washington coastal Dungeness crab	0.16%
Washington pink shrimp	1.50%

Fish sellers and fish buyers must pay and collect the groundfish program's fee in the framework rule manner common to all fishing capacity reduction programs. Consequently, groundfish program fish sellers and fish buyers should read the framework rule's § 600.1013 to understand how fish sellers must pay, and fish buyers must collect, the groundfish program fee.

Generally, fish buyers must deposit and disburse, and keep records and report about, the groundfish program fee in the framework rule manner common to all buybacks. Nevertheless, the groundfish program rule makes specific changes in the framework rule deposit, disbursement, records, and reports requirements. Consequently, groundfish program fish buyers should read both the framework rule's § 600.1014 and the groundfish program rule's paragraph (i) to understand the full deposit, disbursement, records, and reports provisions to which the groundfish program's collected fees are subject.

The following table identifies the various 50 CFR Part 600 rules involved in or affecting the groundfish program fee:

Description	Sub-part	Section
Reduction Framework Rule	L	600.1012 through 600.1016
Groundfish Program Fee Rule	M	600.1102

The applicable framework rule sections involve the following reduction loan and fee matters which are common to all reduction programs:

Section	Matter
Section 600.1012	Loan obligation, principal amount, interest rate, payment term, and penalties for non-payment and non-collection.. Fee amount, fee rate, how fish sellers pay the fee, and how fish buyers collect the fee.. How fish buyers deposit collected fees, disburse collected fees to NMFS, keep fee records, and make fee reports.. Late charges for fee payment, collection, deposit, and/or disbursement.. NMFS enforcement of all fee provisions..
Section 600.1013	
Section 600.1014	
Section 600.1015	
Section 600.1016	

The groundfish program fee rule has only one section (600.1102), but all of the section's paragraphs specifically involve or affect the groundfish

program's reduction loan or the fees which will repay the loan. The groundfish program fee rule involves the following reduction loan and fee

matters specific to the groundfish program fee:

Section	Matter
(a)	The rule's purpose..
(b)	Definition of terms which the rule uses..
(c)	Reduction loan amount..
(d)	Reduction loan sub-amounts for the reduction fishery and each of the six fee-share fisheries..
(e)	Interest accrual inception..
(f)	Interest rate..
(g)	Repayment term..

Section	Matter
(h)	Subjection of the groundfish program reduction loan to § 600.1012 of the framework rule and subsection of groundfish program fee payment and collection to § 600.1013 of the framework rule..
(i)	Subjection of groundfish program fee collection, deposit, disbursement, records, and reports to § 600.1014 of the framework rule, except for a specified departures from the § 600.1014 requirements..

Although fish sellers and, particularly, all fish buyers should carefully read the applicable regulations for full fee payment, collection, deposit, disbursement, recording, and reporting requirements, the following is a brief and informal synopsis:

The first ex-vessel fish buyers of fee fish must withhold the fee from the trip proceeds which the fish buyers would otherwise have paid to the fish sellers who harvested and first sold the fee fish to the fish buyers. Fish buyers collect the fee when they withhold it from trip proceeds, and fish sellers automatically pay the fee when the fish buyers withhold it before paying the net trip proceeds to the fish sellers. Fish buyers must calculate the fee to be collected by multiplying the applicable fee rate (depending on whether the fee fish is from the reduction fishery or from one or more of the six fee-share fisheries) times the fee fish's full fair market value, including all in-kind compensation or other goods or services exchanged in lieu of cash.

Fish buyers must deposit collected fees not less frequently than at the end of each month. The deposit account must be at a Federally insured institution. The deposit account may also include the fish buyers general operating funds, but only if it separately accounts for all collected fees (both in the aggregate and for each of the seven fee paying fisheries). Fish buyers may neither pledge nor assign collected fee deposits. Fish buyers may not use collected fee deposits for any purpose whatsoever other than aggregating them for disbursement to NMFS.

Fish buyers must disburse to NMFS all collected fee deposits not less frequently than necessary for NMFS to have received the disbursement by the 14th calendar day after the last calendar day of each month if the collected fee deposits then total \$100 or more. If collected fees do not total \$100 or more at the time fish buyers must disburse them, fish buyers may delay disbursement until either the next month in which collected fee deposits exceed \$100 or the end of the calendar year of deposit (regardless of amount), whichever comes first.

Fish buyers must accompany each disbursement with a fee collection report on NMFS's report form and

completed in the manner NMFS specifies.

All fish buyers must maintain for at least three years detailed records of fee collection, deposit, and disbursement, along with the landing records required to audit fee payment and collection. Paragraph (i)(4) of the groundfish program's fee rule (50 CFR 600.1102) specify the fee payment and collection records which fish buyers must maintain.

Fee payment and fee collection are mandatory, and there are substantial penalties for failing to pay and collect fees in accordance with the applicable regulations. In addition to applying these penalties, NMFS will also enforce the collection of all fee payment and collection by adding late charges and bring legal actions for collection enforcement against any fish seller or fish buyer who fails to pay, collect, deposit, and/or disburse the fee in accordance with the regulations. NMFS will audit ex-vessel landing records and fish buyer records for the purpose of determining and enforcing compliance.

To provide more accessible services, streamline collections, and save taxpayer dollars, fish buyers may disburse collected fee deposits to NMFS by using a secure Federal system on the Internet known as Pay.gov. Pay.gov enables fish buyers to use either their checking accounts or their credit cards to electronically disburse their collected fee deposits to NMFS. Fish buyers who have access to the Internet should consider using this quick and easy collected fee disbursement method. Fish buyers may access Pay.gov by going directly to Pay.gov's Federal website at: <https://www.pay.gov/paygov/>.

Fish buyers who do not have access to the Internet or who simply do not wish to use the Pay.gov electronic system, must disburse their collected fee deposits to us by sending their checks to our lockbox. Our lockbox's address is: NOAA Fisheries Pacific Coast Groundfish Buyback  
P. O. Box 979059  
St. Louis, MO 63197-9000

Fish buyers' must not forget to include with their disbursements the fee collection report applicable to each disbursement. The fee collection report tells NMFS how much of the disbursement it must apply to each of the seven reduction loan subamounts.

Fish buyers using Pay.gov will find an electronic fee collection report form to receive information and accompany electronic disbursements. Fish buyers who do not use Pay.gov must include a hard copy fee collection report with each of their disbursements. See the attachment to this notice. Fish buyers not using Pay.gov may also access the NMFS website for an Excel spreadsheet version of the fee collection report at: [http://www.nmfs.noaa.gov/mb/financial\\_services/](http://www.nmfs.noaa.gov/mb/financial_services/).

NMFS will, before the fee's effective date, separately mail a copy of this notice, along with detailed fee payment, collection, deposit, disbursement, recording, and reporting information and guidance, to each fish seller and fish buyer of whom NMFS has notice. The fact that any fish seller or fish buyer might not, however, receive from NMFS a copy of the notice or of the information and guidance does not relieve the fish seller or fish buyer from his fee obligations under the applicable regulations.

This action has been determined to be not significant for purposes of Executive Order 12866.

The Assistant Administrator for NMFS, finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B) because such notification would be unnecessary. Actual notice of the regulatory action was provided to, and comments were received from the public during the rulemaking process. This action merely establishes the start date of the groundfish program's industry fee system which was made effective in a previous final rule in accordance with the framework rule's § 600.1013(d). No new requirements are implemented by this action.

Because notice and comment are not required under 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable.

This action contains collection-of-information requirements subject to the Paperwork Reduction Act. The Office of Management and Budget (OMB) has approved these information collections under OMB control number 0648-0376. NMFS estimates that the public reporting burden for these requirements will average:

Two hours for submitting a monthly fish buyer fee collection report; and

Two hours for making a fish buyer/fish seller report when one party fails to either pay or collect the fee.

These response estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data

needed, and completing and reviewing the information collection.

Notwithstanding any other provision of law, no person is required to respond to, and no person is subject to a penalty for failure to comply with, an information collection subject to the requirements of the PRA unless that information collection displays a currently valid OMB control number.

**Authority:** Pub. L. 107–206, Pub. L. 108–7, 16 U.S.C. 1861a (b-e), and 50 CFR 600.1000 *et seq.*

Dated: August 3, 2005.

**William T. Hogarth,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

**BILLING CODE 3510–22–S**

## Pacific Coast Groundfish Buyback Loan Fee Collection Report

<b>Fee Collector's Name</b>			
<b>Mailing Address</b>			
<b>City</b>			
<b>State</b>			
<b>Zip</b>			
<b>Phone Number</b>			
<b>State Buyer Code</b>			
<b>Fee Collection Report Date</b>			
<b>Month of Landings</b>			

<i><b>FOR LANDINGS OF</b></i>	<i><b>Sub-account</b></i>	<i><b>Fee Rate (%)</b></i>	<i><b>Gross Value (\$)</b></i>	<i><b>Fee Collected (\$)</b></i>
Pacific Coast Groundfish	BBGS-001GF	5.00		
California coastal Dungeness crab	BBGS-001CC	1.24		
California pink shrimp	BBGS-001CS	5.00		
Oregon coastal Dungeness crab	BBGS-001OC	0.55		
Oregon pink shrimp	BBGS-001OS	3.75		
Washington coastal Dungeness crab	BBGS-001WC	0.16		
Washington pink shrimp	BBGS-001WS	1.50		

**Total Fees (\$)**

**Instructions:**

1. Complete the fee collector's name, address, telephone number, state buyer code, date of this fee collection report, and month of landings.
2. Record the gross value and fee collected for each fishery. The fee collected equals the applicable fee rate multiplied by the gross value of fish landed for each vessel trip.
3. Note that deliveries must occur within the same month. Use a separate report for a different month.
4. Mail a check payable to "NMFS Pacific Coast Groundfish Buyback Loan" in the amount of the total fees collected to: P O Box 979059, St. Louis, MO 63197-9000.

[FR Doc. 05-15643 Filed 8-5-05; 8:45 am]

BILLING CODE 3510-22-C

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 080105C]

#### Gulf of Mexico Fishery Management Council; Public Meetings

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene a meeting of its Ecosystem Scientific and Statistical Committee (SSC) in New Orleans, LA.

**DATES:** The meeting will be held Friday, August 19, 2005, from 10 a.m. to 4 p.m.

**ADDRESSES:** The meeting will be held at the Ramada Inn & Suites, New Orleans Airport, 110 James Drive East, Saint Rose, LA 70087.

*Council address:* Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Steven Atran, Population Dynamics Statistician, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

**SUPPLEMENTARY INFORMATION:** The Council will convene its Ecosystem SSC in New Orleans, LA on August 19, 2005. The SSC will: (1) review the results of a series of facilitated workshops to solicit public input on ecosystem based fisheries management, (2) review the National Marine Fisheries Service's positions on approaches to ecosystem based fisheries management, and (3) establish preliminary tasks toward producing a fisheries ecosystem plan.

Copies of the agenda and other related materials can be obtained by calling (813) 348-1630. Although other non-emergency issues not on the agendas may come before the SSC for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (M-SFCMA), those issues may not be the subject of formal action during these meetings. Actions of the SSC will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the M-SFCMA, provided the public has been notified of the Council's intent to take action to address the emergency.

### Special Accommodations

The meetings are open to the public and physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Dawn Aring at the Council office (see **ADDRESSES**) by August 12, 2005.

Dated: August 3, 2005.

**Emily Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E5-4244 Filed 8-5-05; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 080105E]

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat/Marine Protected Area (MPA)/Ecosystem Committee in August, 2005 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meeting will be held on Monday, August 22, 2005, at 9:30 a.m.

**ADDRESSES:** The meeting will be held at the Eastland Park Hotel, 157 High Street, Portland, ME 04101; telephone: (207) 775-5411; fax: (207) 775-1066.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The Habitat/MPA/Ecosystem Committee will continue work on elements of the Essential Fish Habitat (EFH) Omnibus Amendment 2 including, but not limited to, a review of the peer-review report of the Habitat Evaluation Review Committee meeting on EFH designation methods and tools. The Committee will also review and consider the Habitat Plan Development Team's (PDT) evaluations of the Habitat Area of

Particular Concern proposals. Other topics to be addressed by the Committee include: development of a draft Marine Protected Area policy based on recent policy development workshops' report; jurisdictional issues surrounding non-fishing marine services: Liquefied Natural Gas (LNG), aquaculture and windfarms; preliminary review of coastal pollution and marine fisheries productivity project; update on upcoming stakeholder meetings as well as other topics at the Committee's discretion.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at 978-465-0492, at least 5 days prior to the meeting date.

Dated: August 3, 2005.

**Emily Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E5-4245 Filed 8-5-05; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 080105D]

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Capacity Committee in August, 2005 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council

for formal consideration and action, if appropriate.

**DATES:** The meeting will be held on Thursday, August 25, 2005, at 9 a.m.

**ADDRESSES:** The meeting will be held at the Sheraton 4 Points Hotel, 407 Squire Road, Revere, MA 02151; telephone: (781) 284-7800; fax: (781) 284-1886.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

**SUPPLEMENTARY INFORMATION:** The Capacity Committee will meet to consider the Terms of Reference (TOR) approved by the Council, including the direction to develop capacity reduction alternatives for scallop and groundfish fisheries. The Committee will detail a strategy for addressing the TOR, including identifying information requirements and a schedule of meetings with specific milestone goals in order to complete final recommendations to the Council by March 2006.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at 978-465-0492, at least 5 days prior to the meeting date.

Dated: August 3, 2005.

#### Emily Menashes,

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E5-4246 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 072205D]

#### Endangered Species; File No. 1547

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

**ACTION:** Notice; application for permit

**SUMMARY:** Notice is hereby given that New York State Department of Environmental Conservation (Kathryn Hattala, Principal Investigator; Gregg Kenney, Primary Contact/Co-Investigator), 21 South Putt Corners Road, New Paltz, NY 12561, has applied in due form for a permit to take shortnose sturgeon (*Acipenser brevirostrum*) for purposes of scientific research.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before September 7, 2005.

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9328; fax (978)281-9394.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 1547.

**FOR FURTHER INFORMATION CONTACT:** Shane Guan or Carrie Hubard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

The New York State Department of Environmental Conservation proposes to conduct scientific research to evaluate seasonal movement of shortnose sturgeon in Haverstraw and Newburgh Bays of the Hudson River. A maximum of 500 adult and juvenile shortnose sturgeon would be captured with gill nets, measured, weighed, scanned for tags, PIT and Carlin tagged if untagged, and released annually. The permit is requested for a duration of 5 years.

Dated: August 1, 2005.

#### Stephen L. Leathery,

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 05-15645 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 080205B]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

**ACTION:** Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject Exempted Fishing Permit (EFP) application contains all the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator

proposes to recommend that an EFP be issued that would allow one commercial fishing vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP would allow for exemptions from the FMP as follows: The Gulf of Maine (GOM) Rolling Closure Areas and the minimum mesh size for trawl gear.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

**DATES:** Comments must be received on or before August 23, 2005.

**ADDRESSES:** Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on the GOM Rope Separator Trawl Study." Comments may also be sent via fax to (978) 281-9135 or submitted via e-mail to: [DA5-219@noaa.gov](mailto:DA5-219@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Mike Ruccio, Fishery Management Specialist, phone (978) 281-9104.

**SUPPLEMENTARY INFORMATION:**

An application for an EFP was submitted on July 20, 2005, by Dr. Pingguo He of the University of New Hampshire for the continuation of a Cooperative Research Partnership Initiative contract project. The primary goal of the research is to design and test a rope separator trawl that targets haddock and pollock while releasing cod and flounder in inshore western GOM waters. The intent of the researchers is that the experimental net, if successful, could be suitable for fishing using Category B Days at Sea in the future.

This EFP would be used to conduct the second phase of at-sea trials for the experimental trawl net. The first phase was conducted under a separate EFP. One vessel would conduct 12 days of at-sea trials consisting of three to four 1-hour tows per day. Additionally, researchers would use remote underwater video observation and acoustic gear geometry monitoring to assess the success of the net during at-sea trials. The design of the net would consist of a rope separator in place of the more common netting separator in order to simplify design and rigging; a large bottom escape area for cod, flatfishes, and benthos; and a raised fishing line running through long drop chains to further allow benthic species to escape. Researchers have requested a

small mesh exemption to allow for the use of a second codend or a small-mesh cover to collect fish released from the trawl to assess the effectiveness of the separator trawl.

All specimens caught would be sampled and measured. All undersized fish would be returned to the sea as quickly as practical after measurement and examination. All legal-sized fish, within the possession limit, would be sold, with the proceeds returned to the project for the purposes of enhancing future research.

The study would take place from September 1, 2005, to July 30, 2006. The trials would occur between 43°20' and 42°30' N. lat. and west of 70°15' W. long., excluding the Western GOM Closure Area.

The principal investigator has requested a small-mesh exemption to allow for the use of a second codend or a small mesh cover to collect fish released from the experimental trawl to assess the effectiveness of the separator trawl. An optimum mixture of haddock and cod is necessary for testing the experimental gear. The majority of field work is tentatively scheduled for fall 2005. Dr. He has requested exemptions from the GOM Rolling Closure Areas to allow for spring 2006 fishing, should weather, vessel availability, or haddock and cod abundance in the study area hinder completion of the fall 2005 survey schedule.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: August 3, 2005.

**Alan D. Risenhoover**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E5-4242 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-22-S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China

August 2, 2005.

**AGENCY:** The Committee for the Implementation of Textile Agreements (the Committee)

**ACTION:** Notice.

**SUMMARY:** The Committee is extending through August 31, 2005, the period for making a determination on whether to request consultations with China regarding imports of cotton and man-made fiber dressing gowns and robes (Category 350/650).

**FOR FURTHER INFORMATION CONTACT:** Jay Dowling, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 of the Agriculture Act of 1956, as amended; Executive Order 11651, as amended.

**Background**

On November 24, 2004, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, SEAMS and UNITE HERE requesting that the Committee limit imports from China of cotton and man-made fiber dressing gowns and robes (Category 350/650) due to the threat of market disruption ("threat case").

The Committee determined this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comments on Request for Textile and Apparel Safeguard Action on Imports from China**, 69 FR 77232 (Dec. 27, 2004).

On December 30, 2004, the Court of International Trade preliminarily enjoined the Committee from considering or taking any further action on this request and any other requests "that are based on the threat of market disruption". **U.S. Association of Importers of Textiles and Apparel v. United States**, 350 F. Supp. 2d 1342 (CIT 2004). On April 27, 2005 the Court of Appeals for the Federal Circuit granted the U.S. government's motion for a stay and reversed that injunction. **U.S. Association of Importers of Textiles and Apparel v. United States**, Ct. No. 05-1209, 2005 U.S. App. LEXIS 12751 (Fed. Cir. June 28, 2005). Thus, CITA resumed consideration of this case.

The public comment period for this request had not yet closed when the injunction took effect on December 30, 2004. The number of calendar days remaining in the public comment period beginning with and including December 30, 2004 was 28 days. On May 9, 2005, therefore, the Committee published a notice in the **Federal Register** re-opening the comment period and inviting public comments to be received not later than June 6, 2005. **See Rescheduling of Consideration of Request for Textile and Apparel Safeguard Action on Imports from China and Solicitations of Public Comments**, 70 FR 24397 (May 9, 2005).

On April 6, 2005, the Committee received a request from the American

Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, and UNITE HERE requesting that the Committee limit imports from China of cotton and man-made fiber dressing gowns and robes (Category 350/650) due to market disruption ("market disruption case"). The Committee determined that this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comment on Request for Textile and Apparel Safeguard Action on Imports from China**, 70 FR 23117 (May 4, 2005).

The Committee's Procedures, 68 FR 27787 (May 21, 2003) state that the Committee will make a determination within 60 calendar days of the close of the public comment period as to whether the United States will request consultations with China. If the Committee is unable to make a determination within 60 calendar days, it will cause to be published a notice in the **Federal Register**, including the date by which it will make a determination.

The 60 day determination period for the market disruption case expired on August 2, 2005 and the determination period for the threat case expired on August 5, 2005. However, the Committee has decided to extend until August 31, 2005, the period for making determinations on these cases in order to consult with the domestic textile and apparel industry and members of Congress about whether to pursue a broader agreement with China on imports of Chinese textile and apparel products to the United States. Because of these consultations, the Committee is unable to make a determination within 60 days of the close of the public comment period.

**James C. Leonard III**,  
*Chairman, Committee for the Implementation of Textile Agreements.*  
[FR Doc. E5-4261 Filed 8-5-05; 8:45 am]  
BILLING CODE 3510-DS-S

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China

August 2, 2005.

**AGENCY:** The Committee for the Implementation of Textile Agreements (the Committee)

### **ACTION:** Notice

**SUMMARY:** The Committee is extending through August 31, 2005, the period for making a determination on whether to request consultations with China regarding imports of men's and boys' wool trousers (Category 447).

**FOR FURTHER INFORMATION CONTACT:** Jay Dowling, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

### **SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 of the Agriculture Act of 1956, as amended; Executive Order 11651, as amended.

### **Background**

On November 12, 2004, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, SEAMS and UNITE HERE requesting that the Committee limit imports from China of men's and boys' wool trousers (Category 447) due to the threat of market disruption.

The Committee determined this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comment on Request for Textile and Apparel Safeguard Action on Imports from China**, 69 FR 71781 (Dec. 10, 2004).

On December 30, 2004, the Court of International Trade preliminarily enjoined the Committee from considering or taking any further action on this request and any other requests "that are based on the threat of market disruption". **U.S. Association of Importers of Textiles and Apparel v. United States**, 350 F. Supp. 2d 1342 (CIT 2004). On April 27, 2005 the Court of Appeals for the Federal Circuit granted the U.S. government's motion for a stay and reversed that injunction. **U.S. Association of Importers of Textiles and Apparel v. United States**, Ct. No. 05-1209, 2005 U.S. App. LEXIS 12751 (Fed. Cir. June 28, 2005). Thus, CITA resumed consideration of this case.

The public comment period for this request had not yet closed when the injunction took effect on December 30, 2004. The number of calendar days remaining in the public comment period beginning with and including December 30, 2004 was 12 days. On May 9, 2005, therefore, the Committee published a notice in the **Federal Register** re-opening the comment period and inviting public comments to be received not later than May 23, 2005. **See Rescheduling of Consideration of**

### **Request for Textile and Apparel Safeguard Action on Imports from China and Solicitations of Public Comments**, 70 FR 24397 (May 9, 2005).

The Committee's Procedures, 68 FR 27787 (May 21, 2003) state that the Committee will make a determination within 60 calendar days of the close of the public comment period as to whether the United States will request consultations with China. If the Committee is unable to make a determination within 60 calendar days, it will cause to be published a notice in the **Federal Register**, including the date by which it will make a determination.

The 60 day determination period for this case expired on July 22, 2005. However, the Committee was unable to make a determination at that time and extended the determination period to July 31, 2005. **See Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China**, 70 FR 43397 (July 27, 2005). The Committee has decided to further extend until August 31, 2005, the period for making a determination on this case in order to consult with the domestic textile and apparel industry and members of Congress about whether to pursue a broader agreement with China on imports of Chinese textile and apparel products to the United States. Because of these consultations, the Committee is unable to make a determination within 60 days of the close of the public comment period.

**James C. Leonard III**,  
*Chairman, Committee for the Implementation of Textile Agreements.*  
[FR Doc. E5-4262 Filed 8-5-05; 8:45 am]  
BILLING CODE 3510-DS-S

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China

August 2, 2005.

**AGENCY:** The Committee for the Implementation of Textile Agreements (the Committee)

### **ACTION:** Notice

**SUMMARY:** The Committee is extending through August 31, 2005, the period for making a determination on whether to request consultations with China regarding imports of cotton and man-made fiber brassieres (Category 349/649).

**FOR FURTHER INFORMATION CONTACT:** Jay Dowling, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 of the Agriculture Act of 1956, as amended; Executive Order 11651, as amended.

**Background**

On December 1, 2004, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, SEAMS and UNITE HERE requesting that the Committee limit imports from China of cotton and man-made fiber brassieres (Category 349/649) due to the threat of market disruption ("threat case").

The Committee determined this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comments on Request for Textile and Apparel Safeguard Action on Imports from China**, 69 FR 77998 (Dec. 29, 2004).

On December 30, 2004, the Court of International Trade preliminarily enjoined the Committee from considering or taking any further action on this request and any other requests "that are based on the threat of market disruption". **U.S. Association of Importers of Textiles and Apparel v. United States**, 350 F. Supp. 2d 1342 (CIT 2004). On April 27, 2005 the Court of Appeals for the Federal Circuit granted the U.S. government's motion for a stay and reversed that injunction. **U.S. Association of Importers of Textiles and Apparel v. United States**, Ct. No. 05-1209, 2005 U.S. App. LEXIS 12751 (Fed. Cir. June 28, 2005). Thus, CITA resumed consideration of this case.

The public comment period for this request had not yet closed when the injunction took effect on December 30, 2004. The number of calendar days remaining in the public comment period beginning with and including December 30, 2004 was 30 days. On May 9, 2005, therefore, the Committee published a notice in the **Federal Register** re-opening the comment period and inviting public comments to be received not later than June 8, 2005. **See Rescheduling of Consideration of Request for Textile and Apparel Safeguard Action on Imports from China and Solicitations of Public Comments**, 70 FR 24397 (May 9, 2005).

On April 6, 2005, the Committee received a request from the American

Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, and UNITE HERE requesting that the Committee limit imports from China of cotton and man-made fiber brassieres (Category 349/649) due to market disruption ("market disruption case"). The Committee determined that this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comment on Request for Textile and Apparel Safeguard Action on Imports from China**, 70 FR 23113 (May 4, 2005).

The Committee's Procedure, 68 FR 27787 (May 21, 2003) state that the Committee will make a determination within 60 calendar days of the close of the public comment period as to whether the United States will request consultations with China. If the Committee is unable to make a determination within 60 calendar days, it will cause to be published a notice in the **Federal Register**, including the date by which it will make a determination.

The 60 day determination period for the market disruption case expired on August 2, 2005 and the determination period for the threat case expired on August 8, 2005. However, the Committee has decided to extend until August 31, 2005, the period for making determinations on these cases in order to consult with the domestic textile and apparel industry and members of Congress about whether to pursue a broader agreement with China on imports of Chinese textile and apparel products to the United States. Because of these consultations, the Committee is unable to make a determination within 60 days of the close of the public comment period.

**James C. Leonard III,**

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. E5-4263 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China**

August 2, 2005.

**AGENCY:** The Committee for the Implementation of Textile Agreements (the Committee)

**ACTION:** Notice

**SUMMARY:** The Committee is extending through August 31, 2005, the period for making a determination on whether to request consultations with China regarding imports of cotton and man-made fiber sweaters (Category 345/645/646).

**FOR FURTHER INFORMATION CONTACT:** Jay Dowling, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 of the Agriculture Act of 1956, as amended; Executive Order 11651, as amended.

**Background**

On April 6, 2005, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, and UNITE HERE requesting that the Committee limit imports from China of cotton and man-made fiber sweaters (Category 345/645/646) due to market disruption. The Committee determined that this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comments on Request for Textile and Apparel Safeguard Action on Imports from China**, 70 FR 23107 (May 4, 2005).

The Committee's Procedures, 68 FR 27787 (May 21, 2003) state that the Committee will make a determination within 60 calendar days of the close of the public comment period as to whether the United States will request consultations with China. If the Committee is unable to make a determination within 60 calendar days, it will cause to be published a notice in the **Federal Register**, including the date by which it will make a determination.

The 60 day determination period for this case expired on August 2, 2005. However, the Committee has decided to extend until August 31, 2005, the period for making a determination on this case in order to consult with the domestic textile and apparel industry and members of Congress about whether to pursue a broader agreement with China on imports of Chinese textile and apparel products to the United States. Because of these consultations, the Committee is unable to make a determination within 60 days of the close of the public comment period.

**James C. Leonard III,**

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. E5-4264 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China

August 2, 2005.

**AGENCY:** The Committee for the Implementation of Textile Agreements (the Committee)

**ACTION:** Notice

**SUMMARY:** The Committee is extending through August 31, 2005, the period for making a determination on whether to request consultations with China regarding imports of knit fabric (Category 222).

**FOR FURTHER INFORMATION CONTACT:** Jay Dowling, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agriculture Act of 1956, as amended; Executive Order 11651, as amended.

#### Background

On November 19, 2004, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association and UNITE HERE requesting that the Committee limit imports from China of knit fabric (Category 222) due to the threat of market disruption.

The Committee determined this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comments on Request for Textile and Apparel Safeguard Action on Imports from China**, 69 FR 75516 (Dec. 17, 2004).

On December 30, 2004, the Court of International Trade preliminarily enjoined the Committee from considering or taking any further action on this request and any other requests "that are based on the threat of market disruption". **U.S. Association of Importers of Textiles and Apparel v. United States**, 350 F. Supp. 2d 1342 (CIT 2004). On April 27, 2005 the Court of Appeals for the Federal Circuit granted the U.S. government's motion for a stay and reversed that injunction. **U.S. Association of Importers of Textiles and Apparel v. United States**, Ct. No. 05-1209, 2005 U.S. App. LEXIS 12751 (Fed. Cir. June 28, 2005). Thus, CITA resumed consideration of this case.

The public comment period for this request had not yet closed when the injunction took effect on December 30, 2004. The number of calendar days remaining in the public comment period beginning with and including December 30, 2004 was 20 days. On May 9, 2005, therefore, the Committee published a notice in the **Federal Register** re-opening the comment period and inviting public comments to be received not later than May 31, 2005. **See Rescheduling of Consideration of Request for Textile and Apparel Safeguard Action on Imports from China and Solicitations of Public Comments**, 70 FR 24397 (May 9, 2005).

The Committee's Procedures, 68 FR 27787 (May 21, 2003) state that the Committee will make a determination within 60 calendar days of the close of the public comment period as to whether the United States will request consultations with China. If the Committee is unable to make a determination within 60 calendar days, it will cause to be published a notice in the **Federal Register**, including the date by which it will make a determination.

The 60 day determination period for this case expired on August 1, 2005. However, the Committee has decided to extend until August 31, 2005, the period for making a determination on this case in order to consult with the domestic textile and apparel industry and members of Congress about whether to pursue a broader agreement with China on imports of Chinese textile and apparel products to the United States. Because of these consultations, the Committee is unable to make a determination within 60 days of the close of the public comment period.

**James C. Leonard III**,  
*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. E5-4265 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Announcement of Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China

August 2, 2005.

**AGENCY:** The Committee for the Implementation of Textile Agreements (the Committee)

**ACTION:** Notice

**SUMMARY:** The Committee is extending through August 31, 2005, the period for making a determination on whether to

request consultations with China regarding imports of other synthetic filament fabric (Category 620).

**FOR FURTHER INFORMATION CONTACT:** Jay Dowling, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agriculture Act of 1956, as amended; Executive Order 11651, as amended.

#### Background

On November 8, 2004, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, and UNITE HERE requesting that the Committee limit imports from China of other synthetic filament fabric (Category 620) due to the threat of market disruption ("threat case").

The Committee determined this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comments on Request for Textile and Apparel Safeguard Action on Imports from China**, 69 FR 70661 (Dec. 7, 2004).

On December 30, 2004, the Court of International Trade preliminarily enjoined the CITA agencies from considering or taking any further action on this request and any other requests "that are based on the threat of market disruption". **U.S. Association of Importers of Textiles and Apparel v. United States**, 350 F. Supp. 2d 1342 (CIT 2004). On April 27, 2005 the Court of Appeals for the Federal Circuit granted the U.S. government's motion for a stay and reversed that injunction. **U.S. Association of Importers of Textiles and Apparel v. United States**, Ct. No. 05-1209, 2005 U.S. App. LEXIS 12751 (Fed. Cir. June 28, 2005) Thus, CITA resumed consideration of this case.

The public comment period for this request had not yet closed when the injunction took effect on December 30, 2004. The number of calendar days remaining in the public comment period beginning with and including December 30, 2004 was 8 days. On May 9, 2005, therefore, the Committee published a notice in the **Federal Register** re-opening the comment period and inviting public comments to be received not later than May 17, 2005. **See Rescheduling of Consideration of Request for Textile and Apparel Safeguard Action on Imports from**

**China and Solicitations of Public Comments**, 70 FR 24397 (May 9, 2005).

On April 6, 2005, the Committee received a request from the American Manufacturing Trade Action Coalition, the National Council of Textile Organizations, the National Textile Association, and UNITE HERE requesting that the Committee limit imports from China of other synthetic filament fabric (Category 620) due to market disruption ("market disruption case"). The Committee determined that this request provided the information necessary for the Committee to consider the request and solicited public comments for a period of 30 days. **See Solicitation of Public Comment on Request for Textile and Apparel Safeguard Action on Imports from China**, 70 FR 23124 (May 4, 2005).

The Committee's Procedures, 68 FR 27787 (May 21, 2003) state that the Committee will make a determination within 60 calendar days of the close of the public comment period as to whether the United States will request consultations with China. If the Committee is unable to make a determination within 60 calendar days, it will cause to be published a notice in the **Federal Register**, including the date by which it will make a determination.

The 60 day determination period for the threat case expired on July 18, 2005 and the determination period for the market disruption case expired on August 2. However, the Committee was unable to make a determination on the threat case by July 18, 2005 and extended the determination period to July 31, 2005. **See Extension of Period of Determination on Request for Textile and Apparel Safeguard Action on Imports from China**, 70 FR 42040 (July 21, 2005). The Committee has decided to extend until August 31, 2005, the period for making a determination on these cases in order to consult with the domestic textile and apparel industry and members of Congress about whether to pursue a broader agreement with China on imports of Chinese textile and apparel products to the United States. Because of these consultations, the Committee is unable to make a determination within 60 days of the close of the public comment period.

**James C. Leonard III**,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. E5-4266 Filed 8-5-05; 8:45 am]

**BILLING CODE 3510-DS-S**

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Denial of Commercial Availability Request under United States-Caribbean Basin Trade Partnership Act (CBTPA)**

August 2, 2005.

**AGENCY:** The Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Denial of the request alleging that certain 100 percent cotton, yarn dyed, seersucker fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA.

**SUMMARY:** On June 1, 2005, the Chairman of CITA received a petition from Sandler, Travis & Rosenberg, P.A., on behalf of their client, B\*W\*A of New York City, alleging that certain 100 percent cotton, yarn dyed, plain weave double warp beam seersucker fabrics, of detailed specifications, classified in subheadings 5208.42.30, 5208.42.40, 5208.42.50, and 5209.41.60 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner. The petition requests that woven shirts, blouses, and sleepwear of such fabrics be eligible for preferential treatment under the CBTPA. CITA has determined that the subject fabrics can be supplied by the domestic industry in commercial quantities and in a timely manner and, therefore, denies the request.

**FOR FURTHER INFORMATION CONTACT:**

Janet E. Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 211(a) of the CBTPA amending Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act (CBERA); Section 6 of Executive Order No. 13191 of January 17, 2001; Presidential Proclamation 7351 of October 2, 2000.

**Background**

The CBTPA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns and fabrics formed in the United States or a beneficiary country. The CBTPA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary countries from fabric or yarn

that is not formed in the United States, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191 (66 FR 7271), CITA has been delegated the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA. On March 6, 2001, CITA published procedures that it will follow in considering requests (66 FR 13502).

On June 1, 2005, the Chairman of CITA received a petition from Sandler, Travis & Rosenberg, P.A., on behalf of their client, B\*W\*A of New York City, alleging that certain 100 percent cotton, yarn dyed, plain weave double warp beam seersucker fabrics, of detailed specifications, classified in HTSUS subheadings 5208.42.30, 5208.42.40, 5208.42.50, and 5209.41.60, cannot be supplied by the domestic industry in commercial quantities in a timely manner. The petition requests that woven shirts, blouses, and sleepwear of such fabrics be eligible for preferential treatment under the CBTPA.

On June 8, 2005, CITA published a notice in the **Federal Register** requesting public comments on the petition particularly with respect to whether this fabric can be supplied by the domestic industry in commercial quantities in a timely manner. **See Request for Public Comments on Commercial Availability Petition under the United States - Caribbean Basin Trade Partnership Act (CBTPA)**, 70 FR 33450 (June 8, 2005). On June 24, 2005, CITA and USTR offered to hold consultations with the House Ways and Means Committee and the Senate Finance Committee, but no consultations were requested. We also requested advice from the U.S. International Trade Commission and the relevant Industry Trade Advisory Committees.

Based on the information and advice received by CITA, public comments, and the report from the International Trade Commission, CITA found that there is domestic production, capacity, and ability to supply the subject fabrics in commercial quantities in a timely manner.

On the basis of currently available information and our review of this request, CITA has determined that the domestic industry can supply the subject fabrics in commercial quantities

in a timely manner. The request from B\*W\*A is denied.

**James C. Leonard III,**  
Chairman, Committee for the Implementation  
of Textile Agreements.  
[FR Doc. E5-4268 Filed 8-5-05; 8:45 am]  
BILLING CODE 3510-DS-S

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Denial of Commercial Availability Request under United States- Caribbean Basin Trade Partnership Act (CBTPA)

August 2, 2005.

**AGENCY:** Committee for the  
Implementation of Textile Agreements  
(CITA).

**ACTION:** Denial of the request alleging  
that certain 100 percent cotton, piece  
dyed, seersucker fabrics cannot be  
supplied by the domestic industry in  
commercial quantities in a timely  
manner under the CBTPA.

**SUMMARY:** On June 1, 2005, the  
Chairman of CITA received a petition  
from Sandler, Travis & Rosenberg, P.A.,  
on behalf of their client, B\*W\*A of New  
York City, alleging that certain 100  
percent cotton, piece dyed, plain weave  
double warp beam seersucker fabrics, of  
detailed specifications, classified in  
subheadings 5208.32.30, 5208.32.40,  
5208.32.50, and 5209.31.60 of the  
Harmonized Tariff Schedule of the  
United States (HTSUS), cannot be  
supplied by the domestic industry in  
commercial quantities in a timely  
manner. The petition requests that  
woven shirts, blouses, and sleepwear of  
such fabrics be eligible for preferential  
treatment under the CBTPA. CITA has  
determined that the subject fabrics can  
be supplied by the domestic industry in  
commercial quantities and in a timely  
manner and, therefore, denies the  
request.

**FOR FURTHER INFORMATION CONTACT:**  
Janet E. Heinzen, International Trade  
Specialist, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
(202) 482-3400.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 211(a) of the CBTPA  
amending Section 213(b)(2)(A)(v)(II) of the  
Caribbean Basin Economic Recovery Act  
(CBERA); Section 6 of Executive Order No.  
13191 of January 17, 2001; Presidential  
Proclamation 7351 of October 2, 2000.

#### Background

The CBTPA provides for quota- and  
duty-free treatment for qualifying textile

and apparel products. Such treatment is  
generally limited to products  
manufactured from yarns and fabrics  
formed in the United States or a  
beneficiary country. The CBTPA also  
provides for quota- and duty-free  
treatment for apparel articles that are  
both cut (or knit-to-shape) and sewn or  
otherwise assembled in one or more  
beneficiary countries from fabric or yarn  
that is not formed in the United States,  
if it has been determined that such  
fabric or yarn cannot be supplied by the  
domestic industry in commercial  
quantities in a timely manner. In  
Executive Order No. 13191 (66 FR  
7271), CITA has been delegated the  
authority to determine whether yarns or  
fabrics cannot be supplied by the  
domestic industry in commercial  
quantities in a timely manner under the  
CBTPA. On March 6, 2001, CITA  
published procedures that it will follow  
in considering requests (66 FR 13502).

On June 1, 2005, the Chairman of  
CITA received a petition from Sandler,  
Travis & Rosenberg, P.A., on behalf of  
their client, B\*W\*A of New York City,  
alleging that certain 100 percent cotton,  
piece dyed, plain weave double warp  
beam seersucker fabrics, of detailed  
specifications, classified in HTSUS  
subheadings 5208.32.30, 5208.32.40,  
5208.32.50, and 5209.31.60, cannot be  
supplied by the domestic industry in  
commercial quantities in a timely  
manner. The petition requests that  
woven shirts, blouses, and sleepwear of  
such fabrics be eligible for preferential  
treatment under the CBTPA.

On June 8, 2005, CITA published a  
notice in the Federal Register requesting  
public comments on the petition  
particularly with respect to whether this  
fabric can be supplied by the domestic  
industry in commercial quantities in a  
timely manner. **See Request for Public  
Comments on Commercial Availability  
Petition under the United States -  
Caribbean Basin Trade Partnership Act  
(CBTPA)**, 70 FR 33449 (June 8, 2005).  
On June 24, 2005, CITA and USTR  
offered to hold consultations with the  
House Ways and Means Committee and  
the Senate Finance Committee, but no  
consultations were requested. We also  
requested advice from the U.S.  
International Trade Commission and the  
relevant Industry Trade Advisory  
Committees.

Based on the information and advice  
received by CITA, public comments,  
and the report from the International  
Trade Commission, CITA found that  
there is domestic production, capacity,  
and ability to supply the subject fabrics  
in commercial quantities in a timely  
manner.

On the basis of currently available  
information and our review of this  
request, CITA has determined that the  
domestic industry can supply the  
subject fabrics in commercial quantities  
in a timely manner. The request from  
B\*W\*A is denied.

**James C. Leonard III,**  
Chairman, Committee for the Implementation  
of Textile Agreements.  
[FR Doc. E5-4267 Filed 8-5-05; 8:45 am]  
BILLING CODE 3510-DS-S

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## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Intent of Grant an Exclusive License

Pursuant to Title 37, Code of Federal  
Regulations, part 404 *et seq.*, which  
implements Public Law 96-517, as  
amended, the Department of the Air  
Force announces its intention to grant  
an exclusive license in favor of  
Photodigm, Inc., a corporation of Texas,  
having a place of business at 1155 E.  
Collins Blvd Ste 200, Richardson, Texas,  
in the following federally-owned patent:  
United States Patent Number 5,727,016,  
titled "Spatially Coherent Diode Laser  
with Lens like Media and Feedback  
from Straight-toothed Gratings,"  
invented by Alan H. Paxton.

For an objection to the prospective  
license to be considered, it must be  
submitted in writing and be received at  
the following address within 15 days  
from the publication of this Notice.  
Written objection should be sent to:  
377th ABW/JAN (Air Base Wing,  
Contracts Law & Laboratory Support  
Division), Attn: James M. Skorich, 3550  
Aberdeen Avenue SE., Kirtland AFB,  
NM 87117-5776.

**Bruno Leuyer,**  
Air Force Federal Register Liaison Officer.  
[FR Doc. 05-15579 Filed 8-5-05; 8:45 am]  
BILLING CODE 5001-06-P

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## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education (ED).  
**ACTION:** Notice of proposed information  
collection requests.

**SUMMARY:** The Leader, Information  
Management Case Services Team,  
Regulatory Information Management  
Services, Office of the Chief Information  
Officer, invites comments on the  
proposed information collection  
requests as required by the Paperwork  
Reduction Act of 1995.

**DATES:** An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by August 16, 2005. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before October 7, 2005.

**ADDRESSES:** Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Carolyn Lovett, Desk Officer, Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be

collected; and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: August 2, 2005.

**Angela C. Arrington,**

*Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.*

#### **Federal Student Aid**

*Type of Review:* Revision.

*Title:* FFEL Deferment Requests.

*Abstract:* These forms will serve as the means of collecting information necessary to determine whether a Federal Family Education Loan (FFEL) borrower qualifies for a specific type of loan deferment.

*Additional Information:* Federal Student Aid needs this emergency collection processed in order to have this significant information collection legally available for students' use. Not having legal deferment requests available will impact graduates' and other students' financial status.

*Frequency:* On occasion.

*Affected Public:* Individuals or household.

*Reporting and Recordkeeping Hour Burden:*

Responses: 1,180,986.

Burden Hours: 188,958.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2830. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202-4700. Requests may also be electronically mailed to the Internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to 202-245-6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements, contact Joseph Schubart at his e-mail address [Joe.Schubart@ed.gov](mailto:Joe.Schubart@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 05-15595 Filed 8-5-05; 8:45 am]

**BILLING CODE 4001-01-P**

#### **DEPARTMENT OF EDUCATION**

#### **Office of Special Education and Rehabilitative Services; Overview Information; Centers for Independent Living—Training and Technical Assistance; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2005**

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.132B.

*Dates:* Applications Available: August 8, 2005.

*Deadline for Transmittal of Applications:* September 7, 2005.

*Deadline for Intergovernmental Review:* September 19, 2005.

*Eligible Applicants:* Entities that have experience in the operation of centers for independent living and submit a proposal to provide training and technical assistance to eligible agencies, centers for independent living, and Statewide Independent Living Councils.

*Estimated Available Funds:* \$153,699.

*Estimated Range of Awards:* \$70,000–\$153,699.

*Estimated Average Size of Awards:* \$76,849.

*Estimated Number of Awards:* 1 to 2.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

#### **Full Text of Announcement**

##### **I. Funding Opportunity Description**

*Purpose of Program:* To provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating centers for independent living to the following eligible entities authorized under title VII of the Rehabilitation Act of 1973, as amended (Act): eligible agencies, centers for independent living (CILs), and Statewide Independent Living Councils (SILCs).

The purpose of independent living (IL) services is to maximize independence, productivity, empowerment, and leadership of individuals with disabilities and integrate these individuals into the mainstream of society.

An eligible agency is defined in section 726 of the Act as a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency.

A CIL is defined in section 702(1) of the Act as a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency that is designed and operated within a local community by individuals with disabilities and that provides an array of IL services.

A SILC is described in section 705 of the Act. A majority of a SILC's members are individuals with disabilities, and other members include CIL representatives and State agency representatives, as well as other appropriate individuals. The SILC jointly develops and signs the State Plan for Independent Living with the Designated State Unit (DSU) and monitors, reviews, and evaluates the implementation of the State plan.

**Priorities:** In accordance with 34 CFR 75.105(b)(2)(iv) and section 721(b)(3) of the Act, these priorities have been identified by the Rehabilitation Services Administration Commissioner through a survey based on the annual performance reports of CILs and SILCs.

**Absolute Priorities:** For FY 2005 these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet one or more of these priorities.

These priorities are:

#### *Absolute Priority 1*

Applications must demonstrate how the project will encourage community-based alternatives to institutionalization. Applications must address how the project will help CILs meet the training needs of individuals with disabilities moving from an institutional setting to community-based living with respect to housing, transportation, assistive technology, and independent living skills.

#### *Absolute Priority 2*

Applications must demonstrate how the project will help CILs provide outreach and services to consumers from rural settings.

#### *Absolute Priority 3*

Applications must demonstrate how the project will assist CILs, SILCs, and eligible agencies in the development of the Statewide Network of Centers.

#### *Absolute Priority 4*

Applications must demonstrate how the project will encourage CILs, SILCs, and other eligible agencies to coordinate services and develop cooperative working relationships with the DSU, other State agencies, other councils that address the needs of specific disability populations and issues, and other appropriate public and private entities.

Under this competition we are particularly interested in applications that address the following priority.

**Invitational Priority:** For FY 2005 this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or

absolute preference over other applications.

This priority is:

The Institute for Rehabilitation and Research, working in a joint venture with the National Council on Independent Living to form IL-Net, currently has a cooperative agreement with the Rehabilitation Services Administration to develop and provide training and technical assistance to eligible agencies, CILs, and SILCs for planning, developing, conducting, administering, and evaluating CILs. Applications should demonstrate how the project would coordinate with IL-NET's efforts.

**Program Authority:** 29 U.S.C. 796f.

**Applicable Regulations:** (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, and 97. (b) The regulations for this program in 34 CFR part 366.

**Note:** The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

## II. Award Information

**Type of Award:** Cooperative agreement.

**Estimated Available Funds:** \$153,699.  
**Estimated Range of Awards:** \$70,000–\$153,699.

**Estimated Average Size of Awards:** \$76,849.

**Estimated Number of Awards:** 1 to 2.

**Note:** The Department is not bound by any estimates in this notice.

**Project Period:** Up to 60 months.

## III. Eligibility Information

1. **Eligible Applicants:** Entities that have experience in the operation of centers for independent living and submit a proposal to provide training and technical assistance to eligible agencies, centers for independent living, and Statewide Independent Living Councils.

2. **Cost Sharing or Matching:** This program does not involve cost sharing or matching.

## IV. Application and Submission Information

1. **Address to Request Application Package:** Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html> or you may contact ED Pubs at its e-mail address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.132B.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, Potomac Center Plaza, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

2. **Content and Form of Application Submission:** Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

3. **Submission Dates and Times:** Applications Available: August 8, 2005.

**Deadline for Transmittal of Applications:** September 7, 2005.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. **Other Submission Requirements** in this notice.

We do not consider an application that does not comply with the deadline requirements.

**Deadline for Intergovernmental Review:** September 19, 2005.

4. **Intergovernmental Review:** This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. **Funding Restrictions:** We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. **Other Submission Requirements:** Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under Centers for Independent Living—Training and Technical Assistance—CFDA Number 132B must be submitted electronically using the Grants.gov Apply site at: <http://www.grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for Centers for Independent Living—Training and Technical Assistance at: <http://www.grants.gov>. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection.

Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete all the steps in the Grants.gov registration process (see <http://www.grants.gov/GetStarted>) and provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.

- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are prevented from electronically submitting your

application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m.,

Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION**

**CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

*Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Grants.gov system; and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed

statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Thomas Kelley, U.S. Department of Education, 400 Maryland Avenue, SW., room 5042, Potomac Center Plaza, Washington, DC 20202-2800. FAX: (202) 245-7593.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

*b. Submission of Paper Applications By Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier), your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

*By mail through the U.S. Postal Service:* U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.132B), 400 Maryland Avenue, SW., Washington, DC 20202-4260; or

*By mail through a commercial carrier:* U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.132B), 7100 Old Landover Road, Landover, MD 20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark,
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,
- (3) A dated shipping label, invoice, or receipt from a commercial carrier, or
- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark, or
- (2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

*c. Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your

paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.132B), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

*Note for Mail or Hand Delivery of Paper Applications:* If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

**V. Application Review Information**

*Selection Criteria:* The selection criteria for this competition are in 34 CFR 366.15 and are in the application package.

**VI. Award Administration Information**

*1. Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

*2. Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

*3. Reporting:* At the end of your project period, you must submit a final performance report, including financial

information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

*4. Performance Measures:* The Government Performance and Results Act of 1993 (GPRA) directs Federal departments and agencies to improve the effectiveness of their programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals.

The goal of these grants is to provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating CILs to the following eligible entities authorized under title VII of the Act: eligible agencies, CILs, and SILCs.

In annual performance reports, grantees are required to provide specific information on the number of training activities, the topics of each training program, the number and types (CILs, SILCs, or eligible agencies) of participants served, and summary data from participant evaluations.

**VII. Agency Contact**

**FOR FURTHER INFORMATION CONTACT:** Thomas Kelley, U.S. Department of Education, 400 Maryland Avenue, SW., room 5042, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7404.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

**VIII. Other Information**

*Electronic Access to This Document:* You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official

edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: August 3, 2005.

**John H. Hager,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 05-15636 Filed 8-5-05; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

### Office of Special Education and Rehabilitative Services; Overview Information; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—National Technical Assistance Center on Assessment for Children With Disabilities; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2005

*Catalog of Federal Domestic Assistance (CFDA) Number: 84.326G.*

*Dates:* Applications Available: August 8, 2005.

*Deadline for Transmittal of*

*Applications:* September 7, 2005.

*Deadline for Intergovernmental*

*Review:* September 19, 2005.

*Eligible Applicants:* State educational agencies (SEAs), local educational agencies (LEAs), public charter schools that are LEAs under State law, institutions of higher education (IHEs), other public agencies, private nonprofit organizations, outlying areas, freely associated States, Indian tribes or tribal organizations, and for-profit organizations.

*Estimated Available Funds:* \$1,000,000.

*Maximum Award:* The Secretary does not intend to fund an application that proposes a budget exceeding \$1,000,000 for a single budget period of 12 months.

*Number of Awards:* 1.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

#### Full Text of Announcement

##### I. Funding Opportunity Description

*Purpose of Program:* This program promotes academic achievement and improves results for children with disabilities by supporting technical assistance, model demonstration projects, dissemination of useful information, and implementation activities that are supported by scientifically based research.

*Priority:* In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the

statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA).

*Absolute Priority:* For FY 2005 this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

*National Technical Assistance Center on Assessment for Children With Disabilities*

*Background of Priority:* Federal and State education policies, including those based on the No Child Left Behind Act of 2001 (NCLB), call for the inclusion of students with disabilities in assessment and accountability programs in order to improve educational results for these students. A series of recent Federal policies and initiatives are expected to enhance the inclusion of students with disabilities in assessments and accountability. Among these are the Department's regulations in 34 CFR part 200 permitting alternate assessments based on alternate achievement standards for students with the most significant cognitive disabilities. In addition, on April 7, 2005, the Secretary announced the intent to provide additional flexibility that will allow States to develop modified academic achievement standards and use alternate achievement standards for students served under the IDEA who do not have the most significant cognitive disabilities, but who are not able to participate in the regular assessment, even with accommodations. The Department is also preparing a "Tool Kit" with information to help States improve instruction and assessments for students with disabilities. On June 3, 2005, the Department announced in the **Federal Register** (70 FR 32583) a competition to support Comprehensive Regional and Content Centers that will focus on helping States to implement NCLB and to build their capacity to assist LEAs and schools in implementing NCLB. The Content Centers, one of which will focus specifically on assessments and accountability, are intended to work primarily through the Regional Centers in providing technical assistance.

*Statement of Priority:* This priority supports one cooperative agreement for a Center to provide technical assistance on improving results for students with disabilities by increasing their participation rates in high quality assessment and accountability systems, improving the quality of assessments in which they participate, improving the capacity of States to meet data collection requirements, and

strengthening accountability for results. The Center must accomplish this mission through a combination of activities in the following areas: (1) Needs assessments and information gathering, (2) technical assistance and dissemination to improve the participation of students with disabilities in assessments and accountability systems, (3) technical assistance to improve the capacity of States to meet data collection requirements, (4) collaboration and leadership, and (5) other functions.

Activity Area (1): The Center's needs assessments and information gathering activities must include, but are not limited to:

(a) Conducting surveys of States and other entities to determine the status of the implementation of assessment and accountability policies related to students with disabilities;

(b) Analyzing State-reported assessment data to track the participation and performance of students with disabilities in large-scale assessments;

(c) Analyzing State and local policies and practices to determine the best approaches to improve the participation of students with disabilities in assessment and accountability systems;

(d) Synthesizing research information on relevant topics such as assessment accommodations, alternate assessments, data analysis and reporting, and other related areas; and

(e) Collecting research and technical information from the Technical Workgroup on Large Scale Assessment for Children with Disabilities, the National Alternate Assessment Center, the Research Institute on Progress Monitoring, research projects funded under the Research on Accessible Reading Assessments competition, and other federally funded projects as appropriate.

Activity Area (2): The Center's technical assistance and dissemination activities to improve the participation of students with disabilities in high-quality assessments and accountability systems must include, but are not limited to:

(a) Preparing and disseminating reports and documents on research findings and related topics;

(b) Maintaining a Web site with relevant information and documents in a format that meets a government or industry-recognized standard for accessibility;

(c) Conducting national and regional meetings and teleconferences, in collaboration with other centers such as the Federal and Regional Resource Centers and the Comprehensive

Regional and Content Centers, to assist SEAs and LEAs and other relevant audiences in continuing the implementation of assessment and accountability policies for students with disabilities;

(d) Working directly with States and other stakeholders in collaboration with the Comprehensive Regional and Content Centers to increase the participation of students with disabilities in State and local assessment and accountability systems, and improve the quality of assessment procedures;

(e) Disseminating information to specific audiences, including teachers, families, administrators, policymakers and researchers, in collaboration with other technical assistance providers, organizations, and researchers; and

(f) Collaborating with the Comprehensive Content Centers, particularly the Center on Assessment and Accountability, to assist the Comprehensive Regional Centers in providing technical assistance to States by supplying them with research-based information, products, guidance, analyses, and tools.

Activity Area (3): The Center's technical assistance activities to improve the capacity of States to meet data collection requirements must include, but are not limited to:

(a) Conducting needs assessments and analyzing State reports to evaluate the capacity of States to collect data on the participation and performance of students with disabilities on large-scale assessments and to identify areas requiring technical assistance;

(b) Collecting information on best practices for State data collection;

(c) Developing technical assistance materials and resources that can be used to evaluate and improve the capacity of States to collect data on the participation and performance of students with disabilities on large-scale assessments; and

(d) Delivering and evaluating technical assistance to States to improve their capacity to collect data on the participation and performance of students with disabilities on large-scale assessments. Specific attention must be given to States engaged in large-scale assessment planning or implementation projects funded under the Office of Special Education Programs' (OSEP) General Supervision Enhancement Grant (GSEG) competition.

Activity Area (4): The Center's collaboration and leadership activities must include, but are not limited to:

(a) Participating in a community or communities of practice related to the Center's mission. The community or

communities may include research experts, other federally funded projects (such as the Regional Resource Centers, the Federal Resource Center, the Center to Improve Access to the General Education Curriculum for Students with Disabilities at the Elementary and Middle School Levels, and the Comprehensive Regional and Content Centers), professional organizations (such as the National Association of State Directors of Special Education, the Council for Exceptional Children, and the Council of Chief State School Officers), and other projects and organizations (such as organizations representing parents or disability organizations); and

(b) Convening topical meetings, at the request of OSEP, to study issues and develop proactive recommendations for addressing challenges related to the participation of students with disabilities in assessment and accountability systems.

Activity Area (5): The Center must also:

(a) Develop a strategic plan and submit it to OSEP for review and approval. The plan must include, among other things, how the Center will collaborate with other Department of Education technical assistance centers, including the Comprehensive Regional and Content Centers. The plan must be revised and approved periodically as needed;

(b) Establish, maintain, and meet at least annually with a technical work group (TWG) to ensure that the highest standards of scientific rigor are maintained in the Center's work. Members of this TWG must be approved by OSEP and must include membership from the Technical Workgroup on Large Scale Assessment for Children with Disabilities and other research experts in the areas of large scale assessments, instructional improvement and reform, and instruction for students with disabilities;

(c) Establish, maintain, and meet at least annually with an advisory committee consisting of representatives of SEAs and LEAs, individuals with disabilities, parents, educators, professional organizations, advocacy groups, researchers, and other appropriate groups to review and advise on the Center's activities, accomplishments, and strategic plan. The committee must include membership that represents urban schools and underrepresented populations;

(d) Budget for three annual two-day meetings in Washington, DC to attend two Project Directors' meetings and an OSEP Leadership Conference; and

(e) Budget for at least one trip monthly to attend meetings organized by projects and organizations such as the Assessing Special Education Students State Collaborative on Assessment and Student Standards (ASES SCASS), the National Association of State Directors of Special Education, and Federal offices, on topics relevant to the Center's mission.

In deciding whether to continue this project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), and in addition—

(a) The recommendation of a review team consisting of experts selected by the Secretary. The review will be conducted in Washington, DC during the last half of the project's second year. Applicants must budget for the travel associated with this one-day intensive review;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the Center; and

(c) The degree to which the Center is making a positive contribution to the participation of students with disabilities in State and local assessment and accountability systems.

#### *Waiver of Proposed Rulemaking*

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on a proposed priority. However, section 681(d) of IDEA makes the public comment requirements under the APA inapplicable to the priorities in this notice.

**Program Authority:** 20 U.S.C. 1463 and 1481(d).

**Applicable Regulations:** The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

**Note:** The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

**Note:** The regulations in 34 CFR part 86 apply to IHEs only.

## **II. Award Information**

*Type of Award:* Cooperative agreement.

*Estimated Available Funds:* \$1,000,000.

*Maximum Award:* The Secretary does not intend to fund an application that proposes a budget exceeding \$1,000,000 for a single budget period of 12 months.

*Number of Awards:* 1.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 60 months.

### III. Eligibility Information

1. *Eligible Applicants:* SEAs, LEAs, public charter schools that are LEAs under State law, IHEs, other public agencies, private nonprofit organizations, outlying areas, freely associated States, Indian tribes or tribal organizations, and for-profit organizations.

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

3. *Other: General Requirements—(a)* The projects funded under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants and grant recipients funded under this notice must involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the projects (see section 682(a)(1)(A) of IDEA).

### IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html> or you may contact ED Pubs at its e-mail address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.326G.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

*Page Limit:* The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 70 pages, using the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; the one-page abstract, the resumes, the bibliography, the references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:* Applications Available August 8, 2005.

*Deadline for Transmittal of Applications:* September 7, 2005.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

*Deadline for Intergovernmental Review:* September 19, 2005.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

We have been accepting applications electronically through the Department’s e-Application system since FY 2000. In order to expand on those efforts and comply with the President’s Management Agenda, we are continuing

to participate as a partner in the new government wide Grants.gov Apply site in FY 2005. The National Technical Assessment Center on Assessment for Children with Disabilities-CFDA Number 84.326G is one of the competitions included in this project.

If you choose to submit your application electronically, you must use the Grants.gov Apply site at <http://www.Grants.gov>. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for The National Technical Assessment Center on Assessment for Children with Disabilities at: <http://www.grants.gov>. You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number’s alpha suffix in your search.

Please note the following:

- Your participation in Grants.gov is voluntary.

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your

application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at <http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf>.

- To submit your application via Grants.gov, you must complete the steps in the Grants.gov registration process (see <http://www.Grants.gov/GetStarted>) and provide on your application the same D-U-N-S Number used with this registration. Please note that the registration process may take five or more business days to complete.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

- You may submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. If you choose to submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

- Your electronic application must comply with any page limit requirements described in this notice.

- After you electronically submit your application, you will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

#### *Application Deadline Date Extension in Case of System Unavailability*

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application

after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

#### *b. Submission of Paper Applications by Mail*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

*By mail through the U.S. Postal Service:* U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326G), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

*By mail through a commercial carrier:* U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.326G), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark,

- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

- (3) A dated shipping label, invoice, or receipt from a commercial carrier, or

- (4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- (1) A private metered postmark, or

- (2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

#### *c. Submission of Paper Applications by Hand Delivery*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326G), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays. *Note for Mail or Hand Delivery of Paper Applications:* If you mail or hand deliver your application to the Department:

- (1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the Application for Federal Education Assistance (ED 424) the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

- (2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

## V. Application Review Information

*Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are listed in the application package.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package

and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting*: At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. *Performance Measures*: Under the Government Performance and Results Act (GPRA), the Department is currently developing measures that will yield information on various aspects of the Technical Assistance to Improve Services and Results for Children with Disabilities program. The measures will focus on: the extent to which projects provide high quality products and services, the relevance of project products and services to educational and early intervention policy and practice, and the use of products and services to improve educational and early intervention policy and practice.

Once the measures are developed, we will notify grantees if they will be required to provide any information related to these measures.

Grantees will also be required to report information on their projects' performance in annual reports to the Department (34 CFR 75.590).

## VII. Agency Contact

**FOR FURTHER INFORMATION CONTACT:** David Egnor, U.S. Department of Education, 400 Maryland Avenue, SW., room 4114, Potomac Center Plaza, Washington, DC 20202-2550. Telephone: (202) 245-7334.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request by contacting the following office: The Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, Washington, DC 20202-2550. Telephone: (202) 245-7363.

## VIII. Other Information

*Electronic Access to This Document:* You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: August 3, 2005.

**Troy R. Justesen,**

*Deputy Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 05-15637 Filed 8-5-05; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Paducah

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EMSSAB), Paducah. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Thursday, August 18, 2005, 5:30 p.m.-9 p.m.

**ADDRESSES:** 111 Memorial Drive, Barkley Centre, Paducah, Kentucky 42001.

**FOR FURTHER INFORMATION CONTACT:** William E. Murphie, Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, 1017 Majestic Drive, Suite 200, Lexington, Kentucky 40513, (859) 219-4001.

#### SUPPLEMENTARY INFORMATION:

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management and related activities.

*Tentative Agenda:*

5:30 p.m. Informal Discussion

6 p.m. Call to Order  
 Introductions  
 Review of Agenda  
 Approval of July Minutes  
 6:05 p.m. Deputy Designated Federal Officer's Comments  
 6:25 p.m. Federal Coordinator's Comments  
 6:30 p.m. Ex-officios' Comments  
 6:40 p.m. Public Comments and Questions  
 6:50 p.m. Task Forces/Presentations, Overview of Swift and Staley Inc.—Steve Polston  
 Waste Disposition Task Force  
 Long Range Strategy/Stewardship Task Force  
 —DUF6 Project Overview  
 Community Outreach Task Force  
 7:50 p.m. Public Comments and Questions  
 8 p.m. Break  
 8:10 p.m. Administrative Issues  
 Review of Workplan  
 Review of Next Agenda  
 8:20 p.m. Review of Action Items  
 8:25 p.m. Subcommittee Reports  
 Executive Committee  
 8:40 p.m. Final Comments  
 9 p.m. Adjourn

*Public Participation:* The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact David Dollins at the address listed below or by telephone at (270) 441-6819. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved.

*Minutes:* The minutes of this meeting will be available for public review and copying at the Department of Energy's Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information Center and Reading Room at 115 Memorial Drive, Barkley Centre, Paducah, Kentucky between 8 a.m. and 5 p.m., on Monday thru Friday or by writing to David Dollins, Department of Energy, Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001 or by calling him at (270) 441-6819.

Issued at Washington, DC on August 2, 2005.

**R. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 05-15600 Filed 8-5-05; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC05-111-000]

#### Avista Corporation; Notice of Filing

August 1, 2005.

Take notice that on July 25, 2005, Avista Corporation filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby Avista Corporation will sell to Modern Electric Water Company various substation equipment and real estate which are a part of Avista's Opportunity substation located in Spokane County, Washington.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC

Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5 pm Eastern Time on August 15, 2005.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5-4239 Filed 8-5-05; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP05-32-000, CP05-32-001]

#### Northwest Pipeline Corporation; Notice of Availability of the Final Environmental Impact Statement for the Proposed Capacity Replacement Project

August 1, 2005.

The staff of the Federal Energy Regulatory Commission (Commission or FERC) has prepared the final environmental impact statement (EIS) on the natural gas pipeline facilities and abandonment activities proposed by Northwest Pipeline Corporation (Northwest) in the above-referenced dockets. The Capacity Replacement Project would be located in various counties in Washington.

The final EIS was prepared to satisfy the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures as recommended, would have limited adverse environmental impact.

The U.S. Army Corps of Engineers (COE) is participating as a cooperating agency in the preparation of the EIS because the project would require permits pursuant to section 404 of the Clean Water Act (33 United States Code (U.S.C.) 1344) and section 10 of the Rivers and Harbors Act (33 U.S.C. 403). The COE would adopt the EIS pursuant to Title 40 Code of Federal Regulations Part 1506.3 if, after an independent review of the document, it concludes that its comments and suggestions have been satisfied.

The Washington State Department of Ecology (WDOE) and the Washington Department of Fish and Wildlife (WDFW) are participating as cooperating agencies in the preparation of the EIS. The WDOE has been designated the lead agency under the State Environmental Policy Act (SEPA) and is responsible for compliance with SEPA procedural requirements as well

as for compiling and assessing information on the environmental aspects of the proposal for all agencies with jurisdiction in Washington. NEPA documents may be used to meet SEPA requirements if the requirements of the State of Washington Administrative Code (WAC) 197-11-610 and 197-11-630 are met. In compliance with SEPA requirements, this Notice of Availability includes the information required for a SEPA EIS Cover Letter and Fact Sheet. After the final EIS is issued by the FERC, the WDOE would adopt it if an independent review of the document confirms that it meets the WDOE's environmental review standards.

The purpose of the Capacity Replacement Project is to replace the majority of the delivery capacity of Northwest's existing 268-mile-long, 26-inch-diameter pipeline between Sumas and Washougal, Washington in response to a Corrective Action Order issued by the U.S. Department of Transportation. The proposed facilities are designed to provide up to 360 thousand dekatherms per day of natural gas transportation capacity.

The final EIS addresses the potential environmental effects (beneficial and adverse) of Northwest's proposal to:

- Construct and operate 79.5 miles of new 36-inch-diameter pipeline in 4 separate loops<sup>1</sup> in Whatcom, Skagit, Snohomish, King, Pierce, and Thurston Counties;
- Modify 5 existing compressor stations, one each in Whatcom, Skagit, Snohomish, Lewis, and Clark Counties for a total of 10,760 net horsepower of new compression;
- Install various pig<sup>2</sup> launchers, pig receivers, and mainline valves;
- Abandon the existing 26-inch-diameter pipeline between Sumas and Washougal with the exception of a short segment within and between the existing Jackson Prairie Meter Station and the Chehalis Compressor Station; and
- Use 13 pipe storage and contractor yards on a temporary basis to support construction activities.

Northwest proposes to begin construction in March 2006<sup>3</sup> and place the facilities in service by November 1, 2006. Abandonment of the 26-inch-diameter facilities that are currently in

<sup>1</sup> A loop is a segment of pipeline that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the system.

<sup>2</sup> A pig is an internal tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

<sup>3</sup> Northwest has requested that three river crossings be authorized to begin in late 2005 if weather permits.

service cannot be completed until the Capacity Replacement Project is placed in service. All abandonment activities would be completed on or before December 31, 2006.

The FERC, the COE, the WDOE, and the WDFW have three alternative courses of action in considering Northwest's proposal. These options include granting authorizations with or without conditions, denying authorizations, or postponing action pending further study. In accordance with the Council on Environmental Quality (CEQ) regulations implementing NEPA, no agency decision on the proposed action may be made until 30 days after the U.S. Environmental Protection Agency (EPA) publishes a Notice of Availability of the final EIS in the **Federal Register**. However, the CEQ regulations provide an exception to this rule when an agency decision is subject to a formal internal appeal process that allows other agencies or the public to make their views known. This is the case at the FERC, where any Commission decision on the proposed action would be subject to a 30-day rehearing period. Therefore, the lead agency decision may be made at the same time that notice of the final EIS is published by the EPA, allowing the appeal periods to run concurrently.

After notice of the final EIS is published by the EPA, the COE would issue its own Record of Decision (ROD) adopting the EIS. The ROD would include the COE's section 404(b)(1) analysis. After issuance of the ROD, the COE could issue the section 404 and section 10 permits.

After the final EIS is issued by the FERC, the WDOE would adopt it by identifying the document and stating why it is being adopted using the adoption form in WAC 197-11-965. The adoption form would be circulated to agencies with jurisdiction and to persons or organizations that have expressed an interest in the proposal. No action may be taken on the proposal until 7 days after the statement of adoption form has been issued. Once the 7-day waiting period and adoption procedures are complete, state and local agencies can issue permits.

The key environmental issues facing the agency decision makers relate to impacts on residential areas, waterbodies, and wetlands. These issues are addressed in the final EIS. The final EIS also evaluates alternatives to the proposal, including system alternatives, new pipeline corridors, and alternative configurations of Northwest's system; route variations and non-standard parallel offsets; abandonment alternatives; and construction method

alternatives. The permits, approvals, and consultations required for the project are listed in section 1.5 of the final EIS; Appendix U lists the authors and principal contributors to the final EIS.

The final EIS has been placed in the public files of the FERC, the COE, and the WDOE and is available for public inspection at:

Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE, Room 2A, Washington, DC 20426, (202) 502-8371.

U.S. Army Corps of Engineers, Seattle District Library, 4735 East Marginal Way South, Seattle, WA 98134, (206) 764-3728.

Washington State Department of Ecology, Northwest Regional Office, Central File Room, 3190 160th Avenue, SE, Bellevue, WA 98008, (425) 649-7190 or (425) 649-7239.

Washington State Department of Ecology, Southwest Regional Office, Central File Room, 300 Desmond Drive, Lacey, WA 98503, (360) 407-6365.

The final EIS is available for viewing on the FERC Internet website (<http://www.ferc.gov>) using the eLibrary link (see instructions for using eLibrary below). The final EIS is also available for viewing on the WDOE's Internet Web site at <http://www.ecy.wa.gov/programs/sea/nwcapacityreplacement>.

A limited number of copies are available from the FERC's Public Reference Room identified above, at no cost to the public. In addition, copies of the final EIS have been mailed to federal, state, and local government agencies; elected officials; Native American tribes; local libraries and newspapers; intervenors in the FERC's proceeding; and other interested parties (*i.e.*, landowners, miscellaneous individuals, and environmental groups who provided scoping comments, commented on the draft EIS, asked to remain on the mailing list, or wrote to the FERC or one of the cooperating agencies asking to receive a copy of the final EIS).

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208-FERC or on the FERC Internet website (<http://www.ferc.gov>) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll

free at 1-866-208-3676, or for TTY, contact (202) 502-8659. The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. To register for this service, go to the eSubscription link on the FERC Internet Web site.

Information concerning the involvement of the COE is available from Olivia Romano at (206) 764-6960. Information concerning the involvement of the WDOE is available from Sally Toteff at (360) 407-6957. Information concerning the involvement of the WDFW is available from Gary Sprague at (360) 902-2539.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E5-4241 Filed 8-5-05; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application for Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

July 29, 2005.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No:* 516-412.

c. *Date Filed:* June 23, 2005.

d. *Applicant:* South Carolina Electric & Gas Company.

e. *Name of Project:* Saluda Project.

f. *Location:* Lake Murray in Lexington County, South Carolina. This project does not occupy any Federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Randolph R. Mahan, Manager, Environmental Programs and Special Projects, SCANA Services, Inc., Columbia, SC, 29218; (803) 217-9538.

i. *FERC Contacts*: Any questions on this notice should be addressed to Ms. Shana High at (202) 502-8674.

j. *Deadline for Filing Comments and/or Motions*: August 29, 2005.

*All Documents (Original and Eight Copies) Should be Filed With*: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Please include the project number (P-516-412) on any comments or motions filed. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages e-filings.

k. *Description of Proposal*: South Carolina Electric & Gas Company is requesting Commission authorization to issue a permit to Norman Agnew to expand an existing marina. Specifically, a 22-slip boat docking facility and boat ramp designed for the launching, retrieval, and storage of boats will be installed in association with the expansion of a dock construction business. The facility will not provide fuel services or pump-out facilities as boats with marine sanitary devices will not be allowed to be berthed at the docks.

l. *Location of the Applications*: The filings are available for review at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please call the Helpline at (866) 208-3676 or contact [FERCOnLineSupport@ferc.gov](mailto:FERCOnLineSupport@ferc.gov). For TTY, contact (202) 502-8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified

comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described applications. A copy of the applications may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. *Comments, protests and interventions* may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the "e-Filing" link.

Magalie R. Salas,  
Secretary.

[FR Doc. E5-4305 Filed 8-5-05; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2004-0167; FRL-7729-9]

### 2,4-D Reregistration Eligibility Decision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's Reregistration Eligibility Decision (RED) for the pesticide 2,4-dichlorophenoxyacetic acid (2,4-D). The Agency's risk assessments and other related documents also are available in the 2,4-D Docket. 2,4-D is a phenoxy herbicide used for control of broadleaf weeds on a large number of food and non-food crops. The majority of 2,4-D is used to control weeds in pasture and rangeland, residential lawns, wheat, field corn, soybeans, and roadways. In addition, 2,4-D is used for aquatic weed and forest management, and is used as a growth regulator in citrus. EPA has reviewed 2,4-D through the public participation

process that the Agency uses to involve the public in developing pesticide reregistration and tolerance reassessment decisions. Through these programs, EPA is ensuring that all pesticides meet current health and safety standards.

#### FOR FURTHER INFORMATION CONTACT:

Katie Hall, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-0166; fax number: (703) 308-8041; e-mail address: [hall.katie@epa.gov](mailto:hall.katie@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this 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 OPP-2004-0167. 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, 1801 S. Bell St., 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 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.

## II. Background

### A. What Action is the Agency Taking?

Under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is reevaluating existing pesticides to ensure that they meet current scientific and regulatory standards. EPA has completed a Reregistration Eligibility Decision (RED) for the pesticide, 2,4-D under section 4(g)(2)(A) of FIFRA. 2,4-D is a widely used phenoxy herbicide used to control broadleaf weeds in agriculture on a variety of field, fruit, and vegetable crops; on residential and other lawns; on turf and rights-of-way; in forestry; and in aquatic settings. 2,4-D and its related salts and esters are active ingredients in approximately 660 registered pesticide products. The chemical forms of 2,4-D supported for reregistration and addressed in the RED document include: 2,4-D acid, 2,4-D dimethylamine salt (DMAS), 2,4-D isopropyl acid (IPA), 2,4-D triisopropyl acid (TIPA), 2,4-D ethylhexyl ester (EHE), 2,4-D butoxyethyl ester (BEE), 2,4-D diethylamine (DEA), 2,4-D isopropyl ester (IPE), and 2,4-D sodium salt. There are currently over 100 tolerances for 2,4-D. EPA has determined that the data base to support reregistration is substantially complete and that products containing 2,4-D are eligible for reregistration, provided the risks are mitigated in the manner described in the RED. Upon submission of any required product specific data under section 4(g)(2)(B) and any necessary changes to the registration and labeling (either to address concerns identified in the RED or as a result of product specific data), EPA will make a final reregistration decision under section 4(g)(2)(C) for products containing 2,4-D.

EPA must review tolerances and tolerance exemptions that were in effect when the Food Quality Protection Act (FQPA) was enacted in August 1996, to

ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard established by the new law. Tolerances are considered reassessed once the safety finding has been made or a revocation occurs. EPA has reviewed and made the requisite safety finding for the 2,4-D tolerances included in this notice.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration Public Participation Process, published in the **Federal Register** on May 14, 2004, (69 FR 26819) (FRL-7357-9) explains that in conducting these programs, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. Due to its uses, risks, and other factors, 2,4-D was reviewed through the full 6-Phase public participation process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for 2,4-D. Two 60-day public comment periods were held for 2,4-D. The first was held in the summer of 2004, when EPA invited public comment on the Agency's preliminary human health and ecological risk assessments for 2,4-D. The approximately 50 comments received were considered in revising the risk assessments and developing preliminary risk mitigation options, which were issued for public review and a second comment period in January 2005. Over 1,000 comments were received during the second public comment period. EPA revised the risk assessments again in response to public comments and input received, as reflected in the 2,4-D RED. Because two public comment periods as well as numerous opportunities for informal consultation were offered during the development of this decision, and since all risk mitigation issues have been resolved, EPA does not plan to request additional public comment on the 2,4-D RED. The Agency therefore is issuing the 2,4-D RED without a comment period.

### B. What is the Agency's Authority for Taking this Action?

Section 4(g)(2) of FIFRA as amended, directs that, after submission of all data concerning a pesticide active ingredient, "the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration," before calling in product

specific data on individual end-use products and either reregistering products or taking other "appropriate regulatory action."

Section 408(q) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review is to be completed by August 3, 2006.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: July 29, 2005.

**Debra Edwards,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

[FR Doc. 05-15605 Filed 8-4-05; 9:31 am]

**BILLING CODE 6560-50-S**

## FEDERAL HOUSING FINANCE BOARD

### Sunshine Act Meeting Notice; Announcing a Partially Open Meeting of the Board of Directors

*Time and Date:* The open meeting of the Board of Directors is scheduled to begin at 10 a.m. on Wednesday, August 10, 2005. The closed portion of the meeting will follow immediately the open portion of the meeting.

*Place:* Board Room, First Floor, Federal Housing Finance Board, 1625 Eye Street NW., Washington, DC 20006.

*Status:* The first portion of the meeting will be open to the public. The final portion of the meeting will be closed to the public.

*Matter To Be Considered at the Open Portion: Data Reporting Requirements for the Membership Database.* Through the Membership Database, the Federal Home Loan Banks (Banks) electronically submit to the Finance Board certain status and financial information on Bank members on a monthly and quarterly basis. The Board of Directors will consider a resolution adopting the current staff requirements for submission of this information.

*Matter To Be Considered at the Closed Portion: Periodic Update of Examination Program Development and Supervisory Findings.*

*Contact Person for More Information:* Janice A. Kaye, Senior Attorney-Advisor, Office of General Counsel, at 202-408-2505 or [kayej@fhfb.gov](mailto:kayej@fhfb.gov).

By the Federal Housing Finance Board.

Dated: August 3, 2005.

**John P. Kennedy,**

*General Counsel.*

[FR Doc. 05-15719 Filed 8-4-05; 12:34 p.m.]

BILLING CODE 6725-01-P

## FEDERAL TRADE COMMISSION

### Public Workshop: Marketing, Self-Regulation & Childhood Obesity

**AGENCIES:** Federal Trade Commission (FTC or Commission); Department of Health and Human Services (HHS).

**ACTION:** Notice of Extension of Public Comment Period.

**SUMMARY:** Due to requests for additional time to prepare more comprehensive comments in response to the issues that were addressed by the public workshop, an amendment is being issued to the Notice Announcing Public Workshop: Marketing, Self-Regulation & Childhood Obesity to extend the time period during which persons may submit written comments on the workshop until August 12, 2005.

**DATES:** Comments must be received on or before Friday, August 12, 2005.

**ADDRESSES:** Comments should refer to "Food Marketing to Kids Workshop—Comment, Project No. P034519" to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission/Office of the Secretary, Room 159-H (Annex H), 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Because paper mail in the Washington area and at the Agency is subject to delay, please consider submitting your comments in electronic form, as prescribed below. Comments containing confidential material, however, must be filed in paper form, must be clearly labeled "Confidential," and must comply with Commission Rule 4.9(c).<sup>1</sup>

Comments filed in electronic form should be submitted by clicking on the following Web link: <https://secure.commentworks.com/ftc-foodmarketingtokids> and following the instructions on the Web-based form. To ensure that the Commission considers

an electronic comment, you must file it on the Web-based form at the <https://secure.commentworks.com/ftc-foodmarketingtokids> Web link.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at <http://www.ftc.gov>. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Richard Kelly, (202) 326-3304, or Michelle Rusk, (202) 326-3148, FTC, Bureau of Consumer Protection. The FTC staff contacts can be reached by mail at: Federal Trade Commission, 601 New Jersey Avenue, N.W., Washington, DC 20580. Jennifer Bishop, (202) 690-8384, HHS, Office of the Assistant Secretary for Planning and Evaluation. The HHS staff contact can be reached by mail at: The U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Room 447-D, Washington, DC 20201.

A detailed agenda and additional information on the workshop is posted on the FTC's Web site at [www.ftc.gov/bcp/workshops/foodmarketingtokids/index.htm](http://www.ftc.gov/bcp/workshops/foodmarketingtokids/index.htm).

**SUPPLEMENTARY INFORMATION:**

#### Background and Workshop Goals

Obesity in children has recently become one of the top public health issues in the United States. As a result, increased attention has been given to the importance of a balanced and nutritious diet and physical activity in childhood to ensure healthy growth and development and prevent chronic conditions and disease, such as obesity. Within both the government and the private sector, multiple efforts are being taken or proposed to find and implement effective measures to reverse the rise of childhood obesity. These include a wide variety of approaches, including identifying and funding additional research on childhood obesity, considering changes to food and beverage labeling, encouraging physical activity, and educating parents and children about the importance of

physical activity and eating a balanced, nutritious diet.

One frequent area of attention is the role of food and beverage advertising and marketing directed to children. Industry members in the United States have adopted their own set of guidelines to encourage responsible advertising, including food advertising, to children. These guidelines are administered by the Council of Better Business Bureau's Children's Advertising Review Unit (CARU). In recent years, many individual companies in the food, beverage, and restaurant industries, and in the media and entertainment industries, have also taken actions to advance responsible food and beverage marketing to children and promote healthy lifestyles.

In light of the widespread public interest in marketing of food and beverages to children, the FTC and HHS hosted a public workshop, "Marketing, Self-Regulation & Childhood Obesity," in Washington, DC on July 14 and 15, 2005. The workshop provided a forum for discussion of ongoing industry self-regulatory efforts that seek to address the marketing of food and beverages to children.<sup>2</sup> At the workshop, participants discussed industry members' efforts to address concerns about marketing to children, and CARU's efforts to encourage responsible industry advertising. It also provided a forum to hear from consumer advocacy and public health groups concerning current industry practices. Specific topics and issues addressed at the workshop are set forth in the FTC and HHS Notice Announcing Public Workshop: Marketing, Self-Regulation & Childhood Obesity, published in the **Federal Register** on May 12, 2005.

#### Extension of Time for Filing Comments

The time period during which public comments may be submitted is extended. Interested parties may submit written comments on the published questions and other related issues addressed by the workshop until August 12, 2005. Especially useful are any studies, surveys, research, and empirical data. All comments should be filed as prescribed in the **ADDRESSES** section

<sup>1</sup> The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See Commission Rule 4.9(c), 16 CFR 4.9(c).

<sup>2</sup> The workshop focused on food and beverage marketing to children. It did not cover other possible contributors to childhood obesity, including sedentary behaviors like watching television, playing electronic games on a computer, or decreases in exercise, or the marketing of related sedentary entertainment products.

above, and must be received on or before Friday, August 12, 2005.

Donald S. Clark,

Secretary.

[FR Doc. 05-15683 Filed 8-5-05; 8:45 am]

BILLING CODE 6750-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 2005N-0045]

#### Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Electronic Records; Electronic Signatures

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Electronic Records; Electronic Signatures" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

**FOR FURTHER INFORMATION CONTACT:** Karen Nelson, Office of Management Programs (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-1482.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of May 11, 2005 (70 FR 24818), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910-0303. The approval expires on July 31, 2008. A copy of the supporting statement for this information collection is available on the Internet at <http://www.fda.gov/ohrms/dockets>.

Dated: July 27, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05-15544 Filed 8-5-05; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 2005N-0031]

#### Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Premarket Notification for a New Dietary Ingredient

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Premarket Notification for a New Dietary Ingredient" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

**FOR FURTHER INFORMATION CONTACT:**

Peggy Robbins, Office of Management Programs (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-1223.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of May 3, 2005 (70 FR 22886), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910-0330. The approval expires on July 31, 2008. A copy of the supporting statement for this information collection is available on the Internet at <http://www.fda.gov/ohrms/dockets>.

Dated: July 27, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05-15545 Filed 8-5-05; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 2005D-0288]

#### International Conference on Harmonisation; Draft Guidance on Q9 Quality Risk Management; 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 "Q9 Quality Risk Management." 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). The draft guidance provides principles and examples of tools for quality risk management that can be applied to all aspects of pharmaceutical quality throughout the lifecycle of drug substances, drug products, and biological and biotechnological products. The draft guidance is intended to enable regulators and industry to make more effective and consistent risk-based decisions.

**DATES:** Submit written or electronic comments on the draft guidance by October 7, 2005. General comments on agency guidance documents are welcome at any time.

**ADDRESSES:** Submit written comments on the draft guidance to the Division of Dockets Management (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 (HFMA-40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448. The draft guidance may also be obtained by mail by calling the CBER Voice Information System at 1-800-835-4709 or 301-827-1800. 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:* David J.

Horowitz, Center for Drug Evaluation and Research (HFD-300), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-8910; Anna M. Flynn, Center for Biologics Evaluation and Research (HFMA-610), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301-827-6201; Diana J. Kolaitis, Office of Regulatory Affairs (HFR-NE1), Food and Drug Administration,

158-15 Liberty Ave., Jamaica, NY 11433, 718-662-5416; or H. Gregg Claycamp, Center for Veterinary Medicine (HFV-102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-4354.

*Regarding the ICH:* Michelle Limoli, Office of International Programs (HFG-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4480.

#### 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; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA; and the 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, and the European Free Trade Area.

During the July 2003 ICH meeting in Brussels, agreement was reached on a common vision and approach for

developing an international plan for a harmonized pharmaceutical quality system that would be applicable across the lifecycle of a product. This plan emphasizes an integrated approach to review (assessment) and inspection based on scientific risk management. One aspect of the plan was the establishment of an expert working group to develop guidance for quality risk management.

In March 2005, the ICH Steering Committee agreed that a draft guidance entitled "Q9 Quality Risk Management" should be made available for public comment. The draft guidance is the product of the Quality Risk Management Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the ICH expert working group.

The draft guidance provides principles and examples of tools for quality risk management that can be applied to all aspects of pharmaceutical quality throughout the lifecycle of drug substances, drug products, and biological and biotechnological products. These quality risk management approaches apply to the development, manufacturing, distribution, inspection, and submission/review processes, including the use of raw materials, solvents, excipients, and packaging and labeling materials. The draft guidance is intended to support other ICH quality documents, to complement existing quality practices and standards, and to enable regulators and industry to make more effective and consistent risk-based decisions.

This document supports FDA's "Pharmaceutical Current Good Manufacturing Practices for the 21st Century" initiative, which was intended to bring a 21st century focus to the regulation of pharmaceutical manufacturing and product quality. One objective of this initiative is to encourage the implementation of risk-based approaches that focus both industry and agency attention on critical areas.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the agency's current thinking on Q9 quality risk management. 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 Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the draft guidance. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper 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 Division of Dockets Management 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/reading.htm>.

Dated: August 1, 2005.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 05-15546 Filed 8-5-05; 8:45 am]

**BILLING CODE 4160-01-S**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Health Resources and Services Administration

##### Agency Information Collection Activities: Proposed Collection Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, (Pub. L. 104-13), the Health Resources and Services Administration (HRSA) will publish periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans, call the HRSA Reports Clearance Officer on (301) 443-1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the

burden of the collection of information on respondents, including through the use of automated collection techniques of other forms of information technology.

**Proposed Project: The Sentinel Centers Network (SCN) Core Data Set (OMB No. 0915-0268)—Extension.**

HRSA's Bureau of Primary Health Care (BPHC) established the Sentinel Centers Network (SCN) to assist in addressing critical policy issues. Health

centers identified as having adequate infrastructure and commitment through the competitive contract process have generated data for quality and program analyses and for projects on topics that have immediate programmatic impact. Health centers submit core data periodically extracted from existing information systems. These core data comprise patient, encounter, and practitioner level information including patient demographics, insurance status, clinical diagnoses and procedures,

outcomes, and practitioner characteristics. Since all data obtained from the participant health centers is extracted/compiled from existing information systems, and not through primary data collection, burden is minimized. In addition, each participant site receives technical assistance as needed to reduce burden and facilitate data submission.

The annual burden estimate for this activity is as follows:

Type of respondent	Number of responses	Responses per respondents	Total responses	Hours per response	Total burden hours
Sites	43	2	86	8	688

Send comments to Susan G. Queen, PhD., HRSA Reports Clearance Officer, Room 10-33, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Written comments should be received with 60 days of this notice.

Dated: August 1, 2005.

**Tina M. Cheatham,**

*Director, Division of Policy Review and Coordination.*

[FR Doc. 05-15612 Filed 8-5-05; 8:45 am]

**BILLING CODE 4165-15-P**

The agenda for September 14 will include a continued discussion of potential report topics and resolution of the next report topic.

Agenda items are subject to change as priorities dictate.

**For Further Information Contact:** Anyone requiring information regarding the meeting should contact Jerald M. Katzoff, Deputy Executive Secretary, COGME, Division of Medicine and Dentistry, Bureau of Health Professions, Parklawn Building, Room 9A-27, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6785.

Dated: August 1, 2005.

**Tina M. Cheatham,**

*Director, Division of Policy Review and Coordination.*

[FR Doc. 05-15611 Filed 8-5-05; 8:45 am]

**BILLING CODE 4165-15-P**

Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

**FOR FURTHER INFORMATION CONTACT:** For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place, NW., Washington, DC 20005, (202) 357-6400. For information on HRSA's role in the Program, contact the Acting Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C-26, Rockville, MD 20857; (301) 443-6593.

**SUPPLEMENTARY INFORMATION:** The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa-10 *et seq.*, provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated his responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which will lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

**Council on Graduate Medical Education; Notice of Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following meeting:

*Name:* Council on Graduate Medical Education (COGME).

*Dates and Times:* September 13, 2005, 8:30 a.m.—5 p.m.; and September 14, 2005, 8:30 a.m.—12:15 p.m.

*Place:* Holiday Inn Select, Washington Room (2nd Floor), 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

*Status:* The meeting will be open to the public.

*Agenda:* The agenda for September 13 in the morning will include: Welcome and opening comments from the Executive Secretary of COGME and management staff of the Health Resources and Services Administration. Following will be an election of the Chair of COGME. Later that morning there will be a discussion on processes for producing the next COGME report. In the afternoon there will be a discussion of potential report topics.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

**National Vaccine Injury Compensation Program; List of Petitions Received**

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program ("the Program"), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of

or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that the Secretary publish in the **Federal Register** a notice of each petition filed. Set forth below is a list of petitions received by HRSA on October 1, 2004, through March 31, 2005.

Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either:

(a) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Table but which was caused by" one of the vaccines referred to in the Table, or

(b) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Acting Director, Division of Vaccine Injury Compensation Program, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C-26, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of Title 44, United States Code, related to paperwork reduction, does not apply to

information required for purposes of carrying out the Program.

#### List of Petitions

1. Victoria and Sam Raygorodsky on behalf of Dennis Raygorodsky, Somers Point, New Jersey, Court of Federal Claims Number 04-1519V.

2. Deena and Olando Rivera on behalf of Anthony Rivera, Allentown, Pennsylvania, Court of Federal Claims Number 04-1521V.

3. Patti and Robby Fountain on behalf of Maci Fountain, Dallas, Texas, Court of Federal Claims Number 04-1522V.

4. Patti and Robby Fountain on behalf of Megan Fountain, Dallas, Texas, Court of Federal Claims Number 04-1523V.

5. Randall Pobran on behalf of Cade Pobran, Troy, New York, Court of Federal Claims Number 04-1527V.

6. Wendy Freeman on behalf of Sarah Freeman, Boston, Massachusetts, Court of Federal Claims Number 04-1528V.

7. Pamela Boss on behalf of Michael Battle, Stockton, California, Court of Federal Claims Number 04-1530V.

8. Kimberly and John Paul McAllister on behalf of Matthew McAllister, Dallas, Texas, Court of Federal Claims Number 04-1534V.

9. Cynthia and Thomas Byrd on behalf of Katie Elizabeth Byrd, Monroe, Louisiana, Court of Federal Claims Number 04-1536V.

10. Kelly and James Davis on behalf of Miles Davis, Salisbury, North Carolina, Court of Federal Claims Number 04-1537V.

11. Theodore Heflin, Overland Park, Kansas, Court of Federal Claims Number 04-1541V.

12. Elihu and Sally Sigal on behalf of Elihu Sigal, Palm Desert, California, Court of Federal Claims Number 04-1542V.

13. Michelle Alberson on behalf of Annalizia B. Alberson, New Haven, Indiana, Court of Federal Claims Number 04-1543V.

14. Debra and Mark Tinnemeyer on behalf of Dylan Tinnemeyer, Houston, Texas, Court of Federal Claims Number 04-1545V.

15. Robert Risley on behalf of Rachel Risley, Boston, Massachusetts, Court of Federal Claims Number 04-1554V.

16. Lance Barney on behalf of Austin Barney, Boston, Massachusetts, Court of Federal Claims Number 04-1555V.

17. George Bellog on behalf of Natalie Bellog, Boston, Massachusetts, Court of Federal Claims Number 04-1556V.

18. Shelly Andrews on behalf of Mitchell Andrews, Boston, Massachusetts, Court of Federal Claims Number 04-1557V.

19. Lori Brady on behalf of Charles Brady, Boston, Massachusetts, Court of Federal Claims Number 04-1558V.

20. Catherine and Paul O'Meara on behalf of Blaine Joseph O'Meara, Philadelphia, Pennsylvania, Court of Federal Claims Number 04-1561V.

21. Paula and Joseph Scaccia on behalf of Aaron Scaccia, Philadelphia, Pennsylvania, Court of Federal Claims Number 04-1562V.

22. Stacy and Timothy Bruce on behalf of Daniel Bruce, Chicago, Illinois, Court of Federal Claims Number 04-1567V.

23. Jennifer and Edward McGinley on behalf of Shane McGinley, Philadelphia, Pennsylvania, Court of Federal Claims Number 04-1573V.

24. Julia Breitman on behalf of Jessica Breitman, Boston, Massachusetts, Court of Federal Claims Number 04-1578V.

25. Robin Vasquez on behalf of Zachary Vasquez, Boston, Massachusetts, Court of Federal Claims Number 04-1579V.

26. Julia Breitman on behalf of Ryan Breitman, Boston, Massachusetts, Court of Federal Claims Number 04-1580V.

27. Julia Breitman on behalf of Ashley Breitman, Boston, Massachusetts, Court of Federal Claims Number 04-1581V.

28. Jennifer Suppo on behalf of Rebecca Suppo, Boston, Massachusetts, Court of Federal Claims Number 04-1582V.

29. Jacqueline Forchetti on behalf of Peter Forchetti, Boston, Massachusetts, Court of Federal Claims Number 04-1583V.

30. Ivy Coppo on behalf of Cole Coppo, Boston, Massachusetts, Court of Federal Claims Number 04-1584V.

31. Beatrice Morse, Boston, Massachusetts, Court of Federal Claims Number 04-1585V.

32. Talona Wagoner on behalf of Steven Wagoner, Boston, Massachusetts, Court of Federal Claims Number 04-1591V.

33. Dr. Yuliya Dobrydneva and Dr. Boris Dobrydnev on behalf of Ilya Dobrydnev, Norfolk, Virginia, Court of Federal Claims Number 04-1593V.

34. Misty McAnally on behalf of Darrin James Piazza, Deceased, Galveston, Texas, Court of Federal Claims Number 04-1594V.

35. Grace and Mike Skrzypczak on behalf of Michael Skrzypczak, Philadelphia, Pennsylvania, Court of Federal Claims Number 04-1602V.

36. Rosemarie and George Melillo on behalf of Nicholas Melillo, Philadelphia, Pennsylvania, Court of Federal Claims Number 04-1603V.

37. Rachel and Ricky Oliver on behalf of Gabriel Oliver, Houston, Texas, Court of Federal Claims Number 04-1605V.

38. Patricia Rosselli, Boston, Massachusetts, Court of Federal Claims Number 04-1606V.

39. Rosemarie and George Melillo on behalf of Joseph Melillo, Philadelphia, Pennsylvania, Court of Federal Claims Number 04-1607V.

40. Stephanie and Justin Lansberg on behalf of Hunter Joseph Lansberg, Encino, California, Court of Federal Claims Number 04-1611V.

41. George McCormick, Bernardsville, New Jersey, Court of Federal Claims Number 04-1612V.

42. Ann and Richard Ballot on behalf of Jonathan Ballot, North Plainfield, New Jersey, Court of Federal Claims Number 04-1615V.

43. Ann and Richard Ballot on behalf of Michael Ballot, North Plainfield, New Jersey, Court of Federal Claims Number 04-1616V.

44. Alicia and Snardon on behalf of Zion Snardon, Louisville, Kentucky, Court of Federal Claims Number 04-1621V.

45. Joseph McNeil on behalf of Eduardo McNeil, Portland, Oregon, Court of Federal Claims Number 04-1623V.

46. Karen Keeley on behalf of Carson Keeley, Portland, Oregon, Court of Federal Claims Number 04-1624V.

47. Sara Landin on behalf of Izak Landin, Portland, Oregon, Court of Federal Claims Number 04-1625V.

48. Sandra Leon on behalf of James Leon, Portland, Oregon, Court of Federal Claims Number 04-1626V.

49. Sandra Leon on behalf of Jesse Leon, Portland, Oregon, Court of Federal Claims Number 04-1627V.

50. Vonna Brufach on behalf of Tyler Brufach, Portland, Oregon, Court of Federal Claims Number 04-1628V.

51. Cherri and William Cary on behalf of Benjamin Cary, Portland, Oregon, Court of Federal Claims Number 04-1629V.

52. Nicole Devries on behalf of James Devries, Portland, Oregon, Court of Federal Claims Number 04-1630V.

53. Karla Escalante on behalf of Adrian Escalante, Portland, Oregon, Court of Federal Claims Number 04-1631V.

54. Rebecca and Jack Estopp on behalf of Eric Estopp, Portland, Oregon, Court of Federal Claims Number 04-1632V.

55. Piedad Herrera on behalf of Alfonso Figueroa, Portland, Oregon, Court of Federal Claims Number 04-1633V.

56. Myriam and Curtis Helton on behalf of Kenneth Helton, Portland, Oregon, Court of Federal Claims Number 04-1634V.

57. Nanette Jimenez on behalf of Miguel Jimenez, Portland, Oregon, Court of Federal Claims Number 04-1635V.

58. Annette Reyes on behalf of Adrian Reyes, Jr., Portland, Oregon, Court of Federal Claims Number 04-1636V.

59. Christopher Reichert on behalf of Robert Reichert, II, Portland, Oregon, Court of Federal Claims Number 04-1637V.

60. Julie Hrabal on behalf of Jerry Van Norman, Portland, Oregon, Court of Federal Claims Number 04-1638V.

61. Deborah Findley on behalf of Andrew Findley, Portland, Oregon, Court of Federal Claims Number 04-1639V.

62. Crystal and Jason Warren on behalf of Esteban Warren, Portland, Oregon, Court of Federal Claims Number 04-1640V.

63. Silvia Townsend on behalf of Bailey Townsend, Portland, Oregon, Court of Federal Claims Number 04-1641V.

64. John Thompson on behalf of Katherine Thompson, Portland, Oregon, Court of Federal Claims Number 04-1642V.

65. Verlyn and Richard Simon on behalf of Jake Simon, Portland, Oregon, Court of Federal Claims Number 04-1643V.

66. Araceli Martinez on behalf of Dorian Rivas, Portland, Oregon, Court of Federal Claims Number 04-1644V.

67. Patricia Meyer on behalf of Shawn Meyer, Portland, Oregon, Court of Federal Claims Number 04-1645V.

68. Juan Medina on behalf of Juan H. Medina, Portland, Oregon, Court of Federal Claims Number 04-1646V.

69. Tami Bence on behalf of Arron Bence, Portland, Oregon, Court of Federal Claims Number 04-1647V.

70. Judith and Thomas Boyles on behalf of Hannah Boyles, Portland, Oregon, Court of Federal Claims Number 04-1648V.

71. Tina Martin on behalf of Alexander Martin, Portland, Oregon, Court of Federal Claims Number 04-1649V.

72. Illgenia Arias on behalf of Luis Arias, Portland, Oregon, Court of Federal Claims Number 04-1650V.

73. Richard Manzo on behalf of Albert Manzo, Portland, Oregon, Court of Federal Claims Number 04-1651V.

74. Linda Martin on behalf of Luke Martin, Portland, Oregon, Court of Federal Claims Number 04-1652V.

75. Meishan and Jingwen Cheng on behalf of Victor Weishan Cheng, Washington, D.C., Court of Federal Claims Number 04-1653V.

76. William Irvin, Boston, Massachusetts, Court of Federal Claims Number 04-1658V.

77. Elizabeth Perrong, Boston, Massachusetts, Court of Federal Claims Number 04-1659V.

78. Charles Ray McHargue on behalf of Sean McHargue, Springfield, Oregon, Court of Federal Claims Number 04-1664V.

79. Rhonda Wells on behalf of Kyle Wells, Portland, Oregon, Court of Federal Claims Number 04-1670V.

80. Tomie Glover on behalf of Julian Glover, Houston, Texas, Court of Federal Claims Number 04-1674V.

81. Shelia Bell on behalf of Bryce McCrum, Houston, Texas, Court of Federal Claims Number 04-1675V.

82. Sarah Morrison, Canton, Ohio, Court of Federal Claims Number 04-1683V.

83. Cami and David Carroll on behalf of Hayden Carroll, American Fork, Utah, Court of Federal Claims Number 04-1684V.

84. Lee Anne Battiston on behalf of Camille Anne Battiston, Boston, Massachusetts, Court of Federal Claims Number 04-1693V.

85. Andrea Brunath on behalf of Eric Brunath, Somers Point, New Jersey, Court of Federal Claims Number 04-1694V.

86. Robert Small on behalf of Eric Small, Boston, Massachusetts, Court of Federal Claims Number 04-1695V.

87. Philip Stein on behalf of Rose Stein, Boston, Massachusetts, Court of Federal Claims Number 04-1696V.

88. Maria Peterson on behalf of Michael Peterson, Boston, Massachusetts, Court of Federal Claims Number 04-1697V.

89. Maria Peterson on behalf of Kristin Peterson, Boston, Massachusetts, Court of Federal Claims Number 04-1698V.

90. John Logiudice on behalf of Gabriella Logiudice, Boston, Massachusetts, Court of Federal Claims Number 04-1699V.

91. Eileen and Edward Bowden on behalf of Jackson Bowden, Boston, Massachusetts, Court of Federal Claims Number 04-1700V.

92. Wendi Fauria on behalf of David Fauria, Boston, Massachusetts, Court of Federal Claims Number 04-1701V.

93. Ranee Gaines on behalf of Nehemiah Gaines, Boston, Massachusetts, Court of Federal Claims Number 04-1702V.

94. Robert Graves on behalf of Grace Graves, Boston, Massachusetts, Court of Federal Claims Number 04-1703V.

95. Ranee Gaines on behalf of Jeremiah Gaines, Boston, Massachusetts, Court of Federal Claims Number 04-1704V.

96. Sarah Walton on behalf of Devon Walton, Boston, Massachusetts, Court of Federal Claims Number 04-1705V.

97. Jeffrey Ames on behalf of Tessa Ames, Boston, Massachusetts, Court of Federal Claims Number 04-1706V.

98. Diane Cordick, Yuma, Arizona, Court of Federal Claims Number 04-1708V.

99. April and Timothy Davis on behalf of Timothy Wayne Davis, Jr., Deceased, Jasper, Alabama, Court of Federal Claims Number 04-1711V.
100. Yelena Dosheva on behalf of Michael Musienko, Lake Success, New York, Court of Federal Claims Number 04-1715V.
101. Ellena and Chris Prokopoulos on behalf of Christian Alexander Prokopoulos, Vienna, Virginia, Court of Federal Claims Number 04-1717V.
102. Margaret and Warren Minchew on behalf of James Stone Minchew, Douglas, Georgia, Court of Federal Claims Number 04-1721V.
103. Margaret and Warren Minchew on behalf of Warren J. Minchew, Douglas, Georgia, Court of Federal Claims Number 04-1722V.
104. Debra and Joseph Licata on behalf of Joseph Angelo Licata, Somers Point, New Jersey, Court of Federal Claims Number 04-1723V.
105. John Sustaita on behalf of Arilius Sustaita, Porter, Texas, Court of Federal Claims Number 04-1724V.
106. Joseph Williams, Alturas, California, Court of Federal Claims Number 04-1725V.
107. Leah and William Thomas on behalf of Michael Thomas, Deceased, Chester, Pennsylvania, Court of Federal Claims Number 04-1730V.
108. Penny Piva Rego, Providence, Rhode Island, Court of Federal Claims Number 04-1734V.
109. Kelly and David Winand on behalf of Paul Winand, Southborough, Massachusetts, Court of Federal Claims Number 04-1738V.
110. Guadalupe Haddock on behalf of Brendon Haddock, Boston, Massachusetts, Court of Federal Claims Number 04-1747V.
111. Lauren Marshall on behalf of Hannah Marschell, Boston, Massachusetts, Court of Federal Claims Number 04-1748V.
112. Erica White on behalf of Nyles White, Boston, Massachusetts, Court of Federal Claims Number 04-1749V.
113. Manzoor Chaudhury on behalf of Mysoon Chaudhury, Boston, Massachusetts, Court of Federal Claims Number 04-1750V.
114. Marjorie and L. Scott Whitaker on behalf of Lewis Edwin Whitaker, III, Washington, D.C., Court of Federal Claims Number 04-1752V.
115. Fred and Rhonda Buess on behalf of Frederick (Erick) Buess, Hemet, California, Court of Federal Claims Number 04-1753V.
116. Fred and Rhonda Buess on behalf of Anderson (Andy) Buess, Hemet, California, Court of Federal Claims Number 04-1754V.
117. Jie Birdsell on behalf of Heather Birdsell, Elgin, Illinois, Court of Federal Claims Number 04-1755V.
118. Paul and Brenda Bright on behalf of Zachary O'Neal Bright, Clifton, Texas, Court of Federal Claims Number 04-1758V.
119. Alison and David Schwartz on behalf of Alexa Schwartz, Lake Success, New York, Court of Federal Claims Number 04-1768V.
120. Darla Meyers on behalf of Matthew Meyers, Woodbury, Minnesota, Court of Federal Claims Number 04-1771V.
121. Tanya Noyakuk on behalf of McKenzie D. Ablowaluk, Deceased, Teller, Alaska, Court of Federal Claims Number 04-1772V.
122. Regina Riggins Holland on behalf of Hannah Riggins, Birmingham, Alabama, Court of Federal Claims Number 04-1773V.
123. Gregory Buckley on behalf of Connor Buckley, Boston, Massachusetts, Court of Federal Claims Number 04-1774V.
124. Elizabeth Thomassen on behalf of Hunter Thomassen, Boston, Massachusetts, Court of Federal Claims Number 04-1775V.
125. Amy Sullivan on behalf of Tiffany Sullivan, Boston, Massachusetts, Court of Federal Claims Number 04-1776V.
126. Beth Stansberry on behalf of Nathan Heagerty, Boston, Massachusetts, Court of Federal Claims Number 04-1777V.
127. Lynette and Charles Willard on behalf of Ronan Storm Willard, Alvin, Texas, Court of Federal Claims Number 04-1778V.
128. Mary Ann and Matthew Hughes on behalf of Alexander Joseph Hughes, Houston, Texas, Court of Federal Claims Number 04-1779V.
129. Regina Pecorella, New York, New York, Court of Federal Claims Number 04-1781V.
130. Laurie and Christopher Thomas, on behalf of James Patrick Thomas, Jacksonville, Florida, Court of Federal Claims Number 04-1794V.
131. Juliet and Mohamed Edoon on behalf of Justin Edoon, Miami, Florida, Court of Federal Claims Number 04-1795V.
132. Kathryn and Peter Cooper on behalf of Christopher Cooper, Castle Rock, Colorado, Court of Federal Claims Number 04-1796V.
133. Olufunke Fadairo on behalf of Michael Fadairo, Baltimore, Maryland, Court of Federal Claims Number 04-1799V.
134. Jenette Price on behalf of Ricardo Ballenger, Baltimore, Maryland, Court of Federal Claims Number 04-1800V.
135. Kelly and John Gapp on behalf of Jessica Gapp, Baltimore, Maryland, Court of Federal Claims Number 04-1801V.
136. Virginia and William Goble on behalf of Brian Goble, Baltimore, Maryland, Court of Federal Claims Number 04-1802V.
137. Anna Silver on behalf of Dwayne Jones, Baltimore, Maryland, Court of Federal Claims Number 04-1803V.
138. James Kidd, Sr. on behalf of James Kidd, III, Baltimore, Maryland, Court of Federal Claims Number 04-1804V.
139. Cynthia and Christopher Kluetz on behalf of Kevin Kluetz, Baltimore, Maryland, Court of Federal Claims Number 04-1805V.
140. Michele and Gerald Lantz on behalf of Bradley Lantz, Baltimore, Maryland, Court of Federal Claims Number 04-1806V.
141. Cynthia McLeod on behalf of Colin McLeod, Baltimore, Maryland, Court of Federal Claims Number 04-1807V.
142. Shannon and Darryl Quick on behalf of Darryl Quick, Jr., Baltimore, Maryland, Court of Federal Claims Number 04-1808V.
143. Linda Deans on behalf of Daniel Quinn, Baltimore, Maryland, Court of Federal Claims Number 04-1809V.
144. Tanika Bias and Maurice Reed on behalf of Maurice Reed, Jr., Baltimore, Maryland, Court of Federal Claims Number 04-1810V.
145. Danielle Braxton on behalf of Wayne Reed, Baltimore, Maryland, Court of Federal Claims Number 04-1811V.
146. Robin and Clement Williams on behalf of Dakari Williams, Baltimore, Maryland, Court of Federal Claims Number 04-1812V.
147. Jeri Wiggins on behalf of Joshua Seamon-Wiggins, Baltimore, Maryland, Court of Federal Claims Number 04-1813V.
148. Judith and Errol Yankelove on behalf of Michael Yankelove, Baltimore, Maryland, Court of Federal Claims Number 04-1814V.
149. Robert Miller, Canton, Ohio, Court of Federal Claims Number 04-1816V.
150. Lisa and Christopher Kennedy on behalf of Shea Kennedy, Libertyville, Illinois, Court of Federal Claims Number 04-1817V.
151. Carola and Adam Coto on behalf of Michelle Coto, Houston, Texas, Court of Federal Claims Number 04-1826V.
152. Christina and Marty Poston on behalf of Christopher Poston, Houston, Texas, Court of Federal Claims Number 04-1827V.

153. Karen Daniel on behalf of Hunter Daniel Houston, Texas, Court of Federal Claims Number 04-1828V.

154. Sharmetta Smith and Eric Baublitz on behalf of Kobe Baublitz, Baltimore, Maryland, Court of Federal Claims Number 04-1829V.

155. Lori and Karl Shoffler on behalf of Kenneth Shoffler, Baltimore, Maryland, Court of Federal Claims Number 04-1830V.

156. Roxana and Luis Tirigall on behalf of Jorge Tirigall, Baltimore, Maryland, Court of Federal Claims Number 04-1831V.

157. Rhonda and Earl Walton on behalf of Earl F. Walton, V, Baltimore, Maryland, Court of Federal Claims Number 04-1832V.

158. Vicky Lafon on behalf of Scott Luke, Baltimore, Maryland, Court of Federal Claims Number 04-1833V.

159. Melissiaa Drew on behalf of D'Mante Mabry, Baltimore, Maryland, Court of Federal Claims Number 04-1834V.

160. Angelita Allen-Harrington on behalf of Aaron Jo-Von McCraw, Baltimore, Maryland, Court of Federal Claims Number 04-1835V.

161. Pamela and Cleveland Moore on behalf of Corey Moore, Baltimore, Maryland, Court of Federal Claims Number 04-1836V.

162. Angela and Neil Oxendine on behalf of Daniel Oxendine, Baltimore, Maryland, Court of Federal Claims Number 04-1837V.

163. Jessica Booth on behalf of Jacob Booth, Baltimore, Maryland, Court of Federal Claims Number 04-1838V.

164. Angela Douglas on behalf of Jacob Burall, Baltimore, Maryland, Court of Federal Claims Number 04-1839V.

165. Maria and Eduardo Camacho on behalf of Edward Camacho, Baltimore, Maryland, Court of Federal Claims Number 04-1840V.

166. Deborah and John Clutts on behalf of Matthew Clutts, Baltimore, Maryland, Court of Federal Claims Number 04-1841V.

167. Lucretia Cunningham on behalf of Joseph Cunningham, Baltimore, Maryland, Court of Federal Claims Number 04-1842V.

168. Melissa and Calvin Loveless on behalf of Nash Loveless, Baltimore, Maryland, Court of Federal Claims Number 04-1843V.

169. Jason Grimail, College Park, Maryland, Court of Federal Claims Number 04-1844V.

170. Jenny and Peter Hovanec on behalf of Hunter James Hovanec, Salisbury, North Carolina, Court of Federal Claims Number 05-0002V.

171. Shelley and Brett Dille on behalf of Walker Dille, Kansas City, Missouri,

Court of Federal Claims Number 05-0006V.

172. Lawrence James-Bey, Fort Bragg, North Carolina, Court of Federal Claims Number 05-0010V.

173. Francesca and Ronald Sommerfeld on behalf of Ronald Sommerfeld, II, Houston, Texas, Court of Federal Claims Number 05-0013V.

174. Lidiya and Sergey Solonovich on behalf of Denis Solonovich, Houston, Texas, Court of Federal Claims Number 05-0014V.

175. Tanya and Thomas Stanley on behalf of Christopher Stanley, Jacksonville, Florida, Court of Federal Claims Number 05-0015V.

176. Joy Majzel on behalf of Jenna Majzel, Boston, Massachusetts, Court of Federal Claims Number 05-0016V.

177. Angel Allen on behalf of Raven Mo'nae Allen, Deceased, St. Louis, Missouri, Court of Federal Claims Number 05-0017V.

178. Vicky Lafon on behalf of Steven Luke, Baltimore, Maryland, Court of Federal Claims Number 05-0023V.

179. Tara and Clayton Kerns on behalf of Brooklyn Marie Kerns, Deceased, Winchester, West Virginia, Court of Federal Claims Number 05-0029V.

180. Lisa and Michael Goodbread on behalf of James Goodbread, Jacksonville, Florida, Court of Federal Claims Number 05-0030V.

181. Carmela and Rigoberto Garnica on behalf of Esther Garnica, Portland, Oregon, Court of Federal Claims Number 05-0031V.

182. Angelica Patino on behalf of Marissa Boyzo, Portland, Oregon, Court of Federal Claims Number 05-0032V.

183. Maria Garcia on behalf of Antonio Garcia, Portland, Oregon, Court of Federal Claims Number 05-0033V.

184. Anna Ordonez on behalf of Victor Ordonez, Portland, Oregon, Court of Federal Claims Number 05-0034V.

185. Della Harlston on behalf of D'Angelo Harlston, Portland, Oregon, Court of Federal Claims Number 05-0035V.

186. Veronica Gonzalez on behalf of Nicholas Gonzalez, Portland, Oregon, Court of Federal Claims Number 05-0036V.

187. Miranda Bowman on behalf of Derek Bowman, Portland, Oregon, Court of Federal Claims Number 05-0037V.

188. Berta Orona on behalf of Jacob Orona, Portland, Oregon, Court of Federal Claims Number 05-0038V.

189. Alan Moore on behalf of Matthew Moore, Portland, Oregon, Court of Federal Claims Number 05-0039V.

190. Sandra Alfaro on behalf of Ryan Alfaro, Portland, Oregon, Court of Federal Claims Number 05-0040V.

191. Myeisha Ligons on behalf of Trenazia Bennett, Portland, Oregon, Court of Federal Claims Number 05-0041V.

192. Lissa Beach on behalf of Drake Beach, Portland, Oregon, Court of Federal Claims Number 05-0042V.

193. Frances Thompson-Diggs on behalf of Eric Diggs, Portland, Oregon, Court of Federal Claims Number 05-0043V.

194. Melanie Flores on behalf of Austen Flores, Portland, Oregon, Court of Federal Claims Number 05-0044V.

195. Claudia Deloera on behalf of Adrian Deloera, Portland, Oregon, Court of Federal Claims Number 05-0045V.

196. Deborah Karr and Dan Arroway on behalf of Levantia Arroway, Portland, Oregon, Court of Federal Claims Number 05-0046V.

197. Jody Hansen on behalf of Alec Hansen, Portland, Oregon, Court of Federal Claims Number 05-0047V.

198. Jodi McCoy on behalf of Ryan McCoy, Portland, Oregon, Court of Federal Claims Number 05-0048V.

199. Lucy Castorena on behalf of Christian Castorena, Portland, Oregon, Court of Federal Claims Number 05-0049V.

200. Karla Escalante on behalf of Julio Escalante, Portland, Oregon, Court of Federal Claims Number 05-0050V.

201. Karla James on behalf of Trent James, Portland, Oregon, Court of Federal Claims Number 05-0051V.

202. Javier Jimenez on behalf of Adrain Jimenez, Portland, Oregon, Court of Federal Claims Number 05-0052V.

203. Trina McCurdy on behalf of Cameron Garrido, Portland, Oregon, Court of Federal Claims Number 05-0053V.

204. Lorena Morales on behalf of Matthew Morales, Portland, Oregon, Court of Federal Claims Number 05-0054V.

205. Laura Cervantes on behalf of Ricardo Cervantes, Portland, Oregon, Court of Federal Claims Number 05-0055V.

206. Anita and Jesus Cazares on behalf of Jesus Cazares, III, Portland, Oregon, Court of Federal Claims Number 05-0056V.

207. Heather Avila on behalf of Brian Avila, Portland, Oregon, Court of Federal Claims Number 05-0057V.

208. Patricia Borgstahl on behalf of Joseph Fricks, Portland, Oregon, Court of Federal Claims Number 05-0058V.

209. Ramona Floyd on behalf of Xavier Cunningham, Portland, Oregon, Court of Federal Claims Number 05-0059V.

210. Robert Nichols on behalf of Sean Nichols, Portland, Oregon, Court of Federal Claims Number 05-0060V.

211. Gina Cayanan on behalf of Nathaniel Cayanan, Portland, Oregon, Court of Federal Claims Number 05-0061V.
212. Elaine Jacoby on behalf of Joshua Jacoby, Portland, Oregon, Court of Federal Claims Number 05-0062V.
213. Olga Hart on behalf of Kyle Hart, Portland, Oregon, Court of Federal Claims Number 05-0063V.
214. Cristina Duran on behalf of Christiana Duran, Portland, Oregon, Court of Federal Claims Number 05-0064V.
215. Jacqueline Cazares on behalf of Zachary Gonzalez, Portland, Oregon, Court of Federal Claims Number 05-0065V.
216. Barbara Leigh on behalf of Matthew Leigh, Portland, Oregon, Court of Federal Claims Number 05-0066V.
217. Meryl Lewin on behalf of Marki Lewin-Welsh, Portland, Oregon, Court of Federal Claims Number 05-0067V.
218. Susana Martin Del Campo on behalf of Alex Martin Del Campo, Portland, Oregon, Court of Federal Claims Number 05-0068V.
219. Leticia Montes on behalf of Mark Montes, Portland, Oregon, Court of Federal Claims Number 05-0069V.
220. John McFaddin on behalf of Justin McFaddin, Portland, Oregon, Court of Federal Claims Number 05-0070V.
221. Melanie Lima on behalf of Derek Lima, Portland, Oregon, Court of Federal Claims Number 05-0071V.
222. Saba Seyoum on behalf of Danaie Kiflom, Portland, Oregon, Court of Federal Claims Number 05-0072V.
223. Luisa Jacques on behalf of Anthony Jacques, Portland, Oregon, Court of Federal Claims Number 05-0073V.
224. Teresita Echeverria on behalf of Esteban Garcia, Portland, Oregon, Court of Federal Claims Number 05-0074V.
225. Gloria Florez on behalf of Carlos Cano, Portland, Oregon, Court of Federal Claims Number 05-0075V.
226. Julie Loguidice on behalf of Michael Loguidice, Portland, Oregon, Court of Federal Claims Number 05-0076V.
227. Aida Hernandez on behalf of Marcos Hernandez, Portland, Oregon, Court of Federal Claims Number 05-0077V.
228. Noreen Alexander on behalf of Bryce Alexander, Portland, Oregon, Court of Federal Claims Number 05-0078V.
229. Leticia Montes on behalf of Richard Montes, Portland, Oregon, Court of Federal Claims Number 05-0079V.
230. Audri and Joseph Ence on behalf of Dean Clayton Ence, Salt Lake City, Utah, Court of Federal Claims Number 05-0080V.
231. April Spates on behalf of John/Jane Doe, Deceased, New York, New York, Court of Federal Claims Number 05-0081V.
232. Denise Trejo on behalf of Danielle Trejo, Portland, Oregon, Court of Federal Claims Number 05-0083V.
233. Donna Vannieuwenhuyzen on behalf of David Vannieuwenhuyzen, Portland, Oregon, Court of Federal Claims Number 05-0084V.
234. Carla Wickey on behalf of Matthew Wickey, Portland, Oregon, Court of Federal Claims Number 05-0085V.
235. Rikki Zeller on behalf of Joseph Zeller, Portland, Oregon, Court of Federal Claims Number 05-0086V.
236. Gloria Paulin on behalf of Abisai Paulin, Portland, Oregon, Court of Federal Claims Number 05-0087V.
237. Ileana Linares on behalf of Lee Ann Rivera, Portland, Oregon, Court of Federal Claims Number 05-0088V.
238. Zakiiyah Rashada on behalf of Jamal Rashada, Portland, Oregon, Court of Federal Claims Number 05-0089V.
239. Amanda Zimmerman on behalf of Joseph Pinedo, Portland, Oregon, Court of Federal Claims Number 05-0090V.
240. David Wilcox on behalf of Timothy Wilcox, Portland, Oregon, Court of Federal Claims Number 05-0091V.
241. Thomas Welsh on behalf of Kaitlynn Welsh, Portland, Oregon, Court of Federal Claims Number 05-0092V.
242. Solveig Toft on behalf of George Toft, Portland, Oregon, Court of Federal Claims Number 05-0093V.
243. Olivia Galeana on behalf of Eduardo Totorika, Portland, Oregon, Court of Federal Claims Number 05-0094V.
244. Francine Toro on behalf of Nathan Toro, Portland, Oregon, Court of Federal Claims Number 05-0095V.
245. Hector Talamantes on behalf of Kathleen Talamantes, Portland, Oregon, Court of Federal Claims Number 05-0096V.
246. Brad Secreto on behalf of Jessica Secreto, Portland, Oregon, Court of Federal Claims Number 05-0097V.
247. Brad Secreto on behalf of Jacob Secreto, Portland, Oregon, Court of Federal Claims Number 05-0098V.
248. Rosa Sanchez on behalf of Andres Sanchez, Portland, Oregon, Court of Federal Claims Number 05-0099V.
249. Isaura Sainz on behalf of Daniel Sainz, Portland, Oregon, Court of Federal Claims Number 05-0100V.
250. Verlyn and Richard Simon on behalf of Tyler Simon, Portland, Oregon, Court of Federal Claims Number 05-0101V.
251. Kathryn Roberts on behalf of Joseph Roberts, Portland, Oregon, Court of Federal Claims Number 05-0102V.
252. Carolyn Parkinson on behalf of Derek Parkinson, Portland, Oregon, Court of Federal Claims Number 05-0103V.
253. Amy Putnam on behalf of Christian Putnam, Portland, Oregon, Court of Federal Claims Number 05-0104V.
254. David Rudolph on behalf of Nathaniel Rudolph, Portland, Oregon, Court of Federal Claims Number 05-0105V.
255. Kathy Bovenizi and Paul Grugnale on behalf of Peter Grugnale, New York, New York, Court of Federal Claims Number 05-0108V.
256. Toni Richard on behalf of Tyler Richard, Boston, Massachusetts, Court of Federal Claims Number 05-0109V.
257. Shannon Barnett on behalf of Nathaniel Barnett, Boston, Massachusetts, Court of Federal Claims Number 05-0110V.
258. Tamar Tamir on behalf of Yotam Galili, Boston, Massachusetts, Court of Federal Claims Number 05-0111V.
259. Maureen Brown on behalf of Brighton Brown, Boston, Massachusetts, Court of Federal Claims Number 05-0112V.
260. Jessica Williams on behalf of Jacob Matthew Williams, Bloomington, Indiana, Court of Federal Claims Number 05-0113V.
261. Candace and Mark Bender on behalf of Zachary Bender, Philadelphia, Pennsylvania, Court of Federal Claims Number 05-0116V.
262. Carole and Walter Smith on behalf of Michael Smith, Jacksonville, Florida, Court of Federal Claims Number 05-0122V.
263. Jody Nordwall and Jose Tori on behalf of Mateo Alberto Tori, Deceased, Minneapolis, Minnesota, Court of Federal Claims Number 05-0123V.
264. Sabrina and Mark Pedeupe on behalf of Luke Pedeupe, Van Nuys, California, Court of Federal Claims Number 05-0125V.
265. Jessica and Eric Schimmoeller on behalf of Sydney Schimmoeller, Van Nuys, California, Court of Federal Claims Number 05-0126V.
266. Loree Hemachandra on behalf of Nicholas Hemachandra, Boston, Massachusetts, Court of Federal Claims Number 05-0129V.
267. Trisha Bellaire on behalf of Brayden Bellaire, Boston, Massachusetts, Court of Federal Claims Number 05-0130V.
268. Michelle McQuillen on behalf of Kaitlyn McQuillen, Boston,

Massachusetts, Court of Federal Claims Number 05-0131V.

269. Sarah Ghaleb on behalf of Abdulkarim Hamouda, Boston, Massachusetts, Court of Federal Claims Number 05-0132V.

270. Abdul Jaman on behalf of Farman Karim, Boston, Massachusetts, Court of Federal Claims Number 05-0133V.

271. Mary Yenchick-Balos on behalf of Michaela Balos, Boston, Massachusetts, Court of Federal Claims Number 05-0134V.

272. Alicia Sanchez on behalf of Knicholas Lombard, Boston, Massachusetts, Court of Federal Claims Number 05-0135V.

273. Laura Holt on behalf of Aleigha Holt-Tipton, Boston, Massachusetts, Court of Federal Claims Number 05-0136V.

274. David Gregory on behalf of Sarah Gregory, Boston, Massachusetts, Court of Federal Claims Number 05-0137V.

275. Kathleen Stapleford on behalf of John Stapleford, Boston, Massachusetts, Court of Federal Claims Number 05-0138V.

276. Shelly Smith on behalf of Erik Walker, Boston, Massachusetts, Court of Federal Claims Number 05-0139V.

277. Yolanda Benjamin on behalf of Rashad Foster, Boston, Massachusetts, Court of Federal Claims Number 05-0140V.

278. Serena Albright on behalf of Demetri Landell, Boston, Massachusetts, Court of Federal Claims Number 05-0141V.

279. Rebecca Crum on behalf of Zakry Crum, Portland, Oregon, Court of Federal Claims Number 05-0144V.

280. Laura Cochran on behalf of Sean Cochran, Portland, Oregon, Court of Federal Claims Number 05-0145V.

281. Cynthia Bush on behalf of Straven Bush, Portland, Oregon, Court of Federal Claims Number 05-0146V.

282. Lisandra and David Adams on behalf of Lucas Adams, Portland, Oregon, Court of Federal Claims Number 05-0147V.

283. Teena Echols on behalf of Christopher Echols, Portland, Oregon, Court of Federal Claims Number 05-0148V.

284. Jody Gramson on behalf of Emery Gramson, Portland, Oregon, Court of Federal Claims Number 05-0149V.

285. Cathy Heirigs on behalf of Ryan Heirigs, Portland, Oregon, Court of Federal Claims Number 05-0150V.

286. Audrey Hernandez on behalf of Omar Hernandez, Portland, Oregon, Court of Federal Claims Number 05-0151V.

287. Ruth Kuenzi on behalf of Daniel Kuenzi, Portland, Oregon, Court of Federal Claims Number 05-0152V.

288. Kimberly Litchman on behalf of Daniel Litchman, Portland, Oregon, Court of Federal Claims Number 05-0153V.

289. Darcie Meier on behalf of Jon Meier, Portland, Oregon, Court of Federal Claims Number 05-0154V.

290. Raelene Olson-Smith on behalf of Kimberlee Smith, Portland, Oregon, Court of Federal Claims Number 05-0155V.

291. Jennifer Osburn on behalf of Thain Palmer, Portland, Oregon, Court of Federal Claims Number 05-0156V.

292. Sarah Stiles on behalf of Paladin Stiles, Portland, Oregon, Court of Federal Claims Number 05-0157V.

293. Autumn Smith on behalf of Andre Huggins, Portland, Oregon, Court of Federal Claims Number 05-0158V.

294. Brandi and Matthew Gross on behalf of Reed Gross, Portland, Oregon, Court of Federal Claims Number 05-0159V.

295. Rhonda Way on behalf of Tyler Way, Portland, Oregon, Court of Federal Claims Number 05-0160V.

296. Teresa Soler on behalf of Dylan Dunbar, Portland, Oregon, Court of Federal Claims Number 05-0161V.

297. Debora and John Durden on behalf of Jonathan Durden, Columbus, Georgia, Court of Federal Claims Number 05-0163V.

298. Penelope Olson, Attleboro, Massachusetts, Court of Federal Claims Number 05-0164V.

299. Carmen and Raymond Brennan on behalf of Tiana Brennan, Somers Point, New Jersey, Court of Federal Claims Number 05-0165V.

300. Lisa Knight, St. Peters, Michigan, Court of Federal Claims Number 05-0169V.

301. Lydia Nioras on behalf of Richard Thomas Nioras, Somers Point, New Jersey, Court of Federal Claims Number 05-0172V.

302. Jennifer and Seth Lackey on behalf of Aaron Lackey, Boston, Massachusetts, Court of Federal Claims Number 05-0175V.

303. Lynn Roccapiore on behalf of Evan Roccapiore, Boston, Massachusetts, Court of Federal Claims Number 05-0176V.

304. Diane Davison on behalf of Joseph Davison, Boston, Massachusetts, Court of Federal Claims Number 05-0177V.

305. John Berthoumieux on behalf of Samuel Berthoumieux, Boston, Massachusetts, Court of Federal Claims Number 05-0178V.

306. Suzette Rogers on behalf of Carol Stenson, Deceased, Killeen, Texas, Court of Federal Claims Number 05-0180V.

307. Allison Alejos on behalf of Joel Nathaniel Alejos, Topeka, Kansas, Court of Federal Claims Number 05-0181V.

308. Lizette and Michael Diaz on behalf of Matthew Diaz, Houston, Texas, Court of Federal Claims Number 05-0182V.

309. Heather and James Starnes on behalf of James Starnes, Rolla, Missouri, Court of Federal Claims Number 05-0185V.

310. Ottoniel Barrios on behalf of Edgar Alexander Barrios, Berryville, Arkansas, Court of Federal Claims Number 05-0189V.

311. Lori and Ricky Woodard on behalf of Justus Woodard, Jacksonville, Florida, Court of Federal Claims Number 05-0191V.

312. Louise and Michael Irvin on behalf of Liam Michael Irvin, Philadelphia, Pennsylvania, Court of Federal Claims Number 05-0192V.

313. Latricia Hewings on behalf of Miles Lee Williams, Deceased, Milwaukee, Wisconsin, Court of Federal Claims Number 05-0193V.

314. Dawn and Luke Herbert on behalf of Alexander Herbert, New Orleans, Louisiana, Court of Federal Claims Number 05-0202V.

315. Margaret Sarif, Salona Beach, California, Court of Federal Claims Number 05-0203V.

316. Lisa Canepa-Sanchez and Armando Sanchez on behalf of Salina Sanchez, New York, New York, Court of Federal Claims Number 05-0204V.

317. Amy and David Kline on behalf of Alyssa Kline, Carlinville, Illinois, Court of Federal Claims Number 05-0206V.

318. Christina and Kristopher Richard Young on behalf of Kristopher Logan Young, Vienna, Virginia, Court of Federal Claims Number 05-0207V.

319. Tara Glaspie on behalf of Brendan Glaspie, Boston, Massachusetts, Court of Federal Claims Number 05-0208V.

320. Karen Bortolotti on behalf of Daniel Bortolotti, Boston, Massachusetts, Court of Federal Claims Number 05-0209V.

321. James Grundvig on behalf of Fridrik Grundvig, Boston, Massachusetts, Court of Federal Claims Number 05-0210V.

322. Jennifer Demaria on behalf of Ryder Demaria, Boston, Massachusetts, Court of Federal Claims Number 05-0211V.

323. Nathalie Xavier on behalf of Jamal Bouaichi, Boston, Massachusetts, Court of Federal Claims Number 05-0212V.

324. Christine Hertzog on behalf of Nicholas Hertzog, Deceased, Boston, Massachusetts, Court of Federal Claims Number 05-0213V.

325. Jennifer Ross on behalf of Nicholas Ross-Sigurdson, Dearborn, Michigan, Court of Federal Claims Number 05-0218V.
326. Catherine and Joseph Shea on behalf of Ian Shea, Alpharentta, Georgia, Court of Federal Claims Number 05-0224V.
327. Laverne Waters on behalf of Laquine Waters, Somers Point, New Jersey, Court of Federal Claims Number 05-0225V.
328. Christopher Utset, Somers Point, New Jersey, Court of Federal Claims Number 05-0226V.
329. Charmain Neary and Gerard Gardiner on behalf of Charles Russell Gardiner, Lake Success, New York, Court of Federal Claims Number 05-0227V.
330. Kelley and Matt Nestlen on behalf of Daniel Nestlen, Portland, Oregon, Court of Federal Claims Number 05-0229V.
331. Mary Darin Wilkerson on behalf of Otto Wilkerson, Tigard, Oregon, Court of Federal Claims Number 05-0232V.
332. Pamela Brown on behalf of Gavriel Brown, Somers Point, New Jersey, Court of Federal Claims Number 05-0233V.
333. James Thiel, Fort Benning, Georgia, Court of Federal Claims Number 05-0235V.
334. Melanie and Mark Conover on behalf of Zachary Thomas Conover, Penfield, New York, Court of Federal Claims Number 05-0236V.
335. Kathleen and Michael Harvey on behalf of Luke Harvey, Lake Success, New York, Court of Federal Claims Number 05-0237V.
336. Kenneth Carr on behalf of Tyler Carr, Boston, Massachusetts, Court of Federal Claims Number 05-0238V.
337. Johanna Miller on behalf of Noah Miller, Boston, Massachusetts, Court of Federal Claims Number 05-0239V.
338. Johanna Miller on behalf of Mallorie Miller, Boston, Massachusetts, Court of Federal Claims Number 05-0240V.
339. Jeffrey Zaskoda, Boston, Massachusetts, Court of Federal Claims Number 05-0241V.
340. Shirley Smith on behalf of Jordan Smith, Tonasket, Washington, Court of Federal Claims Number 05-0242V.
341. John Drake, Detroit, Michigan, Court of Federal Claims Number 05-0245V.
342. Esther Andre and Jackson Marcelin on behalf of Tyler Anthony Joseph, Altamonte, Florida, Court of Federal Claims Number 05-0247V.
343. Wayne Michael Wanke, Loma Linda, California, Court of Federal Claims Number 05-0253V.
344. Paula Rokusek on behalf of Justin Rokusek, Boston, Massachusetts, Court of Federal Claims Number 05-0254V.
345. Peter Barelski, II on behalf of Peter Barelski, III, Boston, Massachusetts, Court of Federal Claims Number 05-0255V.
346. Rona Hatcher on behalf of Nicholas Hatcher, Boston, Massachusetts, Court of Federal Claims Number 05-0256V.
347. Muhammad Alturbak on behalf of Ali Alturbak, Boston, Massachusetts, Court of Federal Claims Number 05-0257V.
348. Daniel Cavallini on behalf of Andrew Cavallini, Boston, Massachusetts, Court of Federal Claims Number 05-0258V.
349. Julie Menger on behalf of Jackson Menger, Boston, Massachusetts, Court of Federal Claims Number 05-0259V.
350. Mark Taube on behalf of Lucas Taube, Boston, Massachusetts, Court of Federal Claims Number 05-0260V.
351. Tara Buran on behalf of Amelia Buran, Boston, Massachusetts, Court of Federal Claims Number 05-0261V.
352. Kendra Britton, Fredericksburg, Virginia, Court of Federal Claims Number 05-0264V.
353. Maureen and Steven Block on behalf of Nathaniel Block, New York, New York, Court of Federal Claims Number 05-0265V.
354. Carmel and Bob Mooney on behalf of Elizabeth Mooney, Baton Rouge, Louisiana, Court of Federal Claims Number 05-0266V.
355. Lisa and Joseph Dent on behalf of Jacoby Chandler Dent, Somers Point, New Jersey, Court of Federal Claims Number 05-0267V.
356. Sandra Jackson, Chicago, Illinois, Court of Federal Claims Number 05-0277V.
357. Ann and Dale Hatt on behalf of Andrew Hatt, Philadelphia, Pennsylvania, Court of Federal Claims Number 05-0282V.
358. Gerald Dempsey on behalf of Liam Dempsey, Deceased, Andover, Massachusetts, Court of Federal Claims Number 05-0283V.
359. Tracie and Rodney Smith on behalf of Aaron Michael Smith, Somers Point, New Jersey, Court of Federal Claims Number 05-0285V.
360. Adrienne Wanless, Winchester, Virginia, Court of Federal Claims Number 05-0286V.
361. Rada Livits on behalf of Benjamin Livits, Boston, Massachusetts, Court of Federal Claims Number 05-0287V.
362. Tina Kessler on behalf of Tyler Kessler, Boston, Massachusetts, Court of Federal Claims Number 05-0288V.
363. Amy Mahoney on behalf of Andrew Mahoney, Boston, Massachusetts, Court of Federal Claims Number 05-0289V.
364. Erica Caban on behalf of Destiny Rodriguez, Boston, Massachusetts, Court of Federal Claims Number 05-0290V.
365. Kimberly Hale on behalf of Jillien Noble, Boston, Massachusetts, Court of Federal Claims Number 05-0291V.
366. Galit Aronson on behalf of Benjamin Aronson, Boston, Massachusetts, Court of Federal Claims Number 05-0292V.
367. Amy Groch on behalf of Devin Groch, Boston, Massachusetts, Court of Federal Claims Number 05-0293V.
368. Pamela Ford on behalf of Bryan Ford, Boston, Massachusetts, Court of Federal Claims Number 05-0294V.
369. Tanya Weeks on behalf of Te'Sijah weeks, Deceased, St. Thomas, Virgin Islands, Court of Federal Claims Number 05-0295V.
370. Christine and Christian Florea on behalf of Nicolas Florea, Vienna, Virginia, Court of Federal Claims Number 05-0305V.
371. Kimberly Burshiem and Gus Deribeaux on behalf of Madison Deribeaux, Vienna, Virginia, Court of Federal Claims Number 05-0306V.
372. Amy Desrosiers on behalf of James Hutchison, Baltimore, Maryland, Court of Federal Claims Number 05-0308V.
373. Melinda Hughes on behalf of Jeremy Hughes, Baltimore, Maryland, Court of Federal Claims Number 05-0309V.
374. Nancy Spencer on behalf of Julian Rodriguez, Baltimore, Maryland, Court of Federal Claims Number 05-0310V.
375. Michelle and Michael Renggli on behalf of Joshua Renggli, Baltimore, Maryland, Court of Federal Claims Number 05-0311V.
376. Cydney and Darryl Piesto on behalf of Chase Piesto, Baltimore, Maryland, Court of Federal Claims Number 05-0312V.
377. Jenny Hansen on behalf of Steven Hansen, Baltimore, Maryland, Court of Federal Claims Number 05-0313V.
378. Michael Frost on behalf of Zachary Frost, Baltimore, Maryland, Court of Federal Claims Number 05-0314V.
379. Bendetta Formen on behalf of Deonte Formen, Baltimore, Maryland, Court of Federal Claims Number 05-0315V.
380. Eudora Harvey on behalf of Gerard Finney, Baltimore, Maryland, Court of Federal Claims Number 05-0316V.
381. Reza and Mina Fakory on behalf of Bijan Fakory, Baltimore, Maryland, Court of Federal Claims Number 05-0317V.

382. Catherine and James Everhart on behalf of Catherine "CJ" Everhart, Baltimore, Maryland, Court of Federal Claims Number 05-0318V.
383. Annette and Victor Elliott on behalf of Andrew Elliott, Baltimore, Maryland, Court of Federal Claims Number 05-0319V.
384. Angela and David Baker on behalf of Aaron Baker, Baltimore, Maryland, Court of Federal Claims Number 05-0320V.
385. Thoko Alleman on behalf of Dominick Alleman, Baltimore, Maryland, Court of Federal Claims Number 05-0321V.
386. Thoko Alleman on behalf of Dexter Alleman, Baltimore, Maryland, Court of Federal Claims Number 05-0322V.
387. Farah Youssefi on behalf of Joseph Youssefi, Baltimore, Maryland, Court of Federal Claims Number 05-0323V.
388. Renee and James Whitfield on behalf of Christopher Whitfield, Baltimore, Maryland, Court of Federal Claims Number 05-0324V.
389. Valerie Wells on behalf of Jordon Wells, Baltimore, Maryland, Court of Federal Claims Number 05-0325V.
390. Celestine and Anthonia Umeh on behalf of Kelo Umeh, Baltimore, Maryland, Court of Federal Claims Number 05-0326V.
391. Carol Levine on behalf of Alex Trainor, Baltimore, Maryland, Court of Federal Claims Number 05-0327V.
392. Felicia Thompson on behalf of Larkin Thompson, Baltimore, Maryland, Court of Federal Claims Number 05-0328V.
393. Danielle and Cary Stanger on behalf of Rebekah Stanger, Baltimore, Maryland, Court of Federal Claims Number 05-0329V.
394. Brenda Niemczuk on behalf of Darren Niemczuk, Baltimore, Maryland, Court of Federal Claims Number 05-0330V.
395. Ann Neboh on behalf of Udoka Neboh, Baltimore, Maryland, Court of Federal Claims Number 05-0331V.
396. Rosemary and Thomas Mitchell on behalf of Jeremy Mitchell, Baltimore, Maryland, Court of Federal Claims Number 05-0332V.
397. Tamara Minarik on behalf of Shea Minarik, Baltimore, Maryland, Court of Federal Claims Number 05-0333V.
398. Ranju Kohli on behalf of Angud Kohli, Baltimore, Maryland, Court of Federal Claims Number 05-0334V.
399. Barbara McDowell on behalf of Bryan Johnson, Baltimore, Maryland, Court of Federal Claims Number 05-0335V.
400. Jennifer Vittoria on behalf of Nicholas Vittoria, Baltimore, Maryland, Court of Federal Claims Number 05-0336V.
401. Charmia Swann on behalf of Tenashia Swann, Baltimore, Maryland, Court of Federal Claims Number 05-0337V.
402. Jacqueline and Sherman Spruell on behalf of Bradley Spruell, Baltimore, Maryland, Court of Federal Claims Number 05-0338V.
403. Sharon and Mike Skoczynski on behalf of Steven Skoczynski, Baltimore, Maryland, Court of Federal Claims Number 05-0339V.
404. Unoma and Mike Okigbo on behalf of Onyekachi Okigbo, Baltimore, Maryland, Court of Federal Claims Number 05-0340V.
405. Olusegun and Adeyinka Ogunniyi on behalf of Eric Ogunniyi, Baltimore, Maryland, Court of Federal Claims Number 05-0341V.
406. Monica and James Nwokeabia on behalf of Nelson Nwokeabia, Baltimore, Maryland, Court of Federal Claims Number 05-0342V.
407. Philo Moghalu on behalf of Nkemjorum Moghalu, Baltimore, Maryland, Court of Federal Claims Number 05-0343V.
408. Jacqueline and Christopher Means on behalf of Tyler Means, Baltimore, Maryland, Court of Federal Claims Number 05-0344V.
409. Cathy McGowan on behalf of Kenny McGowan, Baltimore, Maryland, Court of Federal Claims Number 05-0345V.
410. Danyelle Davis on behalf of Antar McDowell, Baltimore, Maryland, Court of Federal Claims Number 05-0346V.
411. Katherine and William Laisure on behalf of Zachary Laisure, Baltimore, Maryland, Court of Federal Claims Number 05-0347V.
412. Frances and John Kusik on behalf of John Kusik, IV, Baltimore, Maryland, Court of Federal Claims Number 05-0348V.
413. Katrina Brown on behalf of Terrell Keene, Baltimore, Maryland, Court of Federal Claims Number 05-0349V.
414. Dana Jones on behalf of Taki Jones, Baltimore, Maryland, Court of Federal Claims Number 05-0350V.
415. Pamela and Todd Johnson on behalf of Bryce Johnson, Baltimore, Maryland, Court of Federal Claims Number 05-0351V.
416. Sabrina Murphy on behalf of Tyler Jackson, Baltimore, Maryland, Court of Federal Claims Number 05-0352V.
417. Tammy Williams on behalf of Darrius Holloway, Baltimore, Maryland, Court of Federal Claims Number 05-0353V.
418. Fatima and David Hoggan on behalf of Lila Hoggan, Baltimore, Maryland, Court of Federal Claims Number 05-0354V.
419. Krystal and Clinton Harris on behalf of Michael Harris, Baltimore, Maryland, Court of Federal Claims Number 05-0355V.
420. Monica and William Haas on behalf of Collin Haas, Baltimore, Maryland, Court of Federal Claims Number 05-0356V.
421. Hilda and Mark Gordon on behalf of Joshua Gordon, Baltimore, Maryland, Court of Federal Claims Number 05-0357V.
422. Lori Good on behalf of Michael Good, Baltimore, Maryland, Court of Federal Claims Number 05-0358V.
423. Towanda Okeke Shackelford on behalf of Jean Denis, Baltimore, Maryland, Court of Federal Claims Number 05-0359V.
424. Andrea McDonald and Tuan Davis on behalf of De'Andre Davis, Baltimore, Maryland, Court of Federal Claims Number 05-0360V.
425. Thomasyn Anderson on behalf of Brandon Crank, Baltimore, Maryland, Court of Federal Claims Number 05-0361V.
426. Melinda Elliott and William Cassano on behalf of Brian Cassano, Baltimore, Maryland, Court of Federal Claims Number 05-0362V.
427. Rose Gouker on behalf of Devin Bocklage, Baltimore, Maryland, Court of Federal Claims Number 05-0363V.
428. Eileen Hall on behalf of Kenneth Arroyo, Baltimore, Maryland, Court of Federal Claims Number 05-0364V.
429. Mary Gilbert and Ambrose Agbebaku on behalf of Allen Agbebaku, Baltimore, Maryland, Court of Federal Claims Number 05-0365V.
430. Amanda and Leigh Richard Messer on behalf of Trey Robert Messer, Bloomington, Indiana, Court of Federal Claims Number 05-0366V.
431. Beth Gordon, Boca Raton, Florida, Court of Federal Claims Number 05-0378V.
432. Sandra and Captain Brian Alverson on behalf of Annabrooke Alverson, Birmingham, Alabama, Court of Federal Claims Number 05-0383V.
433. Anthony Elbert, Westchester, New York, Court of Federal Claims Number 05-0384V.
434. Carole and Daniel Hackney on behalf of Daniel Ignatius Hackney, Cape Girardeau, Missouri, Court of Federal Claims Number 05-0387V.
435. Noelle Jones on behalf of Patrick Hughes, Baltimore, Maryland, Court of Federal Claims Number 05-0388V.
436. Janet and Jonathan Levins on behalf of Jake Levins, Somers Point, New Jersey, Court of Federal Claims Number 05-0389V.

437. Daniel Bornhorst, Albany, New York, Court of Federal Claims Number 05-0390V.

438. Lee Ann Kay on behalf of Mason Kay, Boston, Massachusetts, Court of Federal Claims Number 05-0393V.

439. Wendy Bengtson on behalf of Brian Bengtson, Boston, Massachusetts, Court of Federal Claims Number 05-0394V.

440. Rebecca Jackson, Fresno, California, Court of Federal Claims Number 05-0395V.

441. Debra Comer on behalf of Jacob Eli Malcom, Port Washington, New York, Court of Federal Claims Number 05-0398V.

442. Wendy Kumar and Kishore Gosein on behalf of Daryl Gosein, Somers Point, New Jersey, Court of Federal Claims Number 05-0401V.

443. Eileen and John Regan on behalf of Sean Regan, New York, New York, Court of Federal Claims Number 05-0402V.

444. Leah Soifer on behalf of Aharon Soifer, Baltimore, Maryland, Court of Federal Claims Number 05-0404V.

445. Maureen and Kenneth Murrah on behalf of MacLain Murrah, Jacksonville, Florida, Court of Federal Claims Number 05-0407V.

446. Maria and Dean Lakis on behalf of Lynn Lakis, Port Washington, New York, Court of Federal Claims Number 05-0408V.

447. Kathryn and Robert Dorran on behalf of Henry Dorran, Maryville, Texas, Court of Federal Claims Number 05-0409V.

448. Colleen Papa on behalf of Alexander Papa, Boston, Massachusetts, Court of Federal Claims Number 05-0412V.

449. Kathleen Kong on behalf of Leialani Kong, Wailuku, Hawaii, Court of Federal Claims Number 05-0414V.

450. Kay Benson, Boston, Massachusetts, Court of Federal Claims Number 05-0415V.

451. Kathy Edwards on behalf of Joslyn Edwards, Joliet, Illinois, Court of Federal Claims Number 05-0416V.

452. Lisa Ross on behalf of Shannon Ross, Wilmington, North Carolina, Court of Federal Claims Number 05-0417V.

453. Jennifer Morse, Boston, Massachusetts, Court of Federal Claims Number 05-0418V.

454. Susan Clark, Boston, Massachusetts, Court of Federal Claims Number 05-0419V.

455. Kelly Boley, Boston, Massachusetts, Court of Federal Claims Number 05-0420V.

456. Roberta Boullion, Boston, Massachusetts, Court of Federal Claims Number 05-0421V.

Dated: August 1, 2005.

**Elizabeth M. Duke,**

*Administrator.*

[FR Doc. 05-15613 Filed 8-5-05; 8:45 am]

**BILLING CODE 4165-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

**AGENCY:** Substance Abuse and Mental Health Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Department of Health and Human Services (HHS) notifies Federal agencies of the laboratories currently certified to meet the standards of Subpart C of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908), on September 30, 1997 (62 FR 51118), and on April 13, 2004 (69 FR 19644).

A notice listing all currently certified laboratories is published in the **Federal Register** during the first week of each month. If any laboratory's certification is suspended or revoked, the laboratory will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end, and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at <http://workplace.samhsa.gov> and <http://www.drugfreeworkplace.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Giselle Hersh or Dr. Walter Vogl, Division of Workplace Programs, SAMHSA/CSAP, Room 2-1035, 1 Choke Cherry Road, Rockville, Maryland 20857; 240-276-2600 (voice), 240-276-2610 (fax).

**SUPPLEMENTARY INFORMATION:** The Mandatory Guidelines were developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100-71. Subpart C of the Mandatory Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict

standards that laboratories must meet in order to conduct drug and specimen validity tests on urine specimens for Federal agencies. To become certified, an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A laboratory must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with Subpart C of the Mandatory Guidelines dated April 13, 2004 (69 FR 19644), the following laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414-328-7840/800-877-7016, (Formerly: Bayshore Clinical Laboratory).

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585-429-2264.

Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901-794-5770/888-290-1150.

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615-255-2400.

Baptist Medical Center-Toxicology Laboratory, 9601 I-630, Exit 7, Little Rock, AR 72205-7299, 501-202-2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215-2802, 800-445-6917.

Diagnostic Services, Inc., dba DSI, 12700 Westlinks Drive, Fort Myers, FL 33913, 239-561-8200/800-735-5416.

Doctors Laboratory, Inc., 2906 Julia Drive, Valdosta, GA 31602, 229-671-2281.

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215-674-9310.

Dynacare Kasper Medical Laboratories\*, 10150-102 St., Suite 200, Edmonton, Alberta, Canada T5J 5E2, 780-451-3702/800-661-9876.

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662-236-2609.

Express Analytical Labs, 3405 7th Ave., Suite 106, Marion, IA 52302, 319-377-0500.

- Gamma-Dynacare Medical Laboratories\*, A Division of the Gamma-Dynacare, Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519-679-1630.
- General Medical Laboratories, 36 South Brooks St., Madison, WI 53715, 608-267-6225.
- Kroll Laboratory Specialists, Inc., 1111 Newton St., Gretna, LA 70053, 504-361-8989 / 800-433-3823 (Formerly: Laboratory Specialists, Inc.).
- LabOne, Inc., 10101 Renner Blvd., Lenexa, KS 66219, 913-888-3927 / 800-873-8845 (Formerly: Center for Laboratory Services, a Division of LabOne, Inc.).
- Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713-856-8288 / 800-800-2387.
- Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908-526-2400 / 800-437-4986 (Formerly: Roche Biomedical Laboratories, Inc.).
- Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919-572-6900 / 800-833-3984 (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).
- Laboratory Corporation of America Holdings, 10788 Roselle St., San Diego, CA 92121, 800-882-7272 (Formerly: Poisonlab, Inc.).
- Laboratory Corporation of America Holdings, 550 17th Ave., Suite 300, Seattle, WA 98122, 206-923-7020 / 800-898-0180 (Formerly: DrugProof, Division of Dynacare/Laboratory of Pathology, LLC; Laboratory of Pathology of Seattle, Inc.; DrugProof, Division of Laboratory of Pathology of Seattle, Inc.).
- Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866-827-8042 / 800-233-6339 (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).
- Marshfield Laboratories, Forensic Toxicology Laboratory, 1000 North Oak Ave., Marshfield, WI 54449, 715-389-3734 / 800-331-3734.
- MAXXAM Analytics Inc.,\* 6740 Campobello Road, Mississauga, ON, Canada L5N 2L8, 905-817-5700 (Formerly: NOVAMANN (Ontario), Inc.).
- MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651-636-7466 / 800-832-3244.
- MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503-413-5295 / 800-950-5295.
- Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612-725-2088.
- National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661-322-4250 / 800-350-3515.
- Northwest Toxicology, a LabOne Company, 2282 South Presidents Drive, Suite C, West Valley City, UT 84120, 801-606-6301 / 800-322-3361 (Formerly: LabOne, Inc., dba Northwest Toxicology; NWT Drug Testing, NorthWest Toxicology, Inc.; Northwest Drug Testing, a division of NWT Inc.).
- One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888-747-3774 (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory).
- Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Ave., Eugene, OR 97440-0972, 541-687-2134.
- Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800-328-6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory).
- Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509-755-8991 / 800-541-7897x7.
- Physicians Reference Laboratory, 7800 West 110th St., Overland Park, KS 66210, 913-339-0372 / 800-821-3627.
- Quest Diagnostics Incorporated, 3175 Presidential Dr., Atlanta, GA 30340, 770-452-1590 / 800-729-6432 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).
- Quest Diagnostics Incorporated, 4770 Regent Blvd., Irving, TX 75063, 800-824-6152 (Moved from the Dallas location on 03/31/01; Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).
- Quest Diagnostics Incorporated, 4230 South Burnham Ave., Suite 250, Las Vegas, NV 89119-5412, 702-733-7866 / 800-433-2750, (Formerly: Associated Pathologists Laboratories, Inc.).
- Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610-631-4600 / 877-642-2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).
- Quest Diagnostics Incorporated, 506 E. State Pkwy., Schaumburg, IL 60173, 800-669-6995 / 847-885-2010, (Formerly: SmithKline Beecham Clinical Laboratories; International Toxicology Laboratories).
- Quest Diagnostics Incorporated, 7600 Tyrone Ave., Van Nuys, CA 91405, 818-989-2520 / 800-877-2520, (Formerly: SmithKline Beecham Clinical Laboratories).
- Scientific Testing Laboratories, Inc., 450 Southlake Blvd., Richmond, VA 23236, 804-378-9130.
- Sciteck Clinical Laboratories, Inc., 317 Rutledge Road, Fletcher, NC 28732, 828-650-0409.
- S.E.D. Medical Laboratories, 5601 Office Blvd., Albuquerque, NM 87109, 505-727-6300 / 800-999-5227.
- South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 574-234-4176 x276.
- Southwest Laboratories, 4645 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602-438-8507 / 800-279-0027.
- Sparrow Health System, Toxicology Testing Center, St. Lawrence Campus, 1210 W. Saginaw, Lansing, MI 48915, 517-364-7400, (Formerly: St. Lawrence Hospital & Healthcare System).
- St. Anthony Hospital Toxicology Laboratory, 1000 N. Lee St., Oklahoma City, OK 73101, 405-272-7052.
- Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 573-882-1273.
- Toxicology Testing Service, Inc., 5426 N.W. 79th Ave., Miami, FL 33166, 305-593-2260.
- US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755-5235, 301-677-7085.

\*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other

Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on April 13, 2004 (69 FR 19644). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

**Anna Marsh,**

*Executive Officer, SAMHSA.*

[FR Doc. 05-15693 Filed 8-5-05; 8:45 am]

**BILLING CODE 4160-20-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2005-21992]

#### Merchant Marine Personnel Advisory Committee

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of meetings.

**SUMMARY:** The Merchant Marine Personnel Advisory Committee (MERPAC) and its working groups will meet to discuss various issues relating to the training and fitness of merchant marine personnel. MERPAC advises the Secretary of Homeland Security on matters relating to the training, qualifications, licensing, and certification of seamen serving in the U.S. merchant marine. All meetings will be open to the public.

**DATES:** MERPAC will meet on Wednesday, September 7, 2005, from 8:30 a.m. to 4:30 p.m. and on Thursday, September 8, 2005, from 8:30 a.m. to 4 p.m. These meetings may adjourn early if all business is finished. Requests to make oral presentations should reach the Coast Guard on or before August 24, 2005. Written material and requests to have a copy of your material distributed to each member of the committee or subcommittee should reach the Coast Guard on or before August 24, 2005.

**ADDRESSES:** MERPAC will meet on both days at the RTM STAR Center, 2 West Dixie Highway, Dania Beach, FL 33004. Further directions regarding the location of the RTM STAR Center may be obtained by contacting Ms. Vickie Valderrama at (954) 920-3222, extension 7253. Send written material and requests to make oral presentations to Mr. Mark Gould, Commandant (G-MSO-1), U.S. Coast Guard

Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice, contact Mr. Gould, Assistant to the Executive Director, telephone 202-267-6890, fax 202-267-4570, or e-mail [mgould@comdt.uscg.mil](mailto:mgould@comdt.uscg.mil).

**SUPPLEMENTARY INFORMATION:** Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2 (Pub. L. 92-463, 86 Stat. 770, as amended).

*Agenda of Meeting on September 7, 2005:*

The full committee will meet to discuss the objectives for the meeting. The working groups addressing the following task statements may meet to deliberate: Task Statement 30, concerning utilizing military sea service for STCW certifications; Task Statement 49, concerning recommendations for use of a model sea course project in conjunction with an approved program for officer in charge of an engineering watch coming up through the hawse pipe; Task Statement 50, concerning recommendations on a training and assessment program for qualified member of the engine department on sea-going vessels; and Task Statement 51, concerning minimum standard of competence on tanker safety. In addition, new working groups may be formed to address issues proposed by the Coast Guard, MERPAC members, or the public. All task statements may be viewed at the MERPAC Web site at <http://www.uscg.mil/hq/g-m/advisory/merpac/merpac.htm>.

At the end of the day, the working groups will make a report to the full committee on what has been accomplished in their meetings. No action will be taken on these reports on this date.

*Agenda of Meeting on September 8, 2005:*

The agenda comprises the following:

- (1) Introduction.
- (2) Working Groups' Reports
  - (a) Task Statement 30, concerning utilizing military sea service for STCW certifications;
  - (b) Task Statement 49, concerning recommendations for use of a model sea course project in conjunction with an approved program for officer in charge of an engineering watch coming up through the hawse pipe;
  - (c) Task Statement 50, concerning recommendations on a training and assessment program for qualified member of the engine department on sea-going vessels;

(d) Task Statement 51, concerning minimum standard of competence on tanker safety; and

(e) Other task statements which may have been adopted for discussion and action.

(3) Other items to be discussed:

(a) Standing Committee—Prevention Through People.

(b) Briefings concerning on-going projects of interest to MERPAC.

(c) Other items brought up for discussion by the committee or the public.

*Procedural:*

Both meetings are open to the public. Please note that the meetings may adjourn early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify Mr. Gould no later than August 24, 2005. Written material for distribution at a meeting should reach the Coast Guard no later than August 24, 2005. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of the meeting, please submit 25 copies to Mr. Gould no later than August 24, 2005.

*Information on Services for Individuals with Disabilities*

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact Mr. Gould as soon as possible.

Dated: July 27, 2005.

**Captain Lorne W. Thomas, USCG,**

*Acting Director of Standards, Marine Safety, Security and Environmental Protection.*

[FR Doc. 05-15615 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[CGD05-05-088]

#### Re-opening of South Berth at Dominion Cove Point Liquefied Natural Gas Facility, Calvert County, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice; request for public comments.

**SUMMARY:** The Coast Guard announces the review of a request from Dominion Cove Point Liquefied Natural Gas (LNG) Limited Partnership to begin using the south berth of its facility for receiving LNG vessels. The Coast Guard solicits

public comments to consider during the approval process for this request.

**DATES:** Comments and related material must reach U.S. Coast Guard Sector Baltimore on or before September 7, 2005.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number CGD05-05-088 to U.S. Coast Guard Sector Baltimore. To avoid duplication, please use only one of the following methods:

(1) Mail: Commander, U.S. Coast Guard Sector Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226-1791, Attn: Cove Point South Berth.

(2) Fax: 410-576-2553.

(3) Hand delivery: Room 208 of Building 70 on the Coast Guard Yard Curtis Bay, 2401 Hawkins Point Road, Baltimore, MD, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is 410-576-2619.

(4) Electronic mail: [jdufresne@actbalt.uscg.mil](mailto:jdufresne@actbalt.uscg.mil).

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, or if you have questions on viewing or submitting material to the docket, call LCDR Joe DuFresne, Coast Guard Sector Baltimore, Waterways Management Division, at telephone 410-576-2619.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

If you submit a comment, please include your name and address, identify the docket number for this notice (CGD05-05-088) and give the reason for each comment. You may submit your comments by electronic means, mail, fax, or delivery to Coast Guard Sector Baltimore at the address under **ADDRESSES**; but please submit your comments by only one means. If you submit comments by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the address listed under **ADDRESSES**, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments received during the comment period.

**Background and Purpose**

On October 25, 2000, Cove Point LNG Limited Partnership submitted a Letter of Intent to reopen the LNG Terminal at Cove Point, Calvert County, Maryland, located on the Chesapeake Bay. On December 23, 2002, the Captain of the Port, Baltimore, submitted a Letter of Recommendation addressing several

items pertaining to the suitability of the Chesapeake Bay for LNG transport.

One item dealt with the depth of water required to accommodate the maximum 36 foot draft of a typical LNG tanker. It was noted that the northern berth of the Cove Point LNG terminal pier was able to accommodate vessels with this draft. However, the 36 foot mean low water depth of the southern berth (38°24' N, 76°23' W) could not. The Letter of Recommendation, therefore, noted that the south berth would not be suitable for LNG marine traffic unless the water depth was increased by dredging.

On April 28, 2005, Dominion Cove Point LNG Limited Partnership submitted a letter to the Captain of the Port, Baltimore, requesting approval to receive LNG tankers at the south berth, provided that the vessels had a fully laden draft of no more than 34 feet. These smaller vessels could be accommodated at the Cove Point facility's south berth without dredging.

The Coast Guard understands that if this request is approved, operations at Cove Point will not change other than allowing smaller LNG tankers to moor at the south berth. There will still only be one LNG vessel moored at Cove Point at any given time.

No public meeting is currently planned to discuss this issue. However, if the response from this request for comment implies that a public meeting is strongly desired, we will schedule one.

Dated: July 20, 2005.

**Curtis A. Springer,**

*Captain, U.S. Coast Guard, Commander, U. S. Coast Guard Sector Baltimore, Baltimore, Maryland.*

[FR Doc. 05-15616 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Bureau of Customs and Border Protection**

**Automated Commercial Environment (ACE): National Customs Automation Program Test of Periodic Monthly Payment Statement Process**

**AGENCY:** Bureau of Customs and Border Protection; Department of Homeland Security.

**ACTION:** General notice.

**SUMMARY:** This document announces changes in the Bureau of Customs and Border Protection's (CBP) National Customs Automation Program (NCAP) test concerning periodic monthly

deposit of estimated duties and fees. A change to the time period allowed for the deposit of the duties and fees is being made in order to comply with the provisions of section 2004 of the Miscellaneous Trade and Technical Corrections Act of 2004, Public Law 108-429, which extended the time of deposit of those estimated duties and fees from the 15th calendar day to the 15th working day of the month following the month in which the goods are either entered or released. Another change being made concerns whether CBP will establish a claim for liquidated damages when a participant removes an entry from a Periodic Daily Statement or a Preliminary Monthly Statement after expiration of a 10-working-day period after release. This document also advises that entries containing Census errors will be eligible to be placed on a Periodic Daily Statement and designated for monthly payment. The latter two changes are being made in order to increase the efficiencies of the Automated Commercial Environment (ACE) and to encourage participation in the Periodic Monthly Statement process.

**DATES:** The changes announced in this notice concerning the time of payment of duties and fees and the assessment of liquidated damages will take effect on August 8, 2005. The change announced concerning the placement of Census errors on the Periodic Daily Statement will take effect on August 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding periodic monthly statement payments: Ms. Sherri Hoffman via email at [Sherri.hoffman@dhs.gov](mailto:Sherri.hoffman@dhs.gov), and Mr. Robert Hamilton via email at [Robert.b.hamilton@dhs.gov](mailto:Robert.b.hamilton@dhs.gov), or by telephone at (317) 298-1107.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 4, 2004, the Bureau of Customs and Border Protection (CBP) published a General Notice in the **Federal Register** (69 FR 5362) announcing the National Customs Automation Program (NCAP) test for Periodic Monthly Payment Statement Process. The test, which is part of CBP's Automated Commercial Environment (ACE), benefits participants by giving them access to operational data through the ACE Secured Data Portal ("ACE Portal"), which provides them the capability to interact electronically with CBP, and by allowing them to deposit estimated duties and fees on a monthly basis based on a Periodic Monthly Statement issued by CBP.

When the test started, only importers were eligible to apply for the test.

Eligibility was later expanded to allow brokers to apply if they were specifically designated by an ACE importer.

On September 8, 2004, CBP published a General Notice in the **Federal Register** (69 FR 54302) which invited customs brokers, regardless of whether they were designated by participating importers to make Periodic Monthly Statement payments on their behalf, to apply to participate in the test. That notice set forth eligibility requirements for both importers and brokers.

On February 1, 2005, CBP published a General Notice in the **Federal Register** (70 FR 5199) announcing that applicants seeking to establish importer or broker accounts so as to access the ACE Portal, or to participate in any ACE test (including the test for Periodic Monthly Payment Statement Process), are no longer required to provide a statement certifying participation in the Customs Trade Partnership Against Terrorism (C-TPAT).

As provided in the February 4, 2004 General Notice announcing the test, participants in the Periodic Monthly Statement test are required to schedule entries for monthly payment. A Periodic Monthly Statement will list Periodic Daily Statements that have been designated for monthly payment. The Periodic Monthly Statement can be created on a port basis by the importer or broker, as was the case with existing daily statements in the Automated Commercial System (ACS) (ACE is the successor to ACS). The Periodic Monthly Statement can be created on a national basis by an Automated Broker Interface (ABI) filer. If an importer chooses to file the Periodic Monthly Statement on a national basis, he must use his filer code and schedule and pay the monthly statements. The Periodic Monthly Statement will be routed under existing CBP procedures. Brokers will only view/receive information that they have filed on an importer's behalf. ACE will not route a Periodic Monthly Statement to a broker through ABI if that statement lists information filed by another broker.

#### *Description of the Changes*

##### 1. Payment of Duties and Fees

Under statutory authority in place at the time of initiation of the Periodic Monthly Statement Process test, estimated duties and fees were to be paid on a monthly basis by the 15th calendar day in the month following the month in which the goods are either entered or released. Under a statutory change promulgated to section 505(a) of the Tariff Act of 1930, as amended, (19

U.S.C. 1505(a)), by Section 2004 of the Miscellaneous Trade and Technical Corrections Act of 2004, Public Law 108-429, estimated duties and fees are to be paid by the 15th working day in the month following the month in which the goods are either entered or released. For the purposes of this test, the term "working day" is synonymous with the term "business day," which is defined at sections 101.1 and 101.6(a) of the CBP Regulations (title 19 Code of Federal Regulations, sections 101.1 and 101.6(a)). This notice brings the NCAP test into compliance with the statutory change.

##### 2. Removal of an Entry From a Periodic Daily Statement After Expiration of the 10-Working-Day Period After Release of the Entry

In the February 4, 2004 General Notice, CBP provided that if participants remove an entry from a Periodic Daily Statement or a Preliminary Monthly Statement after expiration of a 10-working-day period after release, that entry must be paid individually and would be automatically subject to a claim for liquidated damages for late payment of estimated duties. This notice announces that entries removed, from the Periodic Daily Statement only, may be subject to a claim for liquidated damages. CBP will exercise its discretion whether to establish a claim for liquidated damages and will consider the timeliness of the submission of the entry information to CBP in making its decision. The purpose of this change is to encourage filers to use Periodic Monthly Statement and to submit their entry changes as soon as possible. This change does not apply to the removal of an entry from a Periodic Monthly Statement after expiration of a 10-working-day period after release, which will still be subject to an automatic claim for liquidated damages for late payment of estimated duties.

##### 3. Entries With Census Errors

CBP will allow all entries currently eligible for placement on a daily statement to be placed on a Periodic Daily Statement, with the exception of reconciliation entries, NAFTA duty deferral entries, and entries requiring the payment of excise taxes. Entries containing Census errors, originally disallowed for inclusion on the Periodic Daily Statement, will now be eligible for placement on a Periodic Daily Statement.

##### Monthly Payment Procedures

Incorporating the changes regarding the extended time for payment of duties

and fees, and the removal of entries from the Periodic Daily Statement after expiration of the 10-working-day period after release, as announced in this notice, entries for monthly payment will be processed as follows:

a. As entries are filed with CBP, the importer or its designated broker schedules them for monthly payment;

b. Those entries scheduled for monthly payment will appear on the Preliminary Periodic Daily Statement;

c. The Importer or its designated broker processes entry summary presentation transactions for Periodic Daily Statements within 10 working days of the date of entry (this is not changed from the previous notice);

d. After summary information has been filed, the scheduled entries will appear on the Final Periodic Daily Statement;

e. Periodic Daily Statements scheduled for monthly payment will appear on the Preliminary Periodic Monthly Statement; CBP will generate the Preliminary Periodic Monthly Statement on the 11th working day of the month (changed from 11th "calendar day") following the month in which the merchandise is either entered or released, whichever comes first, unless the importer or designated broker selects an earlier date;

f. On the 15th working day of the month, for Automated Clearing House (ACH) debit participants, CBP will transmit the debit authorizations for the periodic daily statements to the financial institution and the periodic monthly statement will be marked paid. The Final Periodic Monthly Statement will be generated by CBP and be transmitted to the importer or his designated broker. ACH Debit participants must ensure that the money amount identified on the Preliminary Monthly Statement is, in fact, available in their bank account by the 15th working day of the month.

g. ACH credit participants must initiate payment no later than the 14th working day of the month. CBP must receive the settlement for the credit by the 15th working day in order to have the periodic monthly statement marked paid and treated as a timely payment. The Final Periodic Monthly Statement will be generated by CBP and be transmitted to the importer or his designated broker.

For both ACH Credit and ACH Debit participants, CBP will generate the Final Periodic Monthly Statement on the night that payment is processed.

Participants should note that if they voluntarily remove an entry from a Periodic Daily Statement before expiration of the 10-working-day period

after release, that entry may be placed on another Periodic Daily Statement falling within the same 10-working-day period. If, however, participants remove an entry from a Periodic Daily Statement after expiration of the 10-working-day period after release, the entry may be the subject of a claim for liquidated damages for late payment of estimated duties.

### Suspension of Regulations

During the testing of the Periodic Monthly Statement process, CBP is suspending provisions in Parts 24, 141, 142, and 143 of the CBP Regulations (Title 19 Code of Federal Regulations) pertaining to financial, accounting, entry procedures, and deposit of estimated duties and fees. Absent any specified alternate procedure, the current regulations apply. All of the terms of the test and criteria for participation therein, as announced in the previous notices identified above, continue to be applicable unless changed by this notice.

Dated: August 1, 2005.

**Todd C. Owen,**

*Acting Assistant Commissioner, Office of Field Operations.*

[FR Doc. 05-15571 Filed 8-5-05; 8:45 am]

**BILLING CODE 4820-02-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, U.S. Department of Homeland Security.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) has submitted the following information collection to the Office of Management and Budget (OMB) for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The submission describes the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use.

**Title:** Application Form for Single Lot or Structure Amendments to National Flood Insurance Program Maps.

**OMB Number:** 1660-0037.

**Abstract:** Requesters complete and Licensed Land Surveyors or Professional Engineers certify FEMA Form 81-92 or 81-92A to request that FEMA remove a single structure or a legally recorded parcel of land or portions thereof from a designated SFHA via a Letter of Map Amendment (LOMA). A SFHA is an area that would be inundated by a flood event that has a one-percent-annual-chance of being equaled or exceeded in any given year (base flood). FEMA uses the information provided in FEMA Form 81-92 or 81-92A to make a LOMA determination. A LOMA is a letter from FEMA stating that an existing structure or parcel of land that has not been elevated by fill would not be inundated by the base flood. Fill is defined as a material placed to raise the ground to or above the Base Flood Elevation (BFE).

**Affected Public:** Individuals or households (property owners or lessees); business or other for-profit (Licensed Land Surveyors or Professional Engineers).

**Number of Respondents:** 26,400.

**Estimated Time per Respondent:** 2.4 hours.

**Estimated Total Annual Burden Hours:** 31,680.

**Frequency of Response:** Once at time of request.

**Comments:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs at OMB, Attention: Desk Officer for the Department of Homeland Security/FEMA, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503, or facsimile number (202) 395-7285. Comments must be submitted on or before September 7, 2005.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Section Chief, Records Management, FEMA at 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646-3347, or e-mail address [FEMA-Information-Collections@dhs.gov](mailto:FEMA-Information-Collections@dhs.gov).

Dated: July 28, 2005.

**George S. Trotter,**

*Acting Branch Chief, Information Resources Management Branch, Information Technology Services Division.*

[FR Doc. 05-15627 Filed 8-5-05; 8:45 am]

**BILLING CODE 9110-12-U**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, U.S. Department of Homeland Security.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency, 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 continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning temporary housing units, for disaster victims of federally declared disasters.

**SUPPLEMENTARY INFORMATION:** Public Law 93-288, as amended by Public Law 100-707, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Section 408, authorizes the Federal Emergency Management Agency (FEMA) to provide Temporary Housing Assistance. This type of assistance could be in the form of mobile homes, travel trailers, or other readily fabricated dwellings. This assistance is used when required to provide disaster housing for victims of federally declared disasters. Accordingly the FEMA Form 90-1 is designed to ensure sites for temporary housing units that will accommodate the home and comply with local, State, and Federal regulations regarding the placement of the temporary housing unit; FEMA Form 90-31, ensures that the landowner (if other than the recipient of the home) will allow the temporary housing unit to be placed on the property; and ensure that routes on ingress and egress to and from property are maintained.

#### Collection of Information

**Title:** Request for Site Inspection; Landowner's Authorization/Ingress-Egress Agreement.

**Type of Information Collection:** Revision of a currently approved collection.

**OMB Number:** 1660-0030.

**Form Numbers:** FEMA Form 90-1 (Request for Site Inspection) and FEMA Form 90-31 (Landowner's Authorization/Ingress Agreement).

*Abstract:* FEMA's Temporary Housing Assistance is used to provide mobile homes, travel trailers, or other forms of readily prefabricated forms of housing for the purpose of providing temporary housing to eligible applicants or victims

of federally declared disasters. This information is required to determine the feasibility of the site for installation of the housing unit and ensures written permission of the property owner is obtained to allow the housing unit on to

the property to include ingress and egress permission.

*Affected Public:* Individuals or households.

*Estimated Total Annual Burden Hours:* 367 hours.

FEMA forms	No. of respondents (A)	Frequency of response (B)	Burden hours per response (C)	Annual burden hours (A x B x C)
90-1 .....	1000	On Occasion .....	10 minutes .....	167
90-31 .....	1000	On Occasion .....	10 minutes .....	200
Total .....	1000	.....	0.33 .....	367

*Estimated Cost:* The estimated cost to respondents is \$3,000 and the estimated cost to the Government for this information collection is approximately \$6,500.

*Comments:* Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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. Comments should be received within 60 days of the date of this notice.

**ADDRESSES:** Interested persons should submit written comments to the Chief, Records Management Section, Information Resources Management Branch, Information Technology Services Division, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472.

**FOR FURTHER INFORMATION CONTACT:** Contact David Porter, Program Specialist, Readiness, Response and Recovery Directorate, telephone number (202) 646-3883 for additional information. You may contact Records Management Section at (202) 646-3347 or email address: *FEMA-Information-Collections@dhs.gov*.

Dated: July 29, 2005.  
**George S. Trotter,**  
*Acting Branch Chief, Information Resources Management Branch, Information Technology Services Division.*  
 [FR Doc. 05-15628 Filed 8-5-05; 8:45 am]  
**BILLING CODE 9110-10-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[FEMA-1595-DR]

**Florida; Amendment No. 5 to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.  
**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Florida (FEMA-1595-DR), dated July 10, 2005, and related determinations.

**DATES:** Effective July 27, 2005.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of Florida is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 10, 2005:

Taylor County for Public Assistance (already designated for Individual Assistance.)  
 (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment

Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program—Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

**Michael D. Brown,**  
*Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.*  
 [FR Doc. 05-15629 Filed 8-5-05; 8:45 am]  
**BILLING CODE 9110-10-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4975-N-20]

**Notice of Proposed Information Collection: Comment Request; Housing Counseling Program—Client Activity Reporting System (CARS)**

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.  
**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* October 7, 2005.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410 or *Wayne\_Eddins@hud.gov*.

**FOR FURTHER INFORMATION CONTACT:** George H. Grotheer, Office of Single Family Program Support Division, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708-0317, x 2294 (this is not a toll free number) for copies of the proposed forms and other available information.

**SUPPLEMENTARY INFORMATION:** The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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 agency's estimate of the burden of the proposed collection of information; (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 the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Housing Counseling Program—Client Activity Reporting System (CARS).

*OMB Control Number, if Applicable:* 2502-0261.

*Description of the Need for the Information and Proposed Use:* HUD is seeking approval for the Client Activity Reporting System (CARS), an automated tool to interface with agencies' client management systems (CMS) to electronically transfer required agency, activity and client information into HUD's Housing Counseling System (HCS). A CMS is an existing online tool that housing counselors are currently using that automates much of the housing counseling process, including client intake, file maintenance, financial and credit analysis, outreach and client notification, and reporting. CARS is the interface system, or bridge, that links these various CMS systems to HUD's housing counseling database facilitating the sharing of data.

A large percentage of HUD-approved housing counseling agencies already use one of the several CMS's that are available through the private sector. A proposed rule for HUD's Housing Counseling Program (FR-4798) would

require all HUD-approved counseling agencies to utilize a CMS, but gives them the flexibility to choose from competing products in the market. HUD will issue specifications, including data and other requirements; a CMS vendor must meet to successfully interface with CARS.

In conjunction with CARS, included in this proposal are proposed modifications to the existing form HUD-9902, the traditional performance data collection instrument for the Program, which will be automatically populated by the CMS utilized by the counseling agency and electronically submitted to HUD via CARS. These changes are designed to clarify instructions, capture additional outcomes, and generally enhance the quality of the data collected.

*Agency Form Numbers, if Applicable:* HUD-9900, HUD-9904, HUD-27300, HUD-2880, HUD-2990, HUD-2991, HUD-2994, HUD-96010, HUD-9902, HUD-9908, HUD-9910.

*Estimation of the Total Number of Hours Needed To Prepare the Information Collection Including Number of Respondents, Frequency of Response, and Hours of Response:* The estimated total number of hours needed to prepare the information collection is 10,090; the number of respondents is 2,856 generating approximately 10,324 annual responses; the frequency of response is on occasion or quarterly; and the estimated time needed to prepare the response varies from 5 minutes to 18 hours.

*Status of the Proposed Information Collection:* This is a revision of currently approved collection.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: August 1, 2005.

**Frank L. Davis,**  
General Deputy Assistant Secretary for  
Housing-Deputy Federal Housing  
Commissioner.

[FR Doc. 05-15550 Filed 8-5-05; 8:45 am]

**BILLING CODE 4210-27-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Rate Adjustments for Indian Irrigation Projects

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of rate adjustments.

**SUMMARY:** The Bureau of Indian Affairs (BIA) owns, or has an interest in, irrigation facilities located on various Indian reservations throughout the

United States. We are required to establish rates to recover the costs to administer, operate, maintain, and rehabilitate those facilities. We are notifying you that we have adjusted the irrigation assessment rates at several of our irrigation facilities for operation and maintenance.

**EFFECTIVE DATE:** The irrigation assessment rates shown in the tables were effective on January 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** For details about a particular BIA irrigation project, please use the tables in the **SUPPLEMENTARY INFORMATION** section to contact the regional or local office where the project is located.

**SUPPLEMENTARY INFORMATION:** A Notice of Proposed Rate Adjustment was published in the **Federal Register** on February 1, 2005 (70 FR 20), to adjust the irrigation rates at several BIA irrigation facilities. The public and interested parties were provided an opportunity to submit written comments during the 60-day period prior to April 1, 2005.

#### Did the BIA receive any comments on the proposed irrigation assessment rate adjustments?

Written comments were received for the proposed rate adjustments for the Fort Peck Irrigation Project, Montana, the San Carlos Irrigation Project—Indian Works, Arizona and the San Carlos Irrigation Project—Joint Works, Arizona.

#### What issues were of concern by the commenters?

The commenters were concerned with one or more of the following five issues: (1) How funds collected from stakeholders are expended on operation and maintenance; (2) the impact of an assessment rate increase on the local agricultural economy; (3) what is deferred maintenance and why was the rate increased to handle the deferred maintenance; and (4) why do the irrigation projects need to have a reserve fund.

For the San Carlos Irrigation Project—Joint Works (SCIP-JW), commenters were concerned with the following issues: (1) What are the record keeping practices and sharing them with water users; (2) why doesn't the SCIP-JW budget reflect income from other sources, such as, excess pumping; (3) why doesn't SCIP-JW charge tribal concessions that operate at BIA project reservoirs; (4) why doesn't the SCIP-JW power project pay revenues to the irrigation project; and (5) why does SCIP-JW have to pay for environmental and archaeological surveys with O&M monies.

**How does BIA respond to the concern of how funds are expended for operation and maintenance?**

The BIA's records for expenditures on all of its irrigation facilities are public records and available for review by stakeholders or interested parties. Stakeholders (project water users/land owners/tribes) can review these records during normal business hours at the individual agency offices. Alternatively, BIA may treat requests to review project records as requests under the Freedom of Information Act (FOIA) and provide copies of such records to the requesting party in accordance with FOIA. To review or to obtain copies of these records, stakeholders and interested parties are directed to contact the BIA representative at the specific facility serving them using the tables in the **SUPPLEMENTARY INFORMATION** section.

**How does BIA respond to concerns about irrigation assessment rate increases and related impacts on the local agricultural economy?**

All of the BIA's irrigation projects are important economic contributors to the local communities they serve, contributing millions in crop value annually. Historically, BIA tempered irrigation rate increases to demonstrate sensitivity to the economic impact on water users. This has resulted in a rate deficiency at most of the irrigation projects.

Over the past several years the BIA's irrigation program has been the subject of several Office of Inspector General (OIG) audits. In the most recent audit, No. 96-I-641, March 1996, the OIG concluded, "Operation and maintenance revenues were insufficient to maintain the projects, and some projects had deteriorated to the extent that their continued capability to deliver water was in doubt. This occurred because operation and maintenance rates were not based on the full cost of delivering water, including the costs of systematically rehabilitating and replacing project facilities and equipment, and because project personnel did not seek regular rate increases to cover the full cost of operation." This audit recommendation is still outstanding.

A previous OIG audit, No. 88-42, February 1988, reached the same conclusion. A separate audit performed on one of BIA's largest irrigation projects, Wapato Indian Irrigation Project, No. 95-I-1402, September 1995, reinforced the general findings of the OIG on the BIA's irrigation program. This pointed out a lack of response by the BIA to the original findings of the

OIG in addressing this critical issue over an extended period of time. The BIA must systematically review and evaluate irrigation assessment rates and adjust them when necessary to reflect the full costs to properly operate, and perform all appropriate maintenance on, the irrigation facility infrastructure for safe and reliable operation. If this review and evaluation is not accomplished, a rate deficiency can eventually accumulate. Overcoming rate deficiencies can result in the BIA having to raise irrigation assessment rates in larger increments and over shorter time frames than would have been otherwise necessary.

**How does BIA respond to what is deferred maintenance and why was the rate increased to handle the deferred maintenance?**

Deferred maintenance is maintenance that was not performed and is delayed for a future period due to insufficient funds or other reasons. Historically, BIA tempered irrigation rate increases to demonstrate sensitivity to the economic impact on water users. This has resulted in a rate deficiency at most of the irrigation projects and a cumulative increase in deferred maintenance. The BIA must systematically review and evaluate irrigation assessment rates and adjust them when necessary to reflect the full costs to properly operate, and perform all appropriate maintenance on, the irrigation facility infrastructure for safe and reliable operation. If this review and evaluation is not accomplished, a rate deficiency can eventually accumulate. Overcoming rate deficiencies can result in the BIA having to raise irrigation assessment rates in larger increments and over shorter time frames than would have been otherwise necessary.

**How does BIA respond to why do the irrigation projects need to have a reserve fund?**

Like any "fee-for-service" activity, the BIA irrigation projects must maintain revenue in a reserve fund to adequately react to an emergency, should one arise. As such, the Irrigation Indian Affairs Manual requires BIA irrigation projects to "prepare contingency plans for events or emergencies which might interrupt the delivery of irrigation water." The irrigation projects should maintain cash reserves sufficient to support anticipated events and/or emergencies that may arise. Planning for major repairs/rehabilitation of major structures and planning for replacement of major equipment (graders, backhoes, etc.) is also required.

The following comments may pertain to other irrigation projects, but are specific to San Carlos Irrigation Project—Joint Works (SCIP-JW).

**How does BIA respond to what are the record keeping practices and sharing this information with water users?**

SCIP-JW has provided an itemized accounting of income and expenditures (by obligations) to the San Carlos Irrigation and Drainage District (District) on a monthly basis, including a verbal report to the District at its monthly Board meeting. SCIP-JW keeps copies of monthly transactions, which includes records of collections, expenses, obligations, deobligations and cash balances. In addition, SCIP-JW keeps detailed payroll records. These records are and have been available at any time for the District to review, pursuant to the "Books of Accounts" section of the 1931 Repayment Contract, or through the Freedom of Information Act. More recently, SCIP responded to a request by the District to review project records as a request for information under FOIA and provided the District with six binders of copies of records and documents relating to SCIP expenditures. In addition, SCIP provides a variety of other documents and records to the District during the course of any given year, such as monthly pump reports, monthly water reports, daily water reports, and several iterations of the proposed SCIP-JW budget on an annual basis, and regular updates of the operating budget during the year.

**How does BIA respond to concerns about why the SCIP-JW budget does not reflect income from other sources, such as, excess pumping?**

Projected miscellaneous income has fluctuated due to unanticipated reduction in overnight interest rates, sales of land, and inability to predict income from over pumping by water users. Since the budgets for SCIP-JW are prepared 2 years in advance, it is impossible to predict the amount of excess pumping (or if there will be any). The practice of allowing excess pumping by the water users generates income to SCIP-JW, which only covers the costs of excess pumping.

**How does BIA respond to concerns about why SCIP-JW does not charge tribal concessions that operate at BIA project reservoirs?**

Currently, no formal concession agreement is in place at San Carlos Reservoir. The previous concession agreement between the BIA and the San Carlos Apache Tribe expired

approximately 5 years ago. In 1992, the San Carlos Apache Tribe was authorized to participate in decisions concerning recreation and fish and wildlife concessions at San Carlos Reservoir. See Public Law 102-575, Title XXXVII, section 3710(e), October 30, 1992, 106 Stat. 4600, 4750 ("1992 Act"), amending 25 U.S.C. 390. In addition, while the Repayment Contract generally provides that "any sums collected by or for the benefit of the Project" are to be used to pay operation and maintenance costs, it makes no reference to concession revenues and there is no provision, express or implied, that requires the Secretary or the BIA to develop such other sources of funding.

**How does BIA respond to concerns about why the SCIP-JW power project does not pay revenues to the irrigation project?**

Because the generators are inoperable, there are no additional revenues in the Power Division to subsidize power costs for the Irrigation Division. Additionally, there are no other Government (or appropriated) funds to cover power for pumping. San Carlos Irrigation and Drainage District (District) made the claim in *San Carlos Irrigation and Drainage District v. United States*, 32 Fed. Cl. 200 (1994), that SCIP-JW could not charge the District for power for pumping, which "replaced" power, formerly generated at Coolidge Dam. The United States Court of Appeals for the Federal Circuit affirmed the holding

of the U.S. Claims Court and concluded: "We agree with the government's contention that providing power for pumps is properly considered part of the "operation" of the pumps. There is no statement that free power to run the pumps is assured in the Contract or the Act." *San Carlos Irrigation and Drainage District v. United States*, 111 F.3d 1557, 1566 (Fed. Cir. 1997).

The BIA provides power for SCIP-JW pumps at the lowest possible cost using Federal preferred-rate Parker-Davis hydro-power, the least expensive source of power available, consistent with the court's ruling. The cost of providing power also includes transmission, distribution, and operation and maintenance costs attributable to power for the pumps. To the extent that the SCIP-JW is able to purchase federal preference power in excess of what is needed for SCIP-JW pumps, that power is made available to serve the Power Division's customers. Any benefit to those customers from preference power has no effect on the cost of power for Project pumps.

**How does BIA respond to concerns about why SCIP-JW must pay for environmental and archaeological surveys with O&M monies?**

The environmental and archaeological studies being conducted are valid O&M costs.

**Did the BIA receive comments on any proposed changes other than rate adjustments?**

No.

**Does this notice affect me?**

This notice affects you if you own or lease land within the assessable acreage of one of our irrigation projects, or you have a carriage agreement with one of our irrigation projects.

**Where can I get information on the regulatory and legal citations in this notice?**

You can contact the appropriate office(s) stated in the tables for the irrigation project that serves you, or you can use the Internet site for the Government Printing Office at <http://www.gpo.gov>.

**What authorizes you to issue this notice?**

Our authority to issue this notice is vested in the Secretary of the Interior by 5 U.S.C. 301 and the Act of August 14, 1914 (38 Stat. 583; 25 U.S.C. 385). The Secretary has in turn delegated this authority to the Assistant Secretary—Indian Affairs under Part 209, Chapter 8.1A, of the Department of the Interior's Departmental Manual.

**Who can I contact for further information?**

The following tables are the regional and project/agency contacts for our irrigation facilities.

Project name	Project/Agency contacts
<p><b>Northwest Region Contacts</b>                      Stanley Speaks, Regional Director,                      Bureau of Indian Affairs, Northwest Regional Office, 911 N.E. 11th Avenue,                      Portland, Oregon 97232-4169,                      Telephone: (503) 231-6702</p>	
Flathead Irrigation Project .....	Ernest T. Moran, Superintendent, Flathead Agency Irrigation Division, PO Box 40, Pablo, Montana 59855-0040, Telephone: (406) 675-2700
Fort Hall Irrigation Project .....	Eric J. LaPointe, Superintendent, Fort Hall Agency, PO Box 220, Fort Hall, Idaho 83203-0220, Telephone: (208) 238-2301
Wapato Irrigation Project .....	Pierce Harrison, Project, Administrator, Wapato Irrigation Project, PO Box 220, Wapato, WA 98951-0220, Telephone: (509) 877-3155
<p><b>Rocky Mountain Region Contacts</b>                      Keith Beartusk, Regional Director,                      Bureau of Indian Affairs, Rocky Mountain Regional Office,                      316 North 26th Street,                      Billings, Montana 59101,                      Telephone: (406) 247-7943</p>	
Blackfeet Irrigation Project .....	Ross Denny, Superintendent, Ted Hall, Project Manager, Box 880, Browning, MT 59417, Telephones: (406) 338-7544, Superintendent, (406) 338-7519, Irrigation
Crow Irrigation Project .....	Ed Lone Fight, Superintendent, Jim Forseth, Acting Project Engineer, PO Box 69, Crow Agency, MT 59022, Telephones: (406) 638-2672, Superintendent, (406) 638-2863, Irrigation

Project name	Project/Agency contacts
Fort Belknap Irrigation Project .....	Judy Gray, Acting Superintendent, Grant Stafne, Acting Irrigation Manager, R.R.1, Box 980, Harlem, MT 59526, Telephones: (406) 353-2901, Superintendent, (406) 353-2905, Irrigation
Fort Peck Irrigation Project .....	Spike Bighorn, Superintendent, PO Box 637 Poplar, MT 59255, Huber Wright, Acting Irrigation Manager, 602 6th Avenue North, Wolf Point, MT 59201, Telephones: (406) 768-5312, Superintendent, (406) 653-1752, Irrigation
Wind River Irrigation Project .....	George Gover, Superintendent, Ray Nation, Acting Irrigation Manager, PO Box 158, Fort Washakie, WY 82514, Telephones: (307) 332-7810, Superintendent, (307) 332-2596, Irrigation

**Southwest Region Contacts**  
 Larry Morrin, Regional Director,  
 Bureau of Indian Affairs, Southwest Regional Office,  
 1001 Indian School Road,  
 Albuquerque, New Mexico 87104,  
 Telephone: (505) 563-3100

Pine River Irrigation Project .....	Diana Olguin, Acting Superintendent, John Formea, Irrigation Engineer, PO Box 315, Ignacio, CO 81137-0315, Telephones: (970) 563-4511, Superintendent, (970) 563-1017, Irrigation
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**Western Region Contacts**  
 Brian Bowker, Acting Regional Director,  
 Bureau of Indian Affairs, Western Regional Office,  
 PO Box 10,  
 Phoenix, Arizona 85001,  
 Telephone: (602) 379-6600

Colorado River Irrigation Project .....	Rodney McVey, Acting Superintendent, R.R. 1 Box 9-C, Parker, AZ 85344, Telephone: (928) 669-7111
Duck Valley Irrigation Project .....	Virgil Townsend, Superintendent, 1555 Shoshone Circle, Elko, Nevada 89801, Telephone: (775) 738-0569
Fort Yuma Irrigation Project .....	William Pyott, Land Operations Officer, P.O. Box 11000, Yuma, Arizona, Telephone: (520) 782-1202
San Carlos Irrigation Project Joint Works .....	Carl Christensen, Supervisory General Engineer, 13805 N. Arizona Boulevard, Coolidge, AZ 85228, Telephone: (520) 723-6216
San Carlos Irrigation Project Indian Works .....	Joe Revak, Supervisory General Engineer, Pima Agency, Land Operations, Box 8, Sacaton, AZ 85247, Telephone: (520) 562-3372
Uintah Irrigation Project .....	Lynn Hansen, Irrigation Manager, PO Box 130, Fort Duchesne, UT 84026, Telephone: (435) 722-4341
Walker River Irrigation Project .....	Robert Hunter, Superintendent, 1677 Hot Springs Road, Carson City, Nevada 89706, Telephone: (775) 887-3500

**What Will BIA Charge for the 2005 and Later Irrigation Seasons?**

The rate tables below show the rates we will bill at each of our irrigation

facilities for the 2005 irrigation seasons. An asterisk immediately following the name of the facilities notes the irrigation facilities where rates were adjusted.

Project name	Rate category	Current 2004 rate	Current 2005 rate
Flathead Irrigation Project .....	Basic per acre .....	\$21.45	\$21.45
Flat Hall Irrigation Project .....	Basic per acre .....	22.00	22.00
Fort Hall Irrigation Project Minor Units .....	Basic per acre .....	14.00	14.00
Fort Hall Irrigation Project*, Michaud .....	Basic per acre .....	30.00	30.00
	Pressure per acre .....	43.50	46.50
Wapato Irrigation Project, Simcoe Units .....	Billing Charge Per Tract .....	5.00	5.00
	Farm unit/land tracts up to one acre (minimum charge)	13.00	13.00
	Farm unit/land tracts over one acre—per acre .....	13.00	13.00
Wapato Irrigation Project, Ahtanum Units .....	Billing Charge Per Tract .....	5.00	5.00
	Farm unit/land tracts up to one acre (minimum charge)	13.00	13.00
	Farm unit/land tracts over one acre—per acre .....	13.00	13.00
Wapato Irrigation Project, Satus Unit .....	Billing Charge Per Tract .....	5.00	5.00
	Farm unit/land tracts up to one acre (minimum charge)	51.00	51.00
	"A" farm unit/land tracts over one acre—per acre .....	51.00	51.00
	Additional Works farm unit/land tracts over one acre—per acre.	56.00	56.00
	"B" farm unit/land tracts over one acre—per acre .....	61.00	61.00

Project name	Rate category	Current 2004 rate	Current 2005 rate
	Water Rental Agreement Lands—per acre .....	62.00	62.00

**Rocky Mountain Region Rate Table**

Blackfeet Irrigation Project .....	Basic-per acre .....	\$13.00	\$13.00
Crow Irrigation Project .....	Basic-per acre .....	16.00	16.00
Fort Belknap Irrigation Project .....	Indian per acre .....	7.75	7.75
	non-Indian per acre .....	15.50	15.50
Fort Peck Irrigation Project * .....	Basic-per acre .....	14.00	17.50
Wind River Irrigation Project .....	Basic-per acre .....	14.00	14.00

**Southwest Region Rate Table**

Pine River Irrigation Project .....	Minimum Charge per tract .....	\$25.00	\$25.00
	Basic-per acre .....	8.50	8.50

Project name	Rate category	Current 2004 rate	Current 2005 rate	Current 2006 rate
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**Western Region Rate Table**

Colorado River Irrigation Project .....	Basic per acre up to 5.75 acre-feet.	\$47.00	\$47.00	To Be Determined
	Excess Water per acre-foot over 5.75 acre-feet.	17.00	17.00	
Duck Valley Irrigation Project .....	Basic-per acre .....	5.30	5.30	\$30.00
Fort Yuma Irrigation Project (See Note #1) .....	Basic-per acre up to 5.0 acre-feet.	62.00	65.00	
	Excess Water per acre-foot over 5.0 acre-feet.	10.50	10.50	
	Basic-per acre .....	20.00	30.00	
San Carlos Irrigation Project (Joint Works) * (See Note #2).	Basic-per acre .....	56.00	77.00	To Be Determined
San Carlos Irrigation Project (Indian Works) * ...	Basic-per acre .....	11.00	11.00	
Uintah Irrigation Project * .....	Minimum Bill .....	10.00	25.00	
Walker River Irrigation Project .....	Indian per acre .....	7.32	7.32	
	non-Indian per acre .....	15.29	15.29	

\* Notes irrigation facilities rates were adjusted.

**Note #1**—The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation (Reclamation). The irrigation rates assessed for operation and maintenance are established by Reclamation and are provided for informational purposes only. The BIA collects the irrigation assessments on behalf of Reclamation.

**Note #2**—The 2006 irrigation rate of \$30 per acre is established through this notice.

**Consultation and Coordination With Tribal Governments (Executive Order 13175)**

The BIA irrigation projects are vital components of the local agriculture economy of the reservations on which they are located. To fulfill its responsibilities to the tribes, tribal organizations, water user organizations, and the individual water users, the BIA communicates, coordinates, and consults on a continuing basis with these entities on issues of water delivery, water availability, costs of administration, operation, maintenance, and rehabilitation. This is accomplished at the individual irrigation projects by Project, Agency, and Regional representatives, as appropriate, in accordance with local protocol and procedures. This notice is one component of the BIA's overall coordination and consultation process to provide notice and request comments

from these entities on adjusting our irrigation rates.

**Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)**

The rate adjustments will have no adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increased use of foreign supplies) should the proposed rate adjustments be implemented. This is a notice for rate adjustments at BIA owned and operated irrigation projects, except for the Fort Yuma Irrigation Project. The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation with a portion serving the Fort Yuma Reservation.

**Regulatory Planning and Review (Executive Order 12866)**

These rate adjustments are not a significant regulatory action and do not

need to be reviewed by the Office of Management and Budget under Executive Order 12866.

**Regulatory Flexibility Act**

This rate making is not a rule for the purposes of the Regulatory Flexibility Act because it is "a rule of particular applicability relating to rates." 5 U.S.C. 601(2).

**Unfunded Mandates Act of 1995**

These rate adjustments impose no unfunded mandates on any governmental or private entity and are in compliance with the provisions of the Unfunded Mandates Act of 1995.

**Takings (Executive Order 12630)**

The Department has determined that these rate adjustments do not have significant "takings" implications. The rate adjustments do not deprive the public, state, or local governments of rights or property.

**Federalism (Executive Order 13132)**

The Department has determined that these rate adjustments do not have significant Federalism effects because they pertain solely to Federal-tribal relations and will not interfere with the roles, rights, and responsibilities of states.

**Civil Justice Reform (Executive Order 12988)**

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

**Paperwork Reduction Act of 1995**

These rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget, under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076-0141 and expires April 30, 2006.

**National Environmental Policy Act**

The Department has determined that these rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370(d)).

Dated: July 29, 2005.  
**Michael D. Olsen,**  
*Acting Principal Deputy Assistant Secretary—Indian Affairs.*  
 [FR Doc. 05-15575 Filed 8-5-05; 8:45 am]  
**BILLING CODE 4310-W7-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**Tribal Consultation on Indian Education Topics**

**AGENCY:** Bureau of Indian Affairs, Interior.  
**ACTION:** Notice of tribal consultation meetings.

**SUMMARY:** This notice announces that the Bureau of Indian Affairs (BIA), Office of Indian Education Programs (OIEP), will be conducting consultation meetings to obtain oral and written comments on potential issues in Indian Education Programs. The potential issues will be set forth and described in a tribal consultation booklet to be issued prior to the meetings by the Office of Indian Education Programs. The proposed topics are: a Memorandum of Agreement (MOA) between the Department of the Interior and the Department of Education regarding education programs for BIA-funded schools, the proposed restructuring of the Office of Indian Education

Programs, and a draft policy of the Office of Facilities Management and Construction establishing standards for “high risk” grantees seeking construction grants in excess of \$100,000.

**DATES:** Comments must be received on or before September 30, 2005. See **SUPPLEMENTARY INFORMATION** section for scheduled dates and locations of the meetings. All meetings will begin at 9 a.m. and continue until 3 p.m. (local time) or until all meeting participants have an opportunity to make comments.

**ADDRESSES:** Send or hand-deliver written comments to Edward Parisian, Acting Director, Office of Indian Education Programs, Bureau of Indian Affairs, Mail Stop Room 3609-MIB, 1849 C St., NW., Washington, DC 20240. Submissions by facsimile should be sent to (202) 273-0030.

**FOR FURTHER INFORMATION CONTACT:** Dr. James Martin, (202) 208-5810.

**SUPPLEMENTARY INFORMATION:** The meetings are a follow-up to similar meetings conducted by BIA-OIEP since 1990. As required by 25 U.S.C. 2011(b), the purpose of the consultation is to provide Indian tribes, school boards, parents, Indian organizations and other interested parties with an opportunity to comment on potential issues facing the BIA on Indian education programs.

**Meeting Schedule**

Date	Location	Local contact	Phone numbers
August 29, 2005	Phoenix, AZ	Lester Hudson	(520) 361-3510 ext. 112
August 29, 2005	Minneapolis, MN	Terry Portra	(612) 725-4591
August 29, 2005	Gallup, NM	Beatrice Woodward	(505) 786-6151
August 29, 2005	Portland, OR	John Reimer	(503) 872-2743
August 30, 2005	Albuquerque, NM	Dr. Jenny Jimenez	(505) 753-1466
August 30, 2005	Aberdeen, SD	Emma Jean Blue Earth	(701) 854-3497
August 30, 2005	Nashville, TN	Joy Martin	(405) 605-6051

A consultation booklet for the meetings is being distributed to federally-recognized Indian tribes, Bureau Regional and Agency Offices, and Bureau-funded schools. The booklets will also be available from local contact persons at each meeting.

**Public Comment Availability**

Comments, including names, street addresses, and other contact information of respondents, will be available for public review at the address listed under the **ADDRESSES** section during regular business hours (7:45 a.m. to 4:15 p.m. EST), Monday through Friday, except Federal holidays. Individual respondents may request confidentiality. If you wish us to

withhold your name, street address, and other contact information (such as fax or phone number) from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. We will honor your request to the extent allowable by law. We will make available for public inspection in their entirety all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses.

**Authority:** This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: July 29, 2005.  
**Michael D. Olsen,**  
*Acting Principal Deputy Assistant Secretary—Indian Affairs.*  
 [FR Doc. 05-15547 Filed 8-5-05; 8:45 am]  
**BILLING CODE 4310-6W-P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 332-469]

**Conditions of Competition for Certain Oranges and Lemons in the U.S. Fresh Market**

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation and scheduling of public hearing.

**EFFECTIVE DATE:** July 28, 2005.

**SUMMARY:** Following receipt of the request on July 5, 2005, from the House Committee on Ways and Means, the Commission instituted investigation No. 332-469 *Conditions of Competition for Certain Oranges and Lemons in the U.S. Fresh Market*, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

*Background:* As requested by the Committee, the Commission will conduct an investigation and provide a report on competitive conditions for certain oranges and lemons in the U.S. fresh market during the period 2000-2004. To the extent possible, the investigation will focus on navel oranges and lemons produced for the fresh market, with information provided on broader segments as appropriate. In its report the Commission will provide, to the extent possible, the following:

- An overview of the global market for oranges and lemons for the fresh market, including production, consumption, and trade;
- Profiles of the orange and lemon fresh-market industries in the United States and principal foreign producer countries, such as Australia, Argentina, Chile, China, Mexico, Spain, and South Africa;
- An analysis of U.S. trade in fresh-market oranges and lemons with major competitor countries, including a description of trade practices and measures; and,
- A comparison of the strengths and weaknesses of the U.S. fresh-market orange and lemon industries with foreign competitors, in such areas as input costs of production (such as labor, land value, water, energy, packing costs, transportation to market, fertilizer and pesticides, taxes, and regulatory compliance), technology, government programs, exchange rates, and pricing and marketing regimes.

As requested, the Commission will transmit its report to the Committee by July 5, 2006.

**FOR FURTHER INFORMATION CONTACT:** Industry-specific information may be obtained from Joanna Bonarriva, Project Leader (202-205-3312 or [joanna.bonarriva@usitc.gov](mailto:joanna.bonarriva@usitc.gov)) or Renee Johnson, Deputy Project Leader (202-205-3313 or [renee.johnson@usitc.gov](mailto:renee.johnson@usitc.gov)), or George Serletis, Deputy Project Leader (202-205-3315 or [george.serletis@usitc.gov](mailto:george.serletis@usitc.gov)), Office of Industries, U.S. International Trade Commission, Washington, DC 20436. For information on legal aspects of this

investigation, contact William Gearhart of the Office of General Counsel (202-205-3091 or [william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov)). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202-205-1810). General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS-ONLINE) at <http://edis.usitc.gov/hvwebex>.

*Public Hearing:* A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC beginning at 9:30 a.m. on February 7, 2006. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, no later than 5:15 p.m., January 24, 2006. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., January 26, 2006. The deadline for filing post-hearing briefs or statements is 5:15 p.m., February 21, 2006. In the event that, as of the close of business on January 24, 2006, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary (202-205-2000) after January 24, 2006, to determine whether the hearing will be held.

*Written Submissions:* In lieu of or in addition to participating in the hearing, interested persons are invited to submit written statements concerning the investigation. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, and should be received no later than the close of business on February 21, 2006. All written submissions must conform with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 of the rules requires that a signed original (or a copy designated as an original) and fourteen (14) copies of each document be filed. In the event that confidential treatment of the document is requested, as least four (4) additional copies must be filed, in which the confidential information must be deleted (see the following paragraph for further information

regarding confidential business information). The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, [ftp://ftp.usitc.gov/pub/reports/electronic\\_filing\\_handbook.pdf](ftp://ftp.usitc.gov/pub/reports/electronic_filing_handbook.pdf)).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available in the Office of the Secretary to the Commission for inspection by interested parties. The Committee has asked that the report that the Commission transmit not contain any confidential business information. Any confidential business information received by the Commission in this investigation and used in preparing the report will not be published in a manner that would reveal the operations of the firm supplying the information.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Secretary at 202-205-2000.

By order of the Commission.

Issued: August 2, 2005.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05-15572 Filed 8-5-05; 8:45 am]

**BILLING CODE 7020-02-P**

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## DEPARTMENT OF JUSTICE

### Executive Office for Immigration Review; Agency Information Collection Activities: Proposed collection; comments requested

**ACTION:** 60-Day notice of information collection under review: Notice of Appeal from a Decision of an Immigration Judge.

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork

Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until October 7, 2005. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact MaryBeth Keller, General Counsel, Executive Office for Immigration Review, U.S. Department of Justice, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia, 22041; telephone: (703) 305-0470.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Overview of this information collection:*

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Notice of Appeal from a Decision of an Immigration Judge.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form EOIR-26, Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: A party (either the U.S. Immigration and Customs Enforcement of the Department of Homeland Security or the respondent/applicant) who appeals a decision of an

Immigration Judge to the Board of Immigration Appeals (Board). Other: None. Abstract: A party affected by a decision of an Immigration Judge may appeal that decision to the Board, provided that the Board has jurisdiction pursuant to 8 CFR 1003.1(b). An appeal from an Immigration Judge's decision is taken by completing the Form EOIR-26 and submitting it to the Board.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 23,417 respondents will complete the form annually within an average of thirty minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 11,708 total burden hours associated with this collection annually.

If additional information is required, contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: August 3, 2005.

**Brenda E. Dyer,**

*Department Clearance Officer, United States Department of Justice.*

[FR Doc. 05-15577 Filed 8-5-05; 8:45 am]

**BILLING CODE 4410-30-P**

## DEPARTMENT OF JUSTICE

### Parole Commission

#### Public Announcement; Pursuant to the Government In the Sunshine Act (Public Law 94-409) (5 U.S.C. 552b)

**DATE AND TIME:** 5:30 p.m., Tuesday, August 2, 2005.

**PLACE:** U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815.

**STATUS:** Closed—Meeting.

**MATTERS CONSIDERED:** The following matter was considered during the closed Business Meeting: Procedure to be followed for review of one original jurisdiction case upon request of the Attorney General as provided in 18 U.S.C. 4215(c).

**AGENCY CONTACT:** Thomas W. Hutchison, Chief of Staff, United States Parole Commission, (301) 492-5990.

Dated: August 3, 2005.

**Rockne Chickinell,**

*General Counsel.*

[FR Doc. 05-15692 Filed 8-4-05; 10:32 am]

**BILLING CODE 4410-31-M**

## DEPARTMENT OF STATE

### [Public Notice 5150]

#### Culturally Significant Objects Imported for Exhibition Determinations: "International Arts and Crafts"

**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, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition "International Arts and Crafts," 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 lenders. I also determine that the exhibition or display of the exhibit objects at the Indianapolis Museum of Art, Indianapolis, IN, from on or about September 25, 2005, to on or about January 22, 2006; Fine Arts Museums of San Francisco, San Francisco, CA, from on or about March 18, 2006, to on or about June 18, 2006, 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: 202/453-8049). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: July 29, 2005.

**C. Miller Crouch,**

*Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 05-15630 Filed 8-5-05; 8:45 am]

**BILLING CODE 4710-08-P**

**DEPARTMENT OF STATE**

[Public Notice 5151]

**Culturally Significant Objects Imported for Exhibition Determinations:****“Rembrandt and His Time: Masterworks from the Albertina, Vienna”****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, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition “Rembrandt and His Time: Masterworks from the Albertina, Vienna”, 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 or custodians. I also determine that the exhibition or display of the exhibit objects at the Milwaukee Art Museum, from on or about October 8, 2005, until on or about January 8, 2006, 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 Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453-8058). The address is U.S. Department of State, SA-44, 301 4th Street, SW, Room 700, Washington, DC 20547-0001.

Dated: August 1, 2005.

**C. Miller Crouch,***Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 05-15638 Filed 8-5-05; 8:45 am]

**BILLING CODE 4710-08-P****DEPARTMENT OF STATE**

[Public Notice 5149]

**Bureau of Western Hemisphere Affairs; Office of Canadian Affairs; International Border Crossings****AGENCY:** Department of State.**ACTION:** Notice of Interpretation.

**SUMMARY:** Executive Order 11423, of August 16, 1968, as amended, authorizes the Secretary of State to issue Presidential permits for the construction of facilities crossing the international borders of the United States, including, but not limited to, bridges and tunnels connecting the United States with Canada or Mexico. Section 2(a) of Executive Order 13337, dated April 30, 2004, amended Executive Order 11423, *inter alia*, by authorizing the Secretary of State to issue Presidential permits for “border crossings for land transportation, including motor or rail vehicles, to or from a foreign country, whether or not in conjunction with the facilities” to which Executive Order 11423 previously applied. This new language is found in section 1(a)(vi) of Executive Order 11423, as amended.

In seeking to provide guidance to the public concerning its exercise of this new permitting authority, the Department has determined, after giving the matter careful consideration, that the new “land border crossing” language of section 1(a)(vi) will apply to all new crossings of the international border as well as to all substantial modifications of existing crossings of the international border. The Department has also determined to assemble an interagency working group, consisting of relevant State Department personnel and personnel from other interested federal agencies, to prepare, as may be appropriate, further guidance on application of this interpretation of section 1(a)(vi) in the future. The decision document is quoted in full below, under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Terry Breese, Director, WHA/CAN, U.S. Department of State, Washington, DC 20520. (202) 647-2170.

**SUPPLEMENTARY INFORMATION:** By virtue of the authority vested in me pursuant to Department of State Delegation No. 277 from the Secretary of State dated March 3, 2005, to exercise, to the extent authorized by law, all authorities vested in the Under Secretary of State for Economic, Business and Agricultural Affairs, including those authorities under Executive Order 11423, as amended, including the amendments to

Executive Order 11423 contained in Executive Order 13337 of April 30, 2004, and Department of State Delegation No. 118-1 of April 11, 1973, I hereby determine that section 1(a)(vi) of Executive Order 11423, as amended, concerning “border crossings for land transportation, including motor or rail vehicles, to or from a foreign country, whether or not in conjunction with the facilities” identified elsewhere in section 1(a), should be interpreted as applying to all new border crossings for land transportation and all substantial modifications to existing border crossings for land transportation, between the United States and Canada or Mexico. I also determine that relevant officials at the Department of State should assemble an interagency working group, consisting of relevant Department personnel and personnel from other interested federal agencies, to prepare, as may be appropriate, guidance on application of this interpretation in the future.

This determination shall be published in the **Federal Register**.

Dated: August 2, 2005.

**Earl Anthony Wayne,***Assistant Secretary, Department of State.*

[FR Doc. 05-15631 Filed 8-5-05; 8:45 am]

**BILLING CODE 4710-29-P****DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Noise Exposure Map Notice; Columbia Metropolitan Airport, Columbia, SC****AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Richland-Lexington Airport District for Columbia Metropolitan Airport under the provisions of 49 U.S.C. 47501 *et seq.* (Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements.

**EFFECTIVE DATE:** The effective date of the FAA’s determination on the noise exposure maps is July 29, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bonnie Baskin, Federal Aviation Administration, Atlanta Airports District Office, 1701 Columbia Avenue, Suite 2-260 College Park, GA 30337 (404) 305-7152.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds

that the noise exposure maps submitted by Columbia Metropolitan Airport are in compliance with applicable requirements of part 150, effective July 29, 2005. Under 49 U.S.C. 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the Richland-Lexington Airport District. The documentation that constitutes the "noise exposure maps" as defined in § 150.7 of Part 150 includes: Figure 2-4, "Jurisdictional Boundaries", Figure 2-5, "Land Use Map", Figure 5-1, "Noise Monitoring Locations", Figure 5-2, "Existing Flight Corridors—All Runways", Figure 5-11, "2002 Noise contours", Figure 5-12, "2007 Noise Contours", Figure 6-1, "2002 Incompatible Land Uses", Figure 6-2, "2007 Incompatible Land Use", and Table 6.3, "Summary of Off-Airport Noise Impacts". The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on July 29, 2005.

FAA's determination on the airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a

noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure maps documentation and of the FAA's evaluation of the maps are available for examination at the following locations: Federal Aviation Administration, Atlanta Airports District Office, 1701 Columbia Avenue, Suite 2-260, College Park, GA, 30337. Richland-Lexington Airport District, Columbia Metropolitan Airport, 3000 Aviation Way, West Columbia, SC 29170.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Atlanta, Georgia, July 29, 2005.  
**Scott L. Seritt**,  
 Manager, Atlanta Airports District Office.  
 [FR Doc. 05-15551 Filed 8-5-05; 8:45 am]  
**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Monthly Notice of PFC Approvals and Disapprovals. In December 2004, there were seven applications approved. This notice also includes information on 10 other applications, one approved in April 2003, one approved in November 2003,

one approved in September 2004, four approved in October 2004, and three approved in November 2004, inadvertently left off the April 2003, November 2003, September 2004, October 2004, and November 2004 notices, respectively. Additionally, seven approved amendments to previously approved applications are listed.

**SUMMARY:** The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

#### PFC Applications Approved

*Public Agency:* City of Manchester, New Hampshire.

*Application Number:* 03-10-C-00-MHT.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$3.00.

*Total PFC Revenue Approved in this Decision:* \$50,662,827.

*Earliest Charge Effective Date:* December 1, 2013.

*Estimated Charge Expiration Date:* January 1, 2020.

*Class of Air Carriers Not Required to Collect PFCs:*

On-demand air taxi/commercial operators.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Manchester Airport.

*Brief Description of Projects Approved for Collection and Use:*

Reconstruction and extension of runway 17/35.

Residential and school sound insulation program.

Phase II terminal expansion: construction and construction management.

Phase II terminal expansion: design fees.

Phase II terminal expansion.

PFC application and development.

*Decision Date:* April 1, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Priscilla Scott, New England Region Airports Division, (781) 238-7614.

*Public Agency:* Salt Lake City Department of Airports, Salt Lake City, Utah.

*Application Number:* 03-08-C-00-SLC.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in this Decision:* \$7,520,800.

*Earliest Charge Effective Date:* August 1, 2006.

*Estimated Charge Expiration Date:* November 1, 2006.

*Class of Air Carriers Not Required to Collect PFC's:*

Air taxi/commercial operators filing or required to file FAA Form 1800-31.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Salt Lake City International Airport (SLC).

*Brief Description of Projects Approved for Collection at SLC and Use at SLC at a \$4.50 PFC Level:*

Apron D rehabilitation (east).

Taxiway M reconstruction.

West apron paving (phase III) and supporting infrastructure.

*Brief Description of Projects Approved for Collection at SLC and Use at SLC at a \$3.00 PFC Level:*

Airfield equipment.

Electronic visual information display systems upgrade.

East side oil/water separator.

Airport layout plan/environmental update (phase II).

*Brief Description of Projects Approved for Collection at SLC and Use at Bolinder Field—Tooele Valley Airport at a \$4.50 PFC Level:*

Install automated weather observing system.

Land acquisition (Palmer Acres).

*Brief Description of Disapproved Project:*

Park and wait sign.

*Determination:* This project exceeds what is necessary to facilitate the movement of passengers and baggage and does not meet the intent of paragraphs 601 or 620 of FAA Order 5100.38B, Airport Improvement Program (AIP) Handbook (May 31, 2002).

*Decision Date:* November 19, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Christopher J. Schaffer, Denver Airports District Office, (303) 342-1258.

*Public Agency:* Bert Mooney Airport Authority, Butte, Montana.

*Application Number:* 04-06-C-00-BTM.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$3.00.

*Total PFC Revenue Approved in This Decision:* \$189,711.

*Charge Effective Date:* April 1, 2005.

*Estimated Charge Expiration Date:* February 1, 2007.

*Class of Air Carriers not Required to Collect PFC's:*

Air taxi/commercial operators filing FAA Form 1800-31.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Bert Mooney Airport.

*Brief Description of Projects Approved for Collection and Use:*

Security planning.

Snow removal equipment acquisition.  
Snow removal equipment building construction.

West general aviation ramp rehabilitation.

Southside security improvement.

Airport master plan update.

Runway 15/33 pavement maintenance.

Runway 11/29 pavement maintenance.

Commercial ramp pavement maintenance.

*Decision Date:* September 29, 2004.

**FOR FURTHER INFORMATION CONTACT:**

David S. Stelling, Helena Airports District Office, (406) 449-5271.

*Public Agency:* Pitken County, Aspen, Colorado.

*Application Number:* 04-05-C-00-ASE.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in This Decision:* \$2,274,162.

*Earliest Charge Effective Date:* January 1, 2005.

*Estimated Charge Expiration Date:* November 1, 2009.

*Class of Air Carriers Not Required to Collect PFC's:*

Air taxi/commercial operators filing FAA Form 1800-31.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Aspen/Pitken County Airport.

*Brief Description of Projects Approved for Collection and Use:*

Aircraft rescue and firefighting/snow removal equipment building design.

North general aviation apron.

Taxiway A relocation.

Snow removal equipment.

Land purchase.

Localizer.

*Decision Date:* October 5, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Christopher J. Schaffer, Denver Airports District Office, (303) 342-1258.

*Public Agency:* Sheridan County, Sheridan, Wyoming.

*Application Number:* 04-03-C-00-SHR.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in This Decision:* \$247,309.

*Earliest Charge Effective Date:* March 1, 2005.

*Estimated Charge Expiration Date:* December 1, 2019.

*Classes of Air Carriers Not Required to Collect PFC'S:* None.

*Brief Description of Projects Approved for Collection and use:*

Perimeter fencing.

Land acquisition for approaches (easements).

Reconstruction of parallel taxiway A.

Reconstruct commercial apron.

Airport layout plan update.

Snow removal equipment.

Security gates.

*Decision Date:* October 5, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Christopher J. Schaffer, Denver Airports District Office, (303) 342-1258.

*Public Agency:* City of Lubbock, Texas.

*Application Number:* 04-05-C-00-LBB.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$2.00.

*Total PFC Revenue Approved in This Decision:* \$3,292,686.

*Earliest Charge Effective Date:* February 1, 2005.

*Estimated Charge Expiration Date:* February 1, 2009.

*Classes of Air Carriers Not Required to Collect PFC'S:*

(1) On demand Part 135 air taxi/commercial operators filing FAA Form 1800-31; (2) commuters and small air carriers filing Department of Transportation Form 298C for unscheduled enplanements; (3) large certificated route air carriers filing Research and Special Programs Administration Form T-100 for unscheduled enplanements.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has determined each of the approved class accounts for less than 1 percent of the total annual enplanements at Lubbock International Airport.

*Brief Description of Projects Approved for Collection and Use:*

PFC administrative costs.

Extend taxiway L.

Upgrade perimeter security access control.

Upgrade access control/closed-circuit television.

Rehabilitate airside asphalt pavement.

Replace airfield pavement surface sensor system.

Rehabilitate airfield guidance signage panels and upgrade electrical vault.

*Brief Description of Project Partially Approved for Collection and Use:*

Acquire airside equipment.

*Determination:* The operations vehicle proposed to be acquired with PFC revenue is not an identified element of the Airport Certification Manual and, therefore, not PFC eligible.

*Decision Date:* October 21, 2004.

**FOR FURTHER INFORMATION CONTACT:** G. Thomas Wade, Southwest Region Airports Division, (817) 222-5613.

*Public Agency:* Walker Field Airport Authority, Grand Junction, Colorado.

*Application Number:* 04-06-U-00-GJT.

*Application Type:* Use PFC revenue.

*PFC Level:* \$3.00.

*Total PFC Revenue to be Used in This Decision:* \$200,000.

*Charge Effective Date:* November 1, 2001.

*Estimated Charge Expiration Date:* September 1, 2006.

*Class of Air Carriers not Required to Collect PFC's:* No change from previous decision.

*Brief Description of Project Approved for use:* Air carrier ramp expansion.

*Decision Date:* October 26, 2004.

**FOR FURTHER INFORMATION CONTACT:** Chris Schaffer, Denver Airports District Office, (303) 342-1258.

**SUPPLEMENTARY INFORMATION:**

*Public Agency:* Salt Lake City Department of Airports, Salt Lake City, Utah.

*Application Number:* 03-09-C-00-SLC.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in This Decision:* \$25,265,000.

*Earliest Charge Effective Date:* November 1, 2006.

*Estimated Charge Expiration Date:* September 1, 2007.

*Class of Air Carriers not Required to Collect PFC's:*

Air taxi/commercial operators filing or required to file FAA Form 1800-31.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Salt Lake City International Airport.

*Brief Description of Projects Approved for Collection and use at a \$4.50 PFC Level:*

Concourse E improvements.

Concourse B remodel.

Terminal unit 2 east expansion.

Terminal unit 1 baggage claim

expansion.

*Brief Description of Projects Approved for Collection and use at a \$3.00 PFC Level:*

Terminal unit 2 outbound baggage system.

Airfield equipment.

*Brief Description of Disapproved Project:*

Glycol land application piping.

*Determination:* This project exceeds standard methods used for the storage and processing of deicing fluids.

*Decision Date:* November 16, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Christopher J. Schaffer, Denver Airports District Office, (303) 342-1258.

*Public Agency:* Port of Pasco, Pasco, Washington.

*Application Number:* 04-06-C-00-PSC.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in This Decision:* \$4,599,230.

*Earliest Charge Effective Date:* October 1, 2006.

*Estimated Charge Expiration Date:* January 1, 2012.

*Class of Air Carriers not Required to Collect PFC's:*

None.

*Brief Description of Projects Approved for Collection and use:*

Mobile passenger lift.

Terminal building passenger ticket lobby expansion.

Terminal apron reconstruction.

Snow and ice removal equipment.

PFC administration/formulation costs.

*Decision Date:* November 18, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Suzanne Lee-Pang, Seattle Airports District office, (425) 227-2654.

*Public Agency:* Port of Chelan County and Port of Douglas County, Wenatchee, Washington.

*Application Number:* 04-06-C-00-EAT.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in This Decision:* \$356,000.

*Earliest Charge Effective Date:* February 1, 2005.

*Estimated Charge Expiration Date:* September 1, 2007.

*Class of Air Carriers not Required to Collect PFC'S:* None.

*Brief Description of Projects Approved for Collection and Use:*

Acquire Feil-Vickery parcel.

Phase II security fencing and gates.

*Decision Date:* November 23, 2004.

**FOR FURTHER INFORMATION CONTACT:** Suzanne Lee-Pang, Seattle Airports District Office, (425) 227-2654.

*Public Agency:* City of San Antonio, Texas.

*Application Number:* 04-03-U-00-SAT.

*Application Type:* Use PFC revenue.

*PFC Level:* \$3.00.

*Total PFC Revenue to be Used in This Decision:* \$2,400,000.

*Estimated Charge Effective Date:* November 1, 2001.

*Estimated Charge Expiration Date:* November 1, 2009.

*Class of Air Carriers not Required to Collect PFC's:* No change from previous decision.

*Brief Description of Project Approved for Use:* Residential noise attenuation.

*Decision Date:* December 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** G. Thomas Wade, Southwest Region Airports Division, (817) 222-5613.

*Public Agency:* City of Phoenix, Arizona.

*Application Number:* 04-07-C-00-PHX.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in this Decision:* \$177,800,000.

*Earliest Charge Effective Date:* November 1, 2005.

*Estimated Charge Expiration Date:* February 1, 2008.

*Classes of Air Carriers Not Required to Collect PFC's:*

(1) Nonscheduled/on-demand air carriers filing FAA Form 1800-31; (2) commuters or small certificated air carriers filing Department of Transportation Form 298-C T1 or E1 with less than 7,500 annual enplanements at Phoenix Sky Harbor International Airport (PHX); (3) large certified route air carriers filing Research and Special Programs Administration Form T-100 with less than 7,500 annual enplanements at PHX.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has determined each the approved class accounts for less than 1 percent of the total annual enplanements at PHX.

*Brief Description of Projects Approved for Collection and use at a \$4.50 PFC Level:*

Community noise reduction program (voluntary land acquisition/property exchange).

Terminal 4 expansion.

Airside reconstruction.

Capital security improvements.  
*Brief Description of Project Partially Approved for Collection and Use at a \$3.00 PFC Level:*

Automated people mover design completion.

*Determination:* Approval is limited to the completion of Stage 1 design. In addition, the approved amount does not include any funds identified as contingencies in the public agency's cost estimate.

*Decision Date:* December 6, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Mike Agaibi, Western Pacific Region Airports Division, (301) 725-3632.

*Public Agency:* Broward County Aviation Department, Fort Lauderdale, Florida.

*Application Number:* 04-06-C-00-FLL.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$3.00

*Total PFC Revenue Approved in This Decision:* \$49,460,781.

*Earliest Charge Effective Date:*

February 1, 2012.

*Estimated Charge Expiration Date:* February 1, 2014.

*Class of Air Carriers not Required to Collect PFC's:* Air taxi/commercial operators.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Fort Lauderdale-Hollywood International Airport.

*Brief Description of Project Approved for Collection and Use:* Terminal 4.

*Brief Description of Project Approved for Use:* Exit roadways—final design/construction.

*Decision Date:* December 21, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Miguel A. Martinez, Orlando Airports District Office, (407) 812-6331, extension 123.

*Public Agency:* City of Atlanta, Georgia.

*Application Number:* 05-07-U-00-ATL.

*Application Type:* Use PFC revenue.

*PFC Level:* \$4.50.

*Total PFC Revenue to be Used in This Decision:* \$30,721,000.

*Estimated Charge Effective Date:* May 1, 2005.

*Estimated Charge Expiration Date:* August 1, 2018.

*Class of Air Carriers not Required to Collect PFC's:* No change from previous decision.

*Brief Description of Project Approved for Use:* End around taxiway.

*Decision Date:* December 21, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Philip R. Cannon, Atlanta Airports District Office, (404) 305-7152.

*Public Agency:* Hattiesburg-Laurel Regional Airport Authority, Moselle, Mississippi.

*Application Number:* 04-05-C-00-PIB.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in This Decision:* \$216,155.

*Earliest Charge Effective Date:* April 1, 2006.

*Estimated Charge Expiration Date:* April 1, 2009.

*Class of Air Carriers not Required to Collect PFC's:* None.

*Brief Description of Project Approved for Collection and Use:* Acquire and expand existing terminal telescoping walkway.

*Decision Date:* December 21, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Patrick D. Vaught, Jackson Airports District Office, (601) 664-9900.

*Public Agency:* Onslow County Board of Commissioners, Jacksonville, North Carolina.

*Application Number:* 04-02-C-00-OAJ.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$3.00

*Total PFC Revenue to be Used in This Decision:* \$667,815.

*Earliest Charge Effective Date:* March 1, 2005.

*Estimated Charge Expiration Date:* April 1, 2006.

*Class of Air Carriers not Required to Collect PFC's:* None.

*Brief Description of Project Approved for Collection and Use:*

Aircraft rescue and firefighting equipment.

Landside signage.

Terminal renovation.

Master plan update.

Aircraft rescue and firefighting vehicles.

Security vehicles.

Runway 5/23 rehabilitation.

Terminal access road and emergency access road rehabilitation.

Beacon rehabilitation.

Wind cone relocation.

Security gate rehabilitation.

Aircraft rescue and firefighting multipurpose complex.

Rehabilitate general aviation apron.

Snow removal equipment.

Security system improvements.

Airfield electrical and vault improvements.

Obstruction removal.

Apron lighting.

Airfield drainage improvements.

General aviation apron expansion.

T-Hangar/corporate hangar taxi lanes.

Economic impact study.

Passenger lift device.

Air carrier apron expansion.

PFC amendment/application development.

PFC program administration.

*Brief Description of Projects Partially Approved for Collection and Use:*

T-Hangar/corporate hangar access road.

*Determination:* The parking lot portion of this project is disapproved in accordance with paragraph 301 of FAA Order 5100.38B, AIP Handbook (May 31, 2002).

General aviation terminal access road and public parking.

*Determination:* The parking lot portion of this project is disapproved in accordance with paragraph 301 of FAA Order 5100.38B, AIP Handbook (May 31, 2002).

*Brief Description of Disapproved Project:* Disadvantaged business enterprise program.

*Determination:* The FAA has determined that this project is an administrative element of AIP grant approvals. Administrative elements of AIP grant approvals do not meet the project eligibility requirements of § 158.15.

*Brief Description of Withdrawn Project:*

General aviation terminal.

*Determination:* This project was withdrawn by the public agency on October 6, 2004.

*Decision Date:* December 21, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Tracie D. Kleine, Atlanta Airports District Office, (404) 305-7148.

*Public Agency:* Susquehanna Area Regional Airport Authority, Harrisburg, Pennsylvania.

*Application Number:* 04-05-C-00-MDT.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in This Decision:* \$22,859,000.

*Earliest Charge Effective Date:* November 1, 2029.

*Estimated Charge Expiration Date:* July 1, 2034.

*Class of Air Carriers Not Required To Collect PFCs.*

Nonscheduled/on-demand air carriers.

*Determination:* Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class

accounts for less than 1 percent of the total annual enplanements at Harrisburg International Airport.

*Brief Description of Projects Approved for Collection and Use:*  
Construct terminal apron.  
PFC application development.

*Decision Date:* December 28, 2004.

**FOR FURTHER INFORMATION CONTACT:** Loni Ledebohm, Harrisburg Airports District Office, (717) 730-2835.

**AMENDMENTS TO PFC APPROVALS**

Amendment No. City, State	Amendment approved date	Original approved net PFC revenue (\$)	Amended approved net PFC revenue (\$)	Original estimated charge exp. date	Amended estimated charge exp. date
02-01-C-01-COU, Columbia, MO .....	09/01/04	1,363,791	1,343,791	10/01/12	10/01/12
9910-03-C-02-PSC, Pasco, WA .....	09/07/04	951,890	1,045,537	12/01/02	04/01/03
97-03-C-03-TOL, Toledo, OH .....	09/24/04	6,750,400	5,642,872	12/01/03	01/01/04
95-03-C-02-SBP, San Luis Obispo, CA .....	11/23/04	571,447	611,447	07/01/97	07/01/97
02-06-C-02-MSY, New Orleans, LA .....	11/24/04	171,876,315	252,881,667	05/01/11	03/01/15
97-02-C-05-LAW, Lawton, OK .....	11/27/04	405,200	380,745	08/01/00	08/01/00
02-03-C-01-LAW, Lawton, OK .....	11/27/04	361,000	303,687	03/01/04	03/01/04

Issued in Washington, DC on August 1, 2005.

**Joe Hebert,**

*Manager, Financial Analysis and Passenger Facility Charge Branch.*

[FR Doc. 05-15558 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals.**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Monthly Notice of PFC Approvals and Disapprovals. In January 2005, there were three applications approved. This notice also includes information on two applications, one approved in July 2003 and the other approved in December 2004, inadvertently left off the July 2003 and December 2004 notices, respectively. Additionally, six approved amendments to previously approved applications are listed.

**SUMMARY:** The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

**PFC Applications Approved**

*Public Agency:* City of San Antonio, Texas.

*Application Number:* 03-02-U-00-SAT.

*Application Type:* Use PFC revenue.  
*PFC Level:* \$3.00.

*Total PFC Revenue to be Used in This Decision:* \$47,579,422.

*Charge Effective Date:* November 1, 2001.

*Estimated Charge Expiration Date:* November 1, 2009.

*Class of Air Carriers not Required to Collect PFCs:*

No change from previous decision.

*Brief Description of Projects Approved for use:*

Construct concourse B.

Construct concourse B access road.

*Decision Date:* July 23, 2003.

**FOR FURTHER INFORMATION CONTACT:** G. Thomas Wade, Southwest Region Airports Division, (817) 222-5613.

*Public Agency:* Paducah Airport Corporation, Paducah, Kentucky.

*Application Number:* 04-02-C-00-PAH.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$3.00.

*Total PFC Revenue Approved in This Decision:* \$875,189.

*Earliest Charge Effective Date:* April 1, 2005.

*Estimated Charge Expiration Date:* March 1, 2014.

*Class of Air Carriers not Required to Collect PFC's:*

Part 135 on-demand.

*Determination:* Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Barkley Regional Airport.

*Brief Description of Projects Approved for Collection and Use:*

Airport master plan.

Safety and security equipment improvements.

West apron extension and taxiway C west extension.

West apron rehabilitation.

Parking lot extension, perimeter security fence relocation.

Airfield lighting system transformers.  
Taxiway overlay of A and B and runways 4/22 and 14/32.

Remaining distance runway signage.  
New perimeter road.

Taxiway C east strengthening and widening.

Airport terminal renovation.

Taxiway W and F construction.

Runway 14/32 and taxiway C east extension.

*Decision Date:* December 3, 2004.

**FOR FURTHER INFORMATION CONTACT:** Michael Thompson, Memphis Airports District Office, (901) 322-8188.

*Public Agency:* City and Borough of Juneau, Alaska.

*Application Number:* 04-07-C-00-JNU.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in This Decision:* \$4,706,313.

*Earliest Charge Effective Date:* May 1, 2005.

*Estimated Charge Expiration Date:* April 1, 2009.

*Class of Air Carriers Not Required to Collect PFC's:* None.

*Brief Description of Projects Approved for Collection and use:*

Purchase snow removal equipment support vehicle (unit 4).

Snow removal equipment (snow brooms, skidsteer and chemical truck) and a command vehicle.

Security upgrades (acquire fingerprint equipment, acquire Americans with Disabilities Act reader boards, parking modifications, terminal barriers, upgrade public address system, upgrade fencing, install restrooms in departure lounge, and gate K lighting and security cameras).

Security upgrades (complete departure lounge restrooms, bomb blast assessment, taxi stand reconfiguration, and purchase of bulletproof vests).

Rehabilitation of main entrance road. Second phase of terminal mater plan. Construction taxiway extensions C1 and W2.

Two-behind runway friction measuring unit and dedicated tow vehicle, vacuum truck, and loader for snow removal.

Expand D-1 ramp. Purchase security vehicle. Reconstruction of the Part 121 ramp, phase I.

Rehabilitate west general aviation area.

Implementation of wildlife hazard management plan recommendations, phase I.

Purchase land for airport expansion. *Decision Date:* January 3, 2005.

**FOR FURTHER INFORMATION CONTACT:** James Lomen, Alaska Region Airports Division, (907) 271-5816.

*Public Agency:* Duluth Airport Authority, Duluth, Minnesota.

*Application Number:* 05-07-C-00-DLH.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in this Decision:* \$2,745,402.

*Earliest Charge Effective Date:* April 1, 2005.

*Estimated Charge Expiration Date:* May 1, 2010.

*Class of Air Carriers Not Required to Collect PFC's:*

Non-scheduled Part 135 air taxi/commercial operators.

*Determination:* Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Duluth International Airport.

*Brief Description of Projects Approved for Collection and Use:*

Preparation of PFC application. Improve runway safety area at the approach end of runway 21.

Replace runway end identifier lights serving runway 21.

Rehabilitate taxiway A (east of taxiway C), the east run-up pad, and taxiway A5, including shoulder and drainage improvements.

Rehabilitate the medium intensity taxiway edge lighting system for taxiway A (east of taxiway C), the east run-up pad, and taxiway A5.

Prepare environmental assessment for construction and installation of a perimeter road and security/safety (deer prevention) fence around the north, west, and southwest portions of the airfield.

Rehabilitate taxiway E-27 approach (1,000 feet) including taxiway shoulders (35 feet wide), drainage, and taxiway edge lighting system.

Rehabilitate runway 9/27, including runway shoulders (35 feet wide), drainage, and replacement of the high intensity runway edge lighting system for runway 9/27 (3 phases).

Replace/install airfield signs (guidance and runway distance remaining) along runway 9/27 and associated taxiways (3 phases).

Acquire a passenger boarding bridge. Acquire a runway sweeper (snow removal equipment).

Construct north, west, and southwest perimeter road (2 phases).

Install north, west, and southwest perimeter security/safety fencing (2 phases).

Construct aircraft rescue and firefighting facility index B.

Wetland mitigation for north-side airfield development.

Purchase replacement snow removal equipment.

*Decision Date:* January 25, 2005.

**FOR FURTHER INFORMATION CONTACT:** Gordon Nelson, Minneapolis Airports District Office, (612) 713-4358.

*Public Agency:* Monterey Peninsula Airport District, Monterey, California.

*Application Number:* 05-11-C-00-MRY.

*Application Type:* Impose and use a PFC.

*PFC Level:* \$4.50.

*Total PFC Revenue Approved in This Decision:* \$1,166,290.

*Earliest Charge Effective Date:* March 1, 2005.

*Estimated Charge Expiration Date:* May 1, 2007.

*Class of Air Carriers not Required to Collect PFC's:* Unscheduled Part 135 air taxi operators.

*Determination:* Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Monterey Peninsula Airport.

*Brief Description of Projects Approved for Collection and Use:*

Terminal passenger circulation and building improvements.

Aircraft rescue and firefighting equipment.

Terminal elevator.

*Decision Date:* January 28, 2005.

**FOR FURTHER INFORMATION CONTACT:**

Joseph Rodriguez, San Francisco Airports District Office, (650) 876-2778.

**AMENDMENTS TO PFC APPROVALS:**

Amendment No., city, state	Amendment approved date	Original approved net PFC revenue (\$)	Amended approved net PFC revenue (\$)	Original estimated charge exp. date	Amended estimated charge exp. date
02-06-C-03-JNU, Juneau, AK	11/08/04	2,585,779	2,589,669	05/01/05	05/01/05
*03-03-1-01-GLH, Greenville, MS	12/15/04	88,495	88,495	06/01/06	12/01/05
03-06-C-01-ACV, Arcata, CA	01/10/05	503,000	578,450	08/01/05	03/01/05
93-01-C-05-MRY, Monterey, CA	01/26/05	4,104,131	3,994,973	10/01/00	10/01/00
94-02-U-02-MRY, Monterey, CA	01/26/05	NA	NA	10/01/00	10/01/00
00-06-C-02-MRY, Monterey, CA	01/26/05	376,338	276,338	10/01/01	10/01/01

(Note: The amendment denoted by an asterisk (\*) includes a change to the PFC level charged from \$3.00 per enplaned passenger to \$4.50 per enplaned passenger. For Greenville, MS, this change is effective on April 1, 2005).

Issued in Washington, DC on August 1, 2005.

**Joe Hebert,**

*Manager, Financial Analysis and Passenger Facility Charge Branch.*

[FR Doc. 05-15552 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2005-21858]

#### Performance of Advanced Crash Avoidance Systems; Request for Information

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

**ACTION:** Extension of comment period.

**SUMMARY:** NHTSA has received requests asking us to extend the comment period for the notice requesting information and expressions of interest in the research program on the performance of advanced crash avoidance systems. NHTSA is seeking information from all sources for its Advanced Crash Avoidance Technologies Program (ACAT). The ACAT program seeks to determine the safety impact of new and emerging technologies that are intended to help drivers avoid crashes, reduce their severity, and prevent injuries. To provide interested persons additional time to prepare comments, we are extending the end of the comment period from August 18, 2005, to September 30, 2005. This extension will allow interested persons additional time to provide information.

**DATES:** Responses to this announcement must be received by September 30, 2005.

**ADDRESSES:** You may submit comments identified by the DOT DMS Docket Number above by any of the following methods:

- Web site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.
  - Fax: 1-202-493-2251.
  - Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590.
  - Hand Delivery: Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Note that all comments received will be posted without change to [http://](http://dms.dot.gov)

[dms.dot.gov](http://dms.dot.gov), including any personal information provided. Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Raymond Resendes, Office of Vehicle Safety Research, NHTSA, NVS-332, 400 Seventh Street, SW., Washington, DC 20590; telephone: (202) 366-2619, fax: (202) 366-7237.

**SUPPLEMENTARY INFORMATION:** On July 19, 2005, NHTSA published in the **Federal Register** (70 FR 41474) a notice requesting information and expressions of interest in the agency's ACAT research program to study the effectiveness of advanced technologies in reducing crashes and their severities. For additional information on the ACAT research program and on the information requested from interested persons, please refer to that notice.

Issued on: August 3, 2005.

**Joseph N. Kianthra,**

*Associate Administrator for Vehicle Safety Research.*

[FR Doc. 05-15614 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-59-U**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket: RSPA-98-4957]

#### Request for Public Comments and Office of Management and Budget (OMB) Approval of an Existing Information Collection (2137-0594)

**AGENCY:** Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation (DOT).

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) described below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collection. The ICR describes the nature of the information collection and the expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 23, 2005, [FR 70, page 29553].

**DATES:** Comments must be submitted on or before September 7, 2005.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Florence Hamn, (202) 366-3015, by e-mail at [Florence.Hamn@dot.gov](mailto:Florence.Hamn@dot.gov).

**SUPPLEMENTARY INFORMATION:** Comments are invited on whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, in including the use of automated collection techniques of other forms of information technology.

Standards in 49 CFR 192.16, "Customer notification," require operators of gas service lines who do not maintain buried customer piping between service lines and building walls or gas utilization equipment to send written notices to their customers of the proper maintenance of this piping and of the potential hazards of not properly maintaining the piping. Operators also have to keep records that include a copy of the notice currently in use and evidence that notices were sent to customers, as required, within the previous 3 years. This rule was issued in response to the statutory mandate in 49 U.S.C. 60113.

This information collection supports the DOT strategic goal of safety by reducing the number of fatalities, the number of injuries, and the amount of property damage from pipeline incidents.

As used in this notice, 'information collection' includes all work related to preparing and disseminating information related to this recordkeeping requirement including completing paperwork, gathering information and conducting telephone calls.

*Type of Information Collection Request:* Renewal of Existing Collection.

*Title of Information Collection:* Customer-owned Service Lines.

*OMB Approval Number:* 2137-0594.

*Frequency:* A notice is sent once to each customer at a particular location.

*Use:* This collection is used by gas customers to learn of the need to maintain their buried piping and by OPS and State authorities to review operator compliance.

*Estimated Number of Respondents:*  
1,540.  
*Estimated annual burden hour:* 9,167.  
Issued in Washington, DC on July 29, 2005.

**Florence L. Hamn,**

*Director, Office of Regulations.*

[FR Doc. 05-15559 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket: RSPA-98-4957]

#### Request for Public Comments and Office of Management and Budget (OMB) Approval of an Existing Information Collection (2137-0593)

**AGENCY:** Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation (DOT).

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) described below has been forwarded to the Office of Management and Budget (OMB) for extension of currently approved collection. The ICR describes the nature of the information collection and the expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on May 23, 2005, [FR 70, page 29554].

**DATES:** Comments must be submitted on or before September 7, 2005.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Florence Hamn, (202) 366-3015, by e-mail at [Florence.Hamn@dot.gov](mailto:Florence.Hamn@dot.gov).

**SUPPLEMENTARY INFORMATION:** Comments are invited on whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, in including the use of automated collection techniques of other forms of information technology.

Standards in 49 CFR 192.383, "Excess flow valve customer notification," require that before operators install or replace certain gas service lines, they must notify customers in writing that excess flow valves are available for installation if the customer agrees to pay for the related expenses. Operators also must keep records that include the notice currently in use and evidence that the operator sent notices, as required, during the previous 3 years. The standards were published in response to a statutory mandate in 49 U.S.C. 60110(c).

This information collection supports the DOT strategic goal of safety by reducing the number of fatalities, the number of injuries, and the amount of property damage.

As used in this notice, 'information collection' includes all work related to preparing and disseminating information related to this recordkeeping requirement including completing paperwork, gathering information and conducting telephone calls.

*Type of Information Collection Request:* Renewal of Existing Collection.

*Title of Information Collection:* Recordkeeping Requirements for Excess Flow Valves—Customer Notification.

*OMB Approval Number:* 2137-0593.

*Frequency:* A notice is sent before a new service line is installed or an existing service line is replaced.

*Use:* This collection is used by gas customers to decide whether to have EFVs installed and by government inspectors to review operator compliance.

*Estimated Number of Respondents:*  
1,540.

*Estimated annual burden hour:*  
18,000.

Issued in Washington DC on July 29, 2005.

**Florence L. Hamn,**

*Director, Office of Regulations.*

[FR Doc. 05-15560 Filed 8-5-05; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF THE TREASURY

### Financial Crimes Enforcement Network; Privacy Act of 1974, as Amended; Systems of Records

**AGENCY:** FinCEN, Treasury.

**ACTION:** Notice of systems of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Financial Crimes Enforcement Network (FinCEN), Treasury, is publishing its Privacy Act systems of records.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget (OMB) Circular No. A-130, the FinCEN has completed a review of its Privacy Act systems of records notices to identify minor changes that will more accurately describe these records. FinCEN's Privacy Act system of records notices were last published in their entirety on February 19, 2002, at 67 FR 7492, 67 FR 7496, and 67 FR 7498, respectively.

Prior to October 26, 2001, the date of enactment of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (the "USA Patriot Act"), Pub. L. 107-56, FinCEN was placed within the Departmental Offices of the Department of the Treasury. Section 361 of the USA Patriot Act created a new Section 310 in Subchapter I of chapter 3 of Title 31, United States Code, making FinCEN a Treasury bureau. On November 25, 2003, FinCEN's three Privacy Act systems of records, previously identified as "DO .200 FinCEN Database," "DO .212 Suspicious Activity Reporting System," and "DO .213 Bank Secrecy Act Reports System," have been re-numbered to reflect FinCEN's status as a Treasury Bureau (68 FR 66159).

#### Systems Covered by This Notice

This notice covers all systems of records adopted by the Bureau up to May 2, 2005. The systems notices are reprinted in their entirety following the Table of Contents.

Dated: August 1, 2005.

**Nicholas Williams,**

*Deputy Assistant Secretary for Headquarters Operations.*

#### Table of Contents

##### Financial Crimes Enforcement Network (FinCEN)

FinCEN .001-FinCEN Data Base (formerly Treasury/DO .200)  
FinCEN .002-Suspicious Activity Report System (the SAR System) (formerly Treasury/DO .212)  
FinCEN .003-Bank Secrecy Act Reports System (formerly Treasury/DO .213)

#### Treasury/FinCEN .001

##### SYSTEM NAME:

FinCEN Data Base—Treasury/FinCEN

##### SYSTEM LOCATION:

The Financial Crimes Enforcement Network, P. O. Box 39, Vienna, VA 22183-0039.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Individuals who relate in any manner to official FinCEN efforts in support of the enforcement of the Bank Secrecy Act and money-laundering and other financial crimes. Such individuals may include, but are not limited to, subjects of investigations and prosecutions; suspects in investigations; victims of such crimes; witnesses in such investigations and prosecutions; and close relatives and associates of any of these individuals who may be relevant to an investigation; (2) current and former FinCEN personnel whom FinCEN considers relevant to an investigation or inquiry; and (3) individuals who are the subject of unsolicited information possibly relevant to violations of law or regulations, who offer unsolicited information relating to such violations, who request assistance from FinCEN, and who make inquiries of FinCEN.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Every possible type of information that contributes to effective law enforcement may be maintained in this system of records, including, but not limited to, subject files on individuals, corporations, and other legal entities; information provided pursuant to the Bank Secrecy Act; information gathered pursuant to search warrants; statements of witnesses; information relating to past queries of the FinCEN Data Base; criminal referral information; complaint information; identifying information regarding witnesses, relatives, and associates; investigative reports; and intelligence reports.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 31 U.S.C. 5311 *et seq.*; 31 CFR part 103; Treasury Department Order No. 105-08 (April 25, 1990).

**PURPOSE(S):**

The purpose of this system of records is to support FinCEN's efforts to provide a government-wide, multi-source intelligence and analytical network to support the detection, investigation, and prosecution of domestic and international money laundering and other financial crimes, and other domestic and international criminal, tax, and regulatory matters.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system may be used to:

(1) Provide responses to queries from Federal, State, territorial, and local law enforcement and regulatory agencies, both foreign and domestic, regarding

Bank Secrecy Act and other financial crime enforcement;

(2) Furnish information to other Federal, State, local, territorial, and foreign law enforcement and regulatory agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where FinCEN becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(3) Furnish information to the Department of Defense, to support its role in the detection and monitoring of aerial and maritime transit of illegal drugs into the United States and any other role in support of law enforcement that the law may mandate;

(4) Respond to queries from INTERPOL in accordance with agreed coordination procedures between FinCEN and INTERPOL;

(5) Furnish information to individuals and organizations, in the course of enforcement efforts, to the extent necessary to elicit information pertinent to financial law enforcement;

(6) Furnish information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with civil or criminal law proceedings;

(7) Furnish information to the news media in accordance with the guidelines contained in 28 CFR 50.2, which relate to civil and criminal proceedings; and

(8) Furnish information to the Department of State and the Intelligence Community to further those agencies' efforts with respect to national security and the foreign aspects of international narcotics trafficking.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic media and hard copy.

**RETRIEVABILITY:**

By name, address, or unique identifying number.

**SAFEGUARDS:**

All FinCEN personnel accessing the system will have successfully passed a background investigation. FinCEN will furnish information from the system of records to approved personnel only on a "need to know" basis using passwords and access control. Procedural and physical safeguards to be utilized include the logging of all queries and periodic review of such query logs;

compartmentalization of information to restrict access to authorized personnel; physical protection of sensitive hard copy information; encryption of electronic communications; intruder alarms; and 24-hour building guards.

**RETENTION AND DISPOSAL:**

FinCEN personnel will review records each time a record is retrieved and on a periodic basis to see whether it should be retained or modified. FinCEN will dispose of all records after twenty years. Records will be disposed of by erasure of magnetic media and by shredding and/or burning of hard copy documents.

**SYSTEM MANAGER(S) AND ADDRESSES:**

Deputy Director, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183-0039.

**NOTIFICATION PROCEDURE:**

Pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

See "Categories of individuals covered by the system" above. The system contains material for which sources need not be reported.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2). See 31 CFR 1.36.

**TREASURY/FinCEN .002****SYSTEM NAME:**

Suspicious Activity Report System (the "SAR System")—Treasury/FinCEN System location:

The Internal Revenue Service Detroit Computing Center (DCC), 985 Michigan Avenue, Detroit, Michigan 48226-1129 and the Financial Crimes Enforcement Network (FinCEN), P.O. Box 39, Vienna, VA 22183-0039.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The SAR System contains information about:

(1) Individuals or entities that are known perpetrators or suspected perpetrators of a known or suspected federal criminal violation, or pattern of

criminal violations, committed or attempted against a financial institution, or participants in a transaction or transactions conducted through the financial institution, that has been reported by the financial institution, either voluntarily or because such a report is required under the rules of FinCEN, one or more of the Federal Supervisory Agencies (the Board of Governors of the Federal Reserve System (the Board), the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the National Credit Union Administration (NCUA) (collectively, the "Federal Supervisory Agencies")), or both.

(2) Individuals or entities that are participants in transactions, conducted or attempted by, at, or through a financial institution, that have been reported because the institution knows, suspects, or has reason to suspect that: (a) The transaction involves funds derived from illegal activities, the transaction is intended or conducted to hide or disguise funds or assets derived from illegal activities as part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under Federal law; (b) the transaction is designed to evade any regulations promulgated under the Bank Secrecy Act, Pub. L. 91-508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311-5331; or (c) the transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the financial institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction;

(3) Individuals who are directors, officers, employees, agents, or otherwise affiliated with a financial institution;

(4) Individuals or entities that are actual or potential victims of a criminal violation or series of violations;

(5) Individuals who are named as possible witnesses in connection with matters arising from any such report;

(6) Individuals or entities named as preparers of any such report;

(7) Individuals or entities named as persons to be contacted for assistance by government agencies in connection with any such report;

(8) Individuals or entities who have or might have information about individuals or criminal violations described above;

(9) Individuals or entities involved in evaluating or investigating any matters arising from any such report;

(10) Individuals, entities and organizations suspected of engaging in terrorist and other criminal activities and any person who may be affiliated with such individuals, entities or organizations;

(11) Individuals or entities named by financial institutions as persons to be contacted for further assistance by government agencies in connection with individuals, entities or organizations suspected of engaging in terrorist or other criminal activities; and

(12) Individuals or entities involved in evaluating or investigating any matters in connection with individuals, entities or organizations suspected of engaging in terrorist or other criminal activity.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The SAR System contains information reported to FinCEN by a financial institution (including, but not limited to, a depository institution, a money services business, a broker-dealer in securities, and a casino) on a Suspicious Activity Report ("SAR") that is filed voluntarily or as required under the authority of FinCEN, one or more of the Federal Supervisory Agencies, or under any other authority. The SAR System also may contain information that may relate to terrorist or other criminal activity that is reported voluntarily to FinCEN by any individual or entity through any other means, including through FinCEN's Financial Institutions Hotline. The SAR System also may contain information relating to individuals, entities, and organizations reasonably suspected based on credible evidence of engaging in terrorist or other criminal activities, including information provided to FinCEN from financial institutions regarding such individuals, entities, and organizations. SARs contain information about the categories of persons or entities specified in "Categories of Individuals Covered by the system." The SAR System may also contain records pertaining to criminal prosecutions, civil actions, enforcement proceedings, and investigations resulting from or relating to SARs. Additionally, it will contain records pertaining to criminal prosecutions, civil actions, enforcement proceedings, and investigations relating to institutions required to file reports or under the supervision of one or more of the Federal Supervisory agencies.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The system is established and maintained in accordance with 31

U.S.C. 5318(g); 31 CFR Part 103; 31 U.S.C. 321; and 31 U.S.C. 310.

**PURPOSE(S):**

The requirements of FinCEN and the Federal Supervisory Agencies create an integrated process for reporting suspicious activity and known or suspected crimes by, at, or through depository institutions and certain of their affiliates. The process is based on a single uniform SAR filed with FinCEN.

The SAR System has been created, as a key part of this integrated reporting process, to permit coordinated and enhanced analysis and tracking of such information, and rapid dissemination of SAR information to appropriate law enforcement and supervisory agencies. The provisions of 31 U.S.C. 5318(g)(4)(B) specifically require that the agency designated as repository for SARs refer those reports to any appropriate law enforcement or supervisory agency.

Data from the SAR System will be exchanged, retrieved, and disseminated, both manually and electronically among FinCEN, the Federal Supervisory Agencies, appropriate Federal, State, and local law enforcement agencies, and State banking supervisory agencies. Agencies to which information will be referred electronically, which in certain cases may involve electronic transfers of batch information, include the Federal Supervisory Agencies, the Federal Bureau of Investigation (FBI), the Criminal Investigation Division of the Internal Revenue Service, the United States Secret Service, the United States Customs and Border Protection, the Executive Office of the United States Attorneys and the Offices of the 93 United States Attorneys, and State bank supervisory agencies and certain State law enforcement agencies, which have entered into appropriate agreements with FinCEN. (The FBI and Secret Service may receive electronic transfers of batch information as forms are filed to permit those agencies more efficiently to carry out their investigative responsibilities.) Organizations to which information is regularly disseminated are referred to as SAR System Users. It is anticipated that information from the SAR System will also be disseminated to other appropriate Federal, State, or local law enforcement organizations and regulatory agencies that enter into appropriate agreements with FinCEN. In addition, information may be disseminated to non-United States financial regulatory and law enforcement agencies.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records may be used to:

(1) Provide information or records, electronically or manually, to SAR System Users relevant to the enforcement and supervisory programs and operations of those Users;

(2) Provide SAR System Users and their Executive Departments with reports that indicate the number, amount, individual identity, and other details concerning potential violations of the law that have been the subject of Suspicious Activity Reports;

(3) Provide information or records to any appropriate domestic or non-United States governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law, or charged with the responsibility of enforcing or implementing a statute, rule, regulation, order, or policy, or charged with the responsibility of issuing a license, security clearance, contract, grant, or benefit, when relevant to the responsibilities of these agencies or organizations;

(4) Provide information or records, when appropriate, to international and foreign governmental authorities in accordance with law and formal or informal international agreement;

(5) Disclose on behalf of a SAR System User, the existence, but not necessarily the content, of information or records to a third party, in cases where a SAR System User is a party or has a direct interest and where the SAR System User has concluded that such disclosure is necessary;

(6) Provide information or records to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the SAR System User is authorized to appear, when (a) the SAR System User, or any component thereof; or (b) any employee of the SAR System User in his or her official capacity; or (c) any employee of the SAR System User, where the Department of Justice or the SAR System User has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, when the SAR System User determines that litigation is likely to affect the SAR System User or any of its components and the use of such records by the Department of Justice or the SAR System User is deemed by the SAR System User to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is

compatible with the purpose for which the records were collected;

(7) Disclose information or records to individuals or entities to the extent necessary to elicit information pertinent to the investigation, prosecution, or enforcement of civil or criminal statutes, rules, regulations, or orders;

(8) In accordance with Executive Order 12968 (August 2, 1995), provide information or records to any appropriate government authority in connection with investigations and reinvestigations to determine eligibility for access to classified information to the extent relevant for matters that are by statute permissible subjects of inquiry;

(9) Provide, when appropriate, information or records to a bar association, or other trade or professional organization performing similar functions, for possible disciplinary action;

(10) Provide information or records to the Department of State and to the United States Intelligence Community, within the meaning of Executive Order 12333 (December 4, 1981) to further those agencies' efforts with respect to national security and international narcotics trafficking;

(11) Furnish analytic and statistical reports to government agencies and the public providing information about trends and patterns derived from information contained on Suspicious Activity Reports, in a form in which individual identities are not revealed;

(12) Disclose information or records to any person with whom FinCEN, the DCC, or a SAR System User contracts to provide consulting, data processing, clerical, or secretarial functions relating to the official programs and operations of FinCEN, DCC, or the SAR System User; and

(13) Disclose information to United States intelligence agencies in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in magnetic media and on hard paper copy.

**RETRIEVABILITY:**

Data in the SAR System may be retrieved by sectionalized data fields (*i.e.*, name of financial institution or holding company, type of suspected violation, individual suspect name, witness name, and name of individual authorized to discuss the referral with

government officials) or by the use of search and selection criteria.

**SAFEGUARDS:**

The system is located in a guarded building that has restricted access. Access to the computer facilities and any paper records is subject to additional physical safeguards that restrict access. Access to any electronic records in the system is restricted by means of passwords and non-transferable identifiers issued to authorized SAR System Users. The system complies with all applicable security requirements of the Department of the Treasury.

**RETENTION AND DISPOSAL:**

Records in this system will be updated periodically to reflect changes, and will be maintained in electronic form as long as needed for the purpose for which the information was collected. Records will then be disposed of in accordance with applicable law.

**SYSTEM MANAGER AND ADDRESS:**

Deputy Director, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183-0039.

**NOTIFICATION PROCEDURE:**

This system is exempt from notification requirements, record access requirements, and requirements that an individual be permitted to contest its contents, pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

Records in this system may be provided by or obtained from: individuals; financial institutions and certain of their affiliates; Federal Supervisory Agencies; State financial institution supervisory agencies; domestic or foreign governmental agencies; foreign or international organizations; and commercial sources. Pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2), this system is exempt from the requirement that the Record source categories be disclosed.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

**TREASURY/FinCEN .003****SYSTEM NAME:**

Bank Secrecy Act Reports System—  
Treasury/FinCEN

**SYSTEM LOCATION:**

Electronic Records: Currency and Banking Retrieval System, Internal Revenue Service Detroit Computing Center, 985 Michigan Avenue, Detroit, Michigan, 48226-1129 and Treasury Enforcement Communications System, United States Customs and Border Protection, Newington, 7681 Boston Boulevard, Springfield, Virginia, 22153-3140. Paper Records: FinCEN Form 105—U.S. Customs and Border Protection, Newington, VA. All other forms, including, but not limited to, FinCEN Form 104, TDF 90.22-1 and Form 8362—Internal Revenue Service, Detroit, MI.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons identified in reports filed under the Bank Secrecy Act and its implementing regulations (31 CFR part 103) including, but not limited to, reports made on FinCEN Form 104 (Currency Transaction Report), FinCEN Form 103 (Currency Transaction Report by Casinos), forms filed by casinos located in the State of Nevada in lieu of Form 8362, FinCEN Form 8300 (Report of Cash Payments Over \$10,000 Received in a Trade or Business), FinCEN Form 105 (Report of International Transportation of Currency or Monetary Instruments), Treasury Form TDF 90-22.1 (Report of Foreign Bank and Financial Accounts), Treasury Form TDF 90-22.53 (Designation of Exempt Person), and FinCEN Form 107 (Registration of Money Services Businesses). (This system of records does not cover persons identified in Suspicious Activity Reports, TDF 90-22.47. Those reports are included in another system of records, "Suspicious Activity Reporting System—Treasury/FinCEN .002.")

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information or reports filed under the Bank Secrecy Act and its implementing regulations (31 CFR part 103) including, but not limited to, reports made on FinCEN Form 104 (Currency Transaction Report), FinCEN Form 103 (Currency Transaction Report by Casinos), forms filed by casinos located in the State of Nevada in lieu of Form 8362, FinCEN Form 8300 (Report of Cash Payments Over \$10,000 Received in a Trade or Business), FinCEN Form 105 (Report of International Transportation of Currency or Monetary

Instruments), Treasury Form TDF 90-22.1 (Report of Foreign Bank and Financial Accounts), Treasury Form TDF 90-22.53 (Designation of Exempt Person), and FinCEN Form 107 (Registration of Money Services Businesses). (This system does not include Suspicious Activity Reports, TDF 90-22.47, required under 31 CFR part 103. Those reports are included in another system of records, "Suspicious Activity Reporting System—Treasury/FinCEN .002"). These reports include names of individuals and other entities filing the reports, names of the owners of monetary instruments, the amounts and kinds of currency or other monetary instruments transported, reported, or in foreign banking accounts, account numbers, addresses, dates of birth, and other personal identifiers.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 1829b and 1951-1959; 31 U.S.C. 5311-5331; 5 U.S.C. 301; 31 CFR part 103; 31 U.S.C. 310.

**PURPOSE(S):**

The Bank Secrecy Act, codified at 12 U.S.C. 1829b and 1951-1959 and 31 U.S.C. 5311-5331 authorizes the Secretary of the Treasury to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters. The Secretary's authority has been implemented through regulations promulgated at 31 CFR part 103. The purpose of this system of records is to maintain the information contained on the reports required under these regulations. This information is disseminated, both electronically and manually, in accordance with strict safeguards, to appropriate Federal, State, local, and foreign criminal law enforcement and regulatory personnel in the official performance of their duties. The information is used in a wide range of criminal investigations, including, but not limited to, investigation of international and domestic money laundering, tax evasion, fraud, and other financial crimes, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or

implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose information to Federal, State, or local agencies, maintaining civil, criminal, or other relevant information, which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose to appropriate Federal, State, or local agencies engaged in the identification, investigation, and prosecution of violations or potential violations of criminal statutes, information, in a computerized format, to identify or to permit the identification of patterns of suspected criminal activity that fall within the jurisdiction of the agency requesting the information;

(4) Provide information or records to any appropriate domestic or non-United States governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law, or charged with the responsibility of enforcing or implementing a statute, rule, regulation, order, or policy, when relevant to the responsibilities of these agencies or organizations;

(5) Disclose relevant information on individuals to authorized Federal and State agencies through computer matching in order to help eliminate waste, fraud, and abuse in Government programs and identify individuals who are potentially in violation of civil law, criminal law, or regulation;

(6) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings;

(7) Provide information to the news media, in accordance with guidelines contained in 28 CFR 50.2, that relates to an agency's functions relating to civil and criminal proceedings;

(8) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(9) Provide information or records to United States intelligence agencies in the conduct of intelligence or counterintelligence activities, including

analysis, to protect against international terrorism; and

(10) Disclose to the public information about Money Services Businesses that have registered with FinCEN pursuant to 31 CFR 103.41, other than information that consists of trade secrets, or that is privileged and confidential commercial or financial information.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in magnetic media and on hard paper copy.

**RETRIEVABILITY:**

By name and other unique identifier.

**SAFEGUARDS:**

All persons with electronic access to records in the system will have successfully completed a background investigation. All State and local agency personnel, and all Federal personnel outside the U. S. Department of the Treasury with electronic access will have successfully completed appropriate training. Passwords and access controls will be utilized. Signed agreements outlining usage and dissemination rules are required of all non-Treasury agencies before electronic access is authorized. Procedural and physical safeguards include: The logging of all queries and periodic review of such query logs; compartmentalization of information to restrict access to authorized personnel; physical protection of sensitive hard copy documents and magnetic tapes; encryption of electronic communications; intruder alarms and other security devices; and 24-hour building guards. The system complies with all applicable security requirements of the Department of the Treasury.

**RETENTION AND DISPOSAL:**

Records in this system will be updated periodically to reflect changes, and will be maintained in electronic form as long as needed for the purposes for which the information was collected. Records will be disposed of in accordance with applicable law.

**SYSTEM MANAGER(S) AND ADDRESS:**

General Policy: Deputy Director, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, Virginia 22183-0039. Computer Systems Maintenance and Administration: Director, IRS Computing Center, 985 Michigan

Avenue, Detroit, Michigan, 48226-1129 and Director, Office of Information Technology, U.S. Customs and Border Protection, Newington, 7681 Boston Boulevard, Springfield, Virginia, 22153-3140.

**NOTIFICATION PROCEDURE:**

This system is exempt from notification requirements, record access requirements, and requirements that an individual be permitted to contest its contents, pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

Pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2), this system is exempt from the requirement that the Record source categories be disclosed.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

[FR Doc. 05-15598 Filed 8-5-05; 8:45 am]

**BILLING CODE 4810-02-P**

**DEPARTMENT OF THE TREASURY**

**Bureau of the Public Debt**

**Proposed Collection: Comment Request**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, 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)). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning Regulations governing U.S. Treasury Certificates of Indebtedness—State and Local Government Series.

**DATES:** Written comments should be received on or before October 8, 2005, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street, Parkersburg, WV 26106-1328, or *Vicki.Thorpe@bpd.treas.gov*.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106-1328, (304) 480-6553.

**SUPPLEMENTARY INFORMATION: Title:**

Regulations Governing United States Treasury Certificates Of Indebtedness—State and Local Government Series, Unites States Treasury Notes—State and Local Government Series, and United States Treasury Bonds—State and Local Government Series.

*OMB Number:* 1535-0091.

*Abstract:* The information is requested to establish an investor account, issue and redeem securities.

*Current Actions:* None.

*Type of Review:* Extension.

*Affected Public:* State or local governments.

*Estimated Number of Respondents:* 2,500.

*Estimated Time Per Respondent:* 13 minutes.

*Estimated Total Annual Burden Hours:* 542.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: August 2, 2005.

**Vicki S. Thorpe,**

*Manager, Graphics, Printing and Records Branch.*

[FR Doc. 05-15578 Filed 8-5-05; 8:45 am]

**BILLING CODE 4810-39-P**



# Federal Register

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**Monday,  
August 8, 2005**

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**Part II**

**Department of  
Health and Human  
Services**

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**Centers for Medicare & Medicaid Services**

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**42 CFR Part 405, et al.**

**Medicare Program; Revisions to Payment  
Policies Under the Physician Fee  
Schedule for Calendar Year 2006;  
Proposed Rule**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Part 405, 410, 411, 413, 414, and 426**

[CMS-1502-P]

RIN 0938-AN84

**Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2006**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would refine the resource-based practice expense relative value units (PE RVUs) and propose changes to payment based on supplemental survey data for practice expense and revisions to our methodology for calculating practice expense RVUs, as well as make other proposed changes to Medicare Part B payment policy. We are also proposing policy changes related to revisions to malpractice RVUs, in addition to revising the list of telehealth services. In this proposed rule, we also discuss multiple procedure payment reduction for diagnostic imaging, and several coding issues.

We are proposing these changes to ensure that our payment systems are updated to reflect changes in medical practice and the relative value of services. This proposed rule also discusses geographic locality changes; payment for covered outpatient drugs and biologicals; supplemental payments to federally qualified health centers (FQHCs); payment for renal dialysis services; the national coverage decision (NCD) process; coverage of screening for glaucoma; private contracts; and physician referrals for nuclear medicine services and supplies to health care entities with which they have financial relationships.

In addition, we include discussions on payment for teaching anesthesiologists, the therapy cap, the chiropractic demonstration and the Sustainable Growth Rate (SGR).

**DATES:** *Comment Date:* Comments will be considered if we receive them at one of the addresses provided below, no later than 5 p.m. on September 30, 2005.

**ADDRESSES:** In commenting, please refer to file code CMS-1502-P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of three ways (no duplicates, please):

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to <http://www.cms.hhs.gov/regulations/ecomments>. (Attachments should be in Microsoft Word, WordPerfect, or Excel; however, we prefer Microsoft Word.)

2. *By mail.* You may 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-1502-P, P.O. Box 8017, Baltimore, MD 21244-8017.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send 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-1502-P, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the comment period to one of the following addresses. If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786-7197 in advance to schedule your arrival with one of our staff members. Room 445-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201; or 7500 Security Boulevard, Baltimore, MD 21244-1850.

(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 for persons wishing to retain a 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 received after the comment period.

*Submission of comments on paperwork requirements.* You may submit comments on this document's paperwork requirements by mailing your comments to the addresses provided at the end of the "Collection of Information Requirements" section in this document.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:**

Pam West (410) 786-2302 (for issues related to practice expense).

Rick Ensor (410) 786-5617 (for issues related to the non-physician workpool and supplemental survey data).

Stephanie Monroe (410) 786-6864 (for issues related to the geographic practice cost index).

Craig Dobyski (410) 786-4584 (for issues related to list of telehealth services).

Ken Marsalek (410) 786-4502 (for issues related to multiple procedure reduction for diagnostic imaging services and payment for teaching anesthesiologists).

Henry Richter (410) 786-4562 (for issues related to payments for end stage renal disease facilities).

Angela Mason (410) 786-7452 or Catherine Jansto (410) 786-7762 (for issues related to payment for covered outpatient drugs and biologicals).

Fred Grabau (410) 786-0206 (for issues related to private contracts and opt out provision).

David Worgo (410) 786-5919 (for issues related to Federally Qualified Health Centers).

Vadim Lubarsky (410) 786-0840 (for issues related National Coverage Decision timeframes).

Bill Larson (410) 786-7176 (for issues related to coverage of screening for glaucoma).

Diane Milstead (410) 786-3355 or Gaysha Brooks (410) 786-9649 (for all other issues).

**SUPPLEMENTARY INFORMATION:**

*Submitting Comments:* We welcome comments from the public on all issues set forth in this rule to assist us in fully considering issues and developing policies. You can assist us by referencing the file code CMS-1502-P and the specific "issue identifier" that precedes the section on which you choose to comment.

*Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. CMS posts all electronic comments received before the close of the comment period on its public website as soon as possible after they have been received. Hard copy comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a 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 1-800-743-3951.

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 the CMS homepage. You can access this data by using the following directions:

1. Go to the CMS homepage (<http://www.cms.hhs.gov>).
2. Place your cursor over the word "Professionals" in the blue areas near the top of the page. Select "physicians" from the drop-down menu.
3. Under "Billing/Payment" 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 VI.

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  - F. Payment for Teaching Anesthesiologists
  - G. End Stage Renal Disease (ESRD) Related Provisions
    1. Revised Pricing Methodology for Separately Billable Drugs and Biologicals Furnished by ESRD Facilities.
    2. Adjustment to Account for Changes in the Pricing of Separately Billable Drugs and Biologicals and the Estimated Increase in Expenditures for Drugs and Biologicals
    3. Proposed Revisions to Geographic Designations and Wage Indexes Applied to the End Stage Renal Disease Composite Payment Rate Wage Index
  4. Proposed Revisions to § 413.170 (Scope) and § 413.174 (Prospective rates for hospital-based and independent ESRD facilities)

5. Proposed Revisions to the Composite Payment Rate Exceptions Process
  - H. Payment for Covered Outpatient Drugs and Biologicals
  - I. Private Contracts and Opt-out Provision
  - J. Multiple Procedure Reduction for Diagnostic Imaging
  - K. Therapy Cap
  - L. Chiropractic Services Demonstration
  - M. Supplemental Payments to Federally Qualified Health Centers (FQHCs) Subcontracting with Medicare Advantage Plans
  - N. National Coverage Decisions Timeframes
  - O. Coverage of Screening for Glaucoma
  - P. Physician Referrals for Nuclear Medicine Services and Suppliers to Health Care Entities with Which They Have Financial Relationships
  - Q. Sustainable Growth Rate
  - III. Collection of Information Requirements
  - IV. Response to Comments
  - V. Regulatory Impact Analysis
- Regulation Text
- Addendum A—Explanation and Use of Addendum B
- Addendum B—2006 Relative Value Units and Related Information Used in Determining Medicare Payments for 2006
- Addendum C—Codes for Which we Received Practice Expense Review Committee (PERC) Recommendations on Practice Expense Direct Cost Inputs.
- Addendum D—2006 Geographic Practice Cost Indices By Medicare Carrier and Locality
- Addendum E—Proposed 2006 Geographic Adjustment Factors (GAFs)
- Addendum F—ESRD Facilities Metropolitan Statistical Areas (MSA)/Core-Based Statistical Areas (CBSA) Crosswalk
- Addendum G—List of CPT/HCPCS Codes Used to Describe Nuclear Medicine Designated Health Services Under Section 1877 of the Social Security Act
- In addition, because of the many organizations and terms to which we refer by acronym in this proposed final rule, we are listing these acronyms and their corresponding terms in alphabetical order below:
- AADA American Academy of Dermatology Association
- AAH American Association of Homecare
- ACC American College of Cardiology
- ACG American College of Gastroenterology
- ACR American College of Radiology
- AFROC Association of Freestanding Radiation Oncology Centers
- AGA American Gastroenterological Association
- AMA American Medical Association
- AMP Average manufacturer price
- ASA American Society of Anesthesiologists
- ASGE American Society of Gastrointestinal Endoscopy
- ASP Average sales price
- ASTRO American Society for Therapeutic Radiation Oncology
- ATA American Telemedicine Association
- AUA American Urological Association
- AWP Average wholesale price
- BBA Balanced Budget Act of 1997
- BBRA Balanced Budget Refinement Act of 1999

- BES (Bureau of the Census') Business Expenditure Survey
- BIPA Benefits Improvement and Protection Act of 2000
- BLS Bureau of Labor Statistics
- BMI Body mass index
- BNF Budget neutrality factor
- BSA Body surface area
- CAP College of American Pathologists
- CBSA Core-Based Statistical Area
- CF Conversion factor
- CFR Code of Federal Regulations
- CMA California Medical Association
- CMS Centers for Medicare & Medicaid Services
- CNS Clinical nurse specialist
- CPEP Clinical Practice Expert Panel
- CPI Consumer Price Index
- CPO Care Plan Oversight
- CPT (Physicians') Current Procedural Terminology (4th Edition, 2002, copyrighted by the American Medical Association)
- CRNA Certified Registered Nurse Anesthetist
- CT Computed tomography
- CTA Computed tomographic angiography
- CY Calendar year
- DHS Designated health services
- DME Durable medical equipment
- DMERC Durable Medical Equipment Regional Carrier
- DSMT Diabetes outpatient self-management training services
- E&M Evaluation and management
- EPO Erythropoietin
- ESRD End stage renal disease
- FAX Facsimile
- FI Fiscal intermediary
- FQHC Federally qualified healthcare center
- FR Federal Register
- GAF Geographic adjustment factor
- GAO General Accounting Office
- GPCI Geographic practice cost index
- HCPAC Health Care Professional Advisory Committee
- HCPCS Healthcare Common Procedure Coding System
- HHA Home health agency
- HHS (Department of) Health and Human Services
- HOCM High Osmolar Contrast Media
- HPSA Health professional shortage area
- HRSA Health Resources Services Administration (HHS)
- IDTFs Independent diagnostic testing facilities
- IPF Inpatient psychiatric facility
- IPPS Inpatient prospective payment system
- IRF Inpatient rehabilitation facility
- ISO Insurance Services Office
- IVIG Intravenous immune globulin
- JCAAI Joint Council of Allergy, Asthma, and Immunology
- JUA Joint underwriting association
- LCD Local coverage determination
- LTCH Long-term care hospital
- LOCM Low Osmolar Contrast Media
- MA Medicare Advantage
- MCAC Medicare Coverage Advisory Committee
- MCG Medical College of Georgia
- MedPAC Medicare Payment Advisory Commission
- MEI Medicare Economic Index

MMA Medicare Prescription Drug, Improvement, and Modernization Act of 2003

MNT Medical nutrition therapy

MRA Magnetic resonance angiography

MRI Magnetic resonance imaging

MSA Metropolitan statistical area

NCD National coverage determination

NCQDIS National Coalition of Quality Diagnostic Imaging Services

NDC National drug code

NECMA New England County Metropolitan Area

NECTA New England City and Town Area

NP Nurse practitioner

NPP Nonphysician practitioners

OBRA Omnibus Budget Reconciliation Act

OIG Office of Inspector General

OMB Office of Management and Budget

OPPS Outpatient prospective payment system

PA Physician assistant

PC Professional component

PE Practice Expense

PEAC Practice Expense Advisory Committee

PERC Practice Expense Review Committee

PET Positron emission tomography

PFS Physician Fee Schedule

PLI Professional liability insurance

PPI Producer price index

PPO Preferred provider organization

PPS Prospective payment system

PRA Paperwork Reduction Act

PT Physical therapy

RFA Regulatory Flexibility Act

RIA Regulatory impact analysis

RN Registered nurse

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

SNM Society for Nuclear Medicine

TA Technology assessment

TC Technical component

tPA Tissue-type plasminogen activator

UAF Update adjustment factor

WAC Wholesale acquisition cost

WAMP Widely available market price

## I. Background

[If you choose to comment on issues in this section, please include the caption "BACKGROUND" at the beginning of your comments.]

### A. Introduction

Since January 1, 1992, Medicare has paid for physicians' services under section 1848 of the Social Security Act (the Act), "Payment for Physicians' Services." The Act requires that payments under the physician fee schedule (PFS) 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 (PE), and malpractice expense. Prior to the establishment of the

resource-based relative value system, Medicare payment for physicians' services was based on reasonable charges.

### B. Development of the Relative Value System

#### 1. Work RVUs

The concepts and methodology underlying the PFS were enacted as part of the Omnibus Budget Reconciliation Act (OBRA) of 1989, Pub. L. 101-239, and OBRA 1990, (Pub. L. 101-508). The final rule, published November 25, 1991 (56 FR 59502), set forth the fee schedule for payment for physicians' services beginning January 1, 1992. Initially, only the physician work RVUs were resource-based, and the PE and malpractice RVUs were based on average allowable charges.

The physician 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 physician work RVUs for most codes in a cooperative agreement with the Department of Health and Human Services. In constructing the code-specific vignettes for the original physician work RVUs, Harvard worked with panels of experts, both inside and outside the government and obtained input from numerous physician specialty groups.

Section 1848(b)(2)(A) of the Act specifies that the RVUs for radiology services are based on relative value scale we adopted under section 1834(b)(1)(A) of the Act, (the American College of Radiology (ACR) relative value scale), which we integrated into the overall PFS. Section 1848(b)(2)(B) of the Act specifies that the RVUs for anesthesia services are based on RVUs from a uniform relative value guide. We established a separate conversion factor (CF) for anesthesia services, and we continue to utilize time units as a factor in determining payment for these services. As a result, there is a separate payment methodology for anesthesia services.

We establish physician work RVUs for new and revised codes based on recommendations received from the American Medical Association's (AMA) Specialty Society Relative Value Update Committee (RUC).

#### 2. Practice Expense Relative Value Units (PE RVUs)

Section 121 of the Social Security Act Amendments of 1994 (Pub. L. 103-432), enacted on October 31, 1994, amended

section 1848(c)(2)(C)(ii) of the Act and required us to develop resource-based PE RVUs for each physician's service beginning in 1998. We were to consider general categories of expenses (such as office rent and wages of personnel, but excluding malpractice expenses) comprising practice expenses.

Section 4505(a) of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105-33), amended section 1848(c)(2)(C)(ii) of the Act to delay implementation of the resource-based PE RVU system until January 1, 1999. In addition, section 4505(b) of the BBA provided for a 4-year transition period from charge-based PE RVUs to resource-based RVUs.

We established the resource-based PE RVUs for each physician's service in a final rule, published November 2, 1998 (63 FR 58814), effective for services furnished in 1999. Based on the requirement to transition to a resource-based system for PE over a 4-year period, resource-based PE RVUs did not become fully effective until 2002.

This resource-based system was based on two significant sources of actual PE data: The Clinical Practice Expert Panel (CPEP) data and the AMA's Socioeconomic Monitoring System (SMS) data. The CPEP data were collected from panels of physicians, practice administrators, and nonphysicians (for example, registered nurses) nominated by physician specialty societies and other groups. The CPEP panels identified the direct inputs required for each physician's service in both the office setting and out-of-office setting. The AMA's SMS data provided aggregate specialty-specific information on hours worked and practice expenses.

Separate PE RVUs are established for procedures that can be performed in both a nonfacility setting, such as a physician's office, and a facility setting, such as a hospital outpatient department. The difference between the facility and nonfacility RVUs reflects the fact that a facility receives separate payment from Medicare for its costs of providing the service, apart from payment under the PFS. The nonfacility RVUs reflect all of the direct and indirect practice expenses of providing a particular service.

Section 212 of the Balanced Budget Refinement Act of 1999 (BBRA) (Pub. L. 106-113) directed the Secretary 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 to supplement the data we normally collect in determining the PE component. On May 3, 2000, we

published the interim final rule (65 FR 25664) that set forth the criteria for the submission of these supplemental PE survey data. The criteria were modified in response to comments received, and published in the **Federal Register** (65 FR 65376) as part of a November 1, 2000 final rule. The PFS final rules published in 2001 and 2003, respectively, (66 FR 55246 and 68 FR 63196) extended the period during which we would accept these supplemental data.

### 3. Resource-Based Malpractice RVUs

Section 4505(f) of the BBA amended section 1848(c) of the Act to require us to implement resource-based malpractice RVUs for services furnished on or after 2000. The resource-based malpractice RVUs were implemented in the PFS final rule published November 2, 1999 (64 FR 59380). The malpractice RVUs were based on malpractice insurance premium data collected from commercial and physician-owned insurers from all the States, the District of Columbia, and Puerto Rico.

### 4. Refinements to the RVUs

Section 1848(c)(2)(B)(i) of the Act requires that we review all RVUs no less often than every five years. The first 5-year review of the physician work RVUs went into effect in 1997, published on November 22, 1996 (61 FR 59489). The second 5-year review went into effect in 2002, published on November 1, 2001 (66 FR 55246). The next scheduled 5-year review is scheduled to go into effect in 2007.

In 1999, the AMA's RUC established the Practice Expense Advisory Committee (PEAC) for the purpose of refining the direct PE inputs. Through March of 2004, the PEAC provided recommendations to CMS for over 7,600 codes (all but a few hundred of the codes currently listed in the AMA's Current Procedural Terminology (CPT) codes).

In the November 15, 2004, PFS final rule (69 FR 66236), we implemented the first 5-year review of the malpractice RVUs (69 FR 66263).

### 5. Adjustments to RVUs are Budget Neutral

Section 1848(c)(2)(B)(ii)(II) of the Act provides that adjustments in RVUs for a year may not cause total PFS payments to differ by more than \$20 million from what they would have been if the adjustments were not made. In accordance with section 1848(c)(2)(B)(ii)(II) of the Act, if adjustments to RVUs cause expenditures to change by more than \$20 million, we make adjustments to

ensure that expenditures do not increase or decrease by more than \$20 million.

### C. Components of the Fee Schedule Payment Amounts

To calculate the payment for every physician service, the components of the fee schedule (physician work, PE, and malpractice RVUs) are adjusted by a geographic practice cost index (GPCI). The GPICs reflect the relative costs of physician work, practice expenses, and malpractice insurance in an area compared to the national average costs for each component.

Payments are converted to dollar amounts through the application of a CF, which is calculated by the Office of the Actuary and is updated annually for inflation.

The general formula for calculating the Medicare fee schedule amount for a given service and fee schedule area can be expressed as:

$$\text{Payment} = [(\text{RVU work} \times \text{GPCI work}) + (\text{RVU PE} \times \text{GPCI PE}) + (\text{RVU malpractice} \times \text{GPCI malpractice})] \times \text{CF}.$$

### D. Most Recent Changes to the Fee Schedule

In the November 15, 2004 PFS final rule (69 FR 66236), we refined the resource-based PE RVUs and made other changes to Medicare Part B payment policy. These policy changes included—

- Supplemental survey data for PE;
- Updated GPICs for physician work and PE;
- Updated malpractice RVUs;
- Revised requirements for supervision of therapy assistants;
- Revised payment rules for low osmolar contrast media;
- Payment policies for physicians and practitioners managing dialysis patients;
- Clarification of care plan oversight (CPO) requirements;
- Requirements for supervision of diagnostic psychological testing services;
- Clarifications to the policies affecting therapy services provided incident to a physician's service;
- Requirements for assignment of Medicare claims;
- Additions to the list of telehealth services;
- Changes to payments for drug administration services; and
- Several coding issues.

The November 15, 2004, final rule also addressed the following provisions of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108-173):

- Coverage of an initial preventive physical examination.
- Coverage of cardiovascular screening blood tests.

- Coverage of diabetes screening tests.
- Incentive payment improvements for physicians in physician shortage areas.
- Changes to payment for covered outpatient drugs and biologicals and drug administration services.
- Changes to payment for renal dialysis services.
- Coverage of routine costs associated with certain clinical trials of category A devices as defined by the Food and Drug Administration.
- Coverage of hospice consultation service.
- Indexing the Part B deductible to inflation.
- Extension of coverage of intravenous immune globulin (IVIG) for the treatment in the home of primary immune deficiency diseases.
- Revisions to reassignment provisions.
- Payment for diagnostic mammograms.
- Coverage of religious nonmedical health care institution items and services to the beneficiary's home.

In addition, the November 15, 2004 PFS final rule finalized the calendar year (CY) 2004 interim RVUs for new and revised codes in effect during CY 2004 and issued interim RVUs for new and revised procedure codes for CY 2005; updated the codes subject to the physician self-referral prohibition; discussed payment for set-up of portable x-ray equipment; discussed the third 5-year refinement of work RVUs; and solicited comments on potentially misvalued work RVUs.

In accordance with section 1848(d)(1)(E) of the Act, we also announced that the PFS update for CY 2005 would be 1.5 percent; the initial estimate for the sustainable growth rate for CY 2005 is 4.3; and the CF for CY 2005 is \$37.8975.

## II. Provisions of the Proposed Rule

This proposed rule would affect the regulations set forth at Part 405, Federal Health Insurance for the Aged and Disabled; Part 410, Supplementary Medical Insurance (SMI) Benefits; Part 411, Exclusions from Medicare and Limitations on Medicare Payment; Part 413, Principles of Reasonable Cost Reimbursement, Payment for End-Stage Renal Disease Services, Prospectively Determined Payment Rates for Skilled Nursing Facilities; 414, Payment for Part B Medical and Other Health Services; Part 426, Review of National Coverage Determinations and Local Coverage Determinations.

### A. Resource-Based Practice Expense (PE) RVUs

Based on section 1848(c)(1)(B) of the Act practice expenses are the portion of the resources used in furnishing the service that reflects the general categories of physician and practitioner expenses (such as office rent and wages of personnel, but excluding malpractice expenses).

Section 121 of the Social Security 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 PE RVUs for each physician's service. Up until this point, physicians' practice expenses were based on historical allowed charges. This legislation stated that the revised PE methodology must consider the staff, equipment, and supplies used in the provision of various medical and surgical services in various settings beginning in 1998. The Secretary has interpreted this to mean that Medicare payments for each service would be based on the relative PE resources typically involved with performing the service.

The initial implementation of resource-based PE RVUs was delayed until January 1, 1999, by section 4505(a) of the BBA 1997. In addition, section 4505(b) of the BBA 1997 required the new payment methodology be phased-in over 4 years, effective for services furnished in CY 1999, and fully effective in CY 2002. The first step toward implementation called for by the statute was to adjust the PE values for certain services for CY 1998. Section 4505(d) of BBA 1997 required that, in developing the resource-based PE RVUs, the Secretary must:

- Use, to the maximum extent possible, generally accepted cost accounting principles that recognize all staff, equipment, supplies, and expenses, not solely those that can be linked to specific procedures.
- Develop a refinement method to be used during the transition.
- Consider, in the course of notice and comment rulemaking, impact projections that compare new proposed payment amounts to data on actual physician PEs.

Beginning in CY 1999, Medicare began the four year transition to resource-based PE RVUs. In CY 2002, the resource-based PE RVUs were fully transitioned.

#### 1. Current Methodology

The following sections discuss the current PE methodology.

#### a. Data Sources

There are two primary data sources used to calculate PEs. The American Medical Association's (AMA) Socioeconomic Monitoring System (SMS) survey data are used to develop the PEs per hour for each specialty. The second source of data used to calculate PEs was originally developed by the Clinical Practice Expert Panels (CPEP). The CPEP data include the supplies, equipment and staff times specific to each procedure.

The AMA developed the SMS survey in 1981 and discontinued it in 1999. Beginning in 2002, we incorporated the 1999 SMS survey data into our calculation of the PE RVUs, using a 5-year average of SMS survey data. (See Revisions to Payment Policies and Five-Year Review of and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 2002 final rule, published November 1, 2001 (66 FR 55246).) The SMS PE survey data are adjusted to a common year, 1995. The SMS data provide the following six categories of PE costs:

- Clinical payroll expenses, which are payroll expenses (including fringe benefits) for nonphysician personnel.
- Administrative payroll expenses, which are payroll expenses (including fringe benefits) for nonphysician personnel involved in administrative, secretarial or clerical activities.
- Office expenses, which include expenses for rent, mortgage interest, depreciation on medical buildings, utilities and telephones.
- Medical material and supply expenses, which include expenses for drugs, x-ray films, and disposable medical products.
- Medical equipment expenses, which include expenses depreciation, leases, and rent of medical equipment used in the diagnosis or treatment of patients.
- All other expenses, which include expenses for legal services, accounting, office management, professional association memberships, and any professional expenses not mentioned above.

In accordance with section 212 of the BBRA, we established a process to supplement the SMS data for a specialty with data collected by entities and organizations other than the AMA (that is, the specialty itself). (See the Criteria for Submitting Supplemental Practice Expense Survey Data interim final rule with comment period, published on May 3, 2000 (65 FR 25664).) Originally, the deadline to submit supplementary survey data was through August 1, 2001.

This deadline was extended in the November 1, 2001 final rule through August 1, 2003. (See the Revisions to Payment Policies and Five-Year Review of and Adjustments to the Relative Value Units Under the Physician Fee Schedule for Calendar Year 2002 final rule, published on November 1, 2001 (66 FR 55246).) Then, to ensure maximum opportunity for specialties to submit supplementary survey data, we extended the deadline to submit surveys until March 1, 2005. (See the Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2002 final rule, published on November 7, 2003 (68 FR 63196).)

The CPEPs consisted of panels of physicians, practice administrators, and nonphysicians (registered nurses (RNs), for example) who were nominated by physician specialty societies and other groups. There were 15 CPEPs consisting of 180 members from more than 61 specialties and subspecialties. Approximately 50 percent of the panelists were physicians.

The CPEPs identified specific inputs involved in each physician service provided in an office or facility setting. The inputs identified were the quantity and type of nonphysician labor, medical supplies, and medical equipment.

In 1999, the AMA's RUC established the Practice Expense Advisory Committee (PEAC). Since 1999, and until March 2004, the PEAC, a multi-specialty committee, reviewed the original CPEP inputs and provided us with recommendations for refining these direct PE inputs for existing CPT codes. Through its last meeting in March 2004, the PEAC provided recommendations which we have reviewed and accepted for over 7,600 codes. As a result of this scrutiny, the current CPEP inputs differ markedly from those originally recommended by the CPEPs. The PEAC has now been replaced by the Practice Expense Review Committee (PERC), which acts to assist the RUC in recommending PE inputs.

#### b. Allocation of Practice Expenses to Services

In order to establish PE RVUs for specific services, it is necessary to establish the direct and indirect PE associated with each service. Our current approach allocates aggregate specialty practice costs to specific procedures and, thus, is often referred to as a "top-down" approach. The specialty PEs are derived from the AMA's SMS survey and supplementary survey data. The PEs for a given specialty are allocated to the services performed by that specialty on the basis

of the CPEP data and work RVUs assigned to each CPT code. The specific process is detailed as follows:

*Step 1—Calculation of the SMS Cost Pool for Each Specialty*

The six SMS cost categories can be described as either direct or indirect expenses. The three direct expense categories include clinical labor, medical supplies and medical equipment. Indirect expenses include administrative labor, office expense, and all other expenses. We combine these indirect expenses into a single category. The SMS cost pool for each specialty is calculated as follows:

- The specialty PE per hour (PE/HR) for each of the three direct and one indirect cost categories from the SMS is calculated by dividing the aggregate PE per specialty by the specialty's total hours spent in patient care activities (also determined by the SMS survey). The PE/HR is divided by 60 seconds to obtain the PE per minute (PE/MIN).

- Each specialty's PE pools (for each of the three direct and one indirect cost categories) are created by multiplying the PE/MIN for the specialty by the total time the specialty spent treating Medicare patients for all procedures (determined using Medicare utilization data). Physician time on a procedure-specific level is available through RUC surveys of new or revised codes and through surveys conducted as part of the 5 year review process. For codes that the RUC has not yet reviewed, the original data from the Harvard resource-based RVU system survey is used. Physician time includes time spent on the case prior to, during, and after the procedure. The physician procedure time is multiplied by the frequency that each procedure is performed on Medicare patients by the specialty.

- The total specialty-specific SMS PE for each cost category is the sum, for each direct and indirect cost category, of all of the procedure-specific total PEs.

Table 1 illustrates an example of the calculation of the total SMS cost pools for the three direct and one indirect cost categories discussed in step 1. For this specialty, PE/HR for clinical payroll expenses is \$9.30 per hour. The hourly rate is divided by 60 minutes to obtain the clinical payroll per minute for the specialty.

The total clinical payroll for providing hypothetical procedure 00001 for this specialty of \$3,633,465 is the result of taking the clinical payroll per minute of \$0.16; multiplying this by the physician time for procedure 00001 (56 minutes); and multiplying the result by the number of times this procedure was provided to Medicare patients by this specialty (418,602). The total amount spent on clinical payroll in this specialty is \$667,457,018. This amount is calculated by summing the clinical payroll expenses of procedure 00001 and all of the other services provided by this specialty.

TABLE 1.—CALCULATION OF SMS COST POOL

Standard methodology	Clinical payroll (A)	Medical supplies (B)	Medical equipment (C)	Indirect expenses (D)	Total* (E)
(a) PE/HR .....	\$9.30	\$4.80	\$7.40	\$46.50	\$68.00
(b) PE/Minute .....	\$0.16	\$0.08	\$0.12	\$0.78	\$1.13
(c) Physician Time—00001 .....	56	56	56	56	56
(d) Number of Services .....	418,602	418,602	418,602	418,602	418,602
(e) Subtotal .....	\$3,633,465	\$1,875,337	\$2,891,144	\$18,167,327	\$26,567,274
(f) All Other Services .....	\$663,823,552	\$342,618,608	\$528,203,687	\$3,319,117,762	\$4,853,763,609
(g) Total—SMS Pool .....	\$667,457,018	\$344,493,945	\$531,094,831	\$3,337,285,089	\$4,880,330,883

(b) = (a)/60  
 (e) = (b)\*(c)\*(d)  
 (g) = (e)+(f)

\* Components may not add to totals due to rounding.

*Step 2—Calculation of CPEP Cost Pool*

CPEP data provide expenditure amounts for the direct expense categories (clinical labor, supplies and equipment cost) at the procedure level. Multiplying the CPEP procedure-level PEs for each of these three categories by the number of times the specialty provided the procedure, produces a

total category cost, per procedure, for that specialty. The sum of the total expenses from each procedure results in the total CPEP category cost for the specialty.

For example, in Table 2, using CPEP data, the clinical labor cost of procedure 00001 is \$65.23. Under the methodology described above in this step, this is multiplied by the number of services for

the specialty (418,602), to yield the total CPEP data clinical labor cost of the procedure: \$27,305,408. In this example, the clinical labor cost for all other services performed by this specialty is \$831,618,600. Therefore, the entire clinical labor CPEP expense pool for the specialty is \$858,924,008. Step 2 is repeated to calculate the CPEP supply and equipment costs.

TABLE 2.—CALCULATION OF CPEP COST POOL

Standard methodology	Clinical labor (A)	Supplies (B)	Equipment (C)
(a) CPT 00001 .....	\$65.23	\$52.49	\$1,556.86
(b) Allowed Services .....	418,602	418,602	418,602
(c) Subtotal .....	\$27,305,408	\$21,972,838	\$651,704,875
(d) All Other Services .....	\$831,618,600	\$389,921,779	\$5,277,570,148
(e) Total CPEP Pool .....	\$858,924,008	\$411,894,617	\$5,929,275,023

(c) = (a)\*(b)  
 (e) = (c)+(d)

*Step 3—Calculation and Application of Scaling Factors*

This step ensures that the total of the CPEP costs across all procedures performed by the specialty equates with the total direct costs for the specialty as reflected by the SMS data. To accomplish this, the CPEP data are scaled to SMS data by means of a scaling factor so that the total CPEP costs for each specialty equals the total SMS cost for the specialty. (The scaling factor is calculated by dividing the

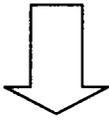
specialty's SMS pool by the specialty's CPEP pool.)

The unscaled CPEP cost per procedure value, at the direct cost level, is then multiplied by the respective specialty scalar to yield the scaled CPEP procedure value. The sum of the scaled CPEP direct cost pool expenditures equals the total scaled direct expense for the specific procedure at the specialty level.

In the Step 3 example shown in Table 3, the SMS total clinical labor costs for the specialty is \$667,457,018. This

amount divided by the CPEP total clinical labor amount of \$858,924,008 yields a scaling factor of 0.78. The CPEP clinical labor cost for hypothetical procedure 00001 is \$65.23. Multiplying the 0.78 scaling factor for clinical labor costs by \$65.23 yields the scaled clinical labor cost amount of \$50.69. Individual scaling factors must also be calculated for supply and equipment expenses. The sum of the scaled direct cost values, \$50.69, \$43.90 and \$139.45, respectively, equals the total scaled direct expense of \$234.04.

**TABLE 3: Calculation and Application of Scaling Factors**

	Standard Methodology	Clinical Labor	Supplies	Equipment	Total Scaled Direct Expense
		(A)	(B)	(C)	(D)
(a)	Total - SMS Pool	\$667,457,018	\$344,493,945	\$531,094,831	
(b)	Total - CPEP Pool	\$858,924,008	\$411,894,617	\$5,929,275,023	
(c)	Scaling Factor	0.78	0.84	0.09	
(d)	CPT 00001 - Unscaled Value	\$65.23	\$52.49	\$1,556.86	
(e)	CPT 00001 - Scaled Value	\$50.69	\$43.90	\$139.45	

*Step 4—Calculation of Indirect Expenses*

Indirect PEs cannot be directly attributed to a specific service because they are incurred by the practice as a whole. Indirect costs include rent, utilities, office equipment and supplies, and accounting and legal fees. There is not a single, universally accepted approach for allocating indirect practice costs to individual procedure codes. Rather allocation involves judgment in identifying the base or bases that are the best measures of a practice's indirect costs.

To allocate the indirect PEs to a specific service, we use the following methodology:

- The scaled direct expenses and the converted work RVU (the work RVU for the service is multiplied by \$34.5030, the 1995 CF) are added together, and then multiplied by the number of services provided by the specialty to Medicare patients;
- The total indirect PEs per specialty are calculated by summing the indirect expenses for all other procedures provided by that specialty.

In the Table 4, the physician work RVU for procedure 00001 is 2.36. Multiplying the work RVU by the 1995

CF of \$34.5030 equals \$81.43. The physician work value is added to the scaled total direct expense from Step 3 (\$234.04). The total of \$314.47 is a proxy for the indirect PE for the specialty attributed to this procedure. The total indirect expenses are then multiplied by the number of services provided by the specialty (418,602), to calculate total indirect expenses for this procedure of \$132,055,728. The process is repeated across all procedures performed by the specialty, and the indirect expenses for each service are summed to arrive at the total specialty indirect PE pool of \$6,745,545,434.

**TABLE 4.—CALCULATION OF INDIRECT EXPENSE**

Standard methodology	Physician work* (A)	Total direct expense (B)	Total (C)
(a) CPT 00001 .....	\$81.43	\$234.04	\$315.47
(b) Allowed Services .....	.....	.....	418,602
(c) Subtotal .....	.....	.....	\$132,055,728
(d) All Other Services .....	.....	.....	\$6,613,489,706
(e) Total Indirect Expense .....	.....	.....	\$6,745,545,434

\*Calculated by multiplying work RVU of 2.36 by 1995 conversion factor of \$34.5030.

*Step 5—Calculation and Application of Indirect Scaling Factors*

Similar to the direct costs, the indirect costs are scaled to ensure that the total across all procedures performed by the specialty equates with the total indirect costs for the specialty as reflected by the SMS data. To accomplish this, the indirect costs calculated in Step 4 (Table 4) are scaled to SMS data. The calculation of the indirect scaling factors is as follows:

- The specialty's total SMS indirect expense pool is divided by the

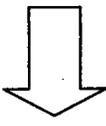
specialty's total indirect expense pool calculated in Step 4 (Table 4), to yield the indirect expense scaling factor.

- The unscaled indirect expense amount, at the procedure level, is multiplied by the specialty's scaling factor to calculate the procedure's scaled indirect expenses.
- The sum of the scaled indirect expense amount and the procedure's direct expenses yields the total PEs for the specialty for this procedure.

In table 5, to calculate the indirect scaling factor for hypothetical procedure

00001, divide the total SMS indirect pool, \$3,337,285,089 (calculated in Step 1—Table 1), by the total indirect expense for the specialty across all procedures of \$6,745,545,434. This results in a scaling factor of 0.49. Next, the unscaled indirect cost of \$315.47 is multiplied by the 0.49 scaling factor, resulting in scaled indirect cost of \$156.07. To calculate the total PEs for the specialty for procedure 00001, the scaled direct and indirect expenses are added, totaling \$390.12.

**TABLE 5: Calculation of Indirect Scaling Factors and Total Practice Expenses**

	Standard Methodology	Indirect Costs	Direct Cost	Specialty Specific Practice Expenses
		(A)	(B)	(C)
(a)	Total – SMS Indirect Expense	\$3,337,285,089		
(b)	Total Indirect Expense for all Procedures (from Step 4)	\$6,745,545,434		
(c)	Scaling Factor	0.49		
(d)	CPT 00001 - Unscaled Value	\$315.47		
(e)	CPT 00001 - Scaled Value	\$156.07	\$234.04	

*Step 6—Weighted Average of RVUs for Procedures Performed by More Than One Specialty*

For codes that are performed by more than one specialty, a weighted average

PE is calculated based on Medicare frequency data of all specialties performing the procedure as shown in Table 6.

**TABLE 6.—WEIGHT AVERAGING FOR ALL SPECIALTIES**

Standard Methodology	Practice expense value	Percent of total allowed services
	(A)	(B)
(a) Specialty Total Practice Expense .....	\$390.12	83
(b) Weighted Avg.—All Other Specialties .....	\$929.87	17
(c) Weighted Avg.—All Specialties .....	\$481.70	100

*Step 7—Budget Neutrality and Final RVU Calculation*

The total scaled direct and indirect inputs are then adjusted by a budget neutrality factor to calculate RVUs. Section 1848(c)(2)(B)(ii)(II) of the Act provides that adjustments in RVUs may not cause total PFS payments to differ by more than \$20 million from what they would have been if the adjustments

were not made. Budget neutrality for the upcoming year is determined relative to the sum of PE RVUs for the current year. Although the PE RVUs for any particular code may vary from year-to-year, the sum of PE RVUs across all codes is set equal to the current year. The budget neutrality factor (BNF) is equal to the sum of the current year's PE RVUs, divided by the sum of the direct

and indirect inputs across all codes for the upcoming year. The BNF is applied to (multiplied by) the scaled direct and indirect expenses for each code to set the PE RVU for the upcoming year.

In Table 7, the sum of the scaled direct and indirect expenses for hypothetical code 00001 (\$481.70) is multiplied by the BNF (0.02 in this example) to yield a PE RVU of 10.60.

TABLE 7.—CALCULATE PE RVU

	Total scaled direct and indirect inputs (A)	Budget neutrality factor (B)	Final PE RVU (C)
(a) Code 00001 .....	\$481.70	0.02	10.60

c. Other Methodological Issues: Nonphysician Work Pool (NPWP)

As an interim measure, until we could further analyze the effect of the top-down methodology on the Medicare payment for services with no physician work (including the technical components (TCs) of radiation oncology, radiology and other diagnostic tests), we created a separate PE pool for these services. However, any specialty society could request that its services be removed from the nonphysician work pool. We have removed some services

from the nonphysician work pool if we find that the requesting specialty provides the service the majority of the time.

NPWP Step 1—Calculation of the SMS Cost Pool for Each Specialty

This step parallels the calculations described above for the standard “top-down” PE allocation methodology. For codes in the nonphysician work pool, the direct and indirect SMS costs are set equal to the weighted average of the PE/HR for the specialties that provide the services in the pool. Clinical staff time

is substituted for physician time in the calculation. The clinical staff time for the code is from CPEP data. Otherwise, the calculation is similar to the method described previously for codes with physician time.

The following example in Table 8 illustrates this calculation for hypothetical code 00002. In this example, the average clinical payroll PE/HR for all specialties in the nonphysician work pool is \$12.30 and the clinical staff time for code 00002 is 116 minutes.

TABLE 8.—CALCULATE SMS COST POOLS FOR NONPHYSICIAN WORK POOL

Non-Physician work pool methodology (NPWP)	Clinical payroll (A)	Medical supplies (B)	Medical equipment (C)	Indirect expenses (D)	Total* (E)
(a) NPWP—PE/HR .....	\$12.30	\$7.40	\$3.20	\$46.30	\$69.00
(b) NPWP—PE/Minute .....	0.21	0.12	0.05	0.77	1.15
(c) Clinical Staff Time—00002 .....	116	116	116	116	116
(d) Number of Services .....	105,095	105,095	105,095	105,095	105,095
(e) Total—NPWP “SMS” Pool .....	\$2,499,159	\$1,503,559	\$650,188	\$9,407,404	\$14,019,673

(b) = (a)/60

(e) = (b)\*(c)\*(d)

\* Components may not add to totals due to rounding.

NPWP Step 2—Calculation of Charge-based PE RVU Cost Pool

The nonphysician work pool calculation uses the 1998 (charge-based)

PE RVU value for the code, multiplied by the 1995 CF (25.74 × \$34.503 = \$888.11). The percentage of clinical labor, supplies and equipment are the percentage that each PE category

represents for all physicians relative to the total PE for all physicians (calculated from the SMS data) as shown in Table 9.

TABLE 9.—CALCULATE CHARGE-BASED COST POOLS FOR NONPHYSICIAN WORK POOL

NPWP methodology	Clinical (A)	Supplies (B)	Equipment (C)
(a) CPT 00002—Charge Based Value .....	\$888.11	\$888.11	\$888.11
(b) Percent Clinical, Supplies, Equipment .....	0.18	0.11	0.05
(c) CPT 00002 .....	158.08	95.03	41.74
(d) Number of—NPWP .....	105,095	105,095	105,095
(e) Total NPWP “CPEP” Pool .....	\$16,613,742	\$4,386,775	\$9,986,912

(c) = (a)\*(b)

(e) = (c)\*(d)

NPWP Step 3—Calculation and Application of Scaling Factors

After the total cost pools for each specialty and code performed by the specialty are calculated, the steps to ensure the total costs for all of the procedures performed by a specialty do

not exceed the total costs for the specialty (scaling) are the same as those described previously for codes with physician work.

In Table 10 below, the SMS total clinical labor costs is \$2,499,159. This amount divided by the charge-based

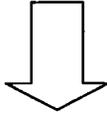
total clinical labor amount of \$16,613,742 yields a scaling factor of 0.15. The charge-based clinical labor cost for hypothetical procedure 00002 is \$158.08 (from step 2—Table 2). Multiplying the 0.15 scaling factor for clinical labor costs by \$158.08 yields the

scaled clinical labor cost amount of \$23.78. Individual scaling factors must be calculated for both supply and

equipment expenses. The sum of the scaled direct cost values, \$23.78, \$32.57

and \$2.72, respectively, equals the total scaled direct expense of \$59.07.

**TABLE 10: Calculation and Application of Direct Cost Scaling Factors**

		Clinical	Supplies	Equipment	Total Scaled Direct Expense
	NPWP Methodology	(A)	(B)	(C)	(D)
(a)	Total - NPWP Specialty Pool	\$2,499,159	\$1,503,559	\$650,188	
(b)	Total NPWP Charge-based Pool	\$16,613,742	\$4,386,775	\$9,986,912	
(c)	Scaling Factor	0.15	0.34	0.06	
(d)	CPT 00002 - Unscaled Value	\$158.08	\$95.03	\$41.74	
(e)	CPT 00002 - Scaled Value	\$23.78	\$32.57	\$2.72	

*NPWP Step 4—Calculation of Indirect Expenses*

Because codes in the nonphysician work pool do not have work RVUs, indirect expenses are set equal to direct expenses (for codes with physician

work, indirect expenses equal the sum of the scaled direct expenses and the converted work RVU). This amount is then multiplied by the number of times the procedure is performed.

In Table 11, the scaled total direct expense from Step 3 (Table 3) (\$408.79)

is also the proxy for the total indirect expense attributed to the procedure. The total indirect expense is multiplied by the number of services (105,095), to calculate total indirect cost for this procedure of \$6,207,961.

**TABLE 11.—CALCULATION OF INDIRECT EXPENSES**

NPWP methodology	Physician work*	Total direct expense	Total
	(A)	(B)	(C)
(a) CPT 00002 .....	\$	\$59.07	\$59.07
(b) Allowed Services—NPWP .....			105,095
(c) Total NPWP Indirect Expense .....			\$6,207,961

*NPWP Step 5—Calculation and Application of Indirect Scaling Factors*

Similar to the direct costs, the indirect costs are scaled to ensure that the total of the charge-based PE RVU costs across all procedures equates with the total indirect costs as reflected by the SMS data for the NPWP. To accomplish this,

the charge-based data are scaled to SMS data so the total charge-based costs equal the total SMS costs.

In Table 12, to calculate the indirect scaling factor for hypothetical procedure 00002, divide the total SMS indirect expense, \$9,407,404 (from Step 1—Table 1), by the total charge-based

indirect expense of \$6,207,961. This results in a scaling factor of 1.51. Next, the unscaled indirect charge-based cost for procedure 00002 of \$59.07 (from step 4—Table 4) is multiplied by the 1.51 scaling factor, resulting in scaled indirect costs for this procedure of \$89.19.

**TABLE 12: Calculation and Application of Indirect Cost Scaling Factors**

	Standard Methodology	Indirect Costs	Direct Cost	Specialty Specific PE RVU
		(A)	(B)	(C)
(a)	Total - NPWP "SMS" Pool	\$9,407,404		
(b)	Total NPWP Indirect Expense	\$6,207,961		
(c)	Scaling Factor	1.51		
(d)	CPT 00002 - Unscaled Value	\$59.07		
(e)	CPT 00002 - Scaled Value	\$89.19	\$59.07	

*NPWP Step 6—Budget Neutrality and Final RVU Calculation*

Similar to the calculation for codes with physician work, the BNF is applied to (multiplied by) the scaled direct and indirect expenses for each code to set the PE RVU for the upcoming year.

In Table 13, the sum of the scaled direct and indirect expenses for hypothetical code 00002 (\$148.26) is multiplied by the BNF (0.022 in this example) to yield a PE RVU of 3.26.

**TABLE 13.—BUDGET NEUTRALITY AND FINAL RVU CALCULATION**

Code	Total scaled direct and indirect inputs	Budget neutrality factor	Final PE RVU
00002	\$148.26	0.022	3.26

**d. Facility/Non-facility Costs**

Procedures that can be performed in a physician's office as well as in a hospital have two PE RVUs; facility and non-facility. The non-facility setting includes physicians' offices, patients' homes, freestanding imaging centers, and independent pathology labs. Facility settings include hospitals, ambulatory surgery centers, and skilled nursing facilities (SNFs). The methodology for calculating the PE RVU is the same for both facility and non-facility RVUs, but is calculated independently to yield two separate PE RVUs. Because the PEs for services provided in a facility setting are generally included in the payment to the facility (rather than the payment to the physician under the fee schedule), the PE RVUs are generally lower for services provided in the facility setting.

**2. PE Proposals for CY 2006**

The following discussions outline the specific PE related proposals for CY 2006.

**a. Supplemental PE Surveys**

The following discussions outline the criteria for supplemental survey submission as well as information we have received for approval.

**(1) Survey Criteria and Submission Dates**

In accordance with section 212 of the BBRA, we established criteria to evaluate survey data collected by organizations to supplement the SMS survey data normally used in the calculation of the PE component of the PFS. In the Payment Policies Under the Physician Fee Schedule for Calendar Year 2002 final rule, published November 7, 2003 (68 FR 63196), we provided that, beginning in 2004, supplemental survey data had to be submitted by March 1 to be considered for use in computing PE RVUs for the following year. This allows us to publish our decisions regarding survey data in the proposed rule and provides the opportunity for public comment on these results before implementation.

To continue to ensure the maximum opportunity for specialties to submit supplemental PE data, we extended until 2005 the period that we would accept survey data that meet the criteria set forth in the November 2000 PFS final rule. The deadline for submission of supplemental data to be considered in CY 2006 was March 1, 2005.

**(2) Submission of Supplemental Survey Data**

The following discussion outlines the survey data submitted for CY 2004 and CY 2005.

**• Surveys Submitted in 2004**

As explained in the November 15, 2004 Physician Fee Schedule final rule (69 FR 66242), we received surveys by March 1, 2004 from the American College of Cardiology (ACC), the American College of Radiology (ACR), and the American Society for Therapeutic Radiation Oncology (ASTRO). The data submitted by the ACC and the ACR met our criteria. However, as requested by the ACC and the ACR, we deferred using their data until issues related to the nonphysician work pool could be addressed. We are proposing to use the ACC and ACR survey data in the calculation of PE RVUs for 2006, but only as specified in the proposals relating to a revised methodology for establishing direct PE RVUs, and a transition period for the revised methodology, as described below.

The survey data from ASTRO did not meet the precision criteria established for supplemental surveys, therefore, we did not use it in the calculation of PE RVUs for 2005.

**• Surveys Submitted in 2005**

This year we received surveys from the Association of Freestanding Radiation Oncology Centers (AFROC), the American Urological Association (AUA), the American Academy of Dermatology Association (AADA), the Joint Council of Allergy, Asthma, and Immunology (JCAAI), the National Coalition of Quality Diagnostic Imaging Services (NCQDIS) and a joint survey from the American Gastroenterological Association (AGA), the American Society of Gastrointestinal Endoscopy (ASGE) and the American College of Gastroenterology (ACG).

We contract with the Lewin Group to evaluate whether the supplemental

survey data that are submitted meet our criteria and to make recommendations to us regarding their suitability for use in calculating PE RVUs. (The Lewin Group report on the 2005 submissions is available on the CMS Web site at <http://www.cms.hhs.gov/physicians/pfs/>). The report indicated that, except for the survey from NCQDIS, all met our criteria and we are proposing to accept these. The survey data submitted by the NCQDIS on independent diagnostic testing facilities (IDTFs) did not meet the precision criterion of a 90 percent confidence interval with a range of plus or minus 15 percent of the mean (that is, 1.645 times the standard error of the mean, divided by the mean, is equal to or less than 15 percent of the mean). For the NCQDIS survey, the precision level was calculated at 16.3 percent of the mean PE/HR (weighted by the number of physicians in the practice). However, the Lewin Group has recommended that we accept the data from NCQDIS. The Lewin Group points out that PE data for IDTFs do not currently exist, and suggests that the need for data for the specialty should be weighed against the precision requirement.

We are proposing not to accept the NCQDIS data to calculate the PE RVUs for services provided by IDTFs. As just noted, the NCQDIS data do not meet our

precision requirements. We established the minimum precision standards because we believe it is necessary to ensure that the data used are valid and reliable, and the consistent application of the precision criteria is the best way to accomplish that objective.

Section 303(a)(1) of the MMA added section 1848(c)(2)(I) of the Act to require us to use survey data submitted by a specialty group where at least 40 percent of the specialty's payments for Part B services are attributable to the administration of drugs in 2002 to adjust PE RVUs for drug administration services. The statute applies to surveys that include expenses for the administration of drugs and biologicals, and are received by March 1, 2005 for determining the CY 2006 PE RVUs. Section 303(a)(1) of the MMA also amended section 1848(c)(2)(B)(iv)(II) of the Act to provide an exemption from budget neutrality for any additional expenditures resulting from the use of these surveys. In the Changes to Medicare Payment for Drugs and Physician Fee Schedule Payments for Calendar Year 2004 interim final rule published January 7, 2004 (69 FR 1084), we stated that the specialty of urology meets the above criteria, along with gynecology and rheumatology (69 FR 1094). Because we are accepting new

survey data from the AUA, we are required to exempt, from the budget neutrality adjustment any impacts of accepting these data for purposes of calculating PE RVUs for drug administration services.

In addition, Lewin recommended blending the radiation oncology data from this year's AFROC survey data with last year's ASTRO survey data to calculate the PE/HR. According to the Lewin Group, the goal of the AFROC survey was to represent the population of freestanding radiation oncology centers only. In order to develop an overall average for the radiation oncology PE pool, the Lewin Group recommended we use the AFROC survey for freestanding radiation oncology centers, and the hospital-based subset of last year's ASTRO survey. We agree that this blending of the AFROC and ASTRO data is a reasonable way to calculate an average PE/HR that fully reflects the practice of radiation oncology in all settings. Therefore, we are proposing to use the new PE/HR calculated in this manner for radiation oncology.

We propose to use the following PE/HR figures (deflated to 1995 values to be consistent with the SMS data):

TABLE 14.—PRACTICE EXPENSE PER HOUR FIGURES

Specialty	Clinical staff	Admin. staff	Office expense	Medical supplies	Medical equipment	Other	Total
Radiology .....	14.8	18.6	16.5	6.5	13.1	26.8	96.3
Cardiology .....	38.3	34.5	35.7	16.5	12.2	19.1	156.3
Radiation Oncology .....	35.6	18.9	28.5	4	20.1	21.2	128.3
Urology .....	18.4	27.9	35.3	16.7	7.5	15.9	121.7
Dermatology .....	27.9	35.2	49.4	12.4	7.2	20	152.1
Allergy/Immunology .....	48.2	39.8	47	17.3	4.8	22.4	179.6
Gastroenterology .....	15.4	23.2	26.8	4.8	3.3	11.5	85

The deadline to submit supplemental PE surveys was March 1, 2005. As discussed in detail below, we are proposing to revise our methodology to calculate direct PE RVUs from the current top-down cost allocation methodology to a bottom-up methodology. Although we would continue to use the SMS data and the incorporated supplemental survey data for indirect PEs, we are not proposing to extend the deadline for submitting supplemental survey data at this time. Instead, we are inviting comment on the most appropriate way to proceed to ensure the indirect PEs per hour are accurate and consistent across specialties.

### (3) Revisions to the PE Methodology

Since 1997, when we first proposed a resource-based PE methodology, we have had several major goals for this payment system. One has been to encourage the maximum input from the medical community regarding our PE data and methodology. We have worked closely with the PEAC, PERC, RUC and the Health Care Professional Advisory Committee (HCPAC) which are all multi-specialty groups that allow the medical community to participate by making recommendations to us on the PE direct inputs. We also extended the deadline for the submission of supplementary PE surveys to ensure that specialties had the opportunity to submit new aggregate PE data. In addition, we have had scores of

meetings with physician, practitioner and industry groups, and have made many modifications to our methodology in response to their comments and input. We look forward to continuing to work with the medical community as we strive to further improve our PE methodology.

We also have had three specific goals for the resource-based PE methodology itself. The following goals have also been supported in numerous comments we have received from the medical community:

- To ensure that the PE payments reflect, to the greatest extent possible, the actual relative resources required for each of the services on the PFS. This could only be accomplished by using

the best available data to calculate the PE RVUs.

- To develop a payment system for PE that is understandable and at least somewhat intuitive, so that specialties could generally predict the impacts of changes in the PE data.
- To stabilize the PE payments so that there are not large fluctuations in the payment for given procedures from year-to-year.

We believe that we have consistently made a good faith effort to ensure fairness in our PE payment system by using the best data available at any one time. The change from the originally proposed “bottom-up” to the “top-down” methodology came about because of a concern that the resource input data developed in 1995 by the CPEP were less reliable than the aggregate specialty cost data derived from the SMS process. The adoption of the top-down approach necessitated the creation of the nonphysician work pool. The nonphysician work pool is a separate pool created to allocate PEs for codes that have only a technical (rather than professional) component, or codes that are not performed by physicians. In the Physician Fee Schedule (CY 2000); Payment Policies and Relative Value Unit Adjustment final rule, published November 2, 1999 (64 FR 59379), we indicated that “the purpose of this pool was only to protect the (TC) services from the substantial decreases \* \* \* until further refinement could take place \* \* \*” (64 FR 59406).

However, the situation has now changed. The PEAC/PERC/RUC has completed the refinement of the original CPEP data and we believe that the refined PE inputs now, in general, accurately capture the relative direct costs of performing PFS services. On the other hand, although we have now accepted supplementary survey data from 13 specialties, we have not received updated aggregate cost data from most specialties. Thus, we believe that, in the aggregate, the refined CPEP data represent, more reliably, the relative direct costs PE inputs for physician services.

The major specialties comprising the nonphysician work pool (radiology, radiation oncology and cardiology) have submitted supplemental survey data that we are proposing to accept. (See the discussion on supplementary surveys above.) Now that we have representative aggregate PE data for these specialties, the continued necessity and equity of treating these technical services outside the PE methodology applied to other services is questionable.

We have also taken steps to make our complex top-down PE methodology

more understandable. For example, we eliminated the somewhat arcane “linking” of direct cost input data when more than one CPEP panel reviewed a service and did away with the confusing and unhelpful distinction between procedure-specific and indirect equipment. However, we acknowledge that most in the medical community would find our current methodology, as described above, neither clear nor intuitive. For example, because of the need to scale the CPEP/RUC inputs to the SMS PEs under our top-down methodology, the PE RVUs for a procedure do not necessarily change proportionately with changes in the direct inputs. This raises the question as to what would now be the most straightforward and intuitive methodology for calculating the direct PE RVUs.

Due to the ongoing refinement by the RUC of the direct PE inputs, we had expected that the PE RVUs would necessarily fluctuate from year-to-year, frustrating temporarily our efforts to reach the goal of stabilizing the PE portion of the PFS. At the same time, it became apparent that certain aspects of our methodology exacerbated the yearly fluctuations. For example, the need to scale the CPEP costs to equal the SMS costs meant that any changes in the direct PE inputs for one service often leads to unexpected results for other services where the inputs had not been altered. In addition, the services priced by the nonphysician work pool methodology have proved to be especially vulnerable to any change in the pool’s composition. We understand the need for stable PE RVUs, so that physicians and other practitioners can anticipate from year-to-year what the relative payments will be for the services they perform. Now, that the CPEP/RUC refinement of existing services is virtually complete, this appears to be an opportunity for us to propose a way to provide stability to the PE RVUs.

Therefore, consistent with our goals of using the most appropriate data, simplifying our methodology, and increasing the stability of the payment system, we are proposing the following changes to our PE methodology:

- Use a Bottom-Up Methodology To Calculate Direct PE Costs

Instead of using the top-down approach to calculate the direct PE RVUs, where the aggregate CPEP/RUC costs for each specialty are scaled to match the aggregate SMS costs, we propose to adopt a bottom-up method of determining the relative direct costs for each service. Under this method, the

direct costs would be determined by summing the costs of the resources—the clinical staff, equipment and supplies—typically required to provide the service. The costs of the resources, in turn, would be calculated from the refined CPEP/RUC inputs in our PE database.

- Eliminate the Nonphysician Work Pool

Now that we have new survey data for the major specialties that comprise the nonphysician work pool, we would eliminate the pool and calculate the PE RVUs for the services currently in the pool by the same methodology used for all other services. This would allow the use of the refined CPEP/RUC data to price the direct costs of individual services, rather than utilizing the pre-1998 charge-based PE RVUs.

- Utilize the Current Indirect PE RVUs, Except for Those Services Affected by the Accepted Supplementary Survey Data

As described previously, the SMS and supplementary survey data are the source for the specialty-specific aggregate indirect costs used in our PE calculations. We then allocate to particular codes on the basis of the direct costs allocated to a code and the work RVUs. Although we now believe the CPEP/RUC data are preferable to the SMS data for determining direct costs, we have no information that would indicate that the current indirect PE methodology is inaccurate. We also are not aware of any alternative approaches or data sources that we could use to calculate more appropriately the indirect PE, other than the new supplementary survey data, which we propose to incorporate into our PE calculations. Therefore, we propose to use the current indirect PEs in our calculation incorporating the new survey data into the codes performed by the specialties submitting the surveys. We would welcome any suggestions that would assist us in further refinement of this indirect PE methodology. For example, we are considering whether we should continue to accept supplementary survey data or whether it would be preferable and feasible to have an SMS-type survey of only indirect costs for all specialties, or whether a more formula-based methodology independent of the SMS data should be adopted, perhaps using the specialty-specific indirect-to-total cost percentage as a basis of the calculation. For a prior discussion of many of the issues associated with allocating indirect costs, we would refer the reader to the Physician Fee Schedule (CY 2000);

Payment Policies and Relative Value Unit Adjustment proposed rule, published June 5, 1998 (63 FR 30823).

• Transition the Resulting Revised PE RVUs over a Four-Year Period

A complete analysis of the impacts of these changes is contained in the impact analysis in section V. of this proposed rule. We are concerned that, when combined with an expected negative update factor for CY 2006, the shifts in some of the PE RVUs resulting from our proposals could cause some measure of financial stress on medical practices. Therefore, we are proposing to transition the proposed PE changes over a 4-year period. This would also give ample opportunity for us, as well as the medical specialties and the RUC, to identify any anomalies in the PE data, to make any further appropriate revisions, and to collect additional data, as needed prior to the full implementation of the proposed PE changes.

During the transition period, the PE RVUs will be calculated on the basis of a blend of RVUs calculated using our proposed methodology described above (weighted by 25 percent during CY 2006, 50 percent during CY 2007, 75 percent during CY 2008, and 100 percent thereafter), and the current CY 2005 PE RVUs for each existing code.

We believe that implementing these proposed changes will meet our goals to produce a more accurate, more intuitive and more stable PE methodology.

Now that the direct PE inputs have been refined, we believe that the proposed CPEP/RUC direct input data are superior to the specialty-specific SMS PE/HR data for the purposes of determining the typical direct PE resources required to perform each service on the PFS. First, we have received recommendations on the procedure-specific inputs from the multi-specialty PEAC that were based on presentations from the relevant specialties after being closely scrutinized by the PEAC using standards and packages agreed to by all involved specialties. Second, the refined CPEP/RUC data are more current than the SMS data for the majority of specialties. Third, for direct costs, it appears more accurate to assume that the costs of the clinical staff, supplies and equipment are the same for a given service, regardless of the specialty that is performing it. This assumption does not hold true under the top-down direct cost methodology, where the specialty-specific scaling factors create widely differing costs for the same service.

We also would argue that the proposed methodology is less confusing

and more intuitive than the current approach. First, the nonphysician work pool would be eliminated and all services would be priced using one methodology, eliminating the complicated calculations needed to price nonphysician work pool services. Second, the method for calculation of direct costs can now be described in sentences rather than paragraphs. Third, any revisions made to the direct inputs would now have predictable results. Changes in the direct practice inputs for a service would proportionately change the PE RVUs for that service without significantly affecting the PE RVUs for unrelated services.

The proposed methodology would also create a system that would be significantly more stable from year-to-year than the current approach. Specialties should no longer experience the wide fluctuations in payment for a given service due to an aberrant direct cost scaling factor. Direct PEs should only change for a service if it is further refined or when prices are updated, while indirect PEs should change only when there are changes in the mix of specialties performing the service or with the use of any future new survey data for indirect costs.

We recognize that there are still some outstanding issues that need further consideration, as well as input from the medical community. For example, although we believe that the elimination of the nonphysician work pool would be, on the whole, a positive step, some practitioner services, such as audiology and medical nutrition therapy, would be significantly impacted by the proposed change. In addition, there are still services, such as the ESRD visit codes, for which we have no direct input information. Also, as mentioned above, we do not have current SMS or supplementary survey data to calculate the indirect costs for most specialties. Further, we do not yet have accurate utilization for the new drug administration codes that were created in response to the MMA provision on drug administration. Therefore, we are not proposing to change the RVU for these services at this time, but to include them under our proposed methodology in next year's rule when we have appropriate data. The proposed transition period would give us the opportunity to work with the affected specialties to collect the needed survey or other data or to determine whether further revisions to our PE methodology are needed.

We, therefore, welcome all comments on these proposed changes, particularly those concerning additional modifications to the indirect PE

methodology that might help us further our intended goals.

(4) PE Recommendations on CPEP Inputs for CY 2006

Since 1999, the PEAC, an advisory committee of the AMA's RUC, provided us with recommendations for refining the direct PE inputs (clinical staff, supplies, and equipment) for existing CPT codes. The PEAC held its last meeting in March 2004 and the AMA established a new committee, PERC, to assist the RUC in recommending PE inputs.

The PERC completed refinement of approximately 200 remaining codes at its meetings held in September 2004 and February 2005. (A list of these codes can be found in Addendum C of this proposed rule.)

We have reviewed the PERC-submitted recommendations and propose to adopt nearly all of them. We have worked with the AMA staff to correct any typographical errors and to make certain that the recommendations are in line with previously accepted standards.

The complete PERC recommendations and the revised PE database can be found on our Web site. (See the "Supplementary Information" section of this proposed rule for directions on accessing our Web site.)

We disagreed with the PERC recommendation for clinical labor time for CPT code 36522, *Extracorporeal Photophoresis*. In last year's Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2005 final rule, published November 15, 2004 (69 FR 66236) we assigned, on an interim basis, 223 minutes of total clinical labor for the service period based on the typical treatment time of approximately 4 hours. The PERC, however, recommended 122 minutes total clinical labor time for the service period, which allows for 90 minutes of nurse "intra service" time for the performance of the procedure (the society originally proposed 180 minutes). We believe that 135 minutes is a more appropriate estimation of the clinical staff time actually needed for the intra time, as it more closely approximates the time assigned to the other procedures in this family of codes, including CPT codes 36514, 36515, and 36516. Therefore, we are proposing a total clinical labor time of 167 minutes for the service period.

The PERC/RUC also recommended that no inputs be assigned to several codes because the services were not performed in the office setting. However, our utilization data shows that four of these codes (CPT codes

15852, 76975, 78350, and 86585) are currently priced in the office and are performed with sufficient frequency in the office to warrant this. Therefore, we are proposing not to accept the PERC/RUC recommendations for these services at this time, but are requesting comments from the relevant specialties as to whether the recommendations should be accepted.

#### (5) Payment for Splint and Cast Supplies

In the Physician Fee Schedule (CY 2000); Payment Policies and Relative Value Unit Adjustment final rule, published November 2, 1999 (64 FR 59379) and the Physician Fee Schedule (CY 2002); Payment Policies and Relative Value Units Five-Year Review and Adjustments final rule, published November 1, 2000 (66 FR 55245), we removed cast and splint supplies from the PE database for the CPT codes for fracture management and cast/strapping application procedures. Because casting supplies could be separately billed using Healthcare Common Procedure Coding System (HCPCS) codes that were established for payment of these supplies under section 1861(s)(5) of the Act, we did not want to make duplicate payment under the PFS for these items.

However, in limiting payment of these supplies to the HCPCS codes Q4001 through Q4051, we unintentionally prohibited remuneration for these supplies when they are not used for reduction of a fracture or dislocation, but rather, are provided (and covered) as incident to a physician's service under section 1861(s)(2)(A) of the Act.

Because these casting supplies are covered either through sections 1861(s)(5) of the Act or 1861(s)(2)(A) of the Act, we are proposing to eliminate the separate HCPCS codes for these casting supplies and to again include these supplies in the PE database. This will allow for payment for these supplies whether based on section 1861(s)(5) of the Act or section 1861(s)(2)(A) of the Act, while ensuring that no duplicate payments are made. In addition, by bundling the cost of the cast and splint supplies into the PE component of the applicable procedure codes under the PFS, physicians will no longer need to bill Q-codes in addition to the procedure codes to be paid for these materials.

Because these supplies were removed from the PE database prior to the refinement of these services by the PEAC, we are proposing to add back the original CPEP supply data for casts and splints to each applicable CPT code. For this reason, it is imperative that the relevant medical societies review the

"Direct Practice Expense Inputs" on our Web site at <http://www.cms.hhs.gov/physicians/pfs> (under the supporting documents for the 2006 proposed rule) and provide us with feedback regarding the appropriateness of the type and amount of casting and splinting supplies. We are also requesting specific information about the amount of casting supplies needed for the 10-day and 90-day global procedures, because these supplies may not be required at each follow-up visit; therefore, the number of follow-up visits may not reflect the typical number of cast changes required for each service.

The following cast and splint supplies have been reincorporated as direct inputs: fiberglass roll, 3 inch and 4 inch; cast padding, 4 inch; webril (now designated as cast padding, 3 inch); cast shoe; stockingnet/stockinette, 4 inch and 6 inch; dome paste bandage; cast sole; elastoplast roll; fiberglass splint; ace wrap, 6 inch; and kerlix (now designated as bandage, kerlix, sterile, 4.5 inch) and malleable arch bars. The cast and splint supplies have been added to the following CPT codes: 23500 through 23680, 24500 through 24685, 25500 through 25695, 26600 through 26785, 27500 through 27566, 27750 through 27848, 28400 through 28675, and 29000 through 29750.

Because we are proposing to pay for splint and cast through the PE component of the PFS, we would no longer make separate payment for these items using the HCPCS Q-codes.

#### (6) Miscellaneous PE Issues

In this section, we discuss our specific proposals related to PE inputs.

##### • Supply Items for CPT Code 95015

We are proposing to change the supply inputs for CPT code 95015, *intracutaneous (intra dermal) tests, sequential and incremental, with drugs, biologicals or venoms, immediate type reaction, specify number of tests*, based on comments received from the JCAAI. The society reports that "venom" is the most typical test substance used when performing this service and that "antigen", currently listed in the PE database, is never used. The JCAAI also suggests that the appropriate venom quantity should be 0.3 ml (instead of the 0.1 ml now listed) because of the necessity to use all five venoms (honey bee, yellow jacket, yellow hornet, white face hornet and wasp) to perform this sensitivity testing; that is, 1 ml of each venom type for a total of 5 ml of venom. The diluted venoms are sequentially administered until sensitivity is shown, beginning with the lowest concentration of venom and subsequently

administering increasing concentrations of each venom. The JCAAI states that the typical number of tests per session is approximately 17, consistent with the RUC-approved vignette, which represents 0.3 ml of venom per test when divided into the total of 5 ml of venom needed to perform the entire service. We accept the specialty's argument and propose to change the test substance in CPT code 95015 to venom, at \$10.70 (from single antigen, at \$5.18) and the quantity to 0.3 ml (from 0.1 ml).

##### • Flow Cytometry Services

In the November 15, 2004 final rule (69 FR 66236), we solicited comments on the interim RVUs and PE inputs for new and revised codes, including flow cytometry services. Based on comments received and additional discussions with representatives from the society representing independent laboratories, we are proposing to revise the PE inputs for the flow cytometry CPT codes 88184 and 88185.

The specialty society indicated that a cytotechnologist is the typical clinical staff type to perform the intra portion of this service for both codes. They also provided us with a list of six additional equipment items, along with documented prices, and with the minutes in use for each service. All six equipment items are necessary to perform the flow cytometry services described in CPT code 88184, while only two (the computer and printer) are needed for CPT code 88185. For supplies, the society believes the antibody cost currently reflected in the PE database is too low, and so they provided us with an average antibody cost of \$8.50, derived from a survey of laboratories performing these services. Using the vignette for the myeloid/lymphoid panel to represent the typical service, this average cost was based on the cost of the total number of antibodies that are required to report the typical number of reported markers. Based on this information, we are proposing to change the following direct inputs used for PE:

+ Clinical Labor: Change the staff type in the service (intra)period in both CPT codes 88184 and 88185 to cytotechnologist, at \$0.45 per minute (currently lab technician, at \$0.33 per minute).

+ Supplies: Change the antibody cost for both CPT codes 88184 and 88185 to \$8.50 (from \$3.544).

+ Equipment: Add a computer, printer, slide strainer, biohazard hood, and FACS wash assistant to CPT code 88184. Add a computer and printer to the equipment for CPT code 88185.

- Low Osmolar Contrast Media (LOCM) and High Osmolar Contrast Media (HOCM)

HOCM and LOCM are used to enhance images produced by various types of diagnostic radiological procedures. In the November 15, 2004 final rule (69 FR 66356), we eliminated the criteria for the payment of LOCM that had been included at § 414.38. Effective January 1, 2005, providers can be paid for either LOCM or HOCM when used with procedures requiring contrast media. Payment for LOCM is made through the use of separate Q-codes, while payment for HOCM is currently included as part of the PE component under the PFS. Effective January 1, 2006, we will no longer include payment for HOCM under the PFS. When HOCM is used, Q-codes that have been established specifically for HOCM will be used for payment.

We have reviewed the PE database and are proposing to remove the following two supply items which we have identified as HOCM from the PE database:

- + Conray inj. iothalamate 43 percent (supply item #SH026, deleted from 64 procedures).
- + Diatrizoate sodium 50 percent (supply item #SH0238, deleted from 74 procedures).

In reviewing the PE database we also identified 5 CPT codes (specifically CPT codes 42550, 70370, 93508, 93510 and 93526) that include omnipaque as a supply item. Since omnipaque is actually a type of LOCM that is separately billable, we are proposing to remove this supply item from these five CPT codes.

- Imaging Rooms

We include standardized “rooms” for certain services in our PE equipment database, rather than listing each item separately. We received pricing information from the ACR for the following rooms that are included in the database. We have accepted most of the proposed items that meet the \$500 threshold for equipment and are proposing to include the items in each specific room, as follows:

+ *Basic Radiology Room*: \$127,750 (x-ray machine @ \$125,550 and camera @ \$2,200). The recommended viewbox was not included because most codes assigned this room have also been assigned an alternator (automated film viewer) or a 4-panel viewbox.

+ *Radiographic-Fluoroscopic Room*: \$367,664 (Radiographic machine @ \$365,464 and camera @ \$2,200). The recommended viewbox was not included because most codes assigned

this room have also been assigned an alternator (automated film viewer) or a 4-panel viewbox.

+ *Mammography Room*: \$168,214 (mammography unit @ \$124,900; reporting system @ \$16,690; mammography phantom @ \$674; densitometer @ \$3,660; sensitometer @ \$2,750; desktop PC for monitoring @ \$1,840; and processor @ \$17,700. Separately listed equipment items (densitometer, mammography reporting system, sensitometer, mammography phantom, desktop computer, and the film processor) that duplicated items included in the mammography room were removed from the codes assigned the room, eliminating the reporting system, sensitometer and phantom from the PE database.

+ *Computed tomography (CT) Room*: \$1,284,000 (16-slice CT scanner with power injector and monitoring system)

+ *Magnetic Resonance (MR) Room*: \$1,605,000 (1.5T MR scanner with power injector and monitoring system)

- Equipment Pricing for Select Services and Procedures from the November 15, 2004 final rule (69 FR 66236).

Equipment pricing for certain radiology services was received and supported with sufficient documentation from the ACR. We have accepted the following equipment prices as shown in table 15.

TABLE 15

CAD processor (CPT 76082–83)	\$115,000
Collimator, cardiofocal set (CPT 78206–07, 78647, 78803, 78807) .....	8,543
Densitometer/DPA (CPT 78351) ..	150,000
Detector Probe (CPT 78455) .....	19,995
IVAC Injection Pump, single channel (CPT 78206–07, 78647, 78803, 78807) .....	3,000
Computer workstation/MRA includes: Includes 2 monitors, volume viewer, advanced x-ray analysis, data export, CD–RW, DICOM Print, 2 GB RAM (CPT 71555, 72159, 72198, 73225, 73727, 74185) .....	122,000

We accepted the documentation supplied from the American College of Obstetricians and Gynecologists (ACOG) to price the following equipment for which we assigned an average price from the three sources, as follows:

Ultrasound color Doppler transducers and vaginal probe (CPT 59070, 59074, 76818–19, 76825–28)—\$157,897

For CPT 36522, extracorporeal photopheresis, we received and accepted equipment pricing information specific to this procedure, as follows:

Plasma pheresis machine with UV light source (CPT 36522)—\$65,000

We received comments from the American Academy of Ophthalmology that included documentation from two sources for the pricing of the EMG botox machine used in CPT code 92265 and we are proposing to accept \$16,188 as the average price for this equipment.

- Supply Item for In Situ Hybridization Codes (CPT 88365, 88367, and 88368)

We received comments from the College of American Pathologists (CAP) regarding the number of DNA probes assigned to the in situ hybridization codes, CPT codes 88365, 88367, and 88368. Currently, CPT codes 88365 and 88368 have 1.5 probes assigned, while CPT code 88367 has only .75 of a probe assigned. CAP requested that we also assign 1.5 probes to CPT code 88367, and the comment provided justification for this request. We accept the CAP rationale and propose to change the probe quantity for CPT code 88367 to 1.5.

- Supply Item for Percutaneous Vertebroplasty Procedures (CPT codes 22520 and 22525)

The Society for Interventional Radiology provided us with documentation for the price of the vertebroplasty kit used in CPT codes 22520 and 22525. We propose to accept a new price of \$696 for this supply, currently listed as \$660.50, a placeholder price from last year’s final rule.

- Clinical Labor for G-codes Related to Home Health and Hospice Physician Supervision, Certification and Recertification

It has come to our attention that four G-codes related to home health and hospice physician supervision, certification and recertification, G0179, 180, 181, and 182, are incorrectly valued for clinical labor. These codes are cross-walked from CPT codes 99375 and 99378, which underwent PEAC refinement for the 2004 fee schedule. However, we did not apply the new refinements to these specific G-codes at that time, and are proposing to revise the PE database to reflect the new values.

- Programmers for Implantable Neurostimulators and Intrathecal Drug Infusion Pumps

We received comments from the neurological division of Medtronic Incorporated, the manufacturer of programmers for implantable neurostimulators and intrathecal drug infusion pumps, that the equipment

costs for these programmers are not a direct expense for the physicians performing the programming of these devices. The manufacturer furnishes these devices without cost because the programming device is considered a “necessary, ancillary item to the neurostimulator and drug pump and can only be used to program these devices.” As such, we are proposing to remove the two programmers from the PE database: EQ208 for medication pump from 2 codes (CPT 62367 and 62368) and EQ209 for the neurostimulator from 8 codes (CPT 95970–97979). We are asking for comments from the specialty societies performing these services to let

us know if this proposal reflects typical practice.

• Pricing of New Supply and Equipment Items

As part of last year’s rulemaking process, we reviewed and updated the prices for equipment items in our PE database and assigned a unique identifier to each equipment item with the first two elements corresponding to one of seven categories. It has come to our attention that we have assigned the same category identifier (ELXXX) for both “lanes/rooms” as well as “laboratory equipment”. To correct this, we are assigning laboratory equipment items the new category identifier

“EPXXX”, but the specific numbers associated with each item will remain the same. Supply items were reviewed and updated in the rulemaking process for the 2004 PFS. During subsequent meetings of both the PEAC (now referred to as the PERC) and the RUC, supply and equipment items were added that were not included in the pricing updates. The following two tables (Table 16: Proposed Practice Expense Supply Items and Table 17: Proposed Practice Expense Equipment Items) list the additional supply and equipment items for 2006 and the proposed associated prices that we will use in the PE calculation.

TABLE 16.—PROPOSED PRACTICE EXPENSE SUPPLY ITEM ADDITIONS FOR 2006

Supply code	Supply description	Unit	Unit price	*CPT code(s) associated with item	Supply category
SJ071	ACD–A anticoagulant	item	6.58	36514, 36515, 36516	Pharmacy, NonRx.
SL186	Antibody, flow cytometry (each test)	item	8.5	88184, 88185	Lab.
SL187	Balance salt solution (BSS), sterile, 15cc	ml		92265	Lab.
SG093	Bandage, Dome paste, 3in	item	14.95	29580	Wound care, dressings.
SJ072	Brush, disposable applicator	item		17360	Pharmacy, NonRx.
SG094	Cast, padding 3in x 4yd (Webril)	item	1.22	18 codes	Wound care, dressings.
SG095	Cast, sole	item	14.74	29355, 29425, 29440	Wound care, dressings.
SG096	Casting tape, fiberglass 3in x 4 yds	item	9.2	29065, 29075, 29105, 29365, 29405, 29425	Wound care, dressings.
SD216	Catheter, balloon, esophageal or rectal (graded distention test).	item	217.00	91120, 91040	Accessory, Procedure.
SK102	Communication book/treatment notebook	item		92510	Office supply, grocery.
SB049	Condom, Diapulse, Asepticap	item	0.69	G0329	Gown, drape.
SK103	Cork sheet, 1cm x 1cm	item		88355	Office supply, grocery.
SD217	Diaphragm fitting set	item		57170	Accessory, Procedure.
SJ073	DMV remover	item		92311, 92312, 92313, 92314, 92315, 92317, 92316, 92310	Pharmacy, NonRx.
SL188	EM fixative, karnovsky’s	ml	0.086	88355, 88356	Lab.
SL189	Ethanol, 100%	ml	0.003	88365, 88367, 88368	Lab.
SL190	Ethanol, 70%	ml	0.003	88367, 88368, 88365	Lab.
SL191	Ethanol, 85%	ml	0.003	88368, 88367, 88365	Lab.
SC088	Fistula set, dialysis, 17g	item		36522	Hypodermic, IV.
SK104	Foil, aluminum, 10cm x 10cm	item		88355	Office supply, grocery.
SL192	Formamide	ml	0.22	88368, 88365, 88367	Lab.
SL193	Glycolic acid, 20–50%	ml		17360	Lab.
SL194	Hemo-De	ml	0.008	88368, 88367, 88365	Lab.
SA089	Kit, boston original system	kit	4.5	92311, 92315, 92310, 92313, 92313, 92314, 92317, 92316	Kit, Pack, Tray.
SL195	Kit, FISH paraffin pretreatment	kit	20.85	88367, 88368, 88365	Lab.
SL196	Kit, HER–2/neu DNA Probe	kit	105.00	88367, 88368	Lab.
SA090	Kit, moulage (implantech)	kit	75.00	19396	Kit, Pack, Tray.
SL197	Label for blood tube	item	0.004	36516, 36515, 36514	Lab.
SL198	Label, vial	item	0.003	88355	Lab.
SJ074	Lens cleaner	ounce		92342, 92313, 92340, 92341	Pharmacy, NonRx.
SL199	Lithium carbonate, saturated	ml		88355, 88356	Lab
SH092	LMX 4% anesthetic cream	gm	1.6	96567	Pharmacy, Rx.
SJ075	Methoxsalen, 10ml vial	item	49.5	36522	Pharmacy, NonRx.
SF044	Micro air burr	item		28755, 28750, 28740, 28760	Cutters, closures, cautery
SC089	Needle, Vacutainer	item	0.32	36514, 36515, 36516	Hypodermic, IV.
SJ076	Nose pads	item		92370	Pharmacy, NonRx.
SG092	Packing, gauze, plain, 1 in (5 yd uou)	item		57180	Wound care, dressings.
SJ077	Screws, spectacles	item	0.14	92370	Pharmacy, NonRx.
SL200	Sodium bicarbonate spray, 8 oz	item		17360	Lab.
	Splint, fiberglass, 4in x 15in	item	16.5	29125	Wound care, dressings.
SL201	Stain, eosin	ml	0.044	88356, 88355	Lab.
SJ078	Temple tips	pair	1.00	92370	Pharmacy, NonRx.
SL202	Tissue conditioner, coesoft	item		42280	Lab.
SA091	Tray, scoop, fast track system	item	750.00	31730	Kit, Pack, Tray.
SC090	Tube, gastrostomy	item		43760	Hypodermic, IV.
SC091	Vacutainer	item	5.9	36514, 36515, 36516	Hypodermic, IV.

TABLE 16.—PROPOSED PRACTICE EXPENSE SUPPLY ITEM ADDITIONS FOR 2006—Continued

Supply code	Supply description	Unit	Unit price	*CPT code(s) associated with item	Supply category
SL203 .....	Vial, 10 ml, plastic (–70 degree storage) .....	item ....	1.016	88355	Lab.
SL204 .....	Vial, kimble sample, non sterile glass, 20 ml .....	item ....	0.708	88356, 88355	Lab.

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TABLE 17.—PROPOSED PRACTICE EXPENSE EQUIPMENT ITEM ADDITIONS FOR 2006

Equip code	Equipment description	Life	Unit price	*CPT code(s) associated with item	Equipment category
EQ269 .....	Blood pressure monitor, ambulatory .....	5	3000	93786, 93784, 93788	OTHER EQUIP.
EP044 .....	Centrifuge, cytospin .....	7	7330	88184	LABORATORY.
EP045 .....	Chamber, hybridization .....	7	7107	88368, 88365, 88367	LABORATORY.
EP046 .....	Freezer, ultradeep (–70 degrees) .....	10	16552	88355	LABORATORY.
	Light assembly, photophoresis .....			36522	OTHER EQUIP.
EP047 .....	Loader, FACS .....	7	22500	88184	LABORATORY.
EP048 .....	Microfuge, benchtop .....	7	2410	88368, 88367, 88365	LABORATORY.
0EQ270 .....	Plasma pheresis machine w/ UV light .....	6	65000	36522	OTHER EQUIP.
EP049 .....	Oven, isotemp (lab) .....	10	2383	88368, 88367, 88365	LABORATORY.
EQ271 .....	Radioscope .....	7		92315, 92317, 92316, 92310, 92314, 92313, 92312, 92311	OTHER EQUIP.
EP050 .....	Scanner, AutoVysion .....	5	135000	88367	LABORATORY.
EQ272 .....	Sleep diagnostic system, attended .....	5	46799	95805	OTHER EQUIP.
EP051 .....	Slide warmer .....	7	568	88368, 88365, 88367	LABORATORY.
EP052 .....	Ultrasonic nebulizer .....	10	1000	89220	LABORATORY.
EP053 .....	Wash assistant, FACS .....	7	38000	88184	LABORATORY.
EP054 .....	Water bath, FISH procedures (lab) .....	7	2111	88367, 88365	LABORATORY.

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• Supply and Equipment Items Needing Specialty Input

We have identified certain supply and equipment items for which we were unable to verify the pricing information (see Table 18: Supply Items Needing Specialty Input for Pricing and Table 19: Equipment Items Needing Specialty Input for Pricing). During last year’s rulemaking, we listed both supply and

equipment items for which pricing documentation was needed from the medical specialty societies and, for many of these items, we received sufficient documentation in the form of catalog listings, vendor websites, and invoices. We have accepted the documented prices for many of these items and have already incorporated them into the PE database. The items

listed on Tables 18 and 19 represent the outstanding items from last year and new items added from the RUC recommendations. Therefore, we are requesting that commenters, particularly specialty organizations, provide pricing information on items in these tables along with documentation to support the recommended price.

TABLE 18.—SUPPLY ITEMS NEEDING SPECIALTY INPUT FOR PRICING

Code	2005 Description	Unit	Unit Price	Primary specialties associated with item	*CPT code(s) associated with item	Status of item
SK105 .....	Blood pressure recording form, average.	Item ....	0.31	Cardiology .....	93784, 93786, 93788	See Note A.
SJ072 .....	Brush, disposable applicator.	Item ....		Dermatology .....	17360	See Note A.
SK102 .....	Communication book/treatment notebook.	Item ....		Audiology, ENT .....	92510	See Note A.
SK103 .....	Cork sheet, 1 cm x 1 cm.	Item ....		Pathology .....	88355	See Note A.
SJ073 .....	DMV remover .....	Item ....		Optometry, Ophthalmology.	92310–92317	See Note A.
SD217 .....	Diaphragm fitting set ...	Item ....		Ob-gyn .....	57170	See Note A.
SD053 .....	Electrode, EEG, tin cup (12 pack uou).	Item ....		Neurology .....	95812–13, 95816, 95819, 95822, 95950, 95954, 95956	See Note A.
SC088 .....	Fistula set, dialysis, 17g.	Item ....		Dermatology .....	36522	See Note A.
SK104 .....	Foil, aluminum, 10 cm x 10 cm.	Item ....		Pathology .....	88355	See Note A.
SL193 .....	Glycolic acid, 20–50%	ml .....		Dermatology .....	17360	See Note A.
SA090 .....	Kit, moulage (implantech).	Item ....	75.00	Ob-Gyn .....	19396	See Note A.
SJ074 .....	Lens cleaner .....	oz .....		Optometry, Ophthalmology.	92313, 92341, 92342	See Note A.

TABLE 18.—SUPPLY ITEMS NEEDING SPECIALTY INPUT FOR PRICING—Continued

Code	2005 Description	Unit	Unit Price	Primary specialties associated with item	*CPT code(s) associated with item	Status of item
SL199	Lithium carbonate, saturated.	ml		Pathology	88355, 88356	See Note A.
SF044	Micro air burr	Item		Podiatry, Orthopedics	28740, 28750, 28755, 28760	See Note A.
SJ076	Nose pads	Item		Optometry	92370	See Note A.
SG092	Packing, gauze, plain, 1 in (5yd uou).	Item		Ob-Gyn	57180	See Note A.
SH087	Pentagastrin	ml		Gastroenterology	91052	See Note A.
SD140	Pressure bag	Item	8.925	Cardiology	93501, 93508, 93510, 93526	See Note A.
SL119	Sealant spray	oz		Radiation Oncology	77333	See Note A.
SL200	Sodium bicarbonate spray, 8 oz.	Item		Dermatology	17360	See Note A.
SL203	Tissue conditioner, coesoft.	Item		Maxillofacial Surgery ENT.	42280	See Note A.
SA091	Tray, scoop, fast track system.	Tray	750.00	ENT	31730	See Note A.
SD213	Tubing, sterile, non-vented (fluid administration).	Item	1.99	Cardiology	93501, 93508, 93510, 93526	See Note A.

\*CPT codes and descriptions only are copyright 2004 American Medical Association. All Rights Reserved. Applicable FARS/DFARS apply. Note A: Additional information required. Need detailed description (including kit contents), source, and current pricing information (including pricing per specified unit of measure in database).

TABLE 19.—EQUIPMENT ITEMS NEEDING SPECIALTY INPUT FOR PRICING AND PROPOSED DELETIONS

Code	2005 Description	Price	Primary specialties associated with item	*CPT code(s) associated with item	Status of item
EQ269	Ambulatory blood pressure monitor.	3,000.00	Cardiology	93784, 93786, 93788	See Note A.
EQ089	cortical bipolar-biphasic stimulating equipment.		Neurosurger, neurology	95961, 95962	See Note A.
EQ091	Cryo-thermal unit		Anesthesia	64620	See Notes A and C.
ER025	densitometry unit, whole body, SPA.	22,500.00	Radiology	78350	See Notes A and C.
EQ100	dialysis access flow monitor	10,000.00	Nephrology	90940	See Note A.
EQ101	diathermy, microwave		anesthesia, GP, podiatry	97020	See Notes A and C.
EQ008	ECG signal averaging system.	8,250.00	Cardiology, IM	93278	See Note A.
EQ112	electromagnetic therapy machine.	25,000.00	Physical therapy	G0329	See Note A.
EQ122	fetal monitor software	35,000.00	ob-gyn, radiology	76818, 76819	See Note A.
ER029	film alternator (motorized film viewbox).	27,500.00	Radiology	329 codes	See Notes A and B.
EQ124	generator, constant current	950.00	Neurology, NP	95923	See Note A.
EQ131	hyperbaric chamber	125,000.00	FP, IM, EM	99183	See Note A.
ER036	hyperthermia system, ultrasound, intracavitary.	250,000.00	radiation oncology	77620	See Note A.
	Light assembly, photopheresis.		Dermatology	36522	See Note A.
ER045	orthovoltage radiotherapy system.	140,000.00	radiation oncology	77401	See Note A.
ER008	OSHA ventilated hood	5,000.00	radiation oncology	77334	See Notes A and B.
	plasma pheresis machine w/ UV light source.	37,900.00	radiology, dermatology	36481, G0341	See Note A.
EQ208	Programmer, for implanted medication pump (spine).	1,975	anesthesiology, physical medicine.	62367 and 62368	See Note D.
EQ209	Programmer, neurostimulator (w-printer).	1,975	neurology, neuro surgery, anesthesiology.	95970, 95971, 95972, 95973, 95974, 95975, 95978, 95979	See Note D.
EQ212	pulse oxymetry recording software (prolonged monitoring).	3,660.00	Pulmonary disease, IM	94762	See Note A.
EP055	Slide Stainer	9,291.00	Pathology	88184	See Note A.
EQ271	Radioscope		ophthalmology, optometry	92310—92317	See Note A.
EQ220	remote monitoring service (neurodiagnostics).	9,500.00	Neurology	95955	See Note A.
EQ221	review master	23,500.00	pulmonary disease, neurology.	95805, 95807—11, 95816, 95822, 95955—56	See Note A.

TABLE 19.—EQUIPMENT ITEMS NEEDING SPECIALTY INPUT FOR PRICING AND PROPOSED DELETIONS—Continued

Code	2005 Description	Price	Primary specialties associated with item	* CPT code(s) associated with item	Status of item
EF022	table, cystoscopy		Urology	52204–24, 52265–75, 52310–17, 52327–32	See Note A.
EQ253	ultrasound, echocardiography digital acquisition (Novo Microsonics, TomTec).	29,900.00	ob-gyn, cardiology, pediatrics.	76825–28, 93303–12, 93314, 93320, 93325, 93350	See Note A.
EQ261	vacuum cart		anesthesia	64620	See Notes A and C
EP054	Wash assistant, FACS	38,000.00	pathology	88184	See Note A.

\*CPT codes and descriptions only are copyright 2004 American Medical Association. All Rights Reserved. Applicable FARS/DFARS apply.

**Notes:**

A. Additional information required. Need detailed description (including system components as specified), source, and current pricing information.

B. Proposed deletion as indirect expense.

C. Item may no longer be available.

D. Proposed deletion as supplied to physicians at no cost.

### B. Geographic Practice Cost Indices (GPCIs)

[If you choose to comment on issues in this section, please include the caption “GPCIs” at the beginning of your comments.]

Section 1848(e)(1)(A) of the Act requires us to develop separate GPCIs to measure resource cost differences among localities compared to the national average for each of the three fee schedule components. While requiring that the practice expense and malpractice GPCIs reflect the full relative cost differences, section 1848(e)(1)(A)(iii) of the Act requires that the physician work GPCIs reflect only one-quarter of the relative cost differences compared to the national average.

Section 1848(1)(E) of the Act, as amended by section 412 of the MMA, established a floor of 1.0 for the work GPCI for any locality where the GPCI would otherwise fall below 1.0. This 1.0 work GPCI floor was used for purposes of payment for services furnished on or after January 1, 2004 and before January 1, 2007. This 1.0 floor will remain in effect in 2006.

Section 602 of the MMA added section 1848(e)(1)(G) of the Act, which sets a floor of 1.67 for the work, practice expense, and malpractice GPCIs for services furnished in Alaska between January 1, 2004 and December 31, 2005 for any locality where the GPCI would otherwise fall below 1.67. Effective January 1, 2006, this provision will end and the proposed 2006 GPCIs for Alaska will be 1.017 for physician work, 1.103 for PE, and 1.029 for malpractice.

#### Payment Localities

In the August 15, 2004 PFS rule proposed rule, we discussed the issue of changes to the GPCI payment localities

(69 FR 47504). In that proposed rule, we noted that we look for the support of a State medical society as the impetus for changes to existing payment localities. Because the GPCIs for each locality are calculated using the average of the county-specific data from all of the counties in the locality, removing high-cost counties from a locality will result in lower GPCIs for the remaining counties. Therefore, because of this redistributive impact, we have refrained, in the past, from making changes to payment localities unless the State medical association provides evidence that any proposed change has statewide support.

In the November 15, 2004 PFS final rule, we discussed a “placeholder” proposal submitted to us in comments received from the California Medical Association (CMA) (69 FR 66263). The proposal described in CMA’s comment would move any county with a county-specific geographic adjustment factor (GAF) that is at least 5 percent greater than its locality GAF to its own individual county payment locality. (The GAF is the weighted average of the GPCIs for each locality. The GPCIs are weighted by the same weighting factors applied to physician work, practice expense, and malpractice in the Medicare Economic Index (MEI) used to update the CF.) However, in order to minimize reductions in the 2005 GAF of the Rest of California locality that would otherwise result from removal of the data for these high-cost counties, the CMA proposed maintaining Rest of California locality payments at the 2004 level by redistributing payments from the existing (and newly created) payment localities.

On October 21, 2004, the CMA Board of Trustees voted without objection to support the placeholder proposal with the amendment that the redistribution

of payments designed to maintain 2004 levels of payment for the Rest of California payment locality would occur for two years only, in 2005 and 2006. However, we determined that we do not have the authority under section 1848(e) of the Act to modify the GPCIs of some localities in a State solely in order to offset higher payments to other localities.

After the publication of the November 15, 2004 PFS final rule, the CMA submitted a proposal for a demonstration project that was the same as its proposal discussed in that final rule. There were several aspects of the proposal that made implementation problematic for us under our demonstration authority. For example, physicians whose payments would decrease under the demonstration could challenge the validity of a new locality configuration established without providing them the opportunity to comment through the regulatory process (as is our normal process for making locality changes). In particular, physicians who are not members of county medical societies or the CMA did not agree to participate in the proposed demonstration, and some of them may have challenged its implementation.

Also, the Medicare PFS currently uses identical GPCIs to pay for services provided in an area by both physicians and nonphysician providers such as podiatrists, optometrists, physical therapists, and nurse practitioners (NPs). Changing the locality configuration for medical doctors and doctors of osteopathic medicine, but not for other professionals, would have some peculiar results that were not addressed in the CMA proposal. For example, in areas where the GPCIs would be reduced under the demonstration, some practitioners not

participating under the demonstration (such as physical therapists) could be paid more than physicians in the same locality. Conversely, where the GPCIs would be increased under the demonstration, there would likely be complaints from the nonphysician practitioners (NPP) not included in the demonstration.

Nonetheless, we do recognize the potential impact of wide variations in the practice costs within a single payment locality. In last year's PFS final rule, we noted that we received many comments from physicians and individuals in Santa Cruz County expressing the opinion that Santa Cruz County should be removed from the Rest of California payment locality and placed in its own payment locality. The county-specific GAF of Santa Cruz County is 10 percent higher than the Rest of California locality GAF. Santa Cruz County is adjacent to Santa Clara County and San Mateo County. Santa Clara and San Mateo Counties have two of the highest GAFs in the nation. The published 2006 GAF for the Rest of California payment locality is 24 percent less than the GAFs of Santa Clara and San Mateo.

Sonoma County is also part of the Rest of California payment locality. The county-specific GAF of Sonoma County is 8 percent higher than the Rest of California locality GAF. Sonoma County is bordered by Marin County and Napa County. Using published 2006 values, the payment locality that includes Marin and Napa counties has the fourth highest GAF in the nation, and is 13 percent higher than the GAF of the Rest of California payment locality.

We recognize that changing demographics over time may lead to payment disparities in particular circumstances. We rely upon State medical societies to identify and resolve these disparities because there are redistributive impacts within a State when new localities are created (or existing ones reconfigured). Yet we also recognize that CMS is ultimately responsible for establishing fee schedule areas. We have considered a number of alternative locality configurations including—

- The CMA approach which calculates county-specific GAFs, and compares them to their locality GAF and designating any county with a GAF at least 5 percent higher than its locality GAF as a new locality;

- An approach that sorts counties by descending GAFs and compares the highest county to the second highest county. If the difference between these two counties is 5 percent or less, they are included in the same locality. The

third highest county GAF is then compared to the highest county GAF and so on, until the next county GAF is not within 5 percent of the highest county GAF. At that point, the county GAF that is more than 5 percent lower than the highest county GAF becomes the comparison for the next lowest county GAF, to create a second locality. This process is repeated down throughout all of the counties;

- An approach that compares the county with the highest GAF to the statewide average, removing counties that are 5 percent or more than the statewide average; and
- An approach that uses Metropolitan Statistical Areas defined by the Office of Management and Budget.

However, because these reconfigurations would result in significant redistributions across most California counties, we are simply proposing that Santa Cruz and Sonoma Counties (the two counties with the most significant disparity between the assigned Rest of California GAF and the county-specific GAF) be removed from the Rest of California payment locality and that each would be its own payment locality. We invite comments regarding this proposal and possible alternative approaches to address this issue. We are particularly interested in whether the CMA supports this approach.

If implemented, our proposal would change the 2006 GPCIs and GAFs for Santa Cruz County, Sonoma County and the Rest of California. The Santa Cruz GAF would be 1.119, a value 10 percent above the 2005 Rest of California GAF. The Sonoma County GAF would be 1.098, a value 8 percent above the 2005 Rest of California GAF. The Rest of California GAF would be 1.011, a value 0.01 percent below the 2005 Rest of California GAF. We would note that the 2006 Rest of California GAF published in the November 15, 2004 PFS final rule (69 FR 66695) was 1.017. This represents the second year of the transition to the new GPCIs and GAFs incorporating updated data (69 FR 66260). The proposed 2006 Rest of California GAF of 1.011 fully reflects incorporating the updated data.

The issue of payment locality designation in light of changing economic and population trends will be of importance to us for the foreseeable future. We are interested in other solutions to the problem, and will work with anyone who presents an idea or makes a suggestion that will help resolve the problems associated with the designation and revision of payment localities.

### *C. Malpractice Relative Value Units (RVUs)*

[If you choose to comment on issues in this section, please include the caption "Malpractice RVUs" at the beginning of your comments.]

As discussed in the Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2005 final rule, published November 15, 2004 (69 FR 66236), we revised the resource-based malpractice expense RVUs using specialty-specific malpractice premium data because those data represent the actual malpractice expense to the physician and are widely available. Based upon discussions with the medical community, we concluded that the primary determinants of malpractice liability costs are physician specialty, level of surgical involvement, and the physician's malpractice history.

Malpractice premium data were collected for the 20 Medicare physician specialties with the largest share of malpractice RVUs. We collected data based on premiums for a \$1 million/\$3 million mature claims-made policy (a policy covering claims made, rather than services provided during the policy term). We collected premium data from all 50 States, Washington, DC, and Puerto Rico. Data were collected from commercial and physician-owned insurers and from joint underwriting associations (JUAs). The premium data collected represented at least 50 percent of total physician malpractice premiums paid in each State. For a more detailed description of the methodology utilized in the development of resource based malpractice RVUs, refer to the November 15, 2004 final rule.

#### 1. Five Percent Specialty Threshold

As discussed in the November 15, 2004 final rule, we are concerned that the malpractice RVUs could be inappropriately inflated or deflated due to aberrant data based upon incorrectly reported specialty classifications. Therefore, we examined the impact of establishing a minimum percentage threshold for any procedure performed by any specialty before the risk factor of that specialty is included in the malpractice RVU calculation of a particular code.

We conducted an analysis excluding data for any specialty that performs less than 5 percent of a particular service or procedure from the malpractice RVU calculation for that service or procedure. The purpose of applying the minimum threshold was to identify and remove from the data specialties listed infrequently as performing a certain procedure. The assumption was that the

infrequent instances of these specialties in our data represent aberrant occurrences and removing the associated risk factor from the malpractice RVU calculation would improve accuracy and stability of the RVUs.

We excluded evaluation and management (E&M) services from the analysis. Medicare claims data show that E&M codes are performed by virtually all physician specialties. Therefore, in the case of E&M codes, it is likely that even the low relative percentages of performance by some specialties would accurately represent the provision of the service by those specialties.

For all services other than E&M services, we believe removing data attributable to specialties that occur in our data less than 5 percent of the time would most appropriately balance the objective to identify aberrant data (claims with a specialty identified that is highly unlikely to have performed a particular procedure) while including specialties that perform a procedure a small percentage of the time. We believe a higher threshold would result in the removal of data for specialties actually performing the procedure, while a lower threshold would likely fail to remove some aberrant data, particularly for low-volume codes (fewer than 100 occurrences, where each claim represent 1 or more percentage points).

The overall impact of removing the risk factor for specialties that occur less than 5 percent of the time in our data for a procedure is minimal. There is no impact on the malpractice RVUs for over 5,280 codes, and there is an impact of less than 1 percent on the malpractice RVUs for over 1,300 additional codes. Only 16 codes decrease by at least 0.1 RVUs, with the biggest decrease being a negative 0.28 impact on the malpractice RVU for CPT code 17108, *Destruction of skin lesions*, from a current RVU of 0.82 to a proposed RVU of 0.54.

Conversely, there are 219 codes for which RVUs increase by at least 0.1, the largest increase being a positive 0.81 RVU increase for CPT code 61583, *Craniofacial approach, skull*, from a current RVU of 8.32 to a proposed RVU of 9.13. Among codes whose malpractice RVUs would increase under our proposal, 646 have increases of less than 1 percent. The impact analysis section of this proposed rule examines the effects of this proposed change by specialty.

## 2. Specialty Crosswalk Issues

Malpractice insurers generally use five-digit codes developed by the Insurance Services Office (ISO), an

advisory body serving property and casualty insurers, to classify physician specialties into different risk classes for premium rating purposes. ISO codes classify physicians not only by specialty, but in many cases also by whether or not the specialty performs surgical procedures. A given specialty could thus have two ISO codes, one for use in rating a member of that specialty who performs surgical procedures and another for rating a member who does not perform surgery.

Medicare uses its own system of specialty classification for payment and data purposes. Therefore, to calculate the malpractice RVUs, it was necessary to map Medicare specialties to ISO codes and insurer risk classes. For some physician specialties, NPP, and other entities (for example, IDTFs) paid under the PFS, there was not a clear ISO assignment available. In these instances, we crosswalked these unassigned specialties to the most approximate existing ISO codes and risk classes based upon their relationship to those specialties for which we did have clear ISO crosswalks. The crosswalks we used to establish the 2005 malpractice RVUs were displayed in the November 15, 2004 PFS final rule (69 FR 66268). In most instances, when an appropriate crosswalk could not be identified we utilized the average for all physicians category, which is a weighted average of all specialty premium data.

Differences among specialties in malpractice premiums are a direct reflection of the malpractice risk associated with the services performed by a given specialty. The relative differences in national average premiums between various specialties can be expressed as a specialty risk factor. These risk factors are an index calculated by dividing the national average premium for each specialty by the national average premium for nephrology, which is the specialty with the lowest average premium among the 20 specialties for which data were collected.

We stated in the November 15, 2004 PFS final rule that we would continue to work with the AMA RUC's Professional Liability Insurance (PLI) Workgroup to address any potential inconsistencies that may still exist in our methodology. Based upon this commitment, the RUC PLI Workgroup has forwarded various recommendations for our consideration. The RUC developed its recommendations based upon comments submitted to them by physician specialty organizations.

The RUC PLI Workgroup provided all specialty societies and the HCPAC with

the opportunity to submit comments on the crosswalks listed in the November 15, 2004 final rule. Based on the comments, the Workgroup believes the risk factors assigned to certain professions overestimate the insurance premiums for these professions. We crosswalked clinical psychology, licensed clinical social work, and psychology to the nonsurgical risk factor for psychiatry (risk factor of 1.11). We crosswalked occupational therapy to occupational medicine (risk factor of 1.11). The PLI Workgroup recommends crosswalking these professions to allergy and immunology, with a risk factor of 1.00 (although the Workgroup suggests the actual risk factor for these professions may be below the risk factor for allergy and immunology and encourages the collection of malpractice premium data for these professions).

The Workgroup also believes that opticians and optometrists should be assigned this risk factor of 1.0, as opposed to being crosswalked to ophthalmology (nonsurgical risk factor of 1.24, surgical risk factor of 2.31). The Workgroup further suggests that it would be more appropriate to assign the risk factor of 1.0 to the chiropractic and physical therapy specialties rather than their current crosswalk to physical medicine and rehabilitation (nonsurgical and surgical risk factors of 1.26). The Workgroup felt that these specialties will not incur PLI premiums in excess of the current base premiums associated a risk factor of 1.0.

We examined the risk factors assigned to these professions, and agree that the PLI associated with them should reflect the lowest physician specialty risk factor (absent actual premium data for these professions). Therefore, we propose assigning these specialties a risk factor of 1.00. We invite comment from representatives of the affected specialties and others regarding the appropriateness of this proposal, as well as other specialty crosswalks and suggestions for reliable sources of actual malpractice premium data for nonphysician groups.

The RUC PLI Workgroup also felt that a number of professions that were assigned to the average for all physicians risk factor should be removed from the calculation of malpractice RVUs altogether. The PLI Workgroup believes that it would be more appropriate to exclude data from the following professions: Certified clinical nurse specialist (CNS), clinical laboratory, multispecialty clinic or group practice, NP, physician assistant (PA), and physiological laboratory (independent). In calculating the malpractice RVUs applicable for 2005,

34 Medicare specialties were excluded from the calculation because they could not be otherwise assigned or crosswalked. The RUC recommends the above specialties and professions be similarly excluded. We agree and propose to establish malpractice RVUs based upon the mix of specialties exclusive of the above specialties and professions.

The PLI Workgroup also made the following recommendations that we are not accepting: Certified registered nurse anesthetists (CRNAs) should be crosswalked to anesthesiology which is 2.84 rather than to the "all physicians" which is 3.04; colorectal surgeons should be crosswalked to general surgery (the current risk factor is based on actual data); and gynecologists and oncologists (currently 5.63) should be crosswalked to surgical oncology (currently 6.13). We believe the current crosswalks we are using for these specialties appropriately reflect the types of services they provide. However, we would welcome comments on these proposals as well.

### 3. Cardiac Catheterization and Angioplasty Exception

In response to a comment received on our proposed methodology at the time, in the November 2, 1999 final rule (64 FR 59384), we applied surgical risk factors to the following cardiology catheterization and angioplasty codes: 92980 to 92998 and 93501 to 93536. This exception was established because these procedures are quite invasive and more akin to surgical than nonsurgical procedures.

In the November 15, 2004 final rule (69 FR 66275), we discussed changes in those codes that would fall under the exception. Based on a recommendation by the RUC, we revised the list of codes to which this exception applies. The RUC's PLI Workgroup requests that we correct a clerical error made by the RUC in identifying those codes that would fall under the exception. We agree with the RUC PLI Workgroup recommendation and propose that the following CPT codes be added to the existing list of codes under the exception: 92975; 92980 to 92998; and 93617 to 93641.

### 4. Dominant Specialty for Low-Volume Codes

The final recommendation from the PLI Workgroup is to use the dominant specialty approach for services or procedures with fewer than 100 occurrences. The Workgroup supplied a list of 1,844 services for our review and recommends that we utilize only the dominant specialty in calculating the

final malpractice RVUs for these services. The PLI Workgroup worked in conjunction with various specialty organizations to identify the dominant specialty that performs each service.

We recognize and appreciate the efforts of the Workgroup to review these codes. We have considered the data that was presented to us and the argument for using the dominant specialty to establish the malpractice RVUs for these 1,844 codes.

We have previously registered our concerns with the dominant specialty approach. We believe that basing payment on all specialties that perform a particular service ensures that the actual PLI costs of all specialties are included in the calculation of the malpractice RVUs. Therefore, we do not believe it would be appropriate, even for these low-volume services, to include only the dominant specialty if other specialties regularly provide the service.

However, as noted previously in our proposal to remove data for specialties that make up less than 5 percent of the total volume for that service, we also recognize the need to take steps to minimize the risk that aberrant data would inappropriately skew the malpractice RVU calculation. We believe that, for most services, the proposal to remove specialties making up less than 5 percent of the occurrences will ensure that aberrant data are removed. Yet for those services with especially low volumes, the malpractice RVUs may be especially susceptible to the influence of aberrant data in only a very few cases (but more than 5 percent, that is, 2 cases in a service with 20 occurrences). We will continue to evaluate ways to ensure these low-volume services are not skewed by a few occurrences of aberrant data, but we are concerned that including only the dominant specialty performing these services would exclude data from other specialties that are actually performing them.

We are not proposing to adopt this methodology at this time. We would note that low volume procedures or services are not necessarily performed by only one specialty. As noted above, we would distinguish between excluding data presumed to be erroneous from data reflecting utilization by specialties that perform a service but are not the dominant specialty. However, we acknowledge that there may be instances where aberrant data exist that would not be identified and removed by our proposed 5 percent threshold discussed previously. We will continue to work with the RUC PLI Workgroup to examine this issue in the future.

### D. Medicare Telehealth Services

[If you choose to comment on issues in this section, please include the caption "TELEHEALTH" at the beginning of your comments.]

#### 1. Requests for Adding Services to the List of Medicare Telehealth Services

Section 1834(m) of the Act defines telehealth services as professional consultations, office and other outpatient visits, and office psychiatry services identified as of July 1, 2000 by CPT codes 99241 through 99275, 99201 through 99215, 90804 through 90809, and 90862. In addition, the statute requires us to establish a process for adding services to or deleting services from the list of telehealth services on an annual basis.

In the December 31, 2002 **Federal Register** (67 FR 79988), we established a process for adding or deleting services to the list of Medicare telehealth services. This process provides the public an ongoing opportunity to submit requests for adding services. We assign any request to make additions to the list of Medicare telehealth services to one of the following categories:

- **Category #1:** Services that are similar to office and other outpatient visits, consultation, and office psychiatry services. In reviewing these requests, we look for similarities between the proposed and existing telehealth services for the roles of, and interactions among, the beneficiary, the physician (or other practitioner) at the distant site and, if necessary, the telepresenter. We also look for similarities in the telecommunications system used to deliver the proposed service, for example, the use of interactive audio and video equipment.
- **Category #2:** Services that are not similar to the current list of telehealth services. Our review of these requests includes an assessment of whether the use of a telecommunications system to deliver the service produces similar diagnostic findings or therapeutic interventions as compared with the face-to-face "hands on" delivery of the same service. Requestors should submit evidence showing that the use of a telecommunications system does not affect the diagnosis or treatment plan as compared to a face-to-face delivery of the requested service.

Since establishing the process, we have added the psychiatric diagnostic interview examination and ESRD services with 2 to 3 visits per month and 4 or more visits per month to the list of Medicare telehealth services (although we require at least one visit a month by a physician, CNS, NP, or PA to examine the vascular access site).

Requests for adding services to the list of Medicare telehealth services must be submitted and received no later than December 31st of each CY to be considered for the next proposed rule. For example, requests submitted before the end of CY 2004 are considered for the CY 2006 proposed rule. For more information on submitting a request for an addition to the list of Medicare telehealth services, visit our Web site at <http://www.cms.hhs.gov/physicians/telehealth>.

## 2. Submitted Requests for Addition to the List of Telehealth Services

We received the following public requests for additional approved services in CY 2004: (1) Diabetes outpatient self-management training services and medical nutritional therapy; and (2) modification of the definition of an interactive telecommunications system for purposes of furnishing a telehealth service. The following is a discussion of the requests submitted in CY 2004.

### a. Medical Nutrition Therapy and Diabetes Self-Management Training

The American Telemedicine Association (ATA) and an individual practitioner submitted a request to add medical nutrition therapy (MNT) (as represented by HCPCS codes G0270, G0271 and 97802 through 97804) and diabetes outpatient self-management training services (DSMT) (as defined by HCPCS codes G0108 and G0109). The requestors believe that MNT and DSMT are similar to the services currently on the list of Medicare telehealth services and, therefore, should be added to the list of Medicare telehealth services.

#### *CMS Review*

Section 1861(s)(2) of the Act authorizes coverage and payment of MNT for certain beneficiaries who have diabetes or a renal disease. Individual MNT typically involves obtaining a nutrition history, counseling, the formulation of a treatment plan, implementation of a treatment plan through discussion with the patient, and follow-up with the patient. These components would be comparable to E&M office or other outpatient visits which are currently Medicare telehealth services. Additionally, the interactive dynamic of individual MNT is similar in nature to an E&M office visit because the nutrition professional is able to have a direct one-on-one discussion with the beneficiary and the beneficiary is able to ask immediate questions regarding his or her role in following the treatment plan. Therefore, we propose to add individual MNT as represented by HCPCS codes

G0270, 97802 and 97803 to the list of Medicare telehealth services.

### *Practitioners Who May Furnish Medical Nutrition Therapy Services*

Section 1834(m) of the Act specifies that practitioners defined in section 1842(b)(18)(C) of the Act may receive payment for furnishing telehealth services at the distant site. Effective January 1, 2002, section 1842(b)(18)(C) of the Act includes a registered dietitian or nutrition professional as a Medicare practitioner. As a condition of Medicare Part B payment, the statute allows only a registered dietitian or nutrition professional to furnish medical nutrition therapy services (subject to referral made by the treating physician) for the purpose of managing diabetes or renal disease. Medicare practitioners who are not a licensed or certified registered dietitian or other nutrition professional, as defined in § 410.134, may not furnish and receive payment for MNT services.

We propose to revise § 410.78 and § 414.65 to include individual MNT as a Medicare telehealth service. Additionally, since a certified registered dietitian or other nutrition professional are the only practitioners permitted by law to furnish MNT, we propose to revise § 410.78 to add a registered dietitian and nutrition professional as defined in § 410.134 to the list of practitioners that may furnish and receive payment for a telehealth service.

### *Group Medical Nutritional Therapy (MNT)*

We believe that group counseling services have a different interactive dynamic between the physician or practitioner at the distant site and beneficiary at the originating site as compared to the current list of Medicare telehealth services. We do not currently have other group counseling services as telehealth services and do not believe that group MNT falls within the first category of requests. Category 1 requests must be similar to the current list of Medicare telehealth services in order to be added to the list.

For instance, office and other outpatient visits, consultation and the current office psychiatry services involve an individual professional encounter between the physician or practitioner and beneficiary. Through direct discussion with the beneficiary, the physician or practitioner provides patient counseling regarding diagnostic test results, recommendations for further studies, prognosis, treatment options, and other follow-up instructions. In this interactive dynamic, the patient is able to ask

immediate questions and the physician or practitioner is able to discern whether the beneficiary understands his or her responsibilities in following the treatment plan. However, group therapy services do not allow for the same degree of direct patient interaction as compared with individual therapy services.

As such, we were not able to conclude that the roles of and interaction among the physician or practitioner at the distant site and beneficiary at the originating site are similar to the existing Medicare telehealth services. Furthermore, the requestors did not submit comparative analyses illustrating that the use of a telecommunications system is an adequate substitute for the face-to-face delivery of group MNT services (which is a requirement for category 2). Therefore, we propose to not add group MNT (as described by HCPCS codes G0271 and 97804) to the list of Medicare telehealth services. However, we invite specific public comments on whether the use of an interactive telecommunications system is clinically adequate for furnishing group MNT. Additionally, if the requestors were to submit data showing that the use of a telecommunications system does not change the diagnosis or treatment plan as compared to face-to-face delivery, we would consider approving group MNT as a category 2 service.

### *Diabetes Outpatient Self-Management Training Services (DSMT)*

The DSMT benefit, described at section 1861(qq) of the Act, is a comprehensive diabetes training program (one component of which is MNT). We consider DSMT as a category 2 request because the major portion of DSMT is furnished in the group setting and, as explained above, we believe group therapy has a different interactive dynamic than the current list of Medicare telehealth services. Additionally, the statute requires the training content for DSMT to include teaching beneficiaries the skills necessary for the self-administration of injectable drugs. We question the merits of providing beneficiary training to administer insulin injections via telehealth. For example, teaching a patient how to inject insulin requires consideration and instruction regarding factors such as the type of needle to be used, the anatomic location of the injection, the injection technique, and possible complications of the injection, all of which we believe, absent evidence to the contrary, require the physical presence of the teaching practitioner.

These components are typically not part of the services currently on the list of telehealth services and the requestor did not provide any comparative analyses illustrating that the use of a telecommunications system is an adequate substitute for the in-person, collaborative, skill-based training required for DSMT services. Therefore, we propose to not add DSMT (as described by HCPCS codes G0108 and G0109) to the list of Medicare telehealth services.

#### b. Definition of an Interactive Telecommunications System

The Medical College of Georgia (MCG) requested that we modify our definition of an interactive telecommunications system for purposes of furnishing a telehealth consultation. The MCG uses an interactive audio and one-way, real-time video telecommunications system, over an internet-based protocol, to furnish consultations for acute ischemic stroke patients. The physician at the distant site (typically a neurologist) can see the patient; however, the patient and physician (or practitioner) in the emergency room who is with the patient cannot see the neurologist. Under this model, the neurologist at the distant site examines the stroke patient in real-time video and reviews CT scans and other critical laboratory data to assess the stroke patient's suitability for tissue-type plasminogen activator (tPA) treatment. The requestor noted that the use of tPA treatment is restricted to 3 hours after onset of stroke, and argued that rapid evaluation by a neurologist for stroke patients located in outlying rural hospitals is crucial. The requestor believes that the use of an interactive two-way video system does not provide added benefit to the consulting neurologist, would be unnecessarily cumbersome, and noted that the use of one-way video currently prohibits billing as a telehealth consultation.

#### CMS Review

As noted previously, consultations are included on the list of approved telehealth services. However, as a condition of payment, § 410.78 of the regulations requires the use of an interactive two-way audio and video telecommunications system to furnish a telehealth consultation. The use of one-way video does not meet the current interactive telecommunications system requirements for telehealth services and, therefore, the requestor cannot bill for a consultation service based on the model described above.

We have concerns with modifying our definition of an interactive telecommunications system to permit

one-way video in place of an interactive two-way video system. The use of an interactive audio and video telecommunications system permitting two-way real-time interaction between the physician or practitioner at the distant site and the beneficiary and telepresenter (if necessary) at the originating site is a substitute for the face-to-face examination requirements of a consultation under Medicare.

We are concerned that the use of one-way video may not be clinically adequate for the evaluation of certain types of patients. Since telehealth services are intended as a substitute for services that traditionally require a face-to-face interaction between a physician (or practitioner) and a patient, we believe that the use of a two-way video communication is much less of a departure from this standard than a one-way video communication, because the face-to-face interaction between a physician and a patient allows two-way interactive communication, both verbally and physically. We are concerned that, without two-way video, communication of many subtle but important nuances of the interaction between the physician at the distant site and patient or clinical staff at the originating site would be lost, leading to reduced diagnostic accuracy and the possibility of unfavorable medical outcomes.

However, we recognize that a timely neurological evaluation is critical for determining suitability for tPA treatment. Given the potential for adverse affects, such as the increased risk of bleeding, the decision to administer tPA (or not to administer) is crucial in determining the course of management for the stroke patient. Therefore, we are currently reviewing the definition of an interactive telecommunications system and request specific public comments regarding the added clinical value of two-way interactive video as compared to one-way video for the purpose of furnishing telehealth services. We are also interested in receiving comments as to whether an interactive audio and one-way video telecommunications system that permits the physician at the distant site to examine the patient in real-time is clinically adequate for a broad range of specialty consultations.

#### c. Definition of a Telehealth Originating Site

Section 418 of the MMA required the Health Resources Services Administration (HRSA) within the Department of Health and Human Services (HHS), in consultation with CMS, to conduct an evaluation of

demonstration projects under which SNFs, as defined in section 1819(a) of the Act, are treated as originating sites for Medicare telehealth services. The MMA also required HRSA to submit a report to the Congress that would include recommendations on "mechanisms to ensure that permitting a SNF to serve as an originating site for the use of telehealth services or any other service delivered via a telecommunications system does not serve as a substitute for in-person visits furnished by a physician, or for in-person visits furnished by a PA, NP or CNS, as is otherwise required by the Secretary." This report is currently under development.

The MMA provides us with the authority to include a SNF as a Medicare telehealth originating site under section 1834(m) of the Act effective January 1, 2006, if the Secretary concludes in the report that it is advisable to do so and that mechanisms could be established to ensure that the use of a telecommunications system does not substitute for the required in-person physician or practitioner SNF visits. We will review and consider the recommendations of the report to determine whether to add SNFs to the list of approved originating sites. We are also soliciting public comments on this topic.

#### E. Contractor Pricing of Unlisted Therapy Modalities and Procedures

[If you choose to comment on issues in this section, please include the caption "CODING—CONTRACTOR PRICING" at the beginning of your comments.]

We recognize that there may be services or procedures performed that have no specific CPT codes assigned. In these situations, it is appropriate to use one of the CPT codes designated for reporting unlisted procedures. These unlisted codes do not typically have RVUs assigned to them.

For services coded using these unlisted codes, the provider includes a description of specific procedures that were furnished. The contractor uses this information to determine an appropriate valuation.

Currently, there are two unlisted CPT codes with assigned RVUs, CPT 97039, *Unlisted modality (specify and time if constant attendance)*, and 97139 *Unlisted therapeutic procedure*. Given the variability of the services that could be provided using these nonspecific codes, use of assigned RVUs may not accurately reflect the resources actually associated with the provided services. This may result in an inappropriate

payment (overpayment or underpayment) for the service provided.

Other unlisted services that are under the PFS are contractor priced. To make the pricing methodology consistent with our policy for other unlisted services, and to more appropriately match payments with the actual resources expended to deliver the services provided, we propose to have the contractors value CPT codes 97039 and 97139.

#### *F. Payment for Teaching Anesthesiologists*

[If you choose to comment on issues in this section, please include the caption "TEACHING ANESTHESIOLOGISTS" at the beginning of your comments.]

The following discussion summarizes the current policy for the payment for services provided by teaching anesthesiologists and solicits public comments on possible revisions to the current payment policy.

##### 1. Payment for Anesthesia Services

Anesthesia services are paid under the PFS, but on a different basis than other physician services. Payments for anesthesia services are calculated using a "base unit" that is specific to the anesthesia code plus the anesthesia time units. As noted in our regulations at § 414.46(a)(1), the base unit reflects all activities other than anesthesia time and includes the usual pre-operative and post-operative care. Anesthesia time units are computed (in 15 minute increments) from the actual elapsed time for the anesthesia procedure.

Anesthesia services may be personally performed by the anesthesiologist, or the anesthesiologist may medically direct qualified individuals involved in up to four concurrent anesthesia cases. Qualified individuals can include anesthesiologist assistants (AAs), certified registered nurse anesthetists (CRNAs), interns, or residents, and, under certain circumstances, student nurse anesthetists. When the anesthesiologist medically directs an anesthesia case, the payment for the physician's medical direction service is 50 percent of the allowance otherwise recognized if the anesthesiologist personally performed the service. The physician would have to fulfill each of the medical direction criteria in § 415.110(a) to bill under the medical direction policy.

##### 2. Teaching Physician Payment Policy

Under the teaching physician payment policy for complex surgery, the full fee schedule payment can be made for the services of the teaching physician as long as the teaching

physician is present with the resident for the critical or key portions of the service. In order to bill for two overlapping surgeries, the teaching surgeon must be present during the key or critical portions of both operations.

Beginning in 1994, the teaching physician payment policy has been applied to anesthesiologists only when the teaching anesthesiologist is involved in one anesthesia case with a resident. If the teaching physician is involved with two concurrent cases, then the rules for "medical direction" of anesthesia apply.

In August 2002, we released a Medicare Carriers Manual transmittal relating to the involvement of a non-medically directed teaching CRNA with two student nurse anesthetists. The new policy allowed the teaching CRNA to be paid for his or her involvement with two concurrent cases with student nurse anesthetists, but not at the full fee level. If a teaching CRNA is involved with two concurrent cases with student nurse anesthetists, payment may be based on the base unit plus the time of each case that the teaching CRNA is present with the student nurse anesthetist. To bill the base unit, the teaching CRNA must be present with the student nurse anesthetist throughout the pre- and post-anesthesia care.

In the Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2004 final rule, published November 7, 2003 (68 FR 63196-63395), we revised § 414.46 of our regulations to allow teaching anesthesiologists to bill in a similar manner to teaching CRNAs for the teaching anesthesiologist's involvement in two concurrent cases involving residents. This policy took effect for services furnished on or after January 1, 2004. This was intended as an alternative to the "medical direction" payment policy applicable to concurrent cases involving teaching anesthesiologists and residents.

Under this policy, teaching anesthesiologists can bill and be paid the full fee schedule for the base unit portion of the payment if they are present with the resident during the pre- and post-anesthesia care included in the base units. Teaching anesthesiologists can also bill and be paid the full fee schedule amount for anesthesia time based on the amount of time the physician is present with the resident during each of the two concurrent cases. Payment to a teaching anesthesiologist for two concurrent cases involving residents under this policy would be greater than under the medical direction payment policy. However, if the teaching anesthesiologist is not present with the resident during the pre- and

post-anesthesia care for both concurrent cases, the physician could only bill the cases as "medically directed."

Despite the higher level of payment available under this policy, the American Society of Anesthesiologists (ASA) has informed us that it is not aware of any teaching anesthesia programs that have arranged their practices to meet the conditions necessary to bill under the revised policy. The ASA suggests that the teaching physician regulations for teaching anesthesiologists should be similar to those for teaching surgeons for overlapping complex surgery procedures. The ASA thinks that anesthesia is similar to complex surgery in terms of critical periods, overlap, and availability of teaching physicians. However, the critical portions of the teaching anesthesia service and the critical portions of the teaching surgeon service are not the same. The ASA believes that inadequate payment levels have contributed to the loss of teaching anesthesiologists and an inability to recruit new faculty.

We are requesting comments on a teaching physician policy for anesthesiologists that could build on the policy announced in the November 7, 2003 PFS final rule, but provide the appropriate revisions that would allow it to be more flexible for teaching anesthesia programs. We would also be interested in receiving data and studies relevant to this issue as well as any offsetting savings that could be made to account for any potential costs that could be incurred if there was a policy change.

#### *G. End Stage Renal Disease (ESRD) Related Provisions*

On November 15, 2004, we published the Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2005 final rule in the **Federal Register** (69 FR 66319), revising payments to ESRD facilities in accordance with provisions of the MMA. This final rule implemented section 1881(b) of the Act, as amended by section 623 of the MMA, which directed the Secretary to make a number of revisions to the composite rate payment system, as well as payment for separately billable drugs furnished by ESRD facilities. Changes that were implemented January 1, 2005 included a revision to payments for drugs billed separately by ESRD facilities whereby the top ten ESRD drugs are paid based on acquisition costs (as determined by the Office of Inspector General (OIG)) and other separately billed drugs are paid average sales price (ASP) +6 percent.

Also, in accordance with section 623 of the MMA, an adjustment of 8.7 percent was made to the composite payment rate to account for the difference between previous payments for separately billed drugs and biologicals and the revised pricing that took effect January 1, 2005. As required by section 623 of the MMA, we are proposing to update this add-on adjustment to reflect changes in ESRD drug utilization. In addition, we are proposing to revise the add-on adjustment to reflect the methodology we will be using for ESRD drugs.

Section 623 of the MMA also required the establishment of basic case-mix adjustments to the composite payment rate for a limited number of patient characteristics. The November 15, 2004 final rule implemented three categories of patient characteristic adjustments (age, low body mass index (BMI), and body surface area (BSA)) that were implemented April 1, 2005. We are proposing to maintain these categories and patient characteristics as established in the November 15, 2004 final rule (69 FR 66238).

Also, section 1881(b)(12) of the Act as amended by section 623 of the MMA provided authority to revise the geographic adjustment applied to the composite payment rate. Accordingly, we are proposing to revise the geographic classifications and wage indexes currently in effect for adjusting composite rate payments. As required by section 623 of the MMA, these proposed changes will be phased in over time.

In addition, we are proposing revisions to the regulations applicable to the composite rate exceptions process to reflect section 623 of the MMA provisions that restrict exceptions to pediatric facilities.

#### 1. Revised Pricing Methodology for Separately Billable Drugs and Biologicals Furnished by ESRD Facilities

[If you choose to comment on issues in this section, please include the caption "ESRD-Pricing Methodology" at the beginning of your comments.]

In the Revisions to Payment Policies under the Physician Fee Schedule for Calendar Year 2005 final rule, published on November 15, 2004, we determined that for CY 2005, payment for the top 10 separately billable ESRD drugs billed by freestanding facilities would be based on the acquisition cost of the drug, as determined by the OIG, updated by the Producer Price Index (PPI). The remaining separately billable ESRD drugs would be paid at the ASP +6 percent for freestanding facilities. We

also determined that hospital-based facilities would continue cost reimbursement for all drugs with the exception of erythropoietin (EPO) which would be paid the acquisition cost, as determined by the OIG, updated by the PPI.

As discussed in section II.H. of this proposed rule, for CY 2006, we are proposing that payment for a drug furnished in connection with renal dialysis services and separately billed by freestanding renal dialysis facilities will be based on section 1874A of the Act. We are also proposing to update the payment allowances quarterly based on the ASP reported to us by drug manufacturers. For CY 2006, we are proposing to continue cost reimbursement for hospital-based facilities; while, proposing to pay for EPO in hospital-based facilities at the ASP +6 percent.

#### 2. Adjustment to Account for Changes in the Pricing of Separately Billable Drugs and Biologicals, and the Estimated Increase in Expenditures for Drugs and Biologicals.

[If you choose to comment on issues in this section, please include the caption "ESRD—Drugs and Biologicals" at the beginning of your comments.]

Section 623(d) of the MMA, added section 1881(b)(12) of the Act which contains two provisions that describe how the drug add-on adjustment will be implemented in the ESRD payment system. First, that the add-on adjustment reflects the difference between payment methodology for separately billed drugs under the drug price in effect in CY 2004 and current drug pricing and, second, the aggregate payments for CY 2005 must equal aggregate payments absent this MMA provision.

In the November 15, 2004 final rule (69 FR 66322), we described in detail the methodology that we used for developing the drug add-on adjustment to the composite rate to account for the difference between estimated drug payments under the average wholesale price (AWP) payment system and the acquisition costs as determined by the OIG. This adjustment was developed so that aggregate spending for composite rate plus separately billed drugs would remain budget neutral for CY 2005.

Section 1881(b)(12) of the Act also contains two provisions related to adjustments to payments for drugs and biologicals for CY 2006. First, section 1881(b)(12)(C)(ii) of the Act provides that we recalculate the add-on adjustment to reflect the drug pricing methodology applied by the Secretary under section 1881(b)(13)(A)(iii) of the

Act. That is, we must compute the drug add-on adjustment based on the difference between estimated payments using the AWP payment methodology and the proposed new payment methodology using ASP +6 percent.

In addition, section 1881(b)(12)(F) of the Act requires that, beginning in 2006, we establish an annual update adjustment to reflect estimated growth in expenditures for separately billable drugs and biologicals furnished by ESRD facilities. This update would be applied only to the drug add-on portion of the composite rate. In order to meet both requirements, we are proposing to develop the CY 2006 drug add-on adjustment in two steps.

First, we would recalculate the CY 2005 add-on adjustment to reflect the difference in drug payments using 95 percent AWP pricing and payments using ASP +6 pricing. This calculation would replace the current 8.7 percent adjustment and would be budget neutral to CY 2005 payments. The next step would be to develop a proposed annual update methodology that we would use in CY 2006 to reflect the estimated growth in drug expenditures each year. As mentioned above, this update would be applied only to the drug add-on portion of the composite payment rate. The following sections discuss the recomputation of the drug add-on adjustment followed by a discussion of the update of the adjustment for CY 2006.

#### a. Proposed Recalculation of the CY 2005 Drug Add-on Adjustment

For CY 2006, we are proposing to use the same method that we used to develop the drug add-on adjustment for CY 2005 to recalculate the adjustment to reflect the proposed revision to the ESRD drug payment methodology from acquisition costs to ASP +6 percent. That is, we propose to calculate the spread based on the difference in aggregate payments between estimated payment based on AWP pricing and estimated payment based on ASP +6 pricing. As discussed in detail below, we propose to use pricing data from the second quarter of CY 2005. All of the data used to develop the proposed add-on adjustment will be updated for the final rule, as more current data, including ASP data, will be available.

##### (1) Historical Drug Expenditure Data

To develop the drug add-on adjustment we used historical total aggregate payments for separately billed ESRD drugs for half of CY 2000 and all of CY 2001, CY 2002 and CY 2003. For EPO, these payments were broken down according to type of ESRD facility

(hospital-based versus independent). We also used the number of dialysis treatments performed by these two types of facilities over the same period.

(2) ASP +6 Percent Prices

We obtained the ASP +6 percent prices, for the second quarter of CY 2005, as shown in the following table. For purposes of this proposed rule, we have used the latest ASP pricing available, which are second quarter prices. For the final rule, we will have prices for all 4 quarters of CY 2005 and plan to develop prices representing the average CY 2005 ASP payments for the drugs listed in Table 20 below.

TABLE 20.

Drugs	Second quarter ASP +6 percent
Epogen .....	\$9.25
Calcitriol .....	\$0.86
Doxercalciferol .....	\$2.78
Iron_dextran .....	\$11.22
Iron_sucrose .....	\$0.37
Levocarnitine .....	\$11.12
Paricalcitol .....	\$3.97
Sodium_ferric_glut .....	\$4.73
Alteplase, Recombinant .....	\$30.09
Vancomycin .....	\$3.19

(3) Estimated Medicare Payments Using 95 Percent of AWP

In order to estimate AWP payments we used the first quarter 2005 AWP prices and updated them to the second quarter by applying, for drugs other than EPO, an estimated AWP quarterly growth of approximately 0.74 percent (annual growth factor of 3 percent). This growth factor is based on historical trends of AWP pricing (for all drugs) for the year 1997–2003. We did not increase the payment rate for Epogen since payment was maintained at \$10.00 per thousand units prior to MMA. (See Table 21.)

TABLE 21.

Drugs	AWP rates for the second quarter of 2005
Epogen .....	\$10.00*
Calcitriol .....	\$1.40
Doxercalciferol .....	\$3.11
Iron_dextran .....	\$18.04

TABLE 21.—Continued

Drugs	AWP rates for the second quarter of 2005
Iron_sucrose .....	\$0.66
Levocarnitine .....	\$36.75
Paricalcitol .....	\$5.37
Sodium_ferric_glut .....	\$8.23
Alteplase, Recombinant .....	\$38.82
Vancomycin .....	\$5.55

\* Statutory rate.

(4) Dialysis Treatments

We updated the number of dialysis treatments by the actuarial projected growth in the number of ESRD beneficiaries. Since Medicare covers a maximum of three treatments per week, utilization growth is limited, and, therefore, any increase in the number of treatments should be due to beneficiary enrollment. In CY 2005, we estimate there will be a total of 34.5 million treatments performed. We note that this represents the most current actuarial projection and differs slightly from the projection published in the November, 15, 2004 final rule. (69 FR 66323)

(5) Drug Payments

We updated the total aggregate Epogen drug payments for both hospital-based and independent facilities by using historical trend factors. For CY 2004 and CY 2005, the CY 2003 payment level was increased each year by trend factor of 9.0 percent.

Using the 9 percent growth factor for Epogen, we updated the aggregate spending for separately billable drugs, other than EPO, for independent facilities. Aggregate payments in this category show extremely varied growth between 2000 and 2003, and, for this reason, we felt that trend analysis was not sufficient. Therefore, we believe it would be reasonable to correlate the growth of Epogen and separately billable drugs in an independent facility, since Epogen constitute the largest amount of drugs dispensed in an independent facility. Additionally, we deducted 50 cents for each administration of Epogen from the total Epogen spending for both hospital-based and independent facilities, to account for spending on syringes that were included in the EPO payments

prior to the implementation of the MMA drug payment provisions. In CY 2005, we estimate payments for these syringes will amount to \$1.6 million for hospital-based facilities and \$26.8 million for independent facilities. For CY 2005, we estimate that total spending, after the deduction of payments for syringes, will reach \$246 million for Epogen provided in hospital-based facilities, and \$2.850 million for drugs provided in independent facilities (\$1.960 million for Epogen and \$890 million for other drugs). We note that all other drugs provided in hospital-based ESRD facilities continue to be paid at cost.

(6) Add-On Calculation and Budget Neutrality

For each of the top 10 drugs (as explained below), we calculated the percent by which ASP +6 percent is projected to be less than payment amounts under the 95 percent of AWP pricing system for CY 2005. For Epogen, this amount is 7.5 percent. We applied this 7.5 percent figure to the total aggregate drug payments for Epogen in hospital-based facilities, resulting in a difference of \$18 million.

We then calculated a weighted average of the percentages by which ASP +6 percent would be below 95 percent of AWP payment prices, for the top 10 ESRD drugs for independent facilities. We weighted these percentages by using the CY 2005 estimated Medicare payment amounts for the top 10 drugs. This procedure resulted in a weighted average payment reduction of 12 percent. We note that in the previous calculation for the CY 2005 add-on adjustment, we had used CY 2002 values from the OIG. (See Table 22 for the calculated drug weights, and Table 23 for the percentage by which ASP prices are lower than AWP prices.) The CY 2003 data projected forward to CY 2005 indicated a significant drop in payments for drugs other than Epogen that are provided in an independent facility. This trend, which we expect will continue when we obtain CY 2004 historical data for the final rule, decreases the weights of the drugs, other than Epogen and increases the weight of Epogen. The overall effect is to lower the weighted average by several percentage points.

TABLE 22.

Drugs	CY 2005 estimated drug payments as a percentage of total drug expenditures (percent)	CY 2002 OIG drug payments as a percentage of total drug expenditures (percent)
Epogen .....	78.83	67.85
Calcitriol .....	0.13	1.22
Doxercalciferol .....	1.74	1.28
Iron_dextran .....	0.38	0.65
Iron_sucrose .....	0.71	5.00
Levocarnitine .....	0.89	1.68
Paricalcitol .....	17.37	15.90
Sodium_ferric_glut .....	0.53	6.03
Alteplase, Recombinant .....	0.18	0.19
Vancomycin .....	0.24	0.20

\* Compared to the \$10.00 statutory price.

TABLE 23.

Drugs	Percent by which ASP+6 percent rates are below 95 percent of AWP prices (except EPO) (percent)
Epogen .....	* 7.5
Calcitriol .....	38.7
Doxercalciferol .....	10.6
Iron_dextran .....	37.8
Iron_sucrose .....	45.1
Levocarnitine .....	69.7
Paricalcitol .....	26.0
Sodium_ferric_glut .....	42.6
Alteplase, Recombinant .....	22.5
Vancomycin .....	42.6

\* Compared to the \$10.00 statutory price.

We estimate that these ten drugs represent nearly 92 percent of total CY 2005 drug payments to independent facilities. To account for the drug spread related to the 8 percent of drug expenditures for which we do not have pricing data, we applied the weighted average to 100 percent of aggregate drug spending projections for independent facilities, producing a projected difference of \$343 million. The weighted average is applied to 100 percent of drug spending projections for independent facilities to account for the drug spread related to the 8 percent of drugs expenditures for which we do not have pricing data.

We combined the CY 2005 figures of \$18 million for the hospital-based facilities and \$343 million for the independent facilities, for a total of \$362 million. We distributed this over a total projected 34.5 million treatments resulting in a revised CY 2005 add-on to the per treatment composite rate of 8.1 percent. By making this adjustment to the composite rate, we estimate that the aggregate payments to both independent

and hospital-based ESRD facilities would be budget neutral with respect to drug payments for CY 2005, as required by the MMA. We note that this 8.1 percent adjustment replaces the current 8.7 percent adjustment for CY 2005 in our calculations.

b. Calculation of the Proposed CY 2006 Update to the Drug Add-On Adjustment

This section describes the approach that we are proposing to use to update the drug add-on adjustment.

(1) Drug Payments and Dialysis Treatments

Similar to the process discussed in the previous section, we updated the total aggregate Epogen drug payments for each hospital-based and independent facility using historical trend factors. For CY 2006, the payment level was increased from CY 2005 by a trend factor of 9.0 percent.

We also updated aggregate spending for separately billable drugs, other than EPO, for independent facilities using the 9 percent growth factor for Epogen. As discussed earlier, payments in this category have shown extremely varied growth in recent history and historical data between CY 2002 and CY 2003 showed a significant drop in aggregate spending. We felt it was reasonable to use trend analysis and correlate the growth of Epogen and other separately billable drugs. We expect that we will have further data for the final rule. This procedure resulted in projected expenditures of \$268 million for Epogen provided in hospital-based facilities and \$3.107 million for drugs provided in independent facilities (\$2.137 million for Epogen and \$970 million for other drugs). These numbers include an estimated reduction for the 50 cent payment for syringes of \$1.6 million for hospital-based facilities and \$27.5 million for independent facilities. We

also updated the projected number of dialysis treatments using CMS actuarial enrollment projections. This resulted in a projected 35.4 million treatments for CY 2006.

(2) Adjustment to Composite Rate Add-On

We then applied the 9 percent growth between projected CY 2005 and CY 2006 aggregate drug expenditures to the CY 2005 expected drug spread figures of \$18 million for Epogen provided in hospital-based facilities and \$343 million for drugs provided in independent facilities. This resulted in an incremental increase in the drug spread in CY 2006 of \$2 million for Epogen provided in hospital-based facilities and \$31 million for drugs provided in independent facilities. We distributed the combined \$33 million over 35.4 million projected treatments, resulting in an additional 0.7 percent addition to the CY 2005 add-on of 8.1 percent.

(3) Proposed Drug Add-On Adjustment for CY 2006

With the recalculated CY 2005 add-on to the per treatment composite rate being 8.1 percent and with the additional increment for expenditures in CY 2006 being 0.7 percent, we combine them to produce one drug add-on adjustment for CY 2006 that would be 8.9 percent.

(4) Add-On for Spread for Drugs Furnished in Hospital-Based Facilities

In its June 2005 Report to Congress, MedPAC recommended that payment differences be eliminated for separately billed drugs furnished in independent and hospital-based facilities and that all these drugs be paid under the ASP +6 percent system. While we agree with MedPAC that paying the same rates in both settings would be the preferable

policy, we have not proposed this policy because data on dosing units for drugs furnished by hospital-based facilities are not available. This data is needed to estimate the drug payments using ASP +6 percent pricing. That is a key component of the calculation of the drug add-on adjustment. In their report, MedPAC acknowledges these data issues and recommends that CMS take steps to collect data on acquisition costs and payment per unit for drugs provided in hospital-based ESRD facilities. We are currently examining approaches for obtaining these data. However, we seek comment about a potential method to estimate the drug add-on amount for drugs furnished in hospital-based facilities, and we seek comment about alternative estimation methodologies, data, or both.

One estimation approach could be an approach where the pricing spread for drugs other than EPO furnished in hospital based facilities would be assumed to be the same as for those drugs in independent facilities. This aggregate approach would assume that the add-on amount for drugs other than EPO furnished in hospital-based facilities results in the same relative amount of drugs furnished as for those drugs in independent facilities. Using aggregate ratios, the drug add-on amounts calculated for drugs other than EPO furnished in independent facilities might be extrapolated for drugs other than EPO furnished in hospital-based facilities.

Use of this approach could allow calculation of a reasonable estimate of aggregate drug add-on amount for drugs other than EPO furnished in hospital-based facilities until the time that data becomes available to more accurately calculate the drug add-on adjustment. This approach would allow payment of all drugs furnished in hospital-based facilities under the ASP +6 percent payment methodology, achieve consistent payments for ESRD separately billed drugs regardless of setting, and provide a reasonable estimation of the drug add-on amount needed to adjust the composite rates for drugs other than EPO furnished in hospital-based facilities. We seek comment about this potential method to estimate spread for drugs furnished in hospital-based facilities, as well as alternative estimation methodologies, data, or both.

3. Proposed Revisions to Geographic Designations and Wage Indexes Applied to the ESRD Composite Payment Rate  
[If you choose to comment on issues in this section, please include the caption "ESRD-Composite Payment Rate Wage

Index" at the beginning of your comments.]

Because of the significance of labor costs in determining the total cost of care, the prospective payment systems (PPSs) which we administer traditionally have used a wage index to account for differences in area wage levels. The labor-related shares of costs used to develop the composite rates were 36.78 percent for hospital-based facilities and 40.65 percent for independent facilities. The current composite payment rates are calculated using a blend of two wage indexes, one based on hospital wage data for fiscal years ending in CY 1982, and the other developed from CY 1980 data from the Bureau of Labor Statistics (BLS). The wage indexes are calculated for each urban and rural area based on 1980 U.S. Census definitions of metropolitan statistical areas (MSAs) or their equivalents, and areas outside of MSAs in each State, respectively. (51 FR 29411)

Section 4201(a)(2) of OBRA 1990 (Pub. L. 101-508) froze the composite payment rates, and the basis for their calculation, at the level in effect as of September 30, 1990 (except for subsequent statutory updates that did not affect the data used to calculate wage indexes). The OBRA 1990 restriction on revising the ESRD composite payment rates has had another effect. ESRD facilities located in counties classified as rural based on the 1980 Census, but which subsequently are classified as urban, are still considered rural for purposes of determining whether urban or rural composite payment rates apply. The rural rates are generally lower than those for urban ESRD facilities.

In addition, restrictions also apply to the wage index values used to compute the ESRD composite payment rates. Payments to facilities in areas where labor costs fall below 90 percent of the national average, or exceed 130 percent of that average, are not adjusted beyond the 90 percent or 130 percent level. (See the Prospective Reimbursement for Dialysis Services and Approval of Special Purpose Renal Dialysis Facilities final rule (48 FR 21254) and the Composite Rates and Methodology for Determining the Rates final notice (51 FR 29404)). This effectively means that ESRD facilities located in areas with wage index values less than 0.9000 are paid more than they would otherwise receive if we fully adjusted for area wage differences. Conversely, facilities in locales with wage index values greater than 1.3000 are paid less than they would receive if we fully

adjusted the rates based on actual wage levels.

Section 1881(b)(12)(D) of the Act, as amended by section 623(d) of the MMA, gave the Secretary the discretionary authority to revise the current wage index. That provision also requires that any revised measure be phased-in over a multiyear period. In the November 15, 2004 final rule establishing new case-mix adjusted composite payment rates (69 FR 66332), we stated that we were deferring replacing the current wage index pending further assessment. We have completed our review, and believe that modernizing the current ESRD wage index is a matter of some urgency. After further analysis we are proposing to use OMB's revised geographic definitions announced in OMB Bulletin No. 03-04, issued June 6, 2003. These new definitions are known as Core-Based Statistical Areas (CBSAs). In conjunction with the CBSAs, we are also proposing to recalculate the ESRD wage indexes based on acute care hospital wage and employment data for FY 2002, as reported to us in connection with the development of the wage index used in the inpatient hospital prospective payment system (IPPS). In addition, we are also proposing to update the labor portion of the ESRD composite rate to which the wage index is applied. The basis for our proposed revisions to the current ESRD composite rate wage index to reflect these changes is set forth in the following sections.

a. Current Urban and Rural Locales Based on MSAs

We currently adjust the labor-related share of the composite payment rates to account for differences in area wage levels using a wage index which is a blend of two wage index values, one based on hospital wage data from FY 1982, and the other developed from 1980 hospital data from the BLS. The hospital and BLS proportions of the blended wage index are 40 percent and 60 percent, respectively. The hospital and BLS wage index values used to compute the blended wage index were published in the **Federal Register** on August 15, 1986 (51 FR 29412).

The use of a blended wage index results from our effort to transition ESRD facilities from composite payment rates using a wage index based on BLS data, to one developed from hospital wage and employment data obtained from Medicare cost reports ("the hospital wage index"). A major limitation of the BLS wage index was its inability to distinguish area differences in the use of part-time hospital workers. In order to mitigate the impact of changes in facility payment rates as a

result of our adoption of the new hospital wage index, we began a five-year phase-in of the new measure. During the phase-in period, we had intended to use a weighted wage index, under which the BLS portion would decrease 20 percent and the share represented by the hospital wage index would increase 20 percent each year. During the second year of the phase-in, for which the hospital and BLS portions of the wage index were 40 percent and 60 percent, respectively, the wage index was frozen as a result of the OBRA 1990 prohibition on composite payment rate revisions.

The wage indexes are calculated for each urban and rural area. In general, an urban area is a MSA or New England County Metropolitan Area as defined by OMB based on 1980 U.S. Census definitions. A rural area consists of all counties within each State outside of an urban area. The counties which comprise the urban locales currently used to compute the wage index values incorporated in the urban composite payment rates were last published in the **Federal Register** on May 30, 1986 (51 FR 19738–19739). Although OMB has revised the definitions of the MSAs since that time, the composite payment rate urban/rural designations have not been changed due to the prohibition on revising the ESRD payment methodology established under section 4201(a)(2) of OBRA 1990. More current MSAs are used in connection with several other non-acute care Medicare PPSs that we administer, including those for SNFs, long-term care hospitals (LTCHs), inpatient psychiatric facilities (IPFs), home health agencies (HHAs), and inpatient rehabilitation facilities (IRFs).

#### b. Revision of Geographic Classifications

On June 6, 2003, OMB issued Bulletin 03–04 that announced new geographic area designations based on the 2000 Census. The bulletin established revised definitions for the nation's MSAs, designated county based Metropolitan Divisions within the MSAs that have a single core with a population of at least 2.5 million, created two new sets of statistical areas (Micropolitan Statistical Areas and Combined Statistical Areas), and defined New England City and Town Areas. The bulletin may be accessed on the Internet at: <http://www.whitehouse.gov/omb/bulletins/b03-04.html>.

Section 623 of the MMA gave the Secretary the authority to revise the geographic areas used to develop the wage indexes currently reflected in the composite payment rates, removing the

OBRA 1990 restriction. Although we published revised composite payment rates in the November 15, 2004 final rule implementing MMA mandated revisions to those rates, we did not propose revising the wage indexes, or the geographic areas on which they are based at that time. For reasons discussed below, we are proposing to use OMB's list of geographic designations for purposes of adjusting the urban and rural composite payment rates. Facilities located in counties within MSAs or Metropolitan Divisions within CBSAs would be considered urban, while facilities located in micropolitan counties or other counties outside of the CBSAs would be classified as rural. We point out that these are the same urban and rural definitions used in connection with the Medicare IPPS, and are discussed in the August 11, 2004 final rule establishing the IPPS FY 2005 payment rates (69 FR 49026).

#### c. Core-Based Statistical Areas (CBSAs)

OMB reviews its metropolitan area definitions preceding each decennial census. As explained in the August 11, 2004 IPPS final rule (69 FR 49026), OMB chartered the Metropolitan Standards Review Committee to examine the metropolitan area standards and develop recommendations for possible changes to those standards. Three notices related to the review of the standards, providing an opportunity for public comment on the recommendations of the Committee, were published in the **Federal Register** on December 21, 1998 (63 FR 70526), October 20, 1999 (64 FR 56628), and August 22, 2000 (65 FR 51060).

In the December 27, 2000 **Federal Register** (65 FR 82228), OMB published a notice announcing its new standards. According to that notice, OMB defines a CBSA beginning in 2003 as “a geographic entity associated with at least one core of 10,000 or more population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties.” The standards designate and define two categories of CBSAs: MSAs and Micropolitan Statistical Areas (65 FR 82235).

According to OMB, MSAs are based on urbanized areas of 50,000 or more population, and Micropolitan Statistical Areas (referred to hereafter as Micropolitan Areas) are based on urban clusters with at least 10,000, but less than 50,000 population. Counties that do not fall within CBSAs are deemed “Outside CBSAs”. Previously OMB defined MSAs around areas with a

minimum core population of 50,000, and smaller areas were “Outside MSAs”. On June 6, 2003 OMB announced the new CBSAs, consisting of MSAs and the new Micropolitan Areas based on the results of the 2000 Census.

#### d. Adoption of MSAs as Urban Areas for Composite Payments

In its June 6, 2003 announcement, OMB cautioned that its new metropolitan area definitions “should not be used to develop and implement Federal, State, and local nonstatistical programs and policies without full consideration of the effects of using these definitions for these purposes. These areas should not serve as a general purpose geographic framework for nonstatistical activities, and they may or may not be suitable for use in program funding formulas.”

We point out that Medicare's PPSs, including the ESRD composite payment rate, historically have used the metropolitan area definitions developed by OMB. While the hospital IPPS is the most significant of these, the OMB geographic designations are also used to define labor market areas for purposes of recognizing area differences in labor costs under the SNF, inpatient rehabilitation, IPFs, and home health PPSs. In discussing the adoption of the OMB geographic designation for the IPPS area labor adjustment, the FY 1985 IPPS proposed rule published July 3, 1984 (49 FR 27426) noted as follows:

[i]n administering a national payment system, we must have a national classification system built on clear, objective standards. Otherwise the program becomes increasingly difficult to administer because the distinction between rural and urban hospitals is blurred. We believe that the MSA system (developed by OMB) is the only one that currently meets the requirements for use as a classification system in a national payment program. The MSA classification system is a statistical standard developed for use by Federal agencies in the production, analysis, and publication of data on metropolitan areas. The standards have been developed with the aim of producing definitions that will be as consistent as possible for all MSAs nationwide.

The logic represented in the statement above still applies today. The process used by OMB to develop the geographic designations resulted in the creation of geographic locales that we believe also reflect the characteristics of unified labor market areas. The CBSAs contain a core population plus adjacent areas that reflect a high degree of social and economic integration. This integration is measured by commuting patterns, thus demonstrating that the areas likely draw workers from the same general locale. In

addition, the CBSAs reflect the most up-to-date information, based on the 2000 Census. OMB reviews its metropolitan area definitions preceding each decennial census to ensure consideration of the most recent population changes. Finally, in the context of the IPPS, we have reviewed alternative methods for determining geographic areas for purposes of the wage index. In each case, we have concluded that it was preferable to retain the independently developed OMB designations rather than replace them with alternatives. (See the August 11, 2004 final IPPS rule at 69 FR 49027-49028.)

Aside from the long established precedent of using OMB geographic designations to adjust for differing area wage levels in the PPSs that we administer, we also point out that the Congress has recognized the propriety of the OMB definitions in distinguishing among geographic areas for making Medicare payments. For example, section 1886(d)(2)(D) of the Act defines an "urban area" as "an area within a MSA (as defined by the OMB) or within a similar area as the Secretary has recognized." Similarly, in the sections of the Act governing the guidelines to be used by the Medicare Geographic Classification Review Board for hospital reclassification, the Congress directed the Secretary to create guidelines for "determining whether the county in which the hospital is located should be treated as being a part of a particular [MSA]". (See sections 1886(d)(10)(A) and (D)(i)(II) of the Act.) The Congress has accepted the use of MSAs as a reasonable basis for dividing the nation into labor market areas for purposes of Medicare payments. Accordingly, we are proposing to revise the ESRD composite payment system labor market areas based on OMB's geographic designations. Facilities located in counties within MSAs (including those in the MSA category of CBSA) would be classified as urban. We are proposing that facilities located in Micropolitan Areas (the other category of CBSA) or in other counties outside of CBSAs in each State, would be considered rural.

#### e. Revised OMB Geographic Areas

In the following sections we discuss the classification of facilities located in New England MSAs, within Metropolitan Divisions of MSAs, and our proposed treatment of the CBSA classification of Micropolitan Areas.

##### (1) New England MSAs

Under the current composite payment system, urban areas in New England reflect county-based locales known as

New England County Metropolitan Areas (NECMAs), rather than MSAs. We use NECMAs in New England to provide consistency in labor market definitions compared to the MSAs used in the rest of the country, which are also based on counties. Under the new CBSAs, OMB has defined MSAs and Micropolitan Areas in New England on the basis of counties. OMB has also established a new classification, New England City and Town Areas (NECTAs), which are similar to the previous New England MSAs, but which are not used in the geographic area revisions proposed in this proposed rule.

In the interest of consistency among all urban labor market areas, we are proposing to use the county-based definitions for all MSAs in the nation. As a result of the 2000 Census, we now have county-based MSAs in New England. We believe that adopting county-based definitions for all urban areas in the country provides consistency and stability, and minimizes administrative complexity in the Medicare program. We point out that our use of MSAs in New England comports with the implementation of the CBSA designations under the IPPS for New England urban locales. (See the August 11, 2004 **Federal Register**, 69 FR 49208.) Accordingly, under the revised composite payment rates discussed in this proposed rule, we are proposing to use New England MSAs along with MSAs in the rest of the nation to define urban areas. As a result, urban locales in New England would no longer be based on NECMAs.

##### (2) Metropolitan Divisions

Under OMB's new CBSA designations, a Metropolitan Division is a county or group of counties within a CBSA that contains a core population of at least 2.5 million, representing an employment center, plus adjacent counties associated with the main county or counties through commuting ties. A county qualifies as a main county if 65 percent or more of its employed residents work within the county, and the ratio of the number of jobs located in the county to the number of employed residents is at least 75 percent. A county qualifies as a secondary county if at least 50 percent, but less than 65 percent, of its employed residents work within the county, and the ratio of the number of jobs located in the county to the number of employed residents is at least 75 percent. After all the main and secondary counties are identified and grouped, each additional county that already has qualified for inclusion in

the MSA falls within the Metropolitan Division associated with the main or secondary county or counties with which the county at issue has the highest employment interchange measure. Counties in a Metropolitan Division must be contiguous (See the December 27, 2000 **Federal Register**, Standards for Defining Metropolitan and Micropolitan Statistical Areas, (65 FR 82236)).

Under the CBSA definitions, there are 11 MSAs containing Metropolitan Divisions: Boston; Chicago; Dallas; Detroit; Los Angeles; Miami; New York; Philadelphia; San Francisco; Seattle; and Washington, DC. We believe that these MSAs may be too large to accurately reflect the local labor costs prevailing within each of these areas. For example, the Chicago-Naperville-Joliet IL-IN-WI MSA consists of 14 counties classified among 3 Metropolitan Divisions: Chicago-Naperville-Joliet IL (8 counties); Lake County-Kenosha County IL-WI (2 counties); and Gary IN (4 counties). Similarly, the New York-Newark-Edison NY-NJ-PA MSA consists of 23 counties classified among 4 Metropolitan Divisions: New York-Wayne-White Plains NY-NJ (11 counties); Newark-Union NJ-PA (6 counties); Edison NJ (4 counties); and Suffolk County-Nassau County NY (2 counties). Accordingly, for the 11 MSAs with Metropolitan Divisions, we are proposing to use the Metropolitan Division as the urban area for purposes of constructing the wage index and applying revised composite payment rates.

We believe that the proposed use of Metropolitan Divisions would result in a more accurate adjustment accounting for local variation in labor costs within each of the 11 MSAs with those Divisions. We are proposing to recognize each county-based Metropolitan Division within the 11 affected MSAs as a separate urban area for purposes of applying revised composite payment rates. Each Metropolitan Division would have its own wage index and its own urban composite payment rate. This proposed methodology is consistent with the new CBSA-based labor market definitions under the IPPS. (See the August 11, 2004 **Federal Register**, 69 FR 49029.)

##### (3) Micropolitan Statistical Areas

In its June 6, 2003 bulletin, OMB also designated another classification of metropolitan area, Micropolitan Statistical Areas, which we will refer to as Micropolitan Areas. That bulletin listed 565 Micropolitan Areas. Of the 3142 counties in the United States, 1090 are in MSAs and 674 are in

Micropolitan Areas, with the remaining 1378 outside of either classification. As discussed in greater detail in the August 11, 2004 IPPS final rule (69 FR 49029–49032), the way that Micropolitan Area counties are classified in connection with developing revised wage indexes has a substantial impact on the wage index adjustment. Specifically, whether or not Micropolitan Areas are included in computing the statewide rural wage indexes has a significant effect on the rural wage index in any State that contains these locales. Consistent with the IPPS final rule, we are proposing that each Micropolitan Area county continue to be considered part of each State’s rural labor market area. That is, we would continue to classify all Micropolitan counties as rural.

To facilitate an understanding of our proposed policies relating to the revisions to the ESRD facility labor market areas discussed in this proposed rule, we have provided addendum F in the Addendum section to this proposed rule. Addendum F is a crosswalk table that contains a listing of each SSA State and county location code; state and county name; existing 1980 MSA based labor market area designation; and CBSA-based labor market area. Addendum F also contains the new wage indexes for each urban and rural area.

f. Proposed Revisions to the Labor Component of the Composite Rate

The current labor-related portions of the hospital-based and independent composite payment rates (in other words, the portion adjusted by each facility’s area wage index) are 36.78 percent and 40.65 percent, respectively. These labor-related shares have not been revised since the inception of the ESRD composite payment system in 1983.

When the composite rates were established in 1983, we developed the labor-related share of the rate based on 1978 and 1979 cost data collected from 110 ESRD facilities; 40 independent and

70 hospital-based. For other PPSs administered by us, the labor-related shares are determined based on the labor components established in the relevant market baskets for each provider type.

The basis for determining the current labor shares is based on outdated data from very few facilities relative to the current number of ESRD facilities (110 versus approximately 4300 facilities). We are proposing to establish a single labor-related share applicable to all ESRD facilities based on the labor-related categories included in the ESRD composite rate market basket. This change will bring the methodology for the ESRD composite rate labor-related share more in line with that for determining the labor-related shares for other Medicare PPSs.

(1) ESRD Composite Rate Market Basket

In the following sections, we present a brief background on market baskets, provide a reference to the detailed methodology used to develop the ESRD composite rate market basket, and outline the methodology used to determine the proposed ESRD labor share.

As required by section 422(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA), Pub. L. 106–554, we developed an ESRD composite rate market basket. Each of the PPSs that we administer utilizes a market basket that reflects each type of provider’s production patterns used to furnish patient care. The market baskets capture the rate of price inflation for a fixed quantity of inputs (both goods and services used to provide medical services) relative to a base year. Each of the PPS market baskets distinguishes between labor-related and non-labor costs. Similar to other PPSs, we believe the ESRD composite rate market basket index is an appropriate measure for revising the labor-related portion of the composite payment rate. The detailed

methodology used to develop the ESRD composite rate market basket, including data sources, cost categories, and price proxies, is set forth in the Secretary’s May 2003 report to the Congress, *Toward a Bundled Outpatient Medicare ESRD Prospective Payment System*. That report is available on the Internet at <http://qa.cms.hhs.gov/providers/esrd> and we recommend it to interested readers. We used CY 1997 as the base year for the development of the ESRD composite rate market basket cost categories. Source data included CY 1997 Medicare cost reports (Form CMS–265–94), supplemented with 1997 data from the U.S. Department of Commerce, Bureau of the Census’ Business Expenditure Survey (BES). Analysis of Medicare cost reports for CYs 1996, 1997, 1998, and 1999 showed little difference in cost weights compared to CY 1997. Medicare cost reports from independent ESRD facilities were used to construct the market basket because data from independent ESRD facilities tend to reflect the actual cost structure faced by the ESRD facility itself, and are not influenced by the allocation of overhead over the entire institution as in hospital-based facilities. This approach is consistent with our standard methodology used in the development of other market baskets, particularly those used for updating the SNF and home health PPSs. We expect that the cost structure in both hospital-based and independent ESRD facilities and units would be similar. Therefore, we are proposing to base the labor-related share of the composite payment rates on data from freestanding facilities only.

In Table 24, we have reproduced Table 2 from the May 2003 report to the Congress containing the ESRD composite rate market basket cost categories, weights, and price proxies in this proposed rule. This table lists all of the expenditure categories in the ESRD composite rate market basket.

TABLE 24.—ESRD COMPOSITE RATE MARKET BASKET COST CATEGORIES, WEIGHTS, AND PRICE PROXIES

Cost category	Price/wage variable	Base-year: CY 1997 weights (percent)
Total .....	.....	100.000
Compensation .....	.....	47.388
Wages and Salaries .....	ECI—Health Care Workers .....	38.808
Employee Benefits .....	ECI—Benefits Health Care Workers .....	8.580
Professional Fees .....	ECI—Compensation Prof. & Tech. (Priv.) .....	0.903
Utilities .....	.....	1.524
Electricity .....	WPI—Commercial Electric Power .....	0.818
Natural Gas .....	WPI—Commercial Natural Gas .....	0.113
Water and Sewerage .....	CPI—Water & Sewerage .....	0.593
All Other .....	.....	36.156

TABLE 24.—ESRD COMPOSITE RATE MARKET BASKET COST CATEGORIES, WEIGHTS, AND PRICE PROXIES

Cost category	Price/wage variable	Base-year: CY 1997 weights (percent)
Pharmaceuticals .....	WPI—Prescription Drugs .....	0.967
Supplies .....	PPI—Surgical, Medical and Dental* .....	17.748
Labs .....	PPI—Medical Labs .....	0.433
Telephone .....	CPI—Telephone Services .....	0.875
Housekeeping and Operations .....	PPI—Building, cleaning, and maintenance .....	1.247
Administrative and Other Costs .....	CPI—All items less food and energy .....	14.886
Capital Costs .....		14.029
Capital Related—Building and Equipment .....	CPI—Residential Rent .....	9.071
Capital Related—Machinery .....	PPI—Electrical Machinery and Equipment .....	4.957

The labor-related share of a market basket is determined by identifying the national average proportion of operating costs that are related to, influenced by, or vary with the local labor market. The labor-related share is typically the sum of wages and salaries, fringe benefits, professional fees, labor-intensive services, and a portion of the capital share from the appropriate market basket.

We used the 1997-based ESRD composite rate market basket costs to determine the proposed labor-related share for ESRD facilities. The proposed labor-related share for ESRD facilities is 53.711, as shown in Table 25. It is the sum of wages and salaries, employee benefits, professional fees, housekeeping and operations, and 46 percent of the weight for capital-related building and equipment (the portion of capital that we have determined to be influenced by local labor markets). The following section describes each of the categories that make up the proposed labor-related share for the ESRD composite rate payment system and how they were derived.

TABLE 25.—PROPOSED ESRD COMPOSITE RATE LABOR-RELATED SHARE

Cost category	Proposed CY 1997-based ESRD composite rate labor share (percent)
Wages and salaries .....	38.808
Employee benefits .....	8.580
Professional fees .....	0.903
Housekeeping and operations .....	1.247
<b>SUBTOTAL .....</b>	<b>49.538</b>
Labor-related share of capital costs .....	4.173
<b>Total .....</b>	<b>53.711</b>

(2) Wage and Salaries

The wages and salaries weight for the ESRD composite rate labor-related share includes salaries for both direct and indirect patient care. We computed a weight for wages and salaries for direct patient care from Worksheet B of the Medicare cost report. However, Worksheet B only includes direct patient care salaries. We had to derive an estimate for non-direct patient care salaries in order to calculate the market basket weight. We first computed the ratio of salaries to total cost in each cost center from the trial balance of the cost report (Worksheet A). We applied these ratios to the costs reported on Worksheet B for the corresponding cost centers to obtain the total wages and salaries for each composite rate cost center. These salaries were then summed and added to the direct patient care salary amount that is reported separately. When divided by total composite rate costs, the result is a cost weight for total salaries. This increased the expenditure weight from 34.154 percent for direct patient care salaries to 38.808 percent for total salaries.

(3) Employee Benefits

The benefits weight was derived from the BES since a benefit share for all employees is not available for the ESRD Medicare cost reports. The cost reports only reflect benefits for direct patient care. We applied the benefits proportion of wages and salaries for kidney dialysis centers from the BES to the salary amount calculated from the cost reports as described above. This resulted in a benefit weight that was 1.758 percentage points larger (8.850 versus 6.822) than the benefits for direct patient care calculated from the cost reports. To avoid double counting and to ensure all of the market basket weights still totaled 100 percent, we removed this additional 1.758 percentage points for benefits from pharmaceuticals, administrative and general, supplies, laboratory

services, housekeeping and operations, and the capital components. This calculation reapportions the benefits expense for each of these categories using a method similar to the method used for distributing non-direct patient care salaries as described above. This method approximates the proportion of each cost center's costs that are benefits using available salary expenditure data.

(4) Professional Fees

Professional fees include accounting, bookkeeping, and legal expenses. We derived the weight for professional fees from the BES since the Medicare cost reports do not include this level of detail. We first calculated the ratio of BES professional fees for kidney dialysis centers to total BES wages and salaries for kidney dialysis centers. We applied this ratio to the total wages and salaries share calculated from the cost reports to estimate the proportion of ESRD facility professional fees. The resulting weight was 0.903 percent. To avoid double counting, this proportion was deducted from the calculated weight for the administrative and other expenditure category, where the fees would have been reported on the Medicare cost reports.

(5) Housekeeping and Operations

The housekeeping and operations cost category includes expenses such as janitorial and building services costs. We developed a market basket weight for this category using data from both Worksheets A and B of the cost reports. Worksheet B combines the capital-related costs for buildings and fixtures with the operation and maintenance of plant (operations) and housekeeping cost centers, so we were unable to calculate a weight directly from Worksheet B. Accordingly, we computed the proportion of housekeeping and operations costs, to the combination of total capital-related costs for buildings and fixtures and housekeeping and operations costs

using Worksheet A because these categories are individually reported on this worksheet. We then subtracted this share from the proportion of Worksheet B total capital-related costs to yield a weight for housekeeping and operations. To avoid double counting, we subtracted utilities expenditures (which are included in the utilities weight shown in Table 24) from the housekeeping and operations weight, as well as the non-direct patient care salaries and benefits share associated with the operations and housekeeping cost centers from Worksheet A. The resulting market basket weight for housekeeping and operations was 1.247 percent.

(6) Labor-Related Share for Capital-Related Expenses

The labor-related share for capital-related expenses (46 percent of ESRD facilities' adjusted capital-related building and equipment expenses) reflects the proportion of ESRD facilities' capital-related building and equipment expenses that we believe varies with local area wages.

Capital-related expenses are affected in some proportion by local area labor costs (such as construction worker wages) that are reflected in the price of the capital asset. However, many other inputs that determine capital costs are not related to local area wage costs, such as interest rates. Thus, it is appropriate that capital-related expenses would vary less with local wages than would the

operating expenses for ESRD facilities. The 46 percent figure is based on regressions run for the Prospective Payment System for Inpatient Hospital Capital-Related Costs in 1991 (56 FR 43375).

We use a similar methodology to calculate capital-related expenses for the labor-related shares for rehabilitation facilities, psychiatric facilities, long-term care facilities, and SNFs. (See Rehabilitation Facility Prospective Payment System for FY 2006, Part II (70 FR 30233) and Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities-Update (66 FR 39585)).

Table 26 provides a comparison of the current and proposed labor/nonlabor portions of the ESRD base composite rate.

TABLE 26.—COMPARISON OF THE CURRENT AND PROPOSED LABOR/NONLABOR PORTIONS OF THE ESRD BASE COMPOSITE RATE

	Hospital-based	Independent
Base Composite Rate .....	\$132.41	\$128.35
Current Labor Share .....	48.70	52.17
Current NonLabor Share .....	83.71	76.18
Proposed Labor Share (53.711 percent) .....	71.12	68.94
Proposed NonLabor Share .....	61.29	59.41

As indicated earlier in this discussion, the ESRD market basket was derived from CY 1997 data. As with other payment systems, we would propose updating the labor share of the composite payment when the components of the ESRD market basket are rebased to reflect more recent data.

g. Implementation of Revised Composite Wage Indexes

In the section below, we explain how each ESRD facility's new composite payment rate would be determined to reflect the proposed 2 year transition, based on section 623(d)(1) of the MMA's requirement that the application of any revised geographic index be phased in over a multi-year period.

(1) Hospital Data Used

In this proposed rule, for purposes of adjusting the labor-related portion of the ESRD composite rate beginning January 1, 2006, we propose to use acute care hospital inpatient wage index data. This data was generated from cost reporting periods beginning FY 2002, and is the most recent complete data available.

To determine the applicable ESRD wage index values, we are proposing to use the acute care hospital inpatient wage data without regard to any

approved geographic reclassification under section 1886(d)(8) or (d)(10) of the Act, which only applies to hospitals that are paid under the IPPS. We note this policy is consistent with the area wage adjustments used in all other non-acute care facility PPSs (such as, SNFs, IPPSs, HHAs, and IRFs).

The proposed wage index values that would be applicable to the ESRD composite rate for services furnished on or after January 1, 2006, are shown in Tables 27 and 28 in this proposed rule.

(2) Labor Market Areas With No Hospital Wage Data

In adopting OMB's CBSA designations, we identified a small number of ESRD facilities in both urban and rural geographic areas where there were no hospitals, and, thus, no hospital wage index data on which to base the calculations of the FY 2006 ESRD wage index. The first situation is rural Massachusetts. Because there is no reasonable proxy for rural data within Massachusetts, we are proposing to use last year's acute care hospital wage index value for rural Massachusetts.

The second situation involves ESRD facilities in urban areas in Hinesville, GA (CBSA 25980) and Mansfield, OH (CBSA 31900). We propose to use a

wage index based on the wage indexes in all of the other urban areas within the state to serve as a reasonable proxy for the urban areas without hospital wage index data. Specifically, we are proposing to use the average wage index for all urban areas within the State as the urban wage index value for purposes of the ESRD wage index for these areas. We solicit comments on these approaches to calculating the wage index values for areas without hospitals (and, thus, without hospital wage data) for FY 2006 and subsequent years.

(3) Use of Floor/Ceiling Values

As discussed in this preamble, the current wage index values applied to the labor share of the ESRD composite payment rate are restricted at the high and low ends with a floor of 0.9000 and a cap of 1.3000. The effects of these restrictions have been to overpay facilities in low wage areas and underpay facilities in high wage areas. The floor and cap were originally intended to remain in effect only until the transition from use of BLS wage data to hospital wage data ended. However, since the transition was never completed because of the statutory restrictions discussed above in this

preamble, the floor and cap have remained in effect since 1983.

The basis for the 1.3000 wage index cap was to ensure that we did not pay any more than the allowable reasonable charge per treatment that was in effect before the composite payment rate system was implemented. Since the allowable reasonable charge screen no longer has any relevance to the current composite rate, and because of the effect it has had on restricting payment in high cost wage areas, we are proposing to eliminate the wage index cap.

However, because of the potential adverse impact that removing the wage index floor could have on access to dialysis for ESRD beneficiaries, we are proposing to maintain a wage index floor at this time. We note that when we established the 0.9000 floor beginning in 1983, it was intended that the floor would be phased out by the end of the transition. Because the floor has been in place for so long, we are concerned that eliminating the floor entirely could decrease payments to facilities in some areas significantly. However, we believe that a floor of 0.9000 may be too high under the proposed revision to the labor market areas, since a substantial number of wage areas (172 out of 481 wage areas) have wage index values less than 0.9000. The current wage areas used for adjusting composite rate payments have only 83 areas with wage index values below 0.9000.

Given that the distribution of wage index values has changed so significantly, we are proposing to reduce the floor to 0.8500 for CY 2006 and to 0.8000 for CY 2007 as we transition to the new geographic areas and wage indexes. This would result in application of the wage index floor to 17.7 percent of facilities that would otherwise have been subject to the current 0.9000 floor in CY 2006 and to 10.0 percent of facilities in CY 2007. It would also protect 86 geographic areas at a floor of 0.8500 in CY 2006 and 36 geographic areas at a floor of 0.8000 in CY 2007.

Although we are proposing to maintain a wage index floor through CY 2007, our goal is to eliminate the wage index floor in the future. Therefore, for CY 2008 we would re-evaluate the need for continuing the floor. We are soliciting comment on this issue, especially in light of the fact the any wage index changes must be budget neutral for aggregate payments to facilities.

#### (4) Transition Period

Section 623(d) of MMA added section 1881(b)(12)(D) of the Act which requires that any revisions to the geographic

adjustments applied to the composite payment rate must be phased-in over a multiyear period. In determining the best approach to phasing-in the proposed new wage index adjustments, we considered not only the immediate impact on payments from revising the wage index values, but also the impact on payments over time because of our inability to update the wage index. Facilities in areas where wages have increased at a higher rate than the national average may have been disadvantaged by the continued use of outdated wage data and geographic designations to adjust the composite payment rate.

With both of these considerations in mind, we are proposing a two-year transition under which facilities would be paid the higher of the new wage-adjusted composite rate, or a 50–50 blend of the current wage adjusted composite rate and the new wage-adjusted composite rate. This proposed transition would allow facilities that may have been disadvantaged under the current wage index adjustment to move immediately to the new wage adjustment. It also provides for a reasonable transition period for other facilities. Given the age of the current wage index adjustments, we believe it is appropriate to move as quickly as possible to the revised updated wage adjustments. Since we are proposing to maintain the wage index floor during the transition period, we believe the overall impact to facilities will be mitigated. Also, as discussed in the following section, the proposed budget neutrality adjustment will ensure that the level of aggregate payments to ESRD facilities is maintained. We note that our proposal to allow some facilities to move directly to the new wage-adjusted composite rate will have some impact on the level of the budget neutrality adjustment. However, we estimate that the overall effect on total payments to facilities would not be significant. For example, the impact on aggregate payments to rural facilities would be a decrease of about 0.2 percent and an increase of about 0.1 percent for urban facilities. This occurs because all of the facilities that are currently subject to the 1.300 wage index cap are located in urban areas.

We also considered alternative approaches for transitioning facilities to the proposed updated wage adjustments. Another approach would be to apply the proposed 50–50 transition to all facilities, whether or not they do better using the updated wage index adjustment. This approach would treat all facilities equally for transition purposes, but would mean that those

facilities that are currently underpaid because of the current outdated wage index adjustment would have to wait until the transition was completed to receive the higher payment to which they are entitled.

An alternative to the proposed two-year transition would be to adopt a three-year transition. This would allow facilities that would receive lower payments using the revised wage adjustment to have an additional year to adapt to the lower payment amount. This approach, if coupled with allowing facilities that do better to move immediately to the new wage index, would have a more significant impact on the budget neutrality adjustment required by MMA. (See budget neutrality discussion below.)

We are specifically seeking comments on the proposed transition or any of the alternative approaches mentioned above.

#### (5) ESRD Wage Index Budget Neutrality

Section 623(d) of MMA amended section 1881(b)(12)(E)(i) of the Act which requires that any revisions to the ESRD composite rate payment system as a result of the MMA provision (including the geographic adjustment) be made in a budget neutral manner. This means that aggregate payments to ESRD facilities in CY 2006 should be the same as aggregate payments would have been if we had not made any changes to the geographic adjusters. In order to achieve budget neutrality, we are proposing to apply a budget neutrality adjustment factor directly to the revised ESRD wage index values, rather than applying the adjustment to the base composite payment rates. For payment purposes, we believe this is the simplest approach since it allows us to maintain a base composite rate for hospital-based facilities and one for independent facilities during the transition from the current wage adjustments to the revised wage adjustments.

In order to compute the proposed wage index budget neutrality adjustment factor, we used treatment counts from the CY 2004 billing data and facility-specific 2005 composite payment rates. We note that this file is currently only about 85 percent complete. For the final rule, we expect to use the most complete CY 2004 file available. Using the CY 2004 billing data, we first computed the estimated total dollar amount that ESRD facilities would have received in CY 2006 had there been no changes to the ESRD wage index. This amount becomes the estimated target amount of expenditures for all ESRD facilities. Then we

computed the estimated dollar amount that would be paid to the same ESRD facilities using the revised ESRD wage index. After comparing these two dollar amounts, we calculate an adjustment factor to the ESRD wage index as the factor that when multiplied by the revised ESRD wage index will result in the target amount of expenditures for all ESRD facilities. Since the revised wage index values are only applied to the labor-related portion of the composite payment rate, we computed the adjustment based on that proportion (that is, 53.711 percent). We applied the estimated budget neutrality adjustment factor to the revised wage index values and then simulated payments for CY 2006 to ensure that estimated aggregate payments to ESRD facilities would remain budget neutral. This proposed adjustment factor would be 1.023024.

Each ESRD wage index value has been adjusted by this factor to establish the budget neutral wage index values that we propose to use to adjust the labor portion of the composite payment rate beginning January 1, 2006. (See Tables 27 and 28.) By using these adjusted ESRD wage index values, the estimated aggregate payments to ESRD facilities will meet the estimated target expenditure amount.

This calculation becomes more complex because of our proposed transition policy. Under that policy an ESRD facility that would receive a higher composite rate payment using the new geographic adjustment would receive 100 percent of that rate in the first year of transition. However, if an ESRD facility's composite rate using the new geographic adjustment is less than its current rate, then that facility will receive 50 percent of the composite rate payment it would have received using the current wage index and 50 percent of the composite rate using the revised wage index. To account for the differential payments, we compare the target amount of expenditures for all ESRD facilities in an iterative fashion until the time that the ESRD wage index adjustment factor would result in the target amount of expenditures for all ESRD facilities. This is shown in column 4 of Table 37 in section V. (Regulatory Impact Analysis) of this proposed rule. In aggregate the change to all ESRD facilities would be 0.0 percent. The distributive effect of the revised ESRD wage index can be seen in

the various impact table groupings in column 4 of Table 37 in section V. of this proposed rule.

Another element of the proposed transition policy would be a proposed wage index floor of 0.8500. Using the method described above to compute the budget neutrality factor, makes it necessary to apply the budget neutrality factor to this floor which would result in a proposed adjusted floor of 0.8696.

#### (6) Transition Examples

In the following examples, we show the application of revised wage adjusted composite payment rates during the proposed two year transition period:

- *Example 1*—Neighborhood Dialysis Center is an independent dialysis facility located in Baltimore County, Maryland. As the Crosswalk Table (see addendum F) reveals, Baltimore County was previously classified as part of the Baltimore MSA, and is still classified as an urban county under the new CBSA classification system. The current wage-adjusted composite payment rate for Neighborhood Dialysis Center is \$134.93.

Because Neighborhood Dialysis Center is located within the Baltimore-Towson MD CBSA (code 12580), its new wage index, which has been adjusted for budget neutrality, is 1.0135. Applying the wage index of 1.0135 to the revised labor-related component of the base composite rate for independent facilities shown in Table 26, yields a labor adjusted payment rate of \$129.28.  $(\$68.94 \times 1.0135) + \$59.41 = \$129.28$

This labor adjusted payment rate of \$129.28 is less than the wage-adjusted composite rate of \$134.93 currently applicable to Neighborhood Dialysis Center. In accordance with our proposed two year transition, this facility would receive a wage-adjusted composite payment rate beginning January 1, 2006 equal to 50 percent of its current wage-adjusted rate plus 50 percent of its new wage-adjusted rate. The CY 2006 blended wage-adjusted rate for this facility would be \$132.11.  $(\$0.50 \times \$134.93) + (0.50 \times \$129.28) = \$132.11$

The 8.9 percent drug add-on adjustment and relevant case-mix adjustments (related to the budget neutrality adjustment) would be applied to this blended rate.

- *Example 2*—Serve U Well is a hospital-based dialysis facility located

in Morrow County, Ohio. The Crosswalk table (see Addendum F) reveals that Morrow County was previously classified as rural, but is now classified urban as part of the Columbus, OH CBSA, code 18140. The new CBSA wage index applicable to Serve U Well, adjusted for budget neutrality, is 1.0077. Applying the wage index of 1.0077 to the revised labor related component of the base composite rate for hospital-based facilities shown in Table 26 yields a wage-adjusted composite rate of \$132.96.

$$(\$71.12 \times 1.0077) + \$61.29 = \$132.96$$

Serve U Well's current rural Ohio wage-adjusted composite payment rate is \$128.66. Because the revised wage-adjusted composite payment rate of \$132.96 is greater than \$128.66, Serve U Well would receive 100 percent of its new wage-adjusted composite payment rate of \$132.96 beginning January 1, 2006.

As in the previous example, the 8.9 percent drug add-on adjustment and relevant case-mix adjustments (related to the budget neutrality adjustment) would be applied to this new wage-adjusted composite rate.

#### (7) Frequency of Update

Section 623(d)(1) of the MMA provides that any revised wage index used in connection with the composite payment rates must be phased-in over a multiyear period. We are proposing a two-year transition period to the new wage indexes based on CBSAs. An issue remains as to how frequently the new wage index values should be updated to reflect changes in area wage levels. These changes would be detected through our receipt of hospital wage and employment data obtained from the Medicare hospital cost reports subsequent to FY 2005. In order to keep payments to ESRD facilities as up-to-date as possible, we propose to update the wage index on an annual basis, as part of the overall ESRD payment update.

#### (8) Wage Index Table

The following two tables show the proposed ESRD wage index for urban areas (Table 27) and rural areas (Table 28).

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**TABLE 27: Proposed ESRD Wage Index for Urban Areas  
Based on CBSA Labor Market Areas**

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
10180	Abilene, TX	0.8696
	Callahan County, TX	
	Jones County, TX	
	Taylor County, TX	
10380	Aguadilla-Isabela-San Sebastián, PR	0.8696
	Aguada Municipio, PR	
	Aguadilla Municipio, PR	
	Añasco Municipio, PR	
	Isabela Municipio, PR	
	Lares Municipio, PR	
	Moca Municipio, PR	
	Rincón Municipio, PR	
San Sebastián Municipio, PR		
10420	Akron, OH	0.9198
	Portage County, OH	
	Summit County, OH	
10500	Albany, GA	0.8835
	Baker County, GA	
	Dougherty County, GA	
	Lee County, GA	
	Terrell County, GA	
	Worth County, GA	
10580	Albany-Schenectady-Troy, NY	0.8742
	Albany County, NY	
	Rensselaer County, NY	
	Saratoga County, NY	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Schenectady County, NY	
	Schoharie County, NY	
10740	Albuquerque, NM	0.9916
	Bernalillo County, NM	
	Sandoval County, NM	
	Torrance County, NM	
	Valencia County, NM	
10780	Alexandria, LA	0.8696
	Grant Parish, LA	
	Rapides Parish, LA	
10900	Allentown-Bethlehem-Easton, PA-NJ	1.0054
	Warren County, NJ	
	Carbon County, PA	
	Lehigh County, PA	
	Northampton County, PA	
11020	Altoona, PA	0.9159
	Blair County, PA	
11100	Amarillo, TX	0.9377
	Armstrong County, TX	
	Carson County, TX	
	Potter County, TX	
	Randall County, TX	
11180	Ames, IA	0.9765
	Story County, IA	
11260	Anchorage, AK	1.2389
	Anchorage Municipality, AK	
	Matanuska-Susitna Borough, AK	
11300	Anderson, IN	0.8793
	Madison County, IN	
11340	Anderson, SC	0.9102
	Anderson County, SC	
11460	Ann Arbor, MI	1.1120
	Washtenaw County, MI	
11500	Anniston-Oxford, AL	0.8696
	Calhoun County, AL	
11540	Appleton, WI	0.9512
	Calumet County, WI	
	Outagamie County, WI	
11700	Asheville, NC	0.9508
	Buncombe County, NC	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Haywood County, NC	
	Henderson County, NC	
	Madison County, NC	
12020	Athens-Clarke County, GA	1.0070
	Clarke County, GA	
	Madison County, GA	
	Oconee County, GA	
	Oglethorpe County, GA	
12060	Atlanta-Sandy Springs-Marietta, GA	0.9870
	Barrow County, GA	
	Bartow County, GA	
	Butts County, GA	
	Carroll County, GA	
	Cherokee County, GA	
	Clayton County, GA	
	Cobb County, GA	
	Coweta County, GA	
	Dawson County, GA	
	DeKalb County, GA	
	Douglas County, GA	
	Fayette County, GA	
	Forsyth County, GA	
	Fulton County, GA	
	Gwinnett County, GA	
	Haralson County, GA	
	Heard County, GA	
	Henry County, GA	
	Jasper County, GA	
	Lamar County, GA	
	Meriwether County, GA	
	Newton County, GA	
Paulding County, GA		
Pickens County, GA		
Pike County, GA		
Rockdale County, GA		
Spalding County, GA		
Walton County, GA		
12100	Atlantic City, NJ	1.1901
	Atlantic County, NJ	
12220	Auburn-Opelika, AL	0.8696

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Lee County, AL	
12260	Augusta-Richmond County, GA-SC	0.9785
	Burke County, GA	
	Columbia County, GA	
	McDuffie County, GA	
	Richmond County, GA	
	Aiken County, SC	
	Edgefield County, SC	
12420	Austin-Round Rock, TX	0.9668
	Bastrop County, TX	
	Caldwell County, TX	
	Hays County, TX	
	Travis County, TX	
	Williamson County, TX	
12540	Bakersfield, CA	1.0582
	Kern County, CA	
12580	Baltimore-Towson, MD	1.0135
	Anne Arundel County, MD	
	Baltimore County, MD	
	Carroll County, MD	
	Harford County, MD	
	Howard County, MD	
	Queen Anne's County, MD	
	Baltimore City, MD	
12620	Bangor, ME	1.0233
	Penobscot County, ME	
12700	Barnstable Town, MA	1.2815
	Barnstable County, MA	
12940	Baton Rouge, LA	0.8799
	Ascension Parish, LA	
	East Baton Rouge Parish, LA	
	East Feliciana Parish, LA	
	Iberville Parish, LA	
	Livingston Parish, LA	
	Pointe Coupee Parish, LA	
	St. Helena Parish, LA	
	West Baton Rouge Parish, LA	
	West Feliciana Parish, LA	
12980	Battle Creek, MI	0.9729
	Calhoun County, MI	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
13020	Bay City, MI	0.9567
	Bay County, MI	
13140	Beaumont-Port Arthur, TX	0.8696
	Hardin County, TX	
	Jefferson County, TX	
	Orange County, TX	
13380	Bellingham, WA	1.2013
	Whatcom County, WA	
13460	Bend, OR	1.1045
	Deschutes County, OR	
13644	Bethesda-Frederick-Gaithersburg, MD	1.1760
	Frederick County, MD	
	Montgomery County, MD	
13740	Billings, MT	0.9047
	Carbon County, MT	
	Yellowstone County, MT	
13780	Binghamton, NY	0.8768
	Broome County, NY	
	Tioga County, NY	
13820	Birmingham-Hoover, AL	0.9186
	Bibb County, AL	
	Blount County, AL	
	Chilton County, AL	
	Jefferson County, AL	
	St. Clair County, AL	
	Shelby County, AL	
	Walker County, AL	
13900	Bismarck, ND	0.8696
	Burleigh County, ND	
	Morton County, ND	
13980	Blacksburg-Christiansburg-Radford, VA	0.8696
	Giles County, VA	
	Montgomery County, VA	
	Pulaski County, VA	
	Radford City, VA	
14020	Bloomington, IN	0.8696
	Greene County, IN	
	Monroe County, IN	
	Owen County, IN	
14060	Bloomington-Normal, IL	0.9293

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
	McLean County, IL	
14260	Boise City-Nampa, ID	0.9270
	Ada County, ID	
	Boise County, ID	
	Canyon County, ID	
	Gem County, ID	
	Owyhee County, ID	
14484	Boston-Quincy, MA	1.1809
	Norfolk County, MA	
	Plymouth County, MA	
	Suffolk County, MA	
14500	Boulder, CO	0.9968
	Boulder County, CO	
14540	Bowling Green, KY	0.8696
	Edmonson County, KY	
	Warren County, KY	
14740	Bremerton-Silverdale, WA	1.0932
	Kitsap County, WA	
14860	Bridgeport-Stamford-Norwalk, CT	1.2888
	Fairfield County, CT	
15180	Brownsville-Harlingen, TX	1.0048
	Cameron County, TX	
15260	Brunswick, GA	0.9535
	Brantley County, GA	
	Glynn County, GA	
	McIntosh County, GA	
15380	Buffalo-Niagara Falls, NY	0.9094
	Erie County, NY	
	Niagara County, NY	
15500	Burlington, NC	0.9119
	Alamance County, NC	
15540	Burlington-South Burlington, VT	0.9663
	Chittenden County, VT	
	Franklin County, VT	
	Grand Isle County, VT	
15764	Cambridge-Newton-Framingham, MA	1.1339
	Middlesex County, MA	
15804	Camden, NJ	1.0770
	Burlington County, NJ	
	Camden County, NJ	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Gloucester County, NJ	
15940	Canton-Massillon, OH	0.9150
	Carroll County, OH	
	Stark County, OH	
15980	Cape Coral-Fort Myers, FL	0.9582
	Lee County, FL	
16180	Carson City, NV	1.0480
	Carson City, NV	
16220	Casper, WY	0.9243
	Natrona County, WY	
16300	Cedar Rapids, IA	0.8815
	Benton County, IA	
	Jones County, IA	
	Linn County, IA	
16580	Champaign-Urbana, IL	0.9825
	Champaign County, IL	
	Ford County, IL	
	Piatt County, IL	
16620	Charleston, WV	0.8696
	Boone County, WV	
	Clay County, WV	
	Kanawha County, WV	
	Lincoln County, WV	
	Putnam County, WV	
16700	Charleston-North Charleston, SC	0.9655
	Berkeley County, SC	
	Charleston County, SC	
	Dorchester County, SC	
16740	Charlotte-Gastonia-Concord, NC-SC	0.9985
	Anson County, NC	
	Cabarrus County, NC	
	Gaston County, NC	
	Mecklenburg County, NC	
	Union County, NC	
	York County, SC	
16820	Charlottesville, VA	1.0470
	Albemarle County, VA	
	Fluvanna County, VA	
	Greene County, VA	
	Nelson County, VA	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
	Charlottesville City, VA	
16860	Chattanooga, TN-GA	0.9307
	Catoosa County, GA	
	Dade County, GA	
	Walker County, GA	
	Hamilton County, TN	
	Marion County, TN	
	Sequatchie County, TN	
16940	Cheyenne, WY	0.8986
	Laramie County, WY	
16974	Chicago-Naperville-Joliet, IL	1.1098
	Cook County, IL	
	DeKalb County, IL	
	DuPage County, IL	
	Grundy County, IL	
	Kane County, IL	
	Kendall County, IL	
	McHenry County, IL	
	Will County, IL	
17020	Chico, CA	1.0764
	Butte County, CA	
17140	Cincinnati-Middletown, OH-KY-IN	0.9845
	Dearborn County, IN	
	Franklin County, IN	
	Ohio County, IN	
	Boone County, KY	
	Bracken County, KY	
	Campbell County, KY	
	Gallatin County, KY	
	Grant County, KY	
	Kenton County, KY	
	Pendleton County, KY	
	Brown County, OH	
	Butler County, OH	
	Clermont County, OH	
	Hamilton County, OH	
Warren County, OH		
17300	Clarksville, TN-KY	0.8696
	Christian County, KY	
	Trigg County, KY	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Montgomery County, TN	
	Stewart County, TN	
17420	Cleveland, TN	0.8696
	Bradley County, TN	
	Polk County, TN	
17460	Cleveland-Elyria-Mentor, OH	0.9416
	Cuyahoga County, OH	
	Geauga County, OH	
	Lake County, OH	
	Lorain County, OH	
	Medina County, OH	
17660	Coeur d'Alene, ID	0.9879
	Kootenai County, ID	
17780	College Station-Bryan, TX	0.9114
	Brazos County, TX	
	Burleson County, TX	
	Robertson County, TX	
17820	Colorado Springs, CO	0.9696
	El Paso County, CO	
	Teller County, CO	
17860	Columbia, MO	0.8696
	Boone County, MO	
	Howard County, MO	
17900	Columbia, SC	0.9255
	Calhoun County, SC	
	Fairfield County, SC	
	Kershaw County, SC	
	Lexington County, SC	
	Richland County, SC	
	Saluda County, SC	
17980	Columbus, GA-AL	0.8765
	Russell County, AL	
	Chattahoochee County, GA	
	Harris County, GA	
	Marion County, GA	
	Muscogee County, GA	
18020	Columbus, IN	0.9819
	Bartholomew County, IN	
18140	Columbus, OH	1.0077
	Delaware County, OH	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Fairfield County, OH	
	Franklin County, OH	
	Licking County, OH	
	Madison County, OH	
	Morrow County, OH	
	Pickaway County, OH	
	Union County, OH	
18580	Corpus Christi, TX	0.8756
	Aransas County, TX	
	Nueces County, TX	
	San Patricio County, TX	
18700	Corvallis, OR	1.0986
	Benton County, OR	
19060	Cumberland, MD-WV	0.9541
	Allegany County, MD	
	Mineral County, WV	
19124	Dallas-Plano-Irving, TX	1.0469
	Collin County, TX	
	Dallas County, TX	
	Delta County, TX	
	Denton County, TX	
	Ellis County, TX	
	Hunt County, TX	
	Kaufman County, TX	
	Rockwall County, TX	
19140	Dalton, GA	0.9252
	Murray County, GA	
	Whitfield County, GA	
19180	Danville, IL	0.9245
	Vermilion County, IL	
19260	Danville, VA	0.8696
	Pittsylvania County, VA	
	Danville City, VA	
19340	Davenport-Moline-Rock Island, IA-IL	0.8932
	Henry County, IL	
	Mercer County, IL	
	Rock Island County, IL	
	Scott County, IA	
19380	Dayton, OH	0.9282
	Greene County, OH	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Miami County, OH	
	Montgomery County, OH	
	Preble County, OH	
19460	Decatur, AL	0.8696
	Lawrence County, AL	
	Morgan County, AL	
19500	Decatur, IL	0.8696
	Macon County, IL	
19660	Deltona-Daytona Beach-Ormond Beach, FL	0.9522
	Volusia County, FL	
19740	Denver-Aurora, CO	1.0980
	Adams County, CO	
	Arapahoe County, CO	
	Broomfield County, CO	
	Clear Creek County, CO	
	Denver County, CO	
	Douglas County, CO	
	Elbert County, CO	
	Gilpin County, CO	
	Jefferson County, CO	
	Park County, CO	
19780	Des Moines, IA	0.9873
	Dallas County, IA	
	Guthrie County, IA	
	Madison County, IA	
	Polk County, IA	
	Warren County, IA	
19804	Detroit-Livonia-Dearborn, MI	1.0681
	Wayne County, MI	
20020	Dothan, AL	0.8696
	Geneva County, AL	
	Henry County, AL	
	Houston County, AL	
20100	Dover, DE	1.0004
	Kent County, DE	
20220	Dubuque, IA	0.9345
	Dubuque County, IA	
20260	Duluth, MN-WI	1.0444
	Carlton County, MN	
	St. Louis County, MN	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
	Douglas County, WI	
20500	Durham, NC	1.0540
	Chatham County, NC	
	Durham County, NC	
	Orange County, NC	
	Person County, NC	
20740	Eau Claire, WI	0.9422
	Chippewa County, WI	
	Eau Claire County, WI	
20764	Edison, NJ	1.1519
	Middlesex County, NJ	
	Monmouth County, NJ	
	Ocean County, NJ	
	Somerset County, NJ	
20940	El Centro, CA	0.9120
	Imperial County, CA	
21060	Elizabethtown, KY	0.9013
	Hardin County, KY	
	Larue County, KY	
21140	Elkhart-Goshen, IN	0.9859
	Elkhart County, IN	
21300	Elmira, NY	0.8696
	Chemung County, NY	
21340	El Paso, TX	0.9129
	El Paso County, TX	
21500	Erie, PA	0.8947
	Erie County, PA	
21604	Essex County, MA	1.0776
	Essex County, MA	
21660	Eugene-Springfield, OR	1.1078
	Lane County, OR	
21780	Evansville, IN-KY	0.8922
	Gibson County, IN	
	Posey County, IN	
	Vanderburgh County, IN	
	Warrick County, IN	
	Henderson County, KY	
	Webster County, KY	
21820	Fairbanks, AK	1.1682
	Fairbanks North Star Borough, AK	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
21940	Fajardo, PR	0.8696
	Ceiba Municipio, PR	
	Fajardo Municipio, PR	
	Luquillo Municipio, PR	
22020	Fargo, ND-MN	0.8696
	Cass County, ND	
	Clay County, MN	
22140	Farmington, NM	0.8714
	San Juan County, NM	
22180	Fayetteville, NC	0.9643
	Cumberland County, NC	
	Hoke County, NC	
22220	Fayetteville-Springdale-Rogers, AR-MO	0.8760
	Benton County, AR	
	Madison County, AR	
	Washington County, AR	
	McDonald County, MO	
22380	Flagstaff, AZ	1.2384
	Coconino County, AZ	
22420	Flint, MI	1.0909
	Genesee County, MI	
22500	Florence, SC	0.9170
	Darlington County, SC	
	Florence County, SC	
22520	Florence-Muscle Shoals, AL	0.8696
	Colbert County, AL	
	Lauderdale County, AL	
22540	Fond du Lac, WI	0.9872
	Fond du Lac County, WI	
22660	Fort Collins-Loveland, CO	1.0365
	Larimer County, CO	
22744	Fort Lauderdale-Pompano Beach-Deerfield Beach, FL	1.0682
	Broward County, FL	
22900	Fort Smith, AR-OK	0.8696
	Crawford County, AR	
	Franklin County, AR	
	Sebastian County, AR	
	Le Flore County, OK	
	Sequoyah County, OK	
23020	Fort Walton Beach-Crestview-Destin, FL	0.9085

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
	Okaloosa County, FL	
23060	Fort Wayne, IN	1.0029
	Allen County, IN	
	Wells County, IN	
	Whitley County, IN	
23104	Fort Worth-Arlington, TX	0.9729
	Johnson County, TX	
	Parker County, TX	
	Tarrant County, TX	
	Wise County, TX	
23420	Fresno, CA	1.0784
	Fresno County, CA	
23460	Gadsden, AL	0.8696
	Etowah County, AL	
23540	Gainesville, FL	0.9692
	Alachua County, FL	
	Gilchrist County, FL	
23580	Gainesville, GA	0.9088
	Hall County, GA	
23844	Gary, IN	0.9585
	Jasper County, IN	
	Lake County, IN	
	Newton County, IN	
	Porter County, IN	
24020	Glens Falls, NY	0.8764
	Warren County, NY	
	Washington County, NY	
24140	Goldsboro, NC	0.8986
	Wayne County, NC	
24220	Grand Forks, ND-MN	1.1781
	Polk County, MN	
	Grand Forks County, ND	
24300	Grand Junction, CO	0.9780
	Mesa County, CO	
24340	Grand Rapids-Wyoming, MI	0.9616
	Barry County, MI	
	Ionia County, MI	
	Kent County, MI	
	Newaygo County, MI	
24500	Great Falls, MT	0.9270

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
	Cascade County, MT	
24540	Greeley, CO	0.9801
	Weld County, CO	
24580	Green Bay, WI	0.9670
	Brown County, WI	
	Kewaunee County, WI	
	Oconto County, WI	
24660	Greensboro-High Point, NC	0.9323
	Guilford County, NC	
	Randolph County, NC	
	Rockingham County, NC	
24780	Greenville, NC	0.9651
	Greene County, NC	
	Pitt County, NC	
24860	Greenville, SC	
	Greenville County, SC	1.0399
	Laurens County, SC	
	Pickens County, SC	
25020	Guayama, PR	0.8696
	Arroyo Municipio, PR	
	Guayama Municipio, PR	
	Patillas Municipio, PR	
25060	Gulfport-Biloxi, MS	0.9144
	Hancock County, MS	
	Harrison County, MS	
	Stone County, MS	
25180	Hagerstown-Martinsburg, MD-WV	0.9718
	Washington County, MD	
	Berkeley County, WV	
	Morgan County, WV	
25260	Hanford-Corcoran, CA	1.0277
	Kings County, CA	
25420	Harrisburg-Carlisle, PA	0.9537
	Cumberland County, PA	
	Dauphin County, PA	
	Perry County, PA	
25500	Harrisonburg, VA	0.9307
	Rockingham County, VA	
	Harrisonburg City, VA	
25540	Hartford-West Hartford-East Hartford, CT	1.1339

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Hartford County, CT	
	Litchfield County, CT	
	Middlesex County, CT	
	Tolland County, CT	
25620	Hattiesburg, MS	0.8696
	Forrest County, MS	
	Lamar County, MS	
	Perry County, MS	
25860	Hickory-Lenoir-Morganton, NC	0.9127
	Alexander County, NC	
	Burke County, NC	
	Caldwell County, NC	
	Catawba County, NC	
25980	Hinesville-Fort Stewart, GA	0.9389
	Liberty County, GA	
	Long County, GA	
26100	Holland-Grand Haven, MI	0.9273
	Ottawa County, MI	
26180	Honolulu, HI	1.1466
	Honolulu County, HI	
26300	Hot Springs, AR	0.9261
	Garland County, AR	
26380	Houma-Bayou Cane-Thibodaux, LA	0.8696
	Lafourche Parish, LA	
	Terrebonne Parish, LA	
26420	Houston-Baytown-Sugar Land, TX	1.0235
	Austin County, TX	
	Brazoria County, TX	
	Chambers County, TX	
	Fort Bend County, TX	
	Galveston County, TX	
	Harris County, TX	
	Liberty County, TX	
	Montgomery County, TX	
	San Jacinto County, TX	
	Waller County, TX	
26580	Huntington-Ashland, WV-KY-OH	0.9704
	Boyd County, KY	
	Greenup County, KY	
	Lawrence County, OH	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Cabell County, WV	
	Wayne County, WV	
26620	Huntsville, AL	0.9360
	Limestone County, AL	
	Madison County, AL	
26820	Idaho Falls, ID	0.9646
	Bonneville County, ID	
	Jefferson County, ID	
26900	Indianapolis, IN	1.0159
	Boone County, IN	
	Brown County, IN	
	Hamilton County, IN	
	Hancock County, IN	
	Hendricks County, IN	
	Johnson County, IN	
	Marion County, IN	
	Morgan County, IN	
	Putnam County, IN	
	Shelby County, IN	
26980	Iowa City, IA	0.9981
	Johnson County, IA	
	Washington County, IA	
27060	Ithaca, NY	1.0029
	Tompkins County, NY	
27100	Jackson, MI	0.9527
	Jackson County, MI	
27140	Jackson, MS	0.8696
	Copiah County, MS	
	Hinds County, MS	
	Madison County, MS	
	Rankin County, MS	
	Simpson County, MS	
27180	Jackson, TN	0.9180
	Chester County, TN	
	Madison County, TN	
27260	Jacksonville, FL	0.9513
	Baker County, FL	
	Clay County, FL	
	Duval County, FL	
	Nassau County, FL	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	St. Johns County, FL	
27340	Jacksonville, NC	0.8696
	Onslow County, NC	
27500	Janesville, WI	0.9767
	Rock County, WI	
27620	Jefferson City, MO	0.8696
	Callaway County, MO	
	Cole County, MO	
	Moniteau County, MO	
	Osage County, MO	
27740	Johnson City, TN	0.8696
	Carter County, TN	
	Unicoi County, TN	
	Washington County, TN	
27780	Johnstown, PA	0.8696
	Cambria County, PA	
27860	Jonesboro, AR	0.8696
	Craighead County, AR	
	Poinsett County, AR	
27900	Joplin, MO	0.8788
	Jasper County, MO	
	Newton County, MO	
28020	Kalamazoo-Portage, MI	1.0630
	Kalamazoo County, MI	
	Van Buren County, MI	
28100	Kankakee-Bradley, IL	1.1227
	Kankakee County, IL	
28140	Kansas City, MO-KS	0.9685
	Franklin County, KS	
	Johnson County, KS	
	Leavenworth County, KS	
	Linn County, KS	
	Miami County, KS	
	Wyandotte County, KS	
	Bates County, MO	
	Caldwell County, MO	
	Cass County, MO	
	Clay County, MO	
	Clinton County, MO	
	Jackson County, MO	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Lafayette County, MO	
	Platte County, MO	
	Ray County, MO	
28420	Kennewick-Richland-Pasco, WA	1.0875
	Benton County, WA	
	Franklin County, WA	
28660	Killeen-Temple-Fort Hood, TX	0.8732
	Bell County, TX	
	Coryell County, TX	
	Lampasas County, TX	
28700	Kingsport-Bristol-Bristol, TN-VA	0.8696
	Hawkins County, TN	
	Sullivan County, TN	
	Bristol City, VA	
	Scott County, VA	
	Washington County, VA	
28740	Kingston, NY	0.9470
	Ulster County, NY	
28940	Knoxville, TN	0.8696
	Anderson County, TN	
	Blount County, TN	
	Knox County, TN	
	Loudon County, TN	
	Union County, TN	
29020	Kokomo, IN	0.9736
	Howard County, IN	
	Tipton County, IN	
29100	La Crosse, WI-MN	0.9793
	Houston County, MN	
	La Crosse County, WI	
29140	Lafayette, IN	0.8946
	Benton County, IN	
	Carroll County, IN	
	Tippecanoe County, IN	
29180	Lafayette, LA	0.8696
	Lafayette Parish, LA	
	St. Martin Parish, LA	
29340	Lake Charles, LA	0.8696
	Calcasieu Parish, LA	
	Cameron Parish, LA	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
29404	Lake County-Kenosha County, IL-WI	1.0680
	Lake County, IL	
	Kenosha County, WI	
29460	Lakeland, FL	0.9126
	Polk County, FL	
29540	Lancaster, PA	0.9927
	Lancaster County, PA	
29620	Lansing-East Lansing, MI	1.0017
	Clinton County, MI	
	Eaton County, MI	
	Ingham County, MI	
29700	Laredo, TX	0.8696
	Webb County, TX	
29740	Las Cruces, NM	0.8696
	Dona Ana County, NM	
29820	Las Vegas-Paradise, NV	1.1713
	Clark County, NV	
29940	Lawrence, KS	0.8743
	Douglas County, KS	
30020	Lawton, OK	0.8696
	Comanche County, OK	
30140	Lebanon, PA	0.8696
	Lebanon County, PA	
30300	Lewiston, ID-WA	1.0124
	Nez Perce County, ID	
	Asotin County, WA	
30340	Lewiston-Auburn, ME	0.9556
	Androscoggin County, ME	
30460	Lexington-Fayette, KY	0.9293
	Bourbon County, KY	
	Clark County, KY	
	Fayette County, KY	
	Jessamine County, KY	
	Scott County, KY	
	Woodford County, KY	
30620	Lima, OH	0.9447
	Allen County, OH	
30700	Lincoln, NE	1.0460
	Lancaster County, NE	
	Seward County, NE	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
30780	Little Rock-North Little Rock, AR	0.8958
	Faulkner County, AR	
	Grant County, AR	
	Lonoke County, AR	
	Perry County, AR	
	Pulaski County, AR	
	Saline County, AR	
30860	Logan, UT-ID	0.9384
	Franklin County, ID	
	Cache County, UT	
30980	Longview, TX	0.8940
	Gregg County, TX	
	Rusk County, TX	
	Upshur County, TX	
31020	Longview, WA	0.9742
	Cowlitz County, WA	
31084	Los Angeles-Long Beach-Glendale, CA	1.2023
	Los Angeles County, CA	
31140	Louisville, KY-IN	0.9474
	Clark County, IN	
	Floyd County, IN	
	Harrison County, IN	
	Washington County, IN	
	Bullitt County, KY	
	Henry County, KY	
	Jefferson County, KY	
	Meade County, KY	
	Nelson County, KY	
	Oldham County, KY	
	Shelby County, KY	
	Spencer County, KY	
Trimble County, KY		
31180	Lubbock, TX	0.8994
	Crosby County, TX	
	Lubbock County, TX	
31340	Lynchburg, VA	0.8900
	Amherst County, VA	
	Appomattox County, VA	
	Bedford County, VA	
	Campbell County, VA	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Bedford City, VA	
	Lynchburg City, VA	
31420	Macon, GA	0.9671
	Bibb County, GA	
	Crawford County, GA	
	Jones County, GA	
	Monroe County, GA	
	Twiggs County, GA	
31460	Madera, CA	0.8922
	Madera County, CA	
31540	Madison, WI	1.0880
	Columbia County, WI	
	Dane County, WI	
	Iowa County, WI	
31700	Manchester-Nashua, NH	1.0573
	Hillsborough County, NH	
	Merrimack County, NH	
31900	Mansfield, OH	0.9092
	Richland County, OH	
32420	Mayagüez, PR	0.8696
	Hormigueros Municipio, PR	
	Mayagüez Municipio, PR	
32580	McAllen-Edinburg-Pharr, TX	0.9149
	Hidalgo County, TX	
32780	Medford, OR	1.0471
	Jackson County, OR	
32820	Memphis, TN-MS-AR	0.9556
	Crittenden County, AR	
	DeSoto County, MS	
	Marshall County, MS	
	Tate County, MS	
	Tunica County, MS	
	Fayette County, TN	
	Shelby County, TN	
	Tipton County, TN	
32900	Merced, CA	1.1376
	Merced County, CA	
33124	Miami-Miami Beach-Kendall, FL	0.9984
	Miami-Dade County, FL	
33140	Michigan City-La Porte, IN	0.9626

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	LaPorte County, IN	
33260	Midland, TX	0.9742
	Midland County, TX	
33340	Milwaukee-Waukesha-West Allis, WI	1.0339
	Milwaukee County, WI	
	Ozaukee County, WI	
	Washington County, WI	
	Waukesha County, WI	
33460	Minneapolis-St. Paul-Bloomington, MN-WI	1.1333
	Anoka County, MN	
	Carver County, MN	
	Chisago County, MN	
	Dakota County, MN	
	Hennepin County, MN	
	Isanti County, MN	
	Ramsey County, MN	
	Scott County, MN	
	Sherburne County, MN	
	Washington County, MN	
	Wright County, MN	
	Pierce County, WI	
	St. Croix County, WI	
33540	Missoula, MT	0.9700
	Missoula County, MT	
33660	Mobile, AL	0.8696
	Mobile County, AL	
33700	Modesto, CA	1.2076
	Stanislaus County, CA	
33740	Monroe, LA	0.8696
	Ouachita Parish, LA	
	Union Parish, LA	
33780	Monroe, MI	0.9696
	Monroe County, MI	
33860	Montgomery, AL	0.8786
	Autauga County, AL	
	Elmore County, AL	
	Lowndes County, AL	
	Montgomery County, AL	
34060	Morgantown, WV	0.8696
	Monongalia County, WV	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
	Preston County, WV	
34100	Morristown, TN	0.8955
	Grainger County, TN	
	Hamblen County, TN	
	Jefferson County, TN	
34580	Mount Vernon-Anacortes, WA	1.0706
	Skagit County, WA	
34620	Muncie, IN	0.9145
	Delaware County, IN	
34740	Muskegon-Norton Shores, MI	0.9896
	Muskegon County, MI	
34820	Myrtle Beach-Conway-North Myrtle Beach, SC	0.9077
	Horry County, SC	
34900	Napa, CA	1.2947
	Napa County, CA	
34940	Naples-Marco Island, FL	1.0373
	Collier County, FL	
34980	Nashville-Davidson--Murfreesboro, TN	0.9994
	Cannon County, TN	
	Cheatham County, TN	
	Davidson County, TN	
	Dickson County, TN	
	Hickman County, TN	
	Macon County, TN	
	Robertson County, TN	
	Rutherford County, TN	
	Smith County, TN	
	Sumner County, TN	
	Trousdale County, TN	
	Williamson County, TN	
Wilson County, TN		
35004	Nassau-Suffolk, NY	1.3054
	Nassau County, NY	
	Suffolk County, NY	
35084	Newark-Union, NJ-PA	1.2476
	Essex County, NJ	
	Hunterdon County, NJ	
	Morris County, NJ	
	Sussex County, NJ	
	Union County, NJ	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
	Pike County, PA	
35300	New Haven-Milford, CT	1.1971
	New Haven County, CT	
35380	New Orleans-Metairie-Kenner, LA	0.9212
	Jefferson Parish, LA	
	Orleans Parish, LA	
	Plaquemines Parish, LA	
	St. Bernard Parish, LA	
	St. Charles Parish, LA	
	St. John the Baptist Parish, LA	
	St. Tammany Parish, LA	
35644	New York-Wayne-White Plains, NY-NJ	1.3489
	Bergen County, NJ	
	Hudson County, NJ	
	Passaic County, NJ	
	Bronx County, NY	
	Kings County, NY	
	New York County, NY	
	Putnam County, NY	
	Queens County, NY	
	Richmond County, NY	
	Rockland County, NY	
	Westchester County, NY	
35660	Niles-Benton Harbor, MI	0.9093
	Berrien County, MI	
35980	Norwich-New London, CT	1.1617
	New London County, CT	
36084	Oakland-Fremont-Hayward, CA	1.5699
	Alameda County, CA	
	Contra Costa County, CA	
36100	Ocala, FL	0.9140
	Marion County, FL	
36140	Ocean City, NJ	1.1276
	Cape May County, NJ	
36220	Odessa, TX	1.0122
	Ector County, TX	
36260	Ogden-Clearfield, UT	0.9246
	Davis County, UT	
	Morgan County, UT	
	Weber County, UT	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
36420	Oklahoma City, OK	0.9248
	Canadian County, OK	
	Cleveland County, OK	
	Grady County, OK	
	Lincoln County, OK	
	Logan County, OK	
	McClain County, OK	
	Oklahoma County, OK	
36500	Olympia, WA	1.1190
	Thurston County, WA	
36540	Omaha-Council Bluffs, NE-IA	0.9789
	Harrison County, IA	
	Mills County, IA	
	Pottawattamie County, IA	
	Cass County, NE	
	Douglas County, NE	
	Sarpy County, NE	
	Saunders County, NE	
Washington County, NE		
36740	Orlando, FL	0.9677
	Lake County, FL	
	Orange County, FL	
	Osceola County, FL	
	Seminole County, FL	
36780	Oshkosh-Neenah, WI	0.9404
	Winnebago County, WI	
36980	Owensboro, KY	0.8991
	Daviess County, KY	
	Hancock County, KY	
	McLean County, KY	
37100	Oxnard-Thousand Oaks-Ventura, CA	1.1880
	Ventura County, CA	
37340	Palm Bay-Melbourne-Titusville, FL	1.0061
	Brevard County, FL	
37460	Panama City-Lynn Haven, FL	0.8696
	Bay County, FL	
37620	Parkersburg-Marietta, WV-OH	0.8696
	Washington County, OH	
	Pleasants County, WV	
	Wirt County, WV	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
	Wood County, WV	
37700	Pascagoula, MS	0.8696
	George County, MS	
	Jackson County, MS	
37860	Pensacola-Ferry Pass-Brent, FL	0.8696
	Escambia County, FL	
	Santa Rosa County, FL	
37900	Peoria, IL	0.9072
	Marshall County, IL	
	Peoria County, IL	
	Stark County, IL	
	Tazewell County, IL	
	Woodford County, IL	
37964	Philadelphia, PA	1.1294
	Bucks County, PA	
	Chester County, PA	
	Delaware County, PA	
	Montgomery County, PA	
	Philadelphia County, PA	
38060	Phoenix-Mesa-Scottsdale, AZ	1.0371
	Maricopa County, AZ	
	Pinal County, AZ	
38220	Pine Bluff, AR	0.8889
	Cleveland County, AR	
	Jefferson County, AR	
	Lincoln County, AR	
38300	Pittsburgh, PA	0.9057
	Allegheny County, PA	
	Armstrong County, PA	
	Beaver County, PA	
	Butler County, PA	
	Fayette County, PA	
	Washington County, PA	
	Westmoreland County, PA	
38340	Pittsfield, MA	1.0426
	Berkshire County, MA	
38540	Pocatello, ID	0.9576
	Bannock County, ID	
	Power County, ID	
38660	Ponce, PR	0.8696

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Juana Díaz Municipio, PR	
	Ponce Municipio, PR	
	Villalba Municipio, PR	
38860	Portland-South Portland-Biddeford, ME	1.0631
	Cumberland County, ME	
	Sagadahoc County, ME	
	York County, ME	
38900	Portland-Vancouver-Beaverton, OR-WA	1.1519
	Clackamas County, OR	
	Columbia County, OR	
	Multnomah County, OR	
	Washington County, OR	
	Yamhill County, OR	
	Clark County, WA	
	Skamania County, WA	
38940	Port St. Lucie-Fort Pierce, FL	1.0366
	Martin County, FL	
	St. Lucie County, FL	
39100	Poughkeepsie-Newburgh-Middletown, NY	1.1014
	Dutchess County, NY	
	Orange County, NY	
39140	Prescott, AZ	1.0106
	Yavapai County, AZ	
39300	Providence-New Bedford-Fall River, RI-MA	1.1218
	Bristol County, MA	
	Bristol County, RI	
	Kent County, RI	
	Newport County, RI	
	Providence County, RI	
39340	Washington County, RI	
	Provo-Orem, UT	0.9729
	Juab County, UT	
	Utah County, UT	
39380	Pueblo, CO	0.8831
	Pueblo County, CO	
39460	Punta Gorda, FL	0.9477
	Charlotte County, FL	
39540	Racine, WI	0.9213
	Racine County, WI	
39580	Raleigh-Cary, NC	0.9957

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Franklin County, NC	
	Johnston County, NC	
	Wake County, NC	
39660	Rapid City, SD	0.9229
	Meade County, SD	
	Pennington County, SD	
39740	Reading, PA	0.9919
	Berks County, PA	
39820	Redding, CA	1.2496
	Shasta County, CA	
39900	Reno-Sparks, NV	1.1246
	Storey County, NV	
	Washoe County, NV	
40060	Richmond, VA	0.9553
	Amelia County, VA	
	Caroline County, VA	
	Charles City County, VA	
	Chesterfield County, VA	
	Cumberland County, VA	
	Dinwiddie County, VA	
	Goochland County, VA	
	Hanover County, VA	
	Henrico County, VA	
	King and Queen County, VA	
	King William County, VA	
	Louisa County, VA	
	New Kent County, VA	
	Powhatan County, VA	
	Prince George County, VA	
	Sussex County, VA	
	Colonial Heights City, VA	
	Hopewell City, VA	
	Petersburg City, VA	
Richmond City, VA		
40140	Riverside-San Bernardino-Ontario, CA	1.1276
	Riverside County, CA	
	San Bernardino County, CA	
40220	Roanoke, VA	0.8696
	Botetourt County, VA	
	Craig County, VA	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Franklin County, VA	
	Roanoke County, VA	
	Roanoke City, VA	
	Salem City, VA	
40340	Rochester, MN	1.1399
	Dodge County, MN	
	Olmsted County, MN	
	Wabasha County, MN	
40380	Rochester, NY	0.9325
	Livingston County, NY	
	Monroe County, NY	
	Ontario County, NY	
	Orleans County, NY	
	Wayne County, NY	
40420	Rockford, IL	1.0224
	Boone County, IL	
	Winnebago County, IL	
40484	Rockingham County-Strafford County, NH	1.0624
	Rockingham County, NH	
	Strafford County, NH	
40580	Rocky Mount, NC	0.9129
	Edgecombe County, NC	
	Nash County, NC	
40660	Rome, GA	0.9641
	Floyd County, GA	
40900	Sacramento--Arden-Arcade--Roseville, CA	1.3272
	El Dorado County, CA	
	Placer County, CA	
	Sacramento County, CA	
	Yolo County, CA	
40980	Saginaw-Saginaw Township North, MI	0.9637
	Saginaw County, MI	
41060	St. Cloud, MN	1.0205
	Benton County, MN	
	Stearns County, MN	
41100	St. George, UT	0.9618
	Washington County, UT	
41140	St. Joseph, MO-KS	0.9748
	Doniphan County, KS	
	Andrew County, MO	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Buchanan County, MO	
	DeKalb County, MO	
41180	St. Louis, MO-IL	0.9155
	Bond County, IL	
	Calhoun County, IL	
	Clinton County, IL	
	Jersey County, IL	
	Macoupin County, IL	
	Madison County, IL	
	Monroe County, IL	
	St. Clair County, IL	
	Crawford County, MO	
	Franklin County, MO	
	Jefferson County, MO	
	Lincoln County, MO	
	St. Charles County, MO	
	St. Louis County, MO	
	Warren County, MO	
	Washington County, MO	
	St. Louis City, MO	
41420	Salem, OR	1.0693
	Marion County, OR	
	Polk County, OR	
41500	Salinas, CA	1.4468
	Monterey County, CA	
41540	Salisbury, MD	0.9282
	Somerset County, MD	
	Wicomico County, MD	
41620	Salt Lake City, UT	0.9650
	Salt Lake County, UT	
	Summit County, UT	
	Tooele County, UT	
41660	San Angelo, TX	0.8696
	Irion County, TX	
	Tom Green County, TX	
41700	San Antonio, TX	0.9196
	Atascosa County, TX	
	Bandera County, TX	
	Bexar County, TX	
	Comal County, TX	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Guadalupe County, TX	
	Kendall County, TX	
	Medina County, TX	
	Wilson County, TX	
41740	San Diego-Carlsbad-San Marcos, CA	1.1687
	San Diego County, CA	
41780	Sandusky, OH	0.9233
	Erie County, OH	
41884	San Francisco-San Mateo-Redwood City, CA	1.5335
	Marin County, CA	
	San Francisco County, CA	
	San Mateo County, CA	
41900	San Germán-Cabo Rojo, PR	0.8696
	Cabo Rojo Municipio, PR	
	Lajas Municipio, PR	
	Sabana Grande Municipio, PR	
	San Germán Municipio, PR	
41940	San Jose-Sunnyvale-Santa Clara, CA	1.5473
	San Benito County, CA	
	Santa Clara County, CA	
41980	San Juan-Caguas-Guaynabo, PR	0.8696
	Aguas Buenas Municipio, PR	
	Aibonito Municipio, PR	
	Arecibo Municipio, PR	
	Barceloneta Municipio, PR	
	Barranquitas Municipio, PR	
	Bayamón Municipio, PR	
	Caguas Municipio, PR	
	Camuy Municipio, PR	
	Canóvanas Municipio, PR	
	Carolina Municipio, PR	
	Cataño Municipio, PR	
	Cayey Municipio, PR	
	Ciales Municipio, PR	
	Cidra Municipio, PR	
	Comerio Municipio, PR	
	Corozal Municipio, PR	
	Dorado Municipio, PR	
	Florida Municipio, PR	
	Guaynabo Municipio, PR	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Gurabo Municipio, PR	
	Hatillo Municipio, PR	
	Humacao Municipio, PR	
	Juncos Municipio, PR	
	Las Piedras Municipio, PR	
	Loíza Municipio, PR	
	Manatí Municipio, PR	
	Maunabo Municipio, PR	
	Morovis Municipio, PR	
	Naguabo Municipio, PR	
	Naranjito Municipio, PR	
	Orocovis Municipio, PR	
	Quebradillas Municipio, PR	
	Río Grande Municipio, PR	
	San Juan Municipio, PR	
	San Lorenzo Municipio, PR	
	Toa Alta Municipio, PR	
	Toa Baja Municipio, PR	
	Trujillo Alto Municipio, PR	
	Vega Alta Municipio, PR	
	Vega Baja Municipio, PR	
	Yabucoa Municipio, PR	
42020	San Luis Obispo-Paso Robles, CA San Luis Obispo County, CA	1.1622
42044	Santa Ana-Anaheim-Irvine, CA Orange County, CA	1.1843
42060	Santa Barbara-Santa Maria-Goleta, CA Santa Barbara County, CA	1.1804
42100	Santa Cruz-Watsonville, CA Santa Cruz County, CA	1.5532
42140	Santa Fe, NM Santa Fe County, NM	1.1183
42220	Santa Rosa-Petaluma, CA Sonoma County, CA	1.3817
42260	Sarasota-Bradenton-Venice, FL Manatee County, FL Sarasota County, FL	0.9775
42340	Savannah, GA Bryan County, GA Chatham County, GA	0.9698

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Effingham County, GA	
42540	Scranton--Wilkes-Barre, PA	0.8745
	Lackawanna County, PA	
	Luzerne County, PA	
	Wyoming County, PA	
42644	Seattle-Bellevue-Everett, WA	1.1856
	King County, WA	
	Snohomish County, WA	
43100	Sheboygan, WI	0.9125
	Sheboygan County, WI	
43300	Sherman-Denison, TX	0.9735
	Grayson County, TX	
43340	Shreveport-Bossier City, LA	0.8971
	Bossier Parish, LA	
	Caddo Parish, LA	
	De Soto Parish, LA	
43580	Sioux City, IA-NE-SD	0.9592
	Woodbury County, IA	
	Dakota County, NE	
	Dixon County, NE	
	Union County, SD	
43620	Sioux Falls, SD	0.9867
	Lincoln County, SD	
	McCook County, SD	
	Minnehaha County, SD	
	Turner County, SD	
43780	South Bend-Mishawaka, IN-MI	1.0024
	St. Joseph County, IN	
	Cass County, MI	
43900	Spartanburg, SC	0.9392
	Spartanburg County, SC	
44060	Spokane, WA	1.1167
	Spokane County, WA	
44100	Springfield, IL	0.9090
	Menard County, IL	
	Sangamon County, IL	
44140	Springfield, MA	1.0495
	Franklin County, MA	
	Hampden County, MA	
	Hampshire County, MA	

<b>CBSA Code</b>	<b>Urban Area (Constituent Counties)</b>	<b>Wage Index</b>
44180	Springfield, MO	0.8696
	Christian County, MO	
	Dallas County, MO	
	Greene County, MO	
	Polk County, MO	
	Webster County, MO	
44220	Springfield, OH	0.8696
	Clark County, OH	
44300	State College, PA	0.8696
	Centre County, PA	
44700	Stockton, CA	1.1571
	San Joaquin County, CA	
44940	Sumter, SC	0.8696
	Sumter County, SC	
45060	Syracuse, NY	0.9802
	Madison County, NY	
	Onondaga County, NY	
	Oswego County, NY	
45104	Tacoma, WA	1.1001
	Pierce County, WA	
45220	Tallahassee, FL	0.8897
	Gadsden County, FL	
	Jefferson County, FL	
	Leon County, FL	
	Wakulla County, FL	
45300	Tampa-St. Petersburg-Clearwater, FL	0.9405
	Hernando County, FL	
	Hillsborough County, FL	
	Pasco County, FL	
	Pinellas County, FL	
45460	Terre Haute, IN	0.8696
	Clay County, IN	
	Sullivan County, IN	
	Vermillion County, IN	
	Vigo County, IN	
45500	Texarkana, TX-Texarkana, AR	0.8696
	Miller County, AR	
	Bowie County, TX	
45780	Toledo, OH	0.9805
	Fulton County, OH	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Lucas County, OH	
	Ottawa County, OH	
	Wood County, OH	
45820	Topeka, KS	0.9135
	Jackson County, KS	
	Jefferson County, KS	
	Osage County, KS	
	Shawnee County, KS	
	Wabaunsee County, KS	
45940	Trenton-Ewing, NJ	1.1095
	Mercer County, NJ	
46060	Tucson, AZ	0.9194
	Pima County, AZ	
46140	Tulsa, OK	0.8696
	Creek County, OK	
	Okmulgee County, OK	
	Osage County, OK	
	Pawnee County, OK	
	Rogers County, OK	
	Tulsa County, OK	
	Wagoner County, OK	
46220	Tuscaloosa, AL	0.8922
	Greene County, AL	
	Hale County, AL	
	Tuscaloosa County, AL	
46340	Tyler, TX	0.9521
	Smith County, TX	
46540	Utica-Rome, NY	0.8696
	Herkimer County, NY	
	Oneida County, NY	
46660	Valdosta, GA	0.9079
	Brooks County, GA	
	Echols County, GA	
	Lanier County, GA	
	Lowndes County, GA	
46700	Vallejo-Fairfield, CA	1.5242
	Solano County, CA	
46940	Vero Beach, FL	0.9661
	Indian River County, FL	
47020	Victoria, TX	0.8696

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Calhoun County, TX	
	Goliad County, TX	
	Victoria County, TX	
47220	Vineland-Millville-Bridgeton, NJ	1.0063
	Cumberland County, NJ	
47260	Virginia Beach-Norfolk-Newport News, VA-NC	0.9011
	Currituck County, NC	
	Gloucester County, VA	
	Isle of Wight County, VA	
	James City County, VA	
	Mathews County, VA	
	Surry County, VA	
	York County, VA	
	Chesapeake City, VA	
	Hampton City, VA	
	Newport News City, VA	
	Norfolk City, VA	
	Poquoson City, VA	
	Portsmouth City, VA	
	Suffolk City, VA	
	Virginia Beach City, VA	
	Williamsburg City, VA	
47300	Visalia-Porterville, CA	1.0306
	Tulare County, CA	
47380	Waco, TX	0.8723
	McLennan County, TX	
47580	Warner Robins, GA	0.8853
	Houston County, GA	
47644	Warren-Farmington Hills-Troy, MI	1.0088
	Lapeer County, MI	
	Livingston County, MI	
	Macomb County, MI	
	Oakland County, MI	
	St. Clair County, MI	
47894	Washington-Arlington-Alexandria, DC-VA-MD-WV	1.1184
	District of Columbia, DC	
	Calvert County, MD	
	Charles County, MD	
	Prince George's County, MD	
	Arlington County, VA	

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Clarke County, VA	
	Fairfax County, VA	
	Fauquier County, VA	
	Loudoun County, VA	
	Prince William County, VA	
	Spotsylvania County, VA	
	Stafford County, VA	
	Warren County, VA	
	Alexandria City, VA	
	Fairfax City, VA	
	Falls Church City, VA	
	Fredericksburg City, VA	
	Manassas City, VA	
	Manassas Park City, VA	
	Jefferson County, WV	
47940	Waterloo-Cedar Falls, IA	0.8763
	Black Hawk County, IA	
	Bremer County, IA	
	Grundy County, IA	
48140	Wausau, WI	0.9821
	Marathon County, WI	
48260	Weirton-Steubenville, WV-OH	0.8696
	Jefferson County, OH	
	Brooke County, WV	
	Hancock County, WV	
48300	Wenatchee, WA	1.0312
	Chelan County, WA	
	Douglas County, WA	
48424	West Palm Beach-Boca Raton-Boynton Beach, FL	1.0309
	Palm Beach County, FL	
48540	Wheeling, WV-OH	0.8696
	Belmont County, OH	
	Marshall County, WV	
	Ohio County, WV	
48620	Wichita, KS	0.9351
	Butler County, KS	
	Harvey County, KS	
	Sedgwick County, KS	
	Sumner County, KS	
48660	Wichita Falls, TX	0.8696

CBSA Code	Urban Area (Constituent Counties)	Wage Index
	Archer County, TX	
	Clay County, TX	
	Wichita County, TX	
48700	Williamsport, PA	0.8696
	Lycoming County, PA	
48864	Wilmington, DE-MD-NJ	1.0723
	New Castle County, DE	
	Cecil County, MD	
	Salem County, NJ	
48900	Wilmington, NC	0.9813
	Brunswick County, NC	
	New Hanover County, NC	
	Pender County, NC	
49020	Winchester, VA-WV	1.0459
	Frederick County, VA	
	Winchester City, VA	
	Hampshire County, WV	
49180	Winston-Salem, NC	0.9159
	Davie County, NC	
	Forsyth County, NC	
	Stokes County, NC	
	Yadkin County, NC	
49340	Worcester, MA	1.1293
	Worcester County, MA	
49420	Yakima, WA	1.0399
	Yakima County, WA	
49500	Yauco, PR	0.8696
	Guánica Municipio, PR	
	Guayanilla Municipio, PR	
	Peñuelas Municipio, PR	
	Yauco Municipio, PR	
49620	York-Hanover, PA	0.9637
	York County, PA	
49660	Youngstown-Warren-Boardman, OH-PA	0.8809
	Mahoning County, OH	
	Trumbull County, OH	
	Mercer County, PA	
49700	Yuba City, CA	1.1184
	Sutter County, CA	
	Yuba County, CA	
49740	Yuma, AZ	0.9345
	Yuma County, AZ	

TABLE 28.—PROPOSED ESRD WAGE INDEX FOR RURAL AREAS BASED ON CBSA LABOR MARKET AREAS

CBSA code	Nonurban area	Wage index
1	Alabama	0.8696
2	Alaska	1.2266
3	Arizona	0.8979
4	Arkansas	0.8696
5	California	1.1107
6	Colorado	0.9605
7	Connecticut	1.2066
8	Delaware	0.9827
10	Florida	0.8796
11	Georgia	0.8696
12	Hawaii	1.0805
13	Idaho	0.8696
14	Illinois	0.8696
15	Indiana	0.8829
16	Iowa	0.8698
17	Kansas	0.8696
18	Kentucky	0.8696
19	Louisiana	0.8696
20	Maine	0.9056
21	Maryland	0.9304
22	Massachusetts	1.0451
23	Michigan	0.9074
24	Minnesota	0.9394
25	Mississippi	0.8696
26	Missouri	0.8696
27	Montana	0.9036
28	Nebraska	0.8865
29	Nevada	0.9283
30	New Hampshire	1.0923
32	New Mexico	0.8843
33	New York	0.8696
34	North Carolina	0.8764
35	North Dakota	0.8696
36	Ohio	0.8988
37	Oklahoma	0.8696
38	Oregon	1.0056
39	Pennsylvania	0.8696
42	South Carolina	0.8840
43	South Dakota	0.8696
44	Tennessee	0.8696
45	Texas	0.8696
46	Utah	0.8696
47	Vermont	1.0067
48	Virginia	0.8696
49	Washington	1.0699
50	West Virginia	0.8696
51	Wisconsin	0.9698
52	Wyoming	0.9426

(9) Crosswalk Table

The crosswalk table for the MSA and CBSA can be found in Addendum F to this proposed rule.

4. Proposed Revisions to § 413.170 (Scope) and § 413.174 (Prospective Rates for Hospital-Based and Independent ESRD Facilities)

Under section 623 of the MMA, we propose to revise § 413.170(b) to specify that this subpart provides procedures and criteria under which only a pediatric facility may receive an exception.

Also under section 623 of the MMA, we propose to revise § 413.174 to reflect

the changes in the additional payment for separately billable drugs.

5. Proposed Revisions to the Composite Payment Rate Exceptions Process

[If you choose to comment on issues in this section, please include the caption “ESRD-Exceptions Process” at the beginning of your comments.]

The current regulations at § 413.180 through § 413.192 contain the procedures for requesting exceptions to ESRD facility composite payment rates, and establish five criteria for approval of exception requests. The five criteria are as follows:

- Atypical service intensity (§ 413.184).
- Isolated essential facility (§ 413.186).
- Extraordinary circumstances (§ 413.188).
- Self-dialysis training costs (§ 413.190).
- Frequency of dialysis (§ 413.192).

Under section 1881(b)(7) of the Act, when a facility’s costs were higher than the prospectively determined composite rate, we could, under certain conditions, grant the facility an exception to its composite payment rate and set a higher prospective rate. The facility had to show, on the basis of projected cost and utilization trends, that it would have an allowable cost per treatment higher than its prospective composite payment rate and that any excess costs were attributable to one or more of the specific exception criteria.

As explained further below, ESRD facility exception rates in effect on December 31, 2000, or those that were subsequently approved based on an application under section 422(a)(2)(B) of BIPA, (collectively hereinafter termed “existing exception rates”), will remain in effect under section 422(a)(2)(C) of BIPA as long as the exception rate exceeds the facility’s updated composite payment rate.

Section 623 of the MMA amended BIPA to provide that the prohibition on exceptions to the ESRD composite rate does not apply to pediatric facilities that do not have an exception rate in effect on October 1, 2002. As a result, only pediatric facilities can now qualify for exception rates. We do not intend for the proposed regulation changes detailed below to limit the exception criteria under which a pediatric facility may qualify. However, we believe that pediatric facilities would not qualify for an exception under most of the existing exception criteria because of the uniqueness of their pediatric patient population (at least 50 percent) and, in the past, ESRD facilities with high percentages of pediatric patients only

qualified for exceptions under the “atypical patient mix” criterion. Therefore, we are proposing to revise the regulations by eliminating the other exception criteria (Isolated essential facilities, Extraordinary circumstances, and Frequency of dialysis) specified in § 413.182(b), (c), and (e). However, we are proposing to retain the exception criterion for self-dialysis training costs under § 413.182(d) because some pediatric facilities may qualify for an exception on that basis.

a. Statutory Changes

Section 422 of BIPA 2000, prohibited us from providing for any further composite rate exceptions on or after December 31, 2000; allowed one final opportunity for ESRD facilities that did not apply for an exception during 2000 to apply for one by July 1, 2001; and provided for approved exceptions (either those in effect or those that were approved based on subsequent applications) to continue in effect as long as the rate exceeds the updated composite rate.

By prohibiting future exceptions to the composite rate for ESRD facilities, we believe the Congress intended to make the ESRD composite rate payment system more compatible with other Medicare PPSs that do not allow exceptions to their payment rates. By providing for the continuation of existing exception rates as long as those rates exceed the updated case-mix adjusted composite rate, we believe the Congress intended, in effect, to provide for the transition of most ESRD facilities to payment under the composite rate payment system.

In response to ESRD facility concerns about the current composite rate payment methodology, the Congress enacted section 623 of the MMA, which revised ESRD facility prospective composite payment rates. As a result, effective January 1, 2005, ESRD facility prospective composite payment rates were increased 1.6 percent and include a drug add-on of 8.7 percent. These increases were implemented in the PFS final rule published on November 15, 2004 (69 FR 66319–66320). Section 623 also amended section 422(a)(2) of BIPA to provide that the prohibition on exceptions to the ESRD composite rates does not apply as of October 1, 2002, to pediatric facilities that do not have an exception rate in effect on October 1, 2002—in effect restoring the exception process for pediatric facilities. Pediatric facilities are defined as “renal facilities at least 50 percent of whose patients are individuals under 18 years of age.”

Existing exception rates are protected under section 422(a)(2)(C) of BIPA 2000.

The “protection” clause for existing exception rates provides that exception rates in effect on December 1, 2000 (or approved based on an application by July 1, 2001) shall remain in effect as long as the facility’s exception rate is higher than the updated composite rate. Pediatric ESRD facility exception rates granted under the provisions of section 623 of the MMA are not subject to the “protection” clause for existing exception rates.

b. Summary of Proposed Changes to Part 413, Subpart H

As a result of the statutory changes discussed above, we are proposing to revise both the content and the organization of the existing regulations at 42 CFR part 413, subpart H (Payment for ESRD Services and Organ Procurement Costs) by limiting certain qualifications and clarifying the regulations. Currently, all of the Medicare rules for requesting exceptions to composite rate payments for covered outpatient maintenance dialysis treatments can be found at § 413.180 through § 413.192. We propose to revise the current regulations at part 413, subpart H by—

- Adding a definition of a “pediatric facility” (in accordance with section 422(a)(2) of BIPA 2000, as amended by section 623(b) of the MMA) to mean a renal facility at least 50 percent of whose patients are individuals under 18 years of age;

- Removing existing exception criteria that are no longer applicable; and

- Adjudicating future exception requests in accordance with the proposed revised exception criteria.

(1) Proposed Revisions to § 413.180 (Procedures for Requesting Exceptions to Payment Rates)

In response to the changes made by section 422 of BIPA 2000 and section 623 of MMA, we are proposing significant changes to the existing regulations at § 413.180 through § 413.192 regarding ESRD exception criteria and application procedures. Under our current regulations, existing exception rates that were approved prior to December 31, 2000 (or those approved during the window that closed on July 1, 2001) would remain in effect as long as the conditions under which the exception was granted have not changed and as long as the facility files a request to retain the exception rate with its fiscal intermediary during the 30-day period before the opening of an exception cycle (and the request is approved by the fiscal intermediary.) Even though pediatric exceptions are

not subject to the “protection” clause under section 422(a)(2)(C) of BIPA, we propose to continue all exception rates in effect on the same basis. Since section 422(a)(2)(B) of BIPA allows existing exception rates to continue in effect as long as the exception rate exceeds the facility’s updated composite payment rate, we expect that the facilities will compare their existing exception rates to their basic case-mix adjusted composite rates to determine which is the best payment rate for their facility. We expect that each ESRD facility would choose to be paid at the higher of its existing exception rate or its basic case-mix composite rate (which includes all the payment adjustments required under section 623 of the MMA). If the facility retains its exception rate, the rate is not subject to any of the adjustments specified in section 623 of the MMA. We believe the determination as to whether an ESRD facility’s exception rate per treatment will exceed its average case-mix adjusted composite rate per treatment is best left to the affected entity. An ESRD facility that has an existing exception rate may give up that rate if it determines that it should be paid instead under the case-mix adjusted composite rate methodology.

In § 413.180, we propose to revise our regulations to provide that each ESRD facility must notify its fiscal intermediary (in writing) if it wishes to give up its exception rate. The facility would be paid based on its case-mix adjusted composite payment rate beginning thirty days after the intermediary’s receipt of written notification that the facility wishes to give up its exception rate. Once a facility notifies its fiscal intermediary that it wishes to give up its exception rate, that decision could not be subsequently rescinded or reversed. We also propose to revise paragraph (b) of this section to provide that ESRD facilities that retain their existing exception rates do not need to notify their intermediaries. Therefore, we propose to remove the last sentence from paragraph (b) that states, “However, a facility may only request an exception or seek to retain its previously approved exception rate when authorized under the conditions specified in paragraphs (d) and (e) of this section.”

In the past, an ESRD facility could request an exception to its prospective composite payment rate within 180 days of the effective date of its new composite rate(s) or the date on which we opened a specific exception window. Because only pediatric facilities can now file for exceptions, we

expect to receive a minimal number of exception applications. In this section, we propose to revise paragraph (d) to remove the requirement that an application for an exception be filed within the 180-day window because we believe the small volume of applications will make it administratively feasible for us to accept applications on a rolling basis. Further, we are proposing to revise paragraph (d) to state that a pediatric ESRD facility may request an exception to its composite payment rate at any time after it is in operation for at least 12 consecutive months.

We are proposing to permit pediatric ESRD facilities to file exception requests at any time. We also propose to change our regulations to continue pediatric facility exception rates granted under section 623 of the MMA (hereinafter referred to as “pediatric facility exception rates”) in the same way as existing exception rates. Specifically, we are proposing that pediatric facility exception rates would remain in effect until the facility notifies its fiscal intermediary that it wishes to give up its rate because its case-mix adjusted composite rate is higher. Therefore, we propose to eliminate paragraph (e) of this section, entitled “Criteria for retaining a previously approved exception request” and replace it with paragraph (f) (Completion of requirements and criteria) of this section. We are proposing to eliminate paragraph (e) because ESRD facilities that have an approved exception rate (either an existing exception rate or a pediatric facility exception rate) and elect to retain it do not need to notify their intermediaries. Current paragraph (f), entitled, “Documentation for a payment rate exception request”, would be redesignated as proposed paragraph (e). We are proposing to clarify existing regulations by indicating that the applicant must include in its documentation a copy of the most recent cost report filed in accordance with § 413.198. As a result of these proposed changes to this section, we propose to revise the remaining paragraphs as follows:

- Current paragraph (g) would be redesignated as proposed paragraph (f).
- Current paragraph (h) would be redesignated as proposed paragraph (g).
- Current paragraph (i) would be redesignated as proposed paragraph (h).
- Current paragraph (j) provides the period of an exception approval. We would redesignate paragraph (j) as proposed paragraph (i). We propose to revise the redesignated paragraph to state that an approved exception payment rate applies for the period from the date the complete exception request

was filed with the facility's fiscal intermediary until thirty days after the intermediary's receipt of the facility's letter notifying the intermediary of the facility's request to give up its exception rate and become subject to the current composite payment rate methodology. Once a facility decides not to retain its current exception rate (and puts that decision in writing), that decision cannot be subsequently rescinded or reversed.

- Current paragraph (k) would be removed.
- Current paragraph (l) would be redesignated as proposed paragraph (j).
- Current paragraph (m) would be redesignated as proposed paragraph (k). In the past, a pediatric facility denied an exception rate would have to wait until a subsequent exception window opened to file a new request. We are proposing to revise redesignated paragraph (m) to state that a pediatric ESRD facility that has been denied an exception rate may immediately file another exception request. Any subsequent exception request would be required to address and document the issues cited in our denial letter.

(2) Proposed Revisions to § 413.182 (Criteria for Approval of Exception Requests)

We propose to revise this section to state that CMS may approve exceptions to a pediatric ESRD facility's prospective payment rate if the pediatric facility did not have an approved exception rate as of October 1, 2002. The proposed revised section would also state that the pediatric facility would be required to demonstrate, by convincing objective evidence, that its total per treatment costs are reasonable and allowable under the relevant cost reimbursement principles of part 413 and that its per treatment costs in excess of its payment rate would be directly attributable to any of the following criteria:

- Pediatric patient mix, as specified in § 413.184.
- Self-dialysis training costs in pediatric facilities, as specified in § 413.186.

In the future, pediatric facilities would file for an exception under the proposed revised exception criteria in revised § 413.184 (Payment exception: Pediatric patient mix) and redesignated § 413.190 (Payment exception: Self-dialysis training costs in pediatric facilities). (We are proposing to revise § 413.190 and redesignate it as § 413.186, see discussion below.)

(3) Proposed Revisions to § 413.184 (Payment Exception: Atypical Service Intensity (Patient Mix))

Because only pediatric ESRD facilities (those with at least a 50 percent patient mix) may qualify for an exception rate, we are proposing to rename § 413.184 to read, "Payment exception: Pediatric patient mix". We also propose to revise paragraph (a) of this section to specify that to qualify for an exception to its prospective payment rate based on its pediatric patient mix, a facility would be required to demonstrate that—

- At least 50 percent of its patients are individuals under 18 years of age;
- Its nursing personnel costs are allocated properly between each mode of care;
- The additional nursing hours per treatment are not the result of an excess number of employees;
- Its pediatric patients require a significantly higher staff-to-patient ratio than typical adult patients; and
- These services, procedures, or supplies and its per treatment costs are clearly prudent and reasonable when compared to those of pediatric facilities with a similar patient mix.

The "Atypical service intensity" criterion is the one under which exceptions for facilities that treated a high proportion of pediatric patients were granted in the past. In order to receive approval for an exception rate, pediatric facilities would still need to meet many of the same criteria previously required under § 413.184 for "Atypical service intensity."

To better match the patient listing documentation requirements to the characteristics of pediatric ESRD facilities, we are proposing to eliminate five categories currently required in § 413.184(b) (Documentation) and replace those items with a revised list. Under the proposed revised paragraph, a facility would be required to submit a listing of all outpatient dialysis patients (including all home patients) treated during its most recently completed and filed cost report (cost reporting requirements under § 413.198) showing—

- Age of patients, and the percentage of patients under the age of 18;
- Individual patient diagnosis;
- Home patients and ages;
- In-facility patients, staff assisted, or self-dialysis;
- Diabetic patients; and
- Patients isolated because of contagious disease.

(4) Proposed Removal of § 413.186 (Payment Exception: Isolated Essential Facility)

Since pediatric facilities are the only ESRD facilities that can now apply for exceptions, we are proposing to remove § 413.186 to conform with the elimination of § 413.182(b), (c) and (e) as discussed above and redesignate § 413.190 as the new § 413.186. We would also rename the section to read, "Payment exception: Self-dialysis training costs in pediatric facilities". No further changes are proposed to § 413.186.

(5) Proposed Removal of § 413.188 (Payment Exception: Extraordinary Circumstances)

We are proposing to remove this § 413.188 to conform with the elimination of § 413.182(b), (c) and (e) as discussed above.

(6) Proposed Redesignation of § 413.190 (Payment Exception: Self-Dialysis Training Costs)

We propose to continue to recognize exceptions for self-dialysis training costs under § 413.190 only for pediatric facilities, and to rename this section, "Payment exception: Self-dialysis training costs in pediatric facilities." We are proposing to change the name to conform with the current statute that prohibits exceptions for facilities other than pediatric ESRD facilities. We are also proposing to redesignate this section as § 413.186. (As discussed above, we are proposing to remove existing § 413.186.) The current regulatory language in § 413.190 (proposed to be redesignated as § 413.186) would remain unchanged.

(7) Proposed Removal of § 413.192 (Payment Exception: Frequency of Dialysis)

We are proposing to remove this section to conform with the elimination of § 413.182(b), (c) and (e) as discussed above.

*H. Payment for Covered Outpatient Drugs and Biologicals*

[If you choose to comment on issues in this section, please include the caption "Payment for Covered Outpatient Drugs and Biologicals" at the beginning of your comments.]

Medicare Part B covers a limited number of prescription drugs and biologicals. For the purposes of this proposed rule, the term "drugs" will hereafter refer to both drugs and biologicals. Medicare Part B covered drugs not paid on a cost or prospective

payment basis generally fall into three categories:

- Drugs furnished incident to a physician's service.
- DME drugs.
- Drugs specifically covered by statute (immunosuppressive drugs, for example).

Beginning in CY 2005, the vast majority of Medicare Part B drugs not paid on a cost or prospective payment basis are paid under the ASP methodology. The ASP methodology is based on data submitted to us quarterly by manufacturers. In addition to the payment for the drug, Medicare currently pays a dispensing fee for inhalation drugs, a furnishing fee for blood clotting factors, and a supplying fee for certain Part B drugs.

This section of the preamble discusses proposed changes and issues related to the determination of the payment amounts for covered Part B drugs and the separate payments allowable for dispensing inhalation drugs, furnishing blood clotting factor, and supplying certain other Part B drugs. This section of the preamble also discusses proposed changes in how manufacturers calculate and report ASP data to us.

#### 1. ASP Issues

[If you choose to comment on issues in this section, please include the caption "ASP Issues" at the beginning of your comments.]

Section 303(c) of the MMA amended Title XVIII of the Act by adding new section 1847A. This new section establishes the use of the ASP methodology for payment for most drugs and biologicals not paid on a cost or prospective payment basis furnished on or after January 1, 2005. The ASP reporting requirements are set forth in section 1927(b) of the Act. Manufacturers must submit ASP data to us quarterly. The manufacturers' submissions are due to us not later than 30 days after the last day of each calendar quarter. The methodology for developing Medicare drug payment allowances based on the manufacturers' submitted ASP data is specified in the regulations in part 414, subpart K. Based on the data we receive, we update the Part B drug payment amounts quarterly.

In this section of the preamble, we discuss issues and propose changes related to the methodology manufacturers use to apply the estimate of lagged price concessions in the ASP calculation. We also discuss the submission of ASP data, including WAC, and our intent to propose, in a separate notice, the collection of additional information from manufacturers, using a revised reporting

format, to ensure more accurate calculation of the Medicare payment amounts.

Also, included in this section is a discussion of the weighting methodology we follow to establish the Medicare payment amounts using the ASP data.

#### a. Estimation Methodology for Lagged Price Concessions

Section 1847A(c)(5)(A) of the Act states that the ASP is to be calculated by the manufacturer on a quarterly basis. As a part of that calculation, manufacturers are to take into account price concessions such as—

- Volume discounts.
- Prompt pay discounts.
- Cash discounts.
- Free goods that are contingent on any purchase requirement.
- Chargebacks.
- Rebates (other than rebates under the Medicaid drug rebate programs).

If the data on these price concessions are lagged, then the manufacturer is required to estimate costs attributable to these price concessions. Specifically, the manufacturer sums the price concessions for the most recent 12-month period available associated with all sales subject to the ASP reporting requirements. The manufacturer then calculates a percentage using this summed amount as the numerator and the corresponding total sales data as the denominator. This results in a 12-month rolling average price concession percentage that is applied to the total in dollars for the sales subject to the ASP reporting requirement for the quarter being submitted to determine the price concession estimate for the quarter. The methodology is specified in § 414.804(a)(3) and was published in the Manufacturer Submission of Manufacturer's ASP Data for Medicare Part B Drugs and Biologicals final rule published on September 16, 2004 (69 FR 55763).

Our goal is to ensure that the ASP data submitted by manufacturers reflects an appropriate estimate of lagged price concessions. Since publication of the September 16, 2004 final rule, we have identified a refinement of the ASP calculation and lagged price concession estimation methodology related to chargebacks that we believe will improve the accuracy of the estimate. As a result, we are proposing to clarify the ASP calculation in this proposed rule.

#### b. Price Concessions: Wholesaler Chargebacks

Wholesaler chargebacks are a type of price concession, generally paid on a

lagged basis, that apply to sales to customers (for example, physicians) via a wholesaler (or distributor). Wholesaler chargeback arrangements may vary in scope and complexity. However, simply put, the wholesaler administers contract prices negotiated between the manufacturer and end purchasers (for example, physician or other health care providers), or otherwise implements pricing terms established by the manufacturer (for example, pricing that varies by type of purchaser or class of trade). The wholesaler charges the customer a certain price and charges back the manufacturer an agreed upon amount for the purposes of making up the difference between the wholesaler's price (for example, WAC) and the customer's price.

Under the current estimation methodology for lagged price concessions, total lagged price concessions, including lagged wholesaler chargebacks, for the 12-month period are divided by total sales for that same period to determine a ratio that is applied to the total sales for the reporting period. The ratio of lagged price concessions to sales is calculated over all sales, both indirect sales (sales to wholesalers and distributors and other similar entities that sells to others in the distribution chain) and direct sales (sales directly from manufacturer to providers, such as hospitals or HMOs). To the extent that the relationship between total dollars for indirect sales and total dollars for all sales is different for the reporting quarter and the 12-month period used, the current ratio methodology for estimating lagged price concessions may overstate or understate wholesaler chargebacks expected for the reporting period. A more accurate estimation of lagged price concessions would minimize the effect of quarter to quarter variations in the relationship between indirect sales and all sales.

As a result, we propose to revise § 414.804 to require manufacturers to calculate the ASP for direct sales independently from the ASP for all other sales subject to the ASP reporting requirement (indirect sales). Then, the manufacturer would calculate a weighted average of the direct sales ASP and the indirect sales ASP to submit to us. For example, for a National Drug Code (NDC), the manufacturer has 100 direct sales and 200 indirect sales. Taking into account applicable price concessions for direct sales and those for indirect sales, including use of the ratio methodology for estimating lagged price concessions, the direct sales ASP is \$25, and the indirect sales ASP is \$27.

The weighted average of the ASPs would be as shown in this example.

$$\frac{(100 \times 25) + (200 \times 27)}{100 + 200} = \$26.33$$

We believe the weighted average of direct sales ASP and indirect sales ASP improves the overall accuracy of the ASP calculation, particularly for NDCs with significant fluctuations in the percentage of sales that are direct sales.

We are proposing conforming changes to § 414.804 for the methodology for calculating the lagged price concessions percentage. We are also proposing to revise the regulation text to clarify that the estimation ratio methodology relates to lagged price concessions. We also are proposing to define direct sales and indirect sales in § 414.802, and seek to develop definitions for these terms so that all sales subject to the ASP reporting requirement are included under these two definitions.

We seek comments about the advisability of requiring manufacturers to calculate the ASP for direct sales, including price concessions, independently from the ASP for indirect sales and then calculating a weighted average of these ASPs to submit to CMS. We also seek comments about the potential affects of this approach on the ASP as well as our proposed definitions of direct sales and indirect sales (that is, that direct sales are from manufacturer to provider or supplier, and indirect sales are the remaining sales subject to the ASP reporting requirement).

#### c. Determining the Payment Amount Based on ASP Data

We have received inquiries related to the formula we use to calculate the payment amount for each billing code. We posted a Frequently Asked Question on this subject on our Web site (<http://www.questions.cms.hhs.gov>) earlier this year. We are including this section in this preamble to ensure greater public access to this information. Our approach to calculating the payment amounts is as follows:

- For each billing code, we calculate a weighted ASP using the ASP data submitted by manufacturers.
- Manufacturers submit ASP data at the 11-digit NDC level.
- Manufacturers submit the number of units of the 11-digit NDC sold and the ASP for those units.
- We convert the manufacturers' ASP for each NDC into the ASP per billing unit by dividing the manufacturer's ASP for that NDC by the number of billing units in that NDC. For example, a manufacturer sells a box of 4 vials of a drug. Each vial contains 20 milligrams

(mg). The billing code is per 10 mg. The conversion formula is: Manufacturer's ASP/[(4 vials × 20 mg)/10 mg = 8 billable units per NDC].

- Then, the ASP per billing unit and the number of units (11-digit NDCs) sold for each NDC assigned to the billing code are used to calculate a weighted ASP for the billing code. We sum the ASP per billing unit times the number of 11-digit NDCs sold for each NDC assigned to the billing code, and then divide by the total number of NDCs sold. The ASP per billing unit for each NDC is weighted equally regardless of package size.

#### d. Reporting WAC

In response to manufacturer's questions about reporting WAC, we posted a Frequently Asked Question on this subject on our Web site (<http://www.questions.cms.hhs.gov>) last year. In the posting on the Web site, we state that manufacturers must report the WAC for a single source drug or biological if it is less than the ASP for a quarter and in cases where the ASP during the first quarter of sales is unavailable. Upon further review, we have determined that the WAC must be reported each quarter if required for payment to be made under section 1847A of the Act, in addition to the ASP, if available.

Section 1927(b)(3)(A)(iii) of the Act specifies the ASP data manufacturers must report. Section 1927(b)(3)(A)(iii)(II) of the Act specifies that the manufacturer must report the WAC, if it is required in order for payment to be made under section 1847A of the Act. Under section 1847A of the Act, the payment is based on WAC (as opposed to ASP) in the following cases:

- For a single source drug or biological, when the WAC-based calculated payment is less than the ASP-based calculated payment for all NDCs assigned to such drug or biological product. (See section 1847A(b)(4) of the Act.)
- During an initial period in which data on the prices for sales for the drug or biological is not sufficiently available from the manufacturer to compute an ASP. (See section 1847A(c)(4) of the Act.)

In these instances, we must make the determination of whether the payment amount is based on ASP or WAC. Therefore, WAC is required for payment in all of these instances.

On April 6, 2004, we published the ASP reporting regulations in the Manufacturer Submission of Manufacturer's ASP Data for Medicare Part B Drugs and Biologicals interim

final rule with comment (66 FR 17935–17941). In that interim final rule, we specified that manufacturers must report the ASP data to us using the template provided in Addendum A of that interim final rule. That template included the manufacturer's name, NDC, manufacturer's ASP, and number of units. The WAC was not included in the template. Therefore, in order to report the WAC, manufacturers have used several approaches. Some manufacturers have appended the WAC to the template; others have noted it in their written cover letters to their submissions. Still others have sent the WAC to us using electronic mail. Because a place for the WAC was not included in the template, it is possible that manufacturers may not have submitted the WAC even though it was required. On a few occasions, we have contacted the manufacturer to obtain the WAC when it was needed to determine the payment amount. Therefore, because of the requirement to submit the WAC and the confusion manufacturers have experienced in submitting the WAC data we will propose, in a separate information collection notice, to revise the reporting template to include a place to report WAC. See the discussion in section e. below for further details about potential changes to the reporting format.

To clarify the instances when manufacturers are required to report the WAC, in this proposed rule we are clarifying that manufacturers are required to report quarterly both the ASP and the WAC for NDCs assigned to a single source drug or biological billing code. Manufacturers are also required to report the WAC for use in determining the payment during the initial period under section 1847A(c)(4) of the Act. That is, the WAC is reported for the reporting period prior to reporting the ASP based on a full quarter of sales.

Because the WAC could change during a reporting period, we are proposing that in reporting the WAC, manufacturers would be required to report the WAC in effect on the last day of the reporting period.

#### e. Revised Format for Submitting ASP Data

As specified in the April 6, 2004 interim final rule, manufacturers are required to report the ASP data to us in Microsoft Excel using the specified template. As discussed above, the current template does not provide adequate instructions for manufacturers to report both the ASP and the WAC. Therefore, in a separate information collection notice that will be published at or about the same time as this

proposed rule, we will propose to revise the ASP reporting format to accommodate submission of both the ASP and the WAC. We will also propose to collect the following additional information:

- Drug name.
- Package size (strength of product, volume per item, and number of items per NDC).
- Expiration date for last lot manufactured.
- Date the NDC was first marketed (for products first marketed on or after October 1, 2005).
- Date of first sale for products first sold on or after October 1, 2005.

We are mentioning the separate information collection notice in this proposed rule in order to broaden public awareness of the separate notice. The separate notice will be posted at <http://www.cms.hhs.gov/regulations/prd/>. The current reporting format is an approved information collection. The OMB control number is 0938-0921.

#### f. Limitations on ASP

Section 1847A(d)(1) of the Act states that “the Inspector General of the Department of Health and Human Services shall conduct studies, which may include surveys to determine the widely available market prices of drugs and biologicals to which this section applies, as the Inspector General, in consultation with the Secretary determines to be appropriate.” Section 1847A(d)(2) of the Act states that “Based upon such studies and other data for drugs and biologicals, the Inspector General shall compare the ASP under this section for drugs and biologicals with—

- The widely available market price for such drugs and biologicals (if any); and
- The average manufacturer price (as determined under section 1927(k)(1) for such drugs and biologicals.”

Section 1847A(d)(3)(A) of the Act states that “The Secretary may disregard the ASP for a drug or biological that exceeds the widely available market price or the average manufacturer price for such drug or biological by the applicable threshold percentage (as defined in subparagraph (B)).” The applicable threshold is specified as 5 percent for CY 2005. For CY 2006 and subsequent years, section 1847A(d)(3)(B) of the Act establishes that the applicable threshold is “the percentage applied under this subparagraph subject to such adjustment as the Secretary may specify for the widely available market price or

the average manufacturer price, or both.”

For CY 2006, we propose to specify an applicable threshold percentage of 5 percent for both the widely available market price (WAMP) and average manufacturer price (AMP). The OIG is conducting its first review. However, we did not receive the OIG’s final report in time for consideration before developing this proposed rule. Thus, we believe that continuing the CY 2005 threshold percentage applicable to both the WAMP and AMP is most appropriate.

#### 2. Payment for Drugs Furnished During CY 2006 in Connection With the Furnishing of Renal Dialysis Services if Separately Billed by Renal Dialysis Facilities

[If you choose to comment on issues in this section, please include the caption “Payment for ESRD Drugs” at the beginning of your comments.]

Section 1881(b)(13)(A)(iii) of the Act indicates that payment for a drug furnished during CY 2006 and subsequent years in connection with the furnishing of renal dialysis services, if separately billed by renal dialysis facilities, will be based on the acquisition cost of the drug as determined by the OIG report to the Secretary as required by section 623(c) of the MMA or, the amount determined under section 1847A of the Act for the drug, as the Secretary may specify. In the report entitled, “Medicare Reimbursement for Existing End Stage Renal Disease Drugs,” the OIG obtained the drug acquisition costs for the top 10 ESRD drugs for the 4 largest ESRD chains as well as a sampling of the remaining independent facilities. Based on the information obtained from this report, for CY 2005, payment for the top 10 ESRD drugs billed by freestanding facilities and payment for EPO billed by hospital-based facilities was based on acquisition costs as determined by the OIG. Due to the lag in the data obtained by the OIG, we updated the acquisition costs for the top 10 ESRD drugs to 2005 by the PPI. The separately billable ESRD drugs not contained in the OIG report were paid at the ASP +6 percent for freestanding facilities. The payment allowances for these remaining drugs were updated on a quarterly basis during 2005.

Section 1881(b)(13)(A)(iii) of the Act gives the Secretary the authority to establish the payment amounts for separately billable ESRD drugs beginning in 2006 based on acquisition costs or the amount determined under section 1847A of the Act. For reasons

discussed below, we do not believe that it is appropriate to continue to use 2002 acquisition costs updated by the PPI for another year as the basis for payment. The acquisition costs are based on 2002 data which, despite updates by the PPI, do not necessarily reflect current market conditions. As discussed below, the chances increase that Medicare payments will either overpay or underpay for drugs, thus, resulting in payments that are inconsistent with the goal of making accurate payments for drugs. We also considered whether actual acquisition cost data could be periodically updated. However, we do not believe that it would be feasible to base Medicare payments over the long term on continually acquiring data on actual acquisition costs from ESRD facilities. This approach would provide incentives for manufacturers and facilities to increase acquisition costs without constraint. It also would not necessarily provide data regarding current market rates. Therefore, we believe it is appropriate for the payment methodology for all ESRD drugs when separately billed by freestanding ESRD facilities during CY 2006 to be paid the amount determined under section 1847A of the Act. This payment amount is the ASP +6 percent rate.

In reaching the conclusion about establishing payment using the amount determined under section 1847A of the Act rather than actual acquisition costs, we analyzed the ASP +6 percent payment rates for all separately billable ESRD drugs, including the top 10, for both the first and second quarters of CY 2005. (We note that the ASP payment rates are updated quarterly. The new rates are made available each quarter at the following Web site: <http://www.cms.hhs.gov/providers/drugs/asp.asp>.) Additionally, we analyzed the CY 2005 payment rates, based on OIG data, updated by the PPI to reflect inflation as well as the potential CY 2006 payment rates, based on the OIG data, also updated by the PPI to reflect inflation for the top 10 separately billable ESRD drugs. As indicated in the “Top 10 Separately Billable ESRD Drugs” chart, the payment rates for the top 10 separately billable ESRD drugs based on the acquisition costs (as determined by the OIG), updated by the PPI would increase by 7 percent for CY 2006. In contrast, the percentage change in the ASP +6 percent payment rates for the top 10 separately billable ESRD drugs based on the first and second quarters of CY 2005 varied on a drug-by-drug basis.

TOP 10 SEPARATELY BILLABLE ESRD DRUGS

Drug name	2005 Payment rate	Estimated 2006 payment rate based on OIG data (2003 data inflated 16.2% to 2006 by the estimated PPI)	Estimated 2006 payment rate based on ASP+6 (2nd quarter 2005 rates)	Percent change in ASP +6 rates between 1st quarter and 2nd quarter 2005 (percent)
Epoetin alpha .....	\$9.760	\$10.440	\$9.250	-1%
Paricalcitol .....	\$4.000	\$4.270	\$3.971	-1
Sodium Ferric Gluconate .....	\$4.950	\$5.290	\$4.726	-2
Iron Sucrose .....	\$0.370	\$0.390	\$0.365	1
Levocarnitine .....	\$13.630	\$14.560	\$11.122	-24
Doxercalciferol .....	\$2.600	\$2.780	\$2.784	-0.5
Calcitriol .....	\$0.960	\$1.030	\$0.859	21
Iron Dextran .....	\$10.940	\$11.700	\$11.218	1
Vancomycin .....	\$2.980	\$3.190	\$3.188	32
Alteplase, Recombinant .....	\$31.740	\$33.920	\$30.089	0

However, the percentage increases or decreases in the ASP +6 percent payment rates are relatively minimal. For example, the payment allowance for Alteplase, recombinant, J2997, decreased from first quarter 2005 to second quarter 2005 by less than 1 percent. Based on an analysis of the 2002 acquisition costs for the top 10 separately billable ESRD drugs, when updated by the PPI for CY 2006, it is our contention that relying on 2002 acquisition cost data updated for a number of years as would be necessary to establish a payment amount for 2006 is not the most appropriate option for determining Medicare payment rates when other drug-specific pricing is available. Further, we contend that relying on the ASP +6 percent as the payment rate for all separately billable ESRD drugs when billed by freestanding ESRD facilities for CY 2006 is a more reliable indicator of the market transaction prices for these drugs. The ASP is reflective of manufacturer sales for specific drug products and is more indicative of market and sales trends for those specific products than the 2002 OIG acquisition cost data.

We also note MedPAC's recommendation in its June 2005 report that the ASP be the basis of payment for all separately billable ESRD drugs provided by both freestanding and hospital-based facilities in CY 2006 (MedPAC, "Report to the Congress: Issues in a Modernized Medicare Program," June 2005). In making this recommendation, MedPAC states that the ASP data are more current (updated quarterly), and, thus, more likely to reflect actual transaction prices, compared with acquisition cost data which are not regularly collected by the OIG or CMS. Furthermore, the report indicated that utilizing the same payment policy for both freestanding

and hospital-based facilities would ensure uniformity across the various settings irrespective of the site of care. In addition, MedPAC recommends in its report that we obtain, " \* \* \* data to estimate hospitals' costs and Medicare's payment per unit for these drugs. No published source identifies the unit payment for these drugs because Medicare pays hospitals their reasonable costs." MedPAC further states: "We attempted to calculate the unit payment from 2003 claims data, but the accuracy of the data fields we needed to make this calculation was unclear, particularly the number of units furnished and Medicare's payment to the hospital." MedPAC also recommends that CMS and/or OIG collect acquisition cost data periodically in the future to gauge the appropriate percentage of ASP for the payment amount.

While we acknowledge MedPAC's recommendations, we are proposing to make payment using the ASP +6 percent methodology for all separately billed ESRD drugs furnished in freestanding facilities and for EPO furnished in hospital-based facilities. Paying for EPO furnished in hospital-based facilities using the ASP +6 percent methodology is consistent with past practices where we have paid for EPO in hospital-based facilities consistent with freestanding facilities. That is, in 2005, we paid for EPO in hospital-based facilities based on acquisition costs consistent with freestanding facilities. While we are not proposing to pay for drugs other than EPO furnished in hospital-based facilities under the ASP +6 percent methodology at this time, we are interested in moving to this approach. We believe that it is more appropriate to pay for separately billed drugs furnished in hospital-based facilities under the ASP +6 percent methodology rather

than on a reasonable cost basis, as we believe that there should be consistency across sites in payment for the same item or service. However, we have not made this proposal due to the lack of data regarding drug costs and expenditures associated with hospital-based ESRD payments. We have discussed a potential approach to making estimates of these costs and units. We seek comments about the estimation method discussed in section II.G. of this proposed rule or other methods or data that could be used.

Therefore, for CY 2006, we propose that payment for a drug furnished in connection with renal dialysis services and separately billed by freestanding renal dialysis facilities and EPO billed by hospital-based facilities be based on section 1847A of the Act. We propose to update the payment allowances quarterly based on the ASP reported to us by drug manufacturers. We seek comment on our proposed decision to revise the payment methodology for separately billable ESRD drugs. While we have not proposed to pay hospital-based facilities under the ASP +6 percent methodology for 2006, we seek comments about the potential method we have discussed to accomplish this policy. We also seek comment on how this proposed decision could affect beneficiaries or providers access to these drugs.

3. Clotting Factor Furnishing Fee

[If you choose to comment on issues in this section, please include the caption "Clotting Factor" at the beginning of your comments.]

Section 303(e)(1) of the MMA added section 1842(o)(5) of the Act which requires the Secretary, beginning in CY 2005 to pay a furnishing fee, in an amount the Secretary determines to be appropriate, to hemophilia treatment

centers and homecare companies for the items and services associated with the furnishing of blood clotting factor. In the Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2005 final rule, published November 15, 2004 (69 FR 66236) we established a furnishing fee of \$0.14 per unit of clotting factor for CY 2005. Section 1842(o)(5) of the Act specifies that the furnishing fee for clotting factor for years after CY 2005 will be equal to the fee for the previous year increased by the percentage increase in the consumer price index (CPI) for medical care for the 12-month period ending with June of the previous year. The CPI data for the 12-month period ending in June 2005 is not yet available. As a point of reference, we note that the percent change in the CPI for medical care for the 12-month period ending June 2004 was 5.1 percent. In the final rule, we will include the actual figure for the percent change in the CPI medical care for the 12-month period ending June 2005, and the updated furnishing fee for CY 2006 calculated based on that figure.

#### 4. Payment for Inhalation Drugs and Dispensing Fee

[If you choose to comment on issues in this section, please include the caption "Inhalation Drugs and Dispensing Fee" at the beginning of your comments.]

Medicare Part B pays for inhalation drugs administered via a nebulizer, a covered item of DME. Medicare Part B pays for DME and associated supplies, including inhalation drugs that are necessary for the operation of the nebulizer. Metered-dose inhalers (MDIs) are another mode of delivery for inhalation drugs. MDIs are considered disposable medical equipment (for which there is no current Medicare Part B benefit category), and consequently are not currently covered under Part B. Beginning in CY 2006, coverage for MDIs will generally be available through the Medicare Part D benefit. This represents an important expansion in the options available to beneficiaries for inhalation drug coverage under Medicare. With Medicare coverage of both delivery methods available, we anticipate that physicians will choose the option that best suits a patient's particular needs consistent with the applicable standards of medical practice. We expect that both modes of inhalation drug delivery will play an important role in the Medicare program in the years to come.

Prior to CY 2004, most Medicare Part B covered drugs, including inhalation drugs, were paid at 95 percent of the AWP. Numerous studies by the OIG and

General Accounting Office (GAO) indicated that 95 percent of AWP substantially exceeded suppliers' acquisition costs for Medicare Part B drugs, particularly for the high volume nebulizer drugs, albuterol and ipratropium bromide.<sup>1</sup> For example, supplier's acquisition costs were estimated to be 34 percent of AWP for ipratropium bromide and 17 percent of AWP for albuterol based on averaging results from a GAO and an OIG study.<sup>2</sup> The MMA changed the Medicare payment methodology for many Part B covered drugs. As an interim step, in CY 2004, Medicare paid a reduced percentage of AWP, 80 percent of AWP in the case of albuterol and ipratropium bromide. Beginning with CY 2005, Medicare paid for nebulizer drugs at 106 percent of the ASP. The move to the ASP system represented a substantial reduction in reimbursement for the high volume nebulizer drugs.

In addition to paying for the cost of the drug itself, Medicare has paid a dispensing fee for inhalation drugs. Prior to CY 2005, Medicare paid a monthly \$5 dispensing fee for each covered nebulizer drug or combination of drugs used. In the Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2005 proposed rule, published August 5, 2004, we proposed to continue to pay a dispensing fee for these drugs. In that proposed rule, we sought comment on an appropriate dispensing fee level to cover the shipping, handling, compounding, and other pharmacy activities required to get these medications to beneficiaries.

In response to last year's proposed rule, we received a number of comments that varied substantially in terms of the dispensing fee amount that commenters thought was adequate. We received comments from a retail pharmacy that indicated that a dispensing fee of five to six times the prior \$5 fee was necessary to cover costs. Another retail pharmacy indicated that a dispensing fee of \$25 would be an adequate amount and would be profitable.

We also received several comments that asserted that a substantially higher fee was needed and that the dispensing fee should cover a variety of services. A number of commenters referenced an

<sup>1</sup> GAO, "Medicare Payment for Covered Outpatient Drugs Exceed Providers' Costs," September 2001. OIG, "Excessive Medicare Reimbursement for Albuterol," March 2002. OIG, "Excessive Medicare Reimbursement for Ipratropium Bromide," March 2002.

<sup>2</sup> For more details see the Interim Final Rule regarding Changes to Medicare Payment for Drugs and Physician Fee Schedule Payments for Calendar Year 2004 published in the *Federal Register* on January 7, 2004.

August 2004 report prepared for the American Association of Homecare (AAH) by a consultant that surveyed 104 home care agencies, which indicated that in order to maintain the CY 2004 levels of service to Medicare beneficiaries and provide an operating margin of 7 percent, Medicare would have to pay a dispensing fee of \$68.10 per service encounter (service encounters they estimate occur on average every 42 days). The survey included costs for a wide range of activities including activities associated with getting the drug to the beneficiary, as well as other additional services. More specifically, the AAH data included the following cost categories:

- Clinical intake.
- Establishing and revising the plan of care.
- Care coordination.
- Patient education.
- Caregiver training.
- Compliance monitoring/refill calls.
- In-home visits.
- Delivery of services.
- Billing/collections.
- Other costs (not specified by AAH).

As an example, the AAH data indicated that inhalation drug suppliers spent on average about 29 minutes per new patient on patient education and caregiver training and continued to spend on average about 17 minutes per month for each established patient on patient education and caregiver training. The data also indicated that suppliers spent on average about 23 minutes per patient each month on in-home visits, with there being substantial variation in the provision of this service. A number of commenters asserted that these and other services included in the AAH data were important to the provision of inhalation drugs, and should be paid for by Medicare.

Between publication of the August 5, 2004 proposed rule and the November 15, 2004 final rule, the GAO released a report based on a survey of 12 inhalation therapy companies, representing 42 percent of the market, which indicated wide variation across companies in the patient monthly cost of dispensing inhalation drugs from a low of \$7 to a high of \$204.<sup>3</sup> The GAO report indicated that the wide variation in supplier costs is due, in part, to variation in the services suppliers offer and that some of the costs incurred by suppliers may not be necessary to dispense inhalation drugs, for example,

<sup>3</sup> GAO, "Appropriate Dispensing Fee Needed for Suppliers of Inhalation Therapy Drugs," GAO-05-72, October 2004.

marketing, overnight shipping, and 24-hour hotlines.

In light of the substantial changes occurring in inhalation drug reimbursement in 2005, we viewed 2005 as a transitional year. With the wide variation in the reported costs and services provided by inhalation drug suppliers suggested by the comments and the GAO study, we stated in last year's final rule that we would establish an interim dispensing fee for inhalation drugs applicable for CY 2005 and reconsider the issue for CY 2006. The 2005 dispensing fee for a 30-day supply of inhalation drugs was based on the industry recommended \$68 fee from AAH study, excluding certain costs that Medicare generally does not reimburse regardless of the scope of the Medicare benefit (that is, sales and marketing, bad debt, and an explicit profit margin). The resulting fee established for a 30-day supply of inhalation drugs was \$57 for CY 2005. This CY 2005 fee substantially exceeded some providers' costs as reflected in a few comments on last year's proposed rule and the GAO study. For example, as noted previously, we received comments from two retail pharmacy companies indicating that a fee of \$25 or a fee of five to six times the prior \$5 fee was adequate to cover costs. Because the AAH study did not include cost data for a 90-day supply, we applied the methodology used in the GAO report to convert the 30-day fee to a 90-day fee. The 2005 fee established for a 90-day supply was \$80. In using the AAH data to establish an interim fee for dispensing for CY 2005, we indicated in last year's final rule that we were concerned that some of the services included in the AAH study may be outside the scope of a dispensing fee and that we would consider this issue further in order to establish an appropriate dispensing fee for CY 2006.

Authority for a dispensing fee for inhalation drugs is based on section 1842(o)(2) of the Act. This section of the Act stipulates that if payment is made to a licensed pharmacy for a drug or biological under Medicare Part B, the Secretary may pay a dispensing fee (less the applicable deductible and coinsurance) to the pharmacy. The statute does not define "dispensing fee." As noted above, the AAH data on which the 2005 dispensing fee is based includes a wide range of cost categories. The cost categories include basic pharmacy services such as delivery of drugs, as well as other services such as in-home visits. We are soliciting comments on what services appropriately fall within the scope of a dispensing fee, the cost of providing those services, and whether any of the

services being provided by inhalation drug suppliers may be covered through another part of the Medicare program, such as the physician fee schedule or the DME benefit. We intend to establish a dispensing fee amount for 2006 that is adequate to cover the costs of those services that appropriately fall within the scope of a dispensing fee, and we think that it is likely that this fee amount will be lower than the 2005 level. As discussed previously, we believe that 2005 was a transition year. Payment for inhalation drugs in 2005 was reduced from a percentage of AWP to 106 percent of ASP and the 2005 dispensing fee was set at a much higher level than previously paid based on the limited information available and taking into account the transition. Additional changes will occur in 2006 because the implementation of the Medicare prescription drug benefit will expand coverage options for inhalation drugs to include metered dose inhalers under Medicare Part D. As noted above, we expect that physicians will choose the treatment option that best suits a particular beneficiary's needs and that both nebulizers and metered-dose inhalers will play an important role in the Medicare program. We do not know what the effect will be of this upcoming expansion of inhalation drug coverage options, but we believe it is important that this second transitional year be as smooth as possible. We are seeking comments on an appropriate dispensing fee level for 2006. We also seek data and information on the various services inhalation drug suppliers are currently providing to Medicare beneficiaries and the associated costs. Furthermore, we are also soliciting comments on how inhalation drug suppliers have utilized the newly available 90-day scripts in order to reduce unit shipping costs and any reasons as to why 90-day supplies may not have been utilized. We also seek information on how revised guidelines regarding the time frame for delivery of refills has affected the need for overnight delivery services. We are interested in comments that detail the extent to which suppliers have shifted their shipping to ground services.

CMS takes quality of care seriously and we have been implementing a number of quality initiatives such as the chronic care improvement program. We expect that Medicare beneficiaries receive high quality care, and we seek data and information on any efforts by inhalation drug suppliers to measure patient outcomes. Furthermore, we seek comments and additional information about what are typical dispensing costs for an efficient, high-quality supplier.

Finally, we seek comment on the potential impact on beneficiaries and providers of possible changes to the inhalation drug dispensing fee in 2006, as well as the impact of the new drug benefit on inhalation drug access.

##### 5. Supplying Fee

[If you choose to comment on issues in this section, please include the caption "Supplying Fee" at the beginning of your comments.]

Section 303(e)(2) of the MMA added section 1842(o)(6) of the Act that requires the Secretary to pay a supplying fee (less applicable deductible and coinsurance) to pharmacies for certain Medicare Part B drugs and biologicals, as determined appropriate by the Secretary. The types of Medicare Part B drugs and biologicals eligible for a supplying fee are immunosuppressive drugs described in section 1861(s)(2)(J) of the Act, oral anticancer chemotherapeutic drugs described in section 1861(s)(2)(Q) of the Act, and oral anti-emetic drugs used as part of an anticancer chemotherapeutic regimen described in section 1861(s)(2)(T) of the Act.

Beginning with CY 2005, we established a supplying fee of \$24 per prescription for these categories of drugs, with a higher fee of \$50 for the initial oral immunosuppressive prescription supplied in the first month after a transplant. When multiple drugs are supplied to a beneficiary, a separate supplying fee is paid for each prescription, except when different strengths of the same drug are supplied on a single day. In the November 15, 2004 final rule, we indicated that we were establishing a supplying fee that was higher than that of other payers due to the lack of on-line claims adjudication for Medicare Part B oral drugs. Other than the cost of billing Medicare Part B, we indicated that we did not believe there were any other significant cost differences between Medicare and other payers that justified a higher Medicare supplying fee for these drugs. We noted in last year's final rule that many other payers with online adjudication have dispensing fees in the range of \$5 to \$10 per prescription. We also indicated that we had received comments that the average cost to a pharmacy to dispense a non-Medicaid third party or cash prescription for those drugs ranges anywhere from \$7.50 to \$8.00.

When multiple drugs are supplied to a beneficiary on the same day or in the same month, current policy is to pay a full supplying fee for each additional drug. As mentioned previously, we established a supplying fee higher than

that of other payers to compensate for the added costs associated with our lack of online claims adjudication. However, in situations where multiple drugs are supplied to a beneficiary during the same month, many of which are likely to be supplied on the same day, we are concerned that we are overpaying for the costs associated with our lack of online claims adjudication. We believe that there are likely to be substantial economies of scale and that the burden associated with our lack of online claims adjudication would be relatively similar whether one prescription or multiple prescriptions were supplied during the same month.

Consequently, in § 414.1001 (Basis of payment), we are proposing changes to the supplying fee for multiple prescriptions supplied during the same month. We would continue paying \$24 for the first prescription supplied during a month (or \$50 for the first oral immunosuppressive prescription supplied in the first month after a transplant). We believe that this \$24 supplying fee for the first prescription would adequately compensate a supplier for the billing costs associated with the lack of on-line claims adjudication, and that the cost of supplying additional prescriptions in the same month should be comparable to that of other payers. Therefore, in that same section, we are proposing to pay a supplier an \$8 supplying fee per prescription for any prescription, after the first one, that that supplier provided to a beneficiary during a month. If a beneficiary obtained prescriptions at two separate pharmacies during a one-month period, each pharmacy would be paid a \$24 fee for the first drug it supplied and an \$8 fee per prescription for any subsequent prescriptions during the month.

We are also proposing to expand the circumstances under which we pay supplying fees for multiple prescriptions filled on the same day. Currently, we pay a supplying fee for each prescription supplied on the same day as long as the prescriptions are for different drugs. We are now proposing to pay a supplying fee for each prescription, even if the prescriptions are for different strengths of the same drug. This change is intended to recognize the costs involved in filling separate prescriptions for different strengths of a drug. For example, if two prescriptions were supplied on a single day and they were for different strengths of the same drug, we are proposing to pay a supplying fee of \$24 for the first prescription and a supplying fee of \$8 for the second prescription.

Our goal is to ensure that each beneficiary who needs covered oral drugs has access to those medications while maintaining our fiduciary responsibility to pay appropriately for Medicare covered services. We seek comments about the appropriateness of our proposed supplying fee for multiple prescriptions supplied during a single month. We also seek data and information about the incremental costs of supplying additional prescriptions to a Medicare beneficiary during a single month, as well as data and information about how pharmacy costs and reimbursement for supplying oral drugs under Medicare compares to that of other payers.

#### *I. Private Contracts and Opt-Out Provision*

[If you choose to comment on issues in this section, please include the caption "PRIVATE CONTRACTS AND OPT-OUT" at the beginning of your comments.]

Section 4507 of the BBA of 1997 amended section 1802 of the Act to permit certain physicians and practitioners to opt-out of Medicare if certain conditions were met, and to provide through private contracts services that would otherwise be covered by Medicare. Under these private contracts, the mandatory claims submission and limiting charge rules of section 1848(g) of the Act would not apply. The amendments to section 1802 of the Act, which were effective on January 1, 1998, made the provisions of the Medicare statute that would ordinarily preclude physicians and practitioners from contracting privately with Medicare beneficiaries to pay without regard to Medicare limits inapplicable if the conditions necessary for an effective "opt-out" are met.

When a physician or practitioner fails to maintain the conditions necessary for opt-out and does not take good faith efforts to correct his or her failure to maintain opt-out, current regulations at § 405.435(b) specify the consequences to that physician or practitioner for the remainder of that physician's or practitioner's 2-year opt-out period. However, § 405.435(b) describes a situation where the Medicare carrier notifies the physician or practitioner that he or she is violating the regulations and the statute. The current regulations do not address the consequences to physicians and practitioners in situations when a condition resulting in failure to maintain opt-out occurs during the 2-year opt-out period, but a Medicare carrier does not discover or give notice of a physician's or practitioner's failure

to maintain opt-out during the 2-year opt-out period. Therefore, we are proposing to amend § 405.435 in order to clarify that the consequences specified in § 405.435(b) for the failure on the part of a physician or practitioner to maintain opt-out will apply regardless of whether or when a carrier notifies a physician or practitioner of the failure to maintain opt-out. We are also proposing to add a new paragraph (d) to clarify that in situations where a violation of § 405.435(a) is not discovered by the carrier during the 2-year opt-out period when the violation actually occurred, then the requirements of § 405.435(b)(1) through (b)(8) would be applicable from the date that the first violation of § 405.435(a) occurred until the end of the opt-out period during which the violation occurred (unless the physician or practitioner takes good faith efforts to restore opt-out conditions, for example, by refunding the amounts in excess of the charge limits to beneficiaries with whom he or she did not sign a private contract). These good faith efforts must be made within 45 days of any notice by the carrier that the physician or practitioner has failed to maintain opt-out (where the carrier discovers the failure after the two-year opt-out period has expired), or within 45 days after the physician or practitioner has discovered the failure to maintain opt-out, whichever is earlier.

#### *J. Multiple Procedure Reduction for Diagnostic Imaging*

[If you choose to comment on issues in this section, please include the caption "MULTIPLE PROCEDURE REDUCTION" at the beginning of your comments.]

Medicare has a longstanding policy of reducing payment for multiple surgical procedures performed on the same patient, by the same physician, on the same day. In those cases, full payment is made for the highest priced procedure and each subsequent procedure is paid at 50 percent. Effective January 1, 1995, the multiple procedure policy, with the same reductions, was extended to nuclear medicine diagnostic procedures (CPT codes 78306, 78320, 78802, 78803, 78806 and 78807). In the Medicare Program Physician Fee Schedule for Calendar Year 1995 final rule, published on December 8, 1994 (59 FR 63410), we indicated that we would consider applying the policy to other diagnostic tests in the future.

Under the PFS, diagnostic imaging procedures are priced in the following three ways:

- The professional component (PC) represents the physician work, that is, the interpretation.

• The TC represents practice expense, that is, clinical staff, supplies, and equipment.

• The global service represents both PC and TC. Generally, diagnostic imaging procedures even those performed on contiguous body parts are paid at 100 percent for each procedure. For example, the TC payment is approximately \$978 for a magnetic resonance imaging (MRI) of the abdomen (without and with dye), and \$529 for an MRI of the pelvis (with dye) (CPT codes 74183 and 72196, respectively), even when both procedures are performed in a single session.

Under the resource-based PE methodology, specific PE inputs of clinical labor, supplies and equipment are used to calculate PE RVUs for each individual service. We do not believe these same inputs are needed to perform subsequent procedures. When multiple images are acquired in a single session, most of the clinical labor activities and most supplies are not performed or furnished twice. Specifically, we consider that the following clinical labor activities are not duplicated for subsequent procedures:

- Greeting the patient.
- Positioning and escorting the patient.
- Providing education and obtaining consent.
- Retrieving prior exams.
- Setting up the IV.
- Preparing and cleaning the room.

In addition, we consider that supplies, with the exception of film, are not duplicated for subsequent procedures. Equipment time and indirect costs are allocated based on clinical labor time; therefore, these inputs should be reduced accordingly.

Excluding the above practice expense inputs, along with the corresponding portion of equipment time and indirect costs, supports a 50 percent reduction in the payment for the TC of subsequent procedures. Applying this reduction to the two procedures indicated above would result in a full payment of \$978 for the highest priced procedure, and a reduced payment of \$264.50 (50 percent × \$529) for the second procedure. This same calculation is currently used for the multiple procedure payment reduction for surgery. We are not proposing to apply a multiple procedure reduction to PC services at this time because we believe physician work is not significantly affected for multiple procedures.

The global service payment equals the combined PC and TC components. When the global service code is billed for these procedures, the TC would be reduced the same as above, but the PC would be paid in full at \$117 and \$90 for codes 74183 and 72196, respectively.

In our view, duplicate payment is currently being made for the TC of multiple diagnostic imaging services, particularly when contiguous body parts are viewed in a single session. The Medicare Payment Advisory Commission (MedPAC) supports this reduction in its March 2005 Report to the Congress on Medicare Payment Policy.

We have identified 11 families of imaging procedures by imaging modality (ultrasound, CT and computed tomographic angiography (CTA), MRI and magnetic resonance angiography (MRA) and contiguous body area (for example, CT and CTA of Chest/Thorax/Abdomen/Pelvis). MedPAC pointed out that Medicare's payment rates are based on each service being provided

independently and that the rates do not account for efficiencies that may be gained when multiple studies using the same imaging modality are performed in the same session. Those efficiencies are more likely when contiguous body areas are the focus of the imaging because the patient and equipment have already been prepared for the second and subsequent procedures, potentially yielding resource savings in areas such as clerical time, technical preparation, and supplies. Using billing data, we identified a number of contiguous body areas for which imaging is performed during the same session. Next, because our proposed discounting policies are based on the expectation that facilities will achieve savings by not having to expend more than once, many of the resources associated with performance of a second, and any subsequent procedures, we organized the families by imaging modality.

We propose extending the multiple procedure payment reduction to TC only services and the TC portion of global services for the procedures in Table 29, below. At this time, we propose applying the reduction only to procedures involving contiguous body parts within a family of codes, not across families. For example, the reduction would not apply to an MRI of the brain (CPT 70552) in code family 5, when performed in the same session as an MRI of the neck and spine (CPT 72142) in code family 6. When multiple procedures within the same family are performed in the same session, we propose making full payment for the TC of the highest priced procedure and payment at 50 percent of the TC for each additional procedure. The following is an example of the current and proposed payments:

	74183	72196	Total current payment	Total proposed payment	Payment calculation
PC .....	\$117.00	\$90.00	\$207.00	\$207.00	no reduction.
TC .....	\$978.00	\$530.00	\$1,507.00	\$1,243	\$978 + (.5 × \$530)
Global .....	\$1,095.00	\$620.00	\$1,714.00	\$1,450	\$207 + \$978 + (.5 × \$530)

TABLE 29.—DIAGNOSTIC IMAGING SERVICES

Family 1 Ultrasound (Chest/Abdomen/Pelvis—Non-Obstetrical)	
76604 .....	Ultrasound exam, chest, b-scan
76645 .....	Ultrasound exam, breast(s)
76700 .....	Ultrasound exam, abdom, complete
76705 .....	Echo exam of abdomen
76770 .....	Ultrasound exam abdo back wall, comp

TABLE 29.—DIAGNOSTIC IMAGING SERVICES—Continued

76775 .....	Ultrasound exam abdo back wall, lim
76778 .....	Ultrasound exam kidney transplant
76830 .....	Transvaginal Ultrasound, non-ob
76831 .....	Echo exam, uterus
76856 .....	Ultrasound exam, pelvic, complete
76857 .....	Ultrasound exam, pelvic, limited

TABLE 29.—DIAGNOSTIC IMAGING SERVICES—Continued

Family 2 CT and CTA (Chest/Thorax/Abd/Pelvis)	
71250 .....	CT thorax w/o dye
71260 .....	CT thorax w/ dye
71270 .....	CT thorax w/o & w/ dye
71275 .....	CTA, chest
72191 .....	CTA, pelv w/o & w/ dye
72192 .....	CT pelvis w/o dye
72193 .....	CT pelvis w/ dye
72194 .....	CT pelvis w/o & w/ dye
74150 .....	CT abdomen w/o dye
74160 .....	CT abdomen w/ dye

TABLE 29.—DIAGNOSTIC IMAGING SERVICES—Continued

74170	CT abdomen w/o & w/ dye
74175	CTA, abdom w/o & w/ dye
75635	CTA abdominal arteries
0067T	CT colonography; dx
<b>Family 3 CT and CTA (Head/Brain/Orbit/Maxillofacial/Neck)</b>	
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 soft tissue neck w/o & w/ dye
70496	CTA, head
70498	CTA, neck
<b>Family 4 MRI and MRA (Chest/Abd/Pelvis)</b>	
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
72195	MRI pelvis w/o dye
72196	MRI pelvis w/ dye
72197	MRI pelvis w/o & w/ dye
72198	MRI angio pelvis w/ or w/o dye
74181	MRI abdomen w/o dye
74182	MRI abdomen w/ dye
74183	MRI abdomen w/o and w/ dye
74185	MRI angio, abdom w/ or w/o dye
<b>Family 5 MRI and MRA (Head/Brain/Neck)</b>	
70540	MRI orbit/face/neck w/o dye
70542	MRI orbit/face/neck w/ dye
70543	MRI orbit/face/neck w/o & w/ dye
70544	MRA head w/o dye
70545	MRA head w/dye
70546	MRA head w/o & w/dye
70547	MRA neck w/o dye
70548	MRA neck w/dye
70549	MRA neck w/o & w/dye
70551	MRI brain w/o dye
70552	MRI brain w/dye
70553	MRI brain w/o & w/dye
<b>Family 6 MRI and MRA (spine)</b>	
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

TABLE 29.—DIAGNOSTIC IMAGING SERVICES—Continued

72158	MRI lumbar spine w/o & w/ dye
<b>Family 7 CT (spine)</b>	
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
<b>Family 8 MRI and MRA (lower extremities)</b>	
73718	MRI lower extremity w/o dye
73719	MRI lower extremity w/dye
73720	MRI lower ext w/ & w/o dye
73721	MRI joint of lwr extre w/o dye
73722	MRI joint of lwr extr w/dye
73723	MRI joint of lwr extr w/o & w/ dye
73725	MRA lower ext w or w/o dye
<b>Family 9 CT and CTA (lower extremities)</b>	
73700	CT lower extremity w/o dye
73701	CT lower extremity w/dye
73702	CT lower extremity w/o & w/ dye
73706	CTA lower ext w/o & w/dye
<b>Family 10 Mr and MRI (upper extremities and joints)</b>	
73218	MRI upper extr w/o dye
73219	MRI upper extr w/dye
73220	MRI upper extremity w/o & w/dye
73221	MRI joint upper extr w/o dye
73222	MRI joint upper extr w/dye
73223	MRI joint upper extr w/o & w/dye
<b>Family 11 CT and CTA (upper extremities)</b>	
73200	CT upper extremity w/o dye
73201	CT upper extremity w/dye
73202	CT upper extremity w/o & w/ dye
73206	CTA upper extr w/o & w/dye

**K. Therapy Cap**

[If you choose to comment on issues in this section, please include the caption "THERAPY CAP" at the beginning of your comments.]

Section 1833(g)(1) of the Act applies an annual, per beneficiary combined cap on outpatient physical therapy (PT) and speech-language pathology services, and a similar separate cap on outpatient occupational therapy services under Medicare Part B. This cap was added by section 4541 of the BBA 1997, Pub. L. 105–33. However, the application of the caps was suspended from CY 2000

through CY 2002 under section 1833(g)(4) of the Act by section 221 of the of BBRA 1999, Pub. L. 106–113, and extended by section 421 of BIPA 2000, Pub. L. 105–551. The caps were implemented from September 1, 2003 through December 7, 2003. Section 624 of the MMA reinstated the moratorium on the application of these caps from December 8, 2003 through December 31, 2005. Thus, the caps will again become effective beginning January 1, 2006.

Section 1883(g)(2) of the Act provides that, for 1999 through 2001, the caps were both \$1500, and for years after 2001, the caps are equal to the preceding year's cap increased by the percentage increase in the MEI (except that if an increase for a year is not a multiple of \$10, it is rounded to the nearest multiple of \$10). We will publish the dollar amount for therapy caps in the final rule, when the MEI is available. Based on the April 4, 2005 MEI estimate, the estimated value of therapy caps for 2006 would be \$1,750.

**L. Chiropractic Services Demonstration**

[If you choose to comment on issues in this section, please include the caption "CHIROPRACTIC SERVICES" at the beginning of your comments.]

Section 1861(r)(5) of the Act limits current Medicare coverage for chiropractic treatment by means of the manual manipulation of the spine for the purpose of correcting a subluxation, defined generally as a malfunction of the spine. Specifically, Medicare covers three CPT Codes provided by chiropractors: 98940 (manipulative treatment, 1–2 regions of the spine), 98941 (manipulative treatment, 3–4 regions of the spine), and 98942 (manipulative treatment, 5 regions of the spine). Treatment must be provided for an active subluxation only, and not for prevention or maintenance. Additionally, treatment of the subluxation must be related to a neuromusculoskeletal condition where there is a reasonable expectation of recovery or functional improvement.

Section 651 of the MMA provides for a 2-year demonstration to evaluate the feasibility and advisability of covering chiropractic services under Medicare. These services extend beyond the current coverage for manipulation to care for neuromusculoskeletal conditions typical among eligible beneficiaries, and will cover diagnostic and other services that a chiropractor is legally authorized to perform by the State or jurisdiction in which the treatment is provided. Physician approval will not be required for these services. The demonstration must be budget neutral and will be conducted in

four sites, two rural and two urban. One site of each area type must be a health professional shortage area (HPSA).

On January 28, 2005, we published a notice in the **Federal Register** (70 FR 4130) describing the covered services and site selection for this demonstration. As recognized in the notice, the statute requires the Secretary to ensure that aggregate payments made under the Medicare program do not exceed the amount that would have been paid under the Medicare program in the absence of this demonstration.

Ensuring budget neutrality requires that the Secretary develop a strategy for recouping funds should the demonstration result in costs higher than would occur in the absence of the demonstration. In this case, we stated we would make adjustments in the national chiropractor fee schedule to recover the costs of the demonstration in excess of the amount estimated to yield budget neutrality. We indicated that we will assess budget neutrality by determining the change in costs based on a pre/post comparison of costs and the rate of change for specific diagnoses that are treated by chiropractors and physicians in the demonstration sites and control sites. We will not limit our analysis to reviewing only chiropractor claims, because the costs of the expanded chiropractor services may have an impact on other Medicare costs.

We anticipate that any necessary reduction will be made in the 2010 and 2011 fee schedules because it will take approximately 2 years to complete the claims analysis. If we determine that the adjustment for budget neutrality is greater than 2 percent of spending for the chiropractor fee schedule codes (comprised of the 3 currently covered CPT codes 98940, 98941 and 98942), we will implement the adjustment over a 2-year period. However, if the adjustment is less than 2 percent of spending under the chiropractor fee schedule codes, we will implement the adjustment over a 1-year period. We will include the detailed analysis of budget neutrality and the proposed offset in the 2009 **Federal Register** publication of the PFS.

PT services that are performed by chiropractors under the demonstration will be included under the PT cap described in section J above. We are including these services under the cap because chiropractors are subject to the same rules as medical doctors for therapy services under the demonstration. Therefore these services should be included under the therapy cap. See our Web site <http://www.cms.hhs.gov/researchers/demos/eccs/> for additional information

concerning the chiropractic services demonstration.

*M. Supplemental Payments to Federally Qualified Health Centers (FQHCs) Subcontracting With Medicare Advantage Plans*

[If you choose to comment on issues in this section, please include the caption "SUPPLEMENTAL PAYMENTS—FQHCs" at the beginning of your comments.]

Title II of the MMA established the Medicare Advantage (MA) program. The MA program replaces the Medicare+Choice (M+C) program established under Part C of the Act. Although the MA program retains many key features of the M+C program, it includes several new features, such as the availability of a regional MA plan option. Regional MA plans must be preferred provider organization (PPO) plans.

Section 237 of the MMA amended section 1833(a)(3) of the Act to provide supplemental payments to FQHCs that contract with MA organizations to, in general, cover the difference, if any, between the payment received by the health center for treating enrollees in MA plans offered by the MA organization and the payment that the FQHC is entitled to receive under the cost-based all-inclusive payment rate as set forth in part 405, subpart X. This new supplemental payment for covered Medicare FQHC services furnished to MA enrollees augments the direct payments made by MA Plans to FQHCs for covered Medicare FQHC services. Medicare's obligation to provide supplemental payments to FQHCs applies to centers with direct or indirect subcontract arrangements following a written agreement with MA organizations.

Centers eligible for supplemental payments under section 1833(a)(3) of the Act, as revised by Section 237 of the MMA, include any facility qualified to furnish FQHC services described in section 1832(a)(2)(D) of the Act. Only the following entities are qualified to furnish FQHC services: (1) entities receiving a grant under section 330 (other than subsection (h)) of Public Health Services Act or receiving funding from this grant under a contract with its recipient and meets the requirements to receive this grant; (2) entities determined by the Secretary to meet the requirements for receiving this grant; (3) entities treated by the Secretary, for purposes of Part B, as a comprehensive Federally funded health center as of January 1, 1990; or (4) an outpatient health program or facility operated by a tribe or tribal organization receiving

funds under title V of Indian Health Care Improvement Act.

In order to implement this new payment provision, CMS must determine whether the Medicare cost-based payments that the FQHC would be entitled to exceed the amount of payments received by the center from the MA organization and, if so, pay the difference to the FQHC at least quarterly. In determining the supplemental payment, the statute also excludes in the calculation of the supplemental payments any financial incentives provided to FQHCs under their MA arrangements, such as risk pool payments, bonuses, or withholds.

Managed care organizations frequently use financial incentives in their contracts with providers to reduce unnecessary utilization of services. These incentives may be negative, such as withholding a portion of the capitation payments, if utilization goals are not satisfied. Incentives may also be positive, such as a bonus payment if utilization outcomes are achieved. In both cases, these incentives (whether positive or negative) are separate from the MA organization's payment for services provided under its direct or indirect contract with the FQHC and are prohibited by statute from being included in our calculation of supplemental payments due to the Medicare FQHC. In other words, in determining the difference between payments from the MA organization to the FQHC and what the FQHC will receive on a cost basis, we are precluded from using the incentive payments in the calculation of the FQHC supplemental payment. Only capitated per month per beneficiary or fee-for-service payments from the MA plan for services furnished to MA enrollees are included in the calculations of the rate differential.

Under original Medicare, each center is paid an all-inclusive per visit rate based on its reasonable costs as reported in the FQHC cost report. The payment is calculated, in general, by dividing the center's total allowable cost by the total number of visits for FQHC services. At the beginning of the rate year, the Medicare Fiscal Intermediary (FI) calculates an interim rate based on estimated allowable costs and visits from the center if it is new to the FQHC program or actual costs and visits from the previous cost reporting period for existing FQHCs. The center's interim rate is reconciled to actual reasonable costs at the end of the cost reporting period.

### Proposed Payment Methodology

We are proposing a supplemental payment method based on a per visit calculation subject to an annual reconciliation. The supplemental payment for FQHC covered services rendered to MA enrollees is equal to the difference between 100 percent of the FQHC's all-inclusive cost-based per visit rate and the average per visit rate received by the center from the MA plan in which the enrollee is enrolled, less any amount the FQHC may charge as described in section 1857(e)(3)(B) of the Act. Each center will be required to submit (for the first rate year) to the intermediary an estimate of the average MA payment per visit for covered FQHC services. Every eligible center will be required to submit a detailed estimate of its average per visit payment for enrollees in each MA plan offered by the MA organization and any other information as may be required to enable the intermediary to accurately establish an interim supplemental payment, which will be the difference between the estimated MA per visit payment rate and the center's interim all-inclusive cost-based per visit rate. Expected payments from the MA plan will only be used until actual MA revenue and visits can be collected on the center's FQHC cost report. The interim and final supplemental payment amount will vary by center depending on its current Medicare reimbursement rates and its contractual arrangements with MA plans.

Effective January 1, 2006, eligible FQHCs will report actual revenue received from the MA plan and visits on their cost reports. At the end of the cost reporting period the FI would use actual MA revenue and visit data along with the FQHCs' final all-inclusive payment rate, to determine the center's final actual supplemental per visit payment for enrollees in the relevant MA plan. This will serve as the interim rate for the subsequent rate year. Actual aggregated supplemental payments will then be reconciled with aggregated interim supplemental payments, and any underpayment or overpayment thereon will then be accounted for in determining final Medicare FQHC program liability at cost settlement. Necessary changes will be made to the FQHC cost report to effectuate the calculation of the supplemental rate.

A supplemental payment will be made every time a face-to-face encounter occurs between a MA enrollee and any one of the following FQHC covered core practitioners: physicians, NPs, PAs, clinical nurse midwives, clinical psychologists, or

clinical social workers. The supplemental payment is made directly to each qualified center through the Medicare FI. Each center is responsible for submitting Medicare claims with the proper codes for these visits. Necessary changes will be made to the instructions for the FQHC claim form to effectuate the billing and payment of supplemental payments.

To conform our regulations to the statute, we are proposing to add § 405.2469 to specify the per visit payment methodology for making supplemental payments to FQHCs under contract (directly or indirectly) with MA organizations.

### N. National Coverage Decisions Timeframes

[If you choose to comment on issues in this section, please include the caption "NCD TIMEFRAMES" at the beginning of your comments.]

We have established requirements concerning the administrative review of local coverage determinations (LCDs) and National Coverage Determinations (NCDs) at 42 CFR part 426, with subpart C specifically addressing the general provisions for the review of LCDs and NCDs. Under our existing regulations in part 426, subpart C, the Departmental Appeals Board may stay the adjudicatory proceedings in certain circumstances to allow CMS to consider significant new evidence that is submitted in the context of a challenge to an NCD. Our previous regulations at § 426.340(e), permitted a brief stay of the adjudicatory proceedings (not more than 90 days), for CMS to complete its reconsideration of the NCD. Those time frames, although short, were consistent with the previous process for making NCDs that did not require publication of a proposed decision memorandum and an opportunity for public comment on the proposed decision memorandum.

Section 731 of the MMA of 2003 modifies certain timeframes in the NCD review process. Specifically, the MMA amended section 1862(l) of the Act to specify that for NCD requests not requiring an external technology assessment (TA) or Medicare Coverage Advisory Committee (MCAC) review, the decision on the request shall be made not later than 6 months after the date the request is received. For those NCD requests requiring either an external TA or MCAC review, where a clinical trial is not requested, the decision on the request must be made not later than 9 months after the date the request is received.

Furthermore, section 731 of the MMA stipulates that not later than the end of the 6 or 9 month period described

above, a draft of the proposed decision must be made available on the CMS website (or other appropriate means) for public comment. This comment period will last 30 days. Comments will be reviewed and a final decision will be issued not later than 60 days after the conclusion of the comment period. A summary of the public comments received and responses to the comments will continue to be included in the final NCD.

In light of the procedural change made by section 731 of the MMA that requires a public comment period before we can issue a final determination for NCDs, we are proposing to amend § 426.340 to reflect the new timeframes in the MMA. The regulation is amended to state that if the CMS informs the Board that a revision or reconsideration was or will be initiated, then the Board will stay the proceedings and set appropriate timeframes by which the revision or reconsideration will be completed, that reflects sufficient time for the publication of a proposed determination, a thirty day public comment period, and time for CMS to prepare a final determination that responds to public comments as specified in section 1862(l) of the Act. Subsequently, the reference to the 90 day reconsideration period in § 426.340(e)(3) will be eliminated for NCD appeals to reflect the new timeframes in the MMA. The LCD timeframes will not be affected by this change.

### O. Coverage of Screening for Glaucoma

[If you choose to comment on issues in this section, please include the caption "COVERAGE OF SCREENING—GLAUCOMA" at the beginning of your comments.]

On January 1, 2002, we implemented regulations at § 410.23(a)(2), Conditions for and limitations on coverage of screening for glaucoma, requiring that the term "eligible beneficiary" be defined to include individuals in the following high risk categories: (i) Individual with diabetes mellitus; (ii) Individual with a family history of glaucoma; or (iii) African-Americans age 50 and over. Based on our review of the current medical literature, we believe that there are other beneficiaries who are at risk for glaucoma and should be included in the definition of eligible beneficiary for purposes of the glaucoma screening benefit.

The Eye Diseases Prevalence Research Group recently reviewed the literature on the prevalence of glaucoma in adults in the United States (Arch Ophthalmol 2004; 122:532–538) and provided separate data for Hispanic persons. They

reported that Hispanic subjects had a marked higher prevalence in the oldest age group. After controlling for age and gender, rates of open angle glaucoma in Hispanic persons did not differ significantly from that among whites, except for those age 65 years and older. The prevalence of open angle glaucoma in Hispanic persons age 65 years and older was significantly higher than among whites. Overall, Hispanic subjects had a significantly lower prevalence of open angle glaucoma than African-Americans. One notable limitation of this review article is that the data on Hispanic persons came from a single study of mostly Mexican-born Hispanics from Arizona (Quigley HA *et al.* The prevalence of glaucoma in a population based study of Hispanic subjects: proyecto VER. *Ann Ophthalmol* 2001; 119:1819–1825). We believe the evidence is adequate to conclude that Hispanic persons age 65 and older are at high risk and could benefit from glaucoma screening.

Therefore in § 410.23(a)(2), we are proposing to revise the definition of an eligible beneficiary to include Hispanic Americans age 65 and over. If this proposal is adopted in the final rule, effective January 1, 2006, Hispanic Americans age 65 and older would qualify for Medicare coverage and payment for glaucoma screening services, if the applicable condition and limitations on coverage of screening for glaucoma specified in § 410.23(b) and (c) are met.

In view of the possibility that it may be appropriate to include other individuals in the statutory definition of those at “high risk” for glaucoma, we are requesting comments on this issue. Specifically, we request that anyone providing us with specific recommendations on this issue provide documentation in support of them from the peer-reviewed medical literature.

*P. Physician Referrals for Nuclear Medicine Services and Supplies to Health Care Entities With Which They Have Financial Relationships*

[If you choose to comment on issues in this section, please include the caption “NUCLEAR MEDICINE SERVICES” at the beginning of your comments.]

#### 1. Background

Under section 1877 of the Act, a physician may not refer a Medicare patient for certain designated health services (DHS) to an entity with which the physician (or an immediate family member of the physician) has a financial relationship, unless an exception applies. Section 1877 of the Act also prohibits the DHS entity from

submitting claims to Medicare or billing the beneficiary or any other entity for Medicare DHS that are furnished as a result of a prohibited referral. Sections 1877(h)(6)(D) and (E) of the Act define DHS to include “[r]adiology services, including magnetic resonance imaging, computerized axial tomography and ultrasound services” and “[r]adiation therapy services and supplies.” This proposed rule would include diagnostic and therapeutic nuclear medicine procedures under the DHS categories for radiology and certain other imaging services and radiation therapy services and supplies, respectively.

On January 9, 1998, we published a proposed rule (63 FR 1659) that, among other things, proposed regulatory definitions for the various DHS categories listed in the statute. In that proposed rule, we proposed to include nuclear medicine services in the definition of radiology services. In the January 4, 2001 physician self-referral Phase I final rule (66 FR 856), we defined “radiology and certain other imaging services” and “radiation therapy services and supplies” at § 411.351. We did not include nuclear medicine services in either definition because, at that time, we believed that diagnostic nuclear medicine services were not commonly considered to be radiology services and that therapeutic nuclear medicine services were not commonly considered to be radiation therapy services. We received one comment urging us to include nuclear medicine services in the definition of radiology services. In the Phase II final rule, published on March 26, 2004 (69 FR 16054), we indicated that we were concerned with the issues raised by the commenter and that we might revisit the issue of nuclear medicine in a proposed rule.

#### 2. Proposal To Include Nuclear Medicine

Our knowledge of nuclear medicine, which is based in part on our awareness of the health care community’s view of nuclear medicine, has changed significantly since we published the Phase I final rule. As a result, we have reconsidered the question of whether nuclear medicine services should be considered a DHS. We are proposing to amend § 411.351 to include diagnostic nuclear medicine services in the definition of “radiology and certain other imaging services” and to include therapeutic nuclear medicine services in the definition of “radiation therapy services and supplies.” We believe this change is needed in light of the statute’s inclusion of radiology and radiation therapy as DHS. We also believe this

change is appropriate, given the current manner in which these services are covered and paid under the Medicare program. As noted in the Phase I final rule (66 FR 860) and the Phase II final rule (69 FR 16071), we interpret the self-referral prohibition in a manner that is consistent with existing Medicare coverage and payment rules. In addition, we believe nuclear medicine services (both diagnostic and therapeutic services and supplies) pose the same risk of abuse that the Congress intended to eliminate for other types of radiology, imaging, and radiation therapy services and supplies. In § 411.351 (Definitions), we would revise the definition of “Radiation therapy services and supplies” to remove the language that excluded therapeutic nuclear medicine services and supplies from the definition. We would also revise the definition of “Radiology and certain other imaging services” to remove the language that excluded diagnostic nuclear medicine services from the definition. In addition, we would revise the list of radiology services on our website and in annual updates to include CPT and HCPCS codes that include the diagnostic uses of nuclear medicine, and the list of radiation therapy services and supplies to include the therapeutic use of nuclear medicine. For purposes of this proposed rule, we have attached Addendum G, which contains the codes for all diagnostic nuclear medicine procedures, all therapeutic nuclear medicine procedures, and the nuclear medicine radiopharmaceuticals. In the final rule, we intend to include the diagnostic nuclear medicine services in the list of codes for “Radiology and Certain Other Imaging Services” and the therapeutic nuclear medicine services in the list of “Radiation Therapy Services and Supplies.” Each radiopharmaceutical would be included in each category in which it is used, that is, some may be included in both categories. We welcome comment on whether the list is accurate and complete.

Section 1877(h)(6)(D) of the Act provides that “radiology services, including magnetic resonance imaging, computerized axial tomography scans, and ultrasound services” are DHS. We believe it is appropriate to include nuclear diagnostic services as radiology services within the meaning of this statute.

Dorland’s Illustrated Medical Dictionary, 29th Edition, 2000, at 1512, defines radiology as “that branch of the health sciences dealing with radioactive substances and radiant energy and with the diagnosis and treatment of disease by means of both ionizing (that is,

x-rays) and non-ionizing (that is, ultrasound) radiations.”<sup>4</sup> Nuclear medicine uses very small amounts of radioactive materials (radiopharmaceuticals) to diagnose and treat disease. In nuclear imaging, the radiopharmaceuticals are detected by special types of cameras that work with computers to provide very precise pictures about the area of the body being imaged. In treatment or therapy, the radiopharmaceuticals go directly to the organ being treated. The amount of radiation in a typical nuclear imaging procedure is comparable to that received during a diagnostic x-ray. The Society for Nuclear Medicine (SNM) states that the science of nuclear medicine, particularly nuclear medicine imaging, provides physicians with information about both structure and function of certain internal body organs. SNM further states that “unlike a diagnostic X-ray where radiation is passed through the body, nuclear medicine tracers are taken internally; external detectors measure the radiation that they emit.” (<http://www.snm.org>) The ACR, in its March 26, 2004 letter to us, stated that nuclear medicine is considered a part of the specialty of radiology. It noted that the American Board of Radiology certifies diagnostic radiologists through an examination process that includes nuclear medicine in both the written and oral exams. The AMA also recognizes nuclear medicine as a subspecialty of radiology. The AMA’s “Current Procedural Terminology CPT 2005”, (2004), identifies its “Radiology Guidelines (including Nuclear Medicine and Diagnostic Ultrasound)” as CPT codes in the 70000–79999 series. In its radiology section, at 273–302, the AMA includes both diagnostic imaging procedures (including diagnostic nuclear medicine), and therapeutic procedures. The radiology subsections are as follows: Diagnostic Radiology (Diagnostic Imaging) is comprised of CPT codes 70010–76499. Diagnostic Ultrasound is comprised of CPT codes

76506–76999. Radiation Oncology is comprised of CPT codes 77261–77799. Nuclear Medicine (Diagnostic) is comprised of CPT codes 78000–78999, and Nuclear Medicine (Therapeutic) is comprised of CPT codes 79005–79999.

We also note that the Medicare statute places diagnostic nuclear medicine in the same category as diagnostic radiology for coverage and payment purposes. That is, we cover diagnostic nuclear medicine under our authority in section 1861(s)(3) of the Act, the same statutory section that authorizes coverage for diagnostic X-rays, CT scans, MRIs, and ultrasound services. In addition, section 1833(t) of the Act sets forth Medicare payment for “outpatient hospital radiology services (including diagnostic and therapeutic radiology, nuclear medicine and CAT scan procedures, magnetic resonance imaging, and ultrasound and other imaging services, but excluding screening mammography)” as described in section 1833(a)(2)(E)(i) of the Act.

For these reasons, we believe that the Congress intended “radiology services” in section 1877(h)(6) of the Act to include diagnostic and therapeutic nuclear medicine. While we believe that diagnostic nuclear medicine is a subset of radiology, even if it is not, it is an imaging service covered by 1861(s)(3) of the Act, and of the type that the Congress intended to prohibit.

Similarly, we believe it is proper to interpret the DHS category described in section 1877(h)(6)(E) of the Act, “radiation therapy services and supplies” to include therapeutic nuclear medicine services. Radiation therapy is the treatment of disease (especially cancer) by exposure to radiation from a radioactive substance. Therapeutic nuclear medicine employs radioactive substances known as radionuclides. Medicare covers therapeutic nuclear medicine services and other forms of radiation therapy under section 1861(s)(4) of the Act, which authorizes coverage and payment for “X-ray, radium, and radioactive isotope therapy.”

Although our proposal to include as DHS diagnostic nuclear medicine services and therapeutic nuclear medicine services and supplies is based primarily on our view that nuclear medicine services are radiology and radiation therapy within the meaning of section 1877(h)(6) of the Act, we would resolve any doubt on the matter in favor of our proposal because of the risk of abuse and anti-competitive behavior inherent in physician self-referrals for nuclear medicine services. The risk of abuse and anti-competitiveness is exacerbated by the greater affordability

of nuclear medicine equipment, by our expansive coverage of nuclear medicine services, and by the setting in which mostly diagnostic and some therapeutic nuclear medicine services now are primarily performed.

At the time we were preparing the Phase I final rule, the vast majority of nuclear medicine procedures were already subject to the physician self-referral prohibition because they were primarily performed in hospital facilities rather than in physician-owned freestanding facilities. Thus, they were performed as inpatient or outpatient hospital services and were therefore DHS subject to the self-referral prohibition in accordance with section 1877(h)(6)(K) of the Act. Since publication of the Phase I final rule, however, many more nuclear medicine procedures have been performed in physician offices or in physician-owned freestanding facilities. This has occurred for several reasons. First, positron emission tomography (PET) scanners may be used outside of a hospital setting. Second, there have been significant technological advances; an entity does not have to own a particle accelerator to produce the radioactive tracer necessary for a PET scan because a small network of pharmacies now distribute radioactive tracer. Third, our coverage of PET scans has increased dramatically. We began covering PET scans in December 2000. This initial, limited, coverage was for only a few types of cancers. Since December 2001, we have significantly expanded our coverage to include an increased number of cancers and other conditions. In his March 17, 2005 testimony before the Congress concerning imaging services, the Executive Director of the MedPAC noted that diagnostic imaging services paid under Medicare’s PFS grew more rapidly than any other type of physician service between 1999 and 2003. Whereas physician services grew 22 percent in those years, imaging services grew twice as fast, by 45 percent. This measure is the growth in the volume and intensity of services per beneficiary. However, not all imaging services grew at that rate, and some grew even faster. Nuclear medicine grew 85 percent between those years (1999 and 2003).

Under Medicare, almost all imaging services have two distinct parts: (1) The performance of the test; and (2) the interpretation of the results by a physician. If the study is performed in a physician office, the physician submits a TC claim and the interpreting physician submits a PC claim. Tests performed in a hospital result in a facility payment rather than a TC claim.

<sup>4</sup> The Encyclopaedia Britannica online explains that radiology is a branch of medicine using radiation for the diagnosis and treatment of disease. It states that “Radiology originally involved the use of X rays in the diagnosis of disease and the use of X rays, gamma rays, and other forms of ionizing radiation in the treatment of disease. In more recent years radiology has come also to embrace diagnosis by a method of organ scanning with the use of radioactive isotopes and also with non-ionizing radiation, such as ultrasound waves and nuclear magnetic resonance. Similarly, the scope of radiotherapy has extended to include, in the treatment of cancer, such agents as hormones and chemotherapeutic drugs.” (“radiology.” Encyclopaedia Britannica, 2005, Encyclopaedia Britannica Online 3 June 2005 <http://search.ed.com/eb/article?tocid=9062423>.)

Thus, if more imaging services are performed in physician offices, TC claims will increase as a share of all fee schedule imaging claims. An increase in TC claims occurred between 1999 and 2002, which indicates that imaging procedures shifted to physician offices. Because the TC of an imaging service generally is assigned a higher payment rate than the PC, growth of TC claims as a share of all imaging claims leads to additional payments under the PFS. These additional payments accounted for about 20 percent of the growth in the volume and intensity of imaging services between 1999 and 2002 (MedPAC 2004).

Recent studies and articles indicate that risk of abuse for radiology services (and diagnostic nuclear medicine) will continue if not specifically prohibited. The *Journal of Radiology* reported what happened after a managed care organization halted reimbursement to non-radiologists for some forms of imaging (other than CT scans, MRIs, sonography or nuclear medicine) but left the physicians free to refer their patients to radiologists if they believe the imaging they had been conducting on their patients was needed. The following specialties were not allowed to perform any imaging services: Gastroenterologists, general surgeons, nephrologists, neurosurgeons, oncologists, pediatric surgeons, and physiatrists. The study found that imaging declined 20 to 25 percent from what was expected given the previous trend of imaging growth, and an absolute decline of 6 percent. Prior to these prohibitions, non-radiologists were performing 39 percent of outpatient radiographs. The 20 to 25 percent decline from the trend was roughly half of this 39 percent initial share. That is, the research showed that approximately half of the imaging performed by self-referrers ceased when these self-referrers lost their financial interest in the services. (The Effect of Imaging Guidelines on the Number and Quality of Outpatient Radiographic Examinations. *AJR* 2000; 175:9–15. Harold Moskowitz, Jonathan Sunshine, Donald Grossman, Leslie Adams, Lynn Gelinas. See also Recent Rapid Increase in Utilization of Radionuclide Myocardial Perfusion Imaging and Related Procedures; 1996–1998 Practice Patterns. *Radiology* 2002; 222:144–148. David C. Levin, MD, Laurence Parker, PhD, Charles M. Intenzo, MD, Jonathan H. Sunshine, PhD.) (Growth in utilization of Radionuclide Myocardial Perfusion Imaging (MPI) between 1996 and 1998 was almost 10 times higher among cardiologists than radiologists).

Although the Moskowitz study did not include nuclear imaging, we do not see a basis for assuming that physician behavior would be different for nuclear imaging than it is for other imaging services. To the contrary, we believe financial relationships related to diagnostic and therapeutic nuclear medicine, including joint ventures and leases, pose a risk of anti-competitive behavior and risk of abuse comparable to that associated with investment interests in CT, MRI, ultrasound, other radiology ventures, and radiation therapy facilities.

Thus, we believe our proposal to include nuclear medicine as a DHS is consistent with the intent of the Congress to prevent over-utilization of health care services covered by Medicare and to prohibit physicians from selecting treatment modalities based on financial incentives.

We have been told that consultants and others have been actively encouraging physicians to participate in joint ventures to purchase diagnostic nuclear medicine machines for investment because Phase I did not include nuclear medicine services. We have received many inquiries from physicians and attorneys asking whether physician ownership of, and referral to, nuclear medicine facilities complies with the physician self-referral provisions. We are mindful that our previous guidance, particularly that provided in the Phase I final rule, may have encouraged physician investment in nuclear medicine equipment and ventures, particularly PET scanners, which are very expensive and often require a substantial financial investment on the part of physician-owners. We are aware that including nuclear medicine services as DHS will require that physician-investors in nuclear medicine equipment (including PET scanners) divest their ownership or investment interests or be precluded from submitting claims to Medicare or billing the beneficiary or any entity for the nuclear medicine DHS referred by physician-owners and performed with the physician-owned equipment (unless the arrangement falls within an exception to section 1877 of the Act).

We are soliciting comments as to whether, or how, to minimize the impact on physicians who are currently parties to arrangements that involve nuclear medicine services and supplies (that is, by specifying a delayed effective date or by grandfathering certain arrangements).

#### Q. Sustainable Growth Rate

[If you choose to comment on issues in this section, please include the caption

“SGR” at the beginning of your comments.]

#### 1. Current Estimate

Sections 1848(d) and (f) of the Act require the Secretary to set the physician fee schedule update under the SGR system. We are currently forecasting an update of –4.3 percent for 2006, and anticipate further negative updates in later years. As in the past, we will include a complete discussion of our methodology for calculating the SGR in the final rule.

Underlying the projected rate reductions is substantial growth in Medicare spending. The vast majority of spending growth in 2004 is attributable to the following five areas:

- An increase in spending for office visits, with a shift toward longer and more intense visits.
- Greater utilization of minor procedures, including physical therapy and drug administration.
- More patients receiving more frequent and more complex imaging services, such as MRIs and echocardiograms.
- More laboratory and other physician-ordered tests.
- Higher utilization of physician-administered prescription drugs.

We would like to understand these trends further, including which changes in utilization are likely to be associated with important health improvements and which ones may have more questionable health benefits. Consequently, we have had discussions on these topics with numerous physician and nonphysician groups, as well as other Medicare stakeholders such as the Congress and the Medicare Payment Advisory Commission (MedPAC).

The AMA has provided us with several illustrations of recent trends in medical practice that it believes contribute to the overall growth in spending on physicians' services. For example, the AMA points out that some payers are encouraging physicians to determine the left ventricular valve function of their patients with congestive heart failure using an echocardiogram. Also, five years ago, statin therapy to lower cholesterol levels was only recommended for patients as old as 79. Now, patients as old as 86 may receive statin therapy, resulting in additional laboratory tests.

The AMA provided many other examples, and we are evaluating them to better understand their impact on physician spending. With regard to the specific examples mentioned above, we agree the utilization of these services has increased. However, in the case of

echocardiograms, the 19 percent rate of increase from 2003 to 2004 is similar to the increase observed for all imaging services. There was also a 17 percent rate of increase in laboratory tests (lipid panels) consistent with more patients receiving statin therapy (new prescriptions require more frequent visits and more lab tests). However, total spending for the service was only \$42 million.

## 2. Ongoing Issues

In addition to providing adequate payments, Medicare's physician payment system should encourage physicians to provide quality care and prevent avoidable health care costs. We support MedPAC's recommendation for the development of measures related to the quality and efficiency of care furnished by physicians. Physicians' decisions are central to the health care their patients receive, and there are substantial variations across geographic areas and among similar specialties in the use of services, including those accounting for most of the spending growth. We want to work with physicians in this effort to better understand the consequences of these differences in the use of follow-up visits, imaging procedures, laboratory testing, minor therapeutic procedures, and physician-administered drugs for the health of beneficiaries, and to identify ways to provide better support for utilization decisions that clearly increase the quality of care while avoiding unnecessary costs for beneficiaries and the Medicare program.

We are already engaged with the physician community in developing useful quality measures, and we expect to intensify these efforts given the rapid growth in spending. As an early step in using such measures to improve care, we are now exploring means of sharing information related to quality of care and use of resources with individual physicians. We anticipate that only data showing the quality of care and resource use in the aggregate would be released to the public. Some measures can be derived from claims data with little or no collection burden (for example, information on the frequency and complexity of minor therapy procedures, imaging procedures, lab test, and visits for their patients with chronic illnesses.) We believe that by providing feedback to physicians individually and by working with physician groups to understand and respond to the overall trends, we can provide more useful information and support physicians' efforts to run more efficient practices.

Finally, we continue to work closely with the medical community, Congress, MedPAC, and others toward a long-term approach ensuring adequate physician payments in the future while also ensuring Medicare's payments are made only for care that is necessary and beneficial. We are particularly interested in comments that build on recent progress on payment reforms to promote higher quality and avoid unnecessary costs, and that are consistent with the President's budgetary goal of paying for better value in Medicare without increasing overall Medicare costs. For example, we are interested in ways to promote higher-quality ambulatory care that can achieve offsetting savings by avoiding complications or unnecessary services. In addition, it has been suggested that we have the authority to make certain administrative adjustments in the SGR methodology, such as removing Part B drug payments from the calculation of both projected and actual expenditures (retroactive to 1996) that are used to set the spending target. We encourage comments regarding possible changes to the SGR methodology, including the legal theories that support them. We are particularly interested in comments on steps to promote physician payment adequacy without increasing overall Medicare costs.

## III. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for the following sections of this document that contain information collection requirements:

### *Section 413.180 Procedures for Requesting Exceptions to Payment Rates*

Paragraph (b) specifies the criteria for a pediatric ESRD facility requesting an exception to payment rates.

Paragraph (e) outlines the documentation that a pediatric ESRD facility must submit to CMS when requesting an exception to its payment rates. Paragraph (i) discusses the period of approval for payment exception requests. A prospective exception payment rate approved by CMS applies for the period from the date the complete exception request was filed with its intermediary until thirty days after the intermediary's receipt of the facility's letter notifying the intermediary of the facility's request to give up its exception rate.

The burden associated with the requirements in paragraph (e) is the time and effort required by the facility to prepare and submit the exception request to CMS. The burden associated with the requirement in paragraph (i) is the time and effort required by the facility to draft and mail the letter that notifies the intermediary of the facility's request to give up its exception rate.

The collection requirement in this section has not changed. While this requirement is subject to the PRA, this requirement is currently approved in OMB No. 0938-0296.

### *Section 413.184 Payment Exception: Pediatric Patient Mix*

Paragraph (b) specifies the documentation requirements that a pediatric ESRD facility must meet in order to qualify for an exception to its prospective payment rate based on its pediatric patient mix. In addition to the other qualifications specified in this section, this section states that a facility must submit a listing of all outpatient dialysis patients (including all home patients) treated during the most recently completed and filed cost report.

The burden associated with this requirement is the time and effort for the facility to submit a listing of all outpatient dialysis patients (including all home patients) treated during the most recently completed and filed cost report.

The collection requirement in this section has not changed. While this requirement is subject to the PRA, this requirement is currently approved in OMB No. 0938-0296.

### *Section 413.186 Payment Exception: Self-Dialysis Training Costs in Pediatric Facilities*

In summary, this section outlines the requirements a pediatric ESRD facility

must meet to qualify for an exception to the prospective payment rate based on self-dialysis training costs. Paragraph (e) states that a facility must provide specific information to support its exception request. Paragraph (f) states that in addition to the other qualifications outlined in this section, pediatric ESRD facility must submit with its exception request a list of patients, by modality, trained during the most recent cost report period, in order to justify its accelerated training exception request.

The burden associated with these requirements is the time and effort for the facility to prepare and submit the required information to support its exception request, and the time and effort for the pediatric ESRD facility to prepare and submit with its exception request a list of patients, by modality, trained during the most recent cost report period.

The collection requirements in this section have not changed. While these requirements are subject to the PRA, they are currently approved in OMB No. 0938-0296.

#### *Section 414.804 Basis of Payment*

In summary, this section requires manufacturers to report ASP data to CMS. This section details the process a manufacturer must follow to calculate the ASP. The ASP reporting requirements are discussed in further detail in the interim final rule with comment, Medicare Program; Manufacturer Submission of Manufacturer's Average Sales Price (ASP) Data for Medicare Part B Drugs and Biologicals, that published on April 2, 2004 in the **Federal Register** (69FR17935-17941).

The burden associated with these requirements is the time and effort required by manufacturers of Medicare Part B Drugs and biologicals to prepare and submit to the required ASP data to CMS.

While these requirements are subject to the PRA, the requirements are currently approved in OMB No. 0938-0921, with a current expiration date of September 30, 2007.

We intend to revise this information collection to include adequate instructions for manufacturers to report the ASP, the WAC, and other data elements. These revisions will be addressed in detail in a revised information collection request in accordance with the Paperwork Reduction Act of 1995.

We have submitted a copy of this proposed rule to OMB for its review of the information collection requirements described above. These requirements are

not effective until they have been approved by OMB.

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 and Regulatory Affairs, Regulations Development Group, Attn: Jim Wickliffe, [CMS-1502-P], Room C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Christopher Martin, CMS Desk Officer, CMS-1502-P, [Christopher.Martin@omb.eop.gov](mailto:Christopher.Martin@omb.eop.gov). Fax (202) 395-6974.

#### IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, 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, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

#### V. Regulatory Impact Analysis

[If you choose to comment on issues in this section, please include the caption "IMPACT" at the beginning of your comments.]

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 merely reassigns responsibilities 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 proposed rules with economically significant effects (that is, a proposed rule that would have an annual effect on the economy of \$100 million or more in any one 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). As indicated in more detail below, we estimate that the PFS provisions included in this proposed rule will redistribute more than \$100 million in one year. We are considering this proposed rule to be economically significant because its provisions are estimated to result in an increase, decrease or aggregate redistribution of Medicare spending that will exceed \$100 million. Therefore, this proposed rule is a major rule and 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 603 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. We have determined that this proposed rule would have minimal impact on small hospitals located in rural areas. Of 213 hospital-based ESRD facilities located in rural areas, only 40 are affiliated with hospitals with fewer than 100 beds.

For purposes of the RFA, physicians, nonphysician practitioners, and suppliers are considered small businesses if they generate revenues of \$6 million or less. Approximately 95 percent of physicians are considered to be small entities. There are about 875,000 physicians, other practitioners and medical suppliers that receive Medicare payment under the PFS.

For purposes of the RFA, approximately 90 percent of suppliers of durable medical equipment (DME) and prosthetic devices are considered small businesses according to the Small Business Administration's (SBA) size standards. We estimate that 106,000 entities bill Medicare for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) each year. Total annual estimated Medicare

revenues for DME suppliers exceed approximately \$8.5 billion in 2004. Of this amount, approximately \$1.4 billion were for nebulizer drugs in 2004. The vast majority, 95 percent, of retail pharmacy companies are small businesses as measured by the SBA size standard. Approximately, 16,000 pharmacies billed Medicare for immunosuppressive, oral anti-cancer, or oral anti-emetic drugs in 2004. Pharmacies received Medicare revenues for those drugs of approximately \$350 million in 2004.

In addition, most ESRD facilities are considered small entities, either based on nonprofit status or by having revenues of \$29 million or less in any year. We consider a substantial number of entities to be affected if the proposed rule is estimated to impact more than 5 percent of the total number of small entities. Based on our analysis of the 896 nonprofit ESRD facilities considered small entities in accordance with the above definitions, we estimate that the combined impact of the proposed changes to payment for renal dialysis services included in this proposed rule would have a 1.3 percent increase in overall payments relative to current overall payments.

The analysis and discussion provided in this section, as well as elsewhere in this proposed rule, complies with the RFA requirements.

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 expenditures in any year by State, local, or tribal governments, in the aggregate, or by the private sector, of \$110 million. Medicare beneficiaries are considered to be part of the private sector for this purpose.

We have examined this proposed rule in accordance with Executive Order 13132 and have determined that this regulation would not have any significant impact on the rights, roles, or responsibilities of State, local, or tribal governments. A discussion concerning

the impact of this rule on beneficiaries is found later in this section.

We have prepared the following analysis, which, together with the information provided in 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 propose to use to minimize the burden on small entities. As indicated elsewhere in this proposed rule, we propose to change our methodology for calculating resource-based practice expense RVUs and make a variety of other changes to our regulations, payments, or payment policies to ensure that our payment systems reflect changes in medical practice and the relative value of services. We provide information for each of the policy changes in the relevant sections of this proposed rule. We are unaware of any relevant Federal rules that duplicate, overlap or conflict with this proposed rule. The relevant sections of this proposed rule contain a description of significant alternatives if applicable.

*A. Resource-Based PE RVUs*

Table 30 below shows the specialty level impact on payment of changes to the PE methodology being proposed for CY 2006. The columns in the table demonstrate the estimated impacts on payments (relative to estimated 2006 payments, absent any adjustment for inflation or utilization) during each year of the transition. For example, the first column displays the impact of blending 25 percent of the PE RVUs calculated using the methodology we are proposing with current PE RVUs. The percent of the RVUs based on the proposed method increase until the transition is complete in 2009.

Our estimates of changes in physician Medicare revenues for PFS services compare payment rates for CY 2006 with payment rates for CY 2005 using CY 2004 Medicare utilization for both years. In general, updating the utilization data has little or no impact

on total payments to a specialty, but the practice expense values for a new code may change because we did not initially have Medicare utilization data to determine the specialty mix for the service. In these cases, we either assigned the code to a particular specialty's practice expense pool based on the specialty most likely to provide the service, or we used the "all physician" practice expense pool to determine the code's practice expense RVUs. While we try to minimize instability in the practice expense RVUs for new services by assigning the specialty that is most likely to perform the service until such time as we have actual utilization data, the addition of actual utilization data may still result in some change to the practice expense RVUs during the first few years a code is in existence.

The estimated payment impacts reflect the averages for each specialty based on Medicare utilization. To the extent that there are year-to-year changes in the volume and mix of services provided by a specialty, the actual impact on total Medicare revenues may be different than those shown here. Also, the payment impact for an individual physician may be different from the specialty average impact, based on the mix of services the physician provides. Because physicians, practitioners and suppliers, furnish services to both Medicare and non-Medicare patients and they may receive substantial Medicare revenues for services that are not paid under the PFS, the average change in total revenues for any specialty, practitioner or supplier, would be less than the impacts displayed here. For instance, independent laboratories receive approximately 80 percent of their Medicare revenues from clinical laboratory services that are not paid under the PFS. The table shows only the payment impacts on PFS services.

We modeled the impact of the proposed changes to the practice expense methodology and illustrated the effect in Table 30 below.

TABLE 30.—IMPACT OF PRACTICE EXPENSE CHANGES ON TOTAL MEDICARE ALLOWED CHARGES BY PHYSICIAN, PRACTITIONER AND SUPPLIER SUBCATEGORY

Specialty	2006 (25% Blend)	2007 (50% Blend)	2008 (75% Blend)	2009 (100% Blend)
Physicians:				
Allergy/Immunology .....	0.6%	1.1%	1.7%	2.3%
Anesthesiology .....	-0.7%	-1.5%	-2.2%	-2.9%
Cardiac Surgery .....	-1.0%	-2.0%	-2.9%	-3.9%
Cardiology .....	-0.5%	-1.1%	-1.6%	-2.1%
Colon and Rectal Surgery .....	0.7%	1.5%	2.2%	3.0%
Critical Care .....	-0.3%	-0.5%	-0.8%	-1.0%
Dermatology .....	4.1%	8.4%	12.8%	17.5%

TABLE 30.—IMPACT OF PRACTICE EXPENSE CHANGES ON TOTAL MEDICARE ALLOWED CHARGES BY PHYSICIAN, PRACTITIONER AND SUPPLIER SUBCATEGORY—Continued

Specialty	2006 (25% Blend)	2007 (50% Blend)	2008 (75% Blend)	2009 (100% Blend)
Emergency Medicine .....	-0.4%	-0.8%	-1.3%	-1.7%
Endocrinology .....	-0.5%	-1.0%	-1.5%	-1.9%
Family Practice .....	0.1%	0.1%	0.2%	0.2%
Gastroenterology .....	1.4%	2.8%	4.3%	5.7%
General Practice .....	0.2%	0.3%	0.5%	0.7%
General Surgery .....	0.2%	0.3%	0.5%	0.6%
Geriatrics .....	-0.2%	-0.5%	-0.7%	-1.0%
Hand Surgery .....	-0.5%	-1.0%	-1.5%	-1.9%
Hematology/Oncology .....	0.4%	0.7%	1.1%	1.4%
Infectious Disease .....	-0.1%	-0.2%	-0.2%	-0.3%
Internal Medicine .....	-0.1%	-0.3%	-0.4%	-0.6%
Interventional Radiology .....	0.2%	0.5%	0.7%	0.9%
Nephrology .....	-0.2%	-0.4%	-0.6%	-0.8%
Neurology .....	-0.6%	-1.1%	-1.7%	-2.2%
Neurosurgery .....	-0.7%	-1.4%	-2.0%	-2.7%
Nuclear Medicine .....	-0.3%	-0.5%	-0.8%	-1.0%
Obstetrics/Gynecology .....	0.0%	0.1%	0.1%	0.2%
Ophthalmology .....	-1.1%	-2.2%	-3.3%	-4.4%
Orthopedic Surgery .....	-0.4%	-0.7%	-1.1%	-1.5%
Otolaryngology .....	-0.6%	-1.1%	-1.7%	-2.2%
Pathology .....	1.3%	2.6%	3.9%	5.3%
Pediatrics .....	0.1%	0.2%	0.3%	0.5%
Physical Medicine .....	-0.5%	-1.1%	-1.6%	-2.1%
Plastic Surgery .....	0.1%	0.1%	0.2%	0.3%
Psychiatry .....	0.0%	0.1%	0.1%	0.1%
Pulmonary Disease .....	-0.2%	-0.4%	-0.6%	-0.7%
Radiation Oncology .....	1.9%	3.9%	5.8%	7.9%
Radiology .....	0.4%	0.8%	1.2%	1.7%
Rheumatology .....	-0.9%	-1.8%	-2.7%	-3.6%
Thoracic Surgery .....	-0.8%	-1.5%	-2.3%	-3.0%
Urology .....	1.8%	3.6%	5.5%	7.3%
Vascular Surgery .....	0.5%	0.9%	1.4%	1.9%
Practitioners:				
Audiologist .....	-5.8%	-11.3%	-16.5%	-21.3%
Chiropractor .....	-1.3%	-2.7%	-4.0%	-5.3%
Clinical Psychologist .....	-0.6%	-1.1%	-1.7%	-2.2%
Clinical Social Worker .....	-0.6%	-1.2%	-1.8%	-2.4%
Nurse Anesthetist .....	-0.4%	-0.8%	-1.2%	-1.6%
Nurse Practitioner .....	0.1%	0.1%	0.2%	0.2%
Optometry .....	-0.8%	-1.6%	-2.4%	-3.1%
Oral/Maxillofacial Surgery .....	0.8%	1.6%	2.4%	3.2%
Physical/Occupational Therapy .....	1.5%	2.9%	4.4%	6.0%
Physician Assistants .....	0.0%	0.1%	0.1%	0.2%
Podiatry .....	1.3%	2.6%	3.9%	5.3%
Suppliers:				
Diagnostic Testing Facility .....	-2.4%	-4.7%	-7.0%	-9.2%
Independent Laboratory .....	6.4%	13.1%	20.3%	28.0%
Portable X-Ray Supplier .....	0.4%	0.8%	1.1%	1.5%

The table shows the effect of the proposed refinements to the PE methodology. As described in section II.A.2. in the preamble of this proposed rule, we are proposing to use the updated practice expense per hour data from the accepted supplementary surveys only in the calculation of indirect PE, and to utilize a “bottom-up” methodology to calculate direct PE.

Even if no other changes were made to our PE calculation methodology, a significant redistribution of PE RVUs would still be produced by the acceptance of the supplementary PE surveys from seven specialties and the corresponding increases in the direct

and indirect PE per hour for these specialties. As noted in the preamble discussion regarding our proposal to change the PE methodology, the nonphysician work pool was created to protect codes without physician work components until further refinement could occur. Removing these codes from the nonphysician work pool generally has a negative impact on these codes (although we note that we have consistently indicated this methodology was an interim approach until we had better data available). In addition, the limited number of codes remaining in the nonphysician work pool would also experience significant impacts.

Eliminating the nonphysician work pool would generally negatively impact these codes remaining in the pool (for example, certain codes used by audiology and portable x-ray suppliers). We believe that much of this impact is due to the change in the scaling of the inputs when codes move from the nonphysician work pool to the individual specialty pool.

We believe that, in addition to the increased accuracy and simplicity that result from using a “bottom-up” approach for direct costs, this proposed approach also helps mitigate some of the potentially inequitable redistribution of practice expense RVUs

resulting from the acceptance of new specialty-specific survey data. However, several of the impacts that are shown require further consideration.

Audiology is clearly negatively impacted when its services are removed from the nonphysician work pool, though the impact is cut nearly in half when the “bottom-up” approach is used for the direct costs. This impact is in large part driven by the decrease in the PE RVUs for audiology CPT codes 92557, 92567 and 92588, which we believe may now be more appropriately priced in our proposal than they were in the nonphysician work pool that uses historic charge-based RVUs to determine the direct practice expense for a service. However, we would welcome discussions with audiologists regarding this impact, so that we can ensure that the relative costs are reflected appropriately.

Despite submitting a supplementary survey that showed higher PE costs per hour, cardiology is shown to have an impact of -2.1 percent in the last column of Table 30. This is largely due to the decrease in direct PE for several high-volume services resulting from the adoption of the “bottom up” approach. For example, the RVUs for the complete electrocardiogram service, CPT code 93000, decline by 43 percent. The RVUs for multiple 3-D heart imaging, CPT Code 78465, decline by 32 percent. However, it should be noted that, if the new survey data had not been used to calculate indirect PE, cardiology would have had a significantly larger (11 percent) negative impact.

Both physical/occupational therapy and independent laboratory show significant positive impacts in the last column of 6.0 and 28.0 percent, respectively. For therapy services, we had previously applied an adjustment that assigned all therapy services the therapy practice expense per hour, even when billed by specialties with higher costs. Under the top-down methodology, this adjustment was applied to both direct and indirect costs. However, under our proposed methodology, the practice expense per hour data would not be used to calculate direct expenses and this would eliminate the adjustment for direct practice expense costs.

The total CPEP/RUC dollars for supplies and equipment for the services performed by independent laboratories are significantly higher than the aggregate dollars shown by the recent supplementary survey for these cost pools. Therefore, under the current top-down methodology, the CPEP/RUC dollars are scaled down to equal the survey dollars, and the practice expense RVUs are consequently reduced. Under our proposed methodology, the direct costs would no longer be scaled, resulting in higher practice expense RVUs for these services. (This also results in a positive 5.2 percent impact for pathologists, who also perform these services.) Although, as discussed above, we generally believe the refined CPEP/RUC data to be more accurate for calculating direct costs than the SMS or supplementary survey data, we are concerned that there is such a discrepancy between the refined direct

cost inputs and a recent survey. We will want to discuss this issue with both the specialty and the RUC to ensure that the refined CPEP/RUC data accurately reflect the typical resources needed for these services. However, as we indicated above, independent laboratories receive only approximately 20 percent of their total Medicare revenues from PFS services, and there should not be significant impact on other specialties from this increase for independent laboratory services.

As discussed in section II.C. of this proposed rule, we are proposing technical changes to the calculation of the malpractice RVUs. We are proposing to remove the malpractice data for specialties that occur less than 5 percent of the time in our data for a procedure code. In addition, the RUC practice liability workgroup has written to us recommending several changes to the crosswalks used to assign risk factors to specialties for which we did not have data otherwise. We are proposing to accept these recommendations, and, as also recommended, we are proposing to use the lowest risk factor of 1.00 for specialties such as clinical psychology, licensed clinical social work, chiropractors, and physical therapists. We are also proposing to add cardiology catheterization and angioplasty codes to the list of codes for which we apply surgical rather than nonsurgical risk adjustment factors. Table 31 below shows the impacts of these proposed changes. Because the malpractice RVUs account for less than 4 percent of total payments, the overall impacts on any particular specialty are negligible.

TABLE 31.—SPECIALTY IMPACT OF MALPRACTICE RVU CHANGES

Specialty	Impact of removing aberrant malpractice data (percent)	Impact of crosswalk changes (percent)	Combined impacts * (percent)
Physicians:			
Allergy/Immunology .....	0.0	0.0	0.0
Anesthesiology .....	0.0	0.0	-0.1
Cardiac Surgery .....	0.2	0.1	0.2
Cardiology .....	0.0	0.1	0.1
Colon and Rectal Surgery .....	0.0	0.0	0.0
Critical Care .....	0.0	0.0	0.0
Dermatology .....	-0.1	0.0	-0.1
Emergency Medicine .....	0.0	0.0	0.0
Endocrinology .....	0.0	0.0	0.0
Family Practice .....	0.0	0.0	0.0
Gastroenterology .....	0.0	0.0	0.0
General Practice .....	0.0	0.0	0.0
General Surgery .....	0.0	0.0	0.1
Geriatrics .....	0.0	0.0	0.0
Hand Surgery .....	0.1	0.0	0.1
Hematology/Oncology .....	0.0	0.0	0.0
Infectious Disease .....	0.0	0.0	0.0
Internal Medicine .....	0.0	0.0	0.0
Interventional Radiology .....	-0.1	0.0	-0.1

TABLE 31.—SPECIALTY IMPACT OF MALPRACTICE RVU CHANGES—Continued

Speciality	Impact of removing aberrant malpractice data (percent)	Impact of crosswalk changes (percent)	Combined impacts * (percent)
Nephrology .....	0.0	0.0	0.0
Neurology .....	0.0	0.0	0.0
Neurosurgery .....	0.2	0.1	0.2
Nuclear Medicine .....	-0.1	0.0	-0.1
Obstetrics/Gynecology .....	0.0	0.0	0.0
Ophthalmology .....	0.0	0.0	0.0
Orthopedic Surgery .....	0.1	0.0	0.1
Otolaryngology .....	0.0	0.0	0.0
Pathology .....	0.0	0.0	0.0
Pediatrics .....	0.0	0.0	0.0
Physical Medicine .....	0.0	0.0	-0.1
Plastic Surgery .....	0.0	0.0	0.0
Psychiatry .....	0.0	-0.1	-0.1
Pulmonary Disease .....	0.0	0.0	0.0
Radiation Oncology .....	0.0	0.0	0.0
Radiology .....	0.0	0.0	0.0
Rheumatology .....	0.0	0.0	0.0
Thoracic Surgery .....	0.2	0.0	0.2
Urology .....	0.0	0.0	0.0
Vascular Surgery .....	0.0	0.0	0.0
Practitioners:			
Audiologist .....	0.0	0.0	0.0
Chiropractor .....	0.0	-0.5	-0.6
Clinical Psychologist .....	0.0	0.0	-0.3
Clinical Social Worker .....	0.0	0.0	-0.4
Nurse Anesthetist .....	0.0	-0.2	0.0
Nurse Practitioner .....	0.0	0.0	0.0
Optometry .....	0.0	-0.1	0.0
Oral/Maxillofacial Surgery .....	0.0	0.0	0.0
Physical/Occupational Therapy .....	0.0	0.0	-0.5
Physician Assistants .....	0.0	0.0	0.0
Podiatry .....	0.2	0.0	0.0
Suppliers:			
Diagnostic Testing Facility .....	0.0	0.0	0.0
Independent Laboratory .....	0.0	0.0	0.0
Portable X-Ray Supplier .....	0.0	0.0	0.0

\*Sum of the columns may be different due to rounding.

As discussed in section II.J. of this proposed rule, we are proposing to reduce payments for technical components of certain multiple imaging procedures performed in the same session within the same imaging families. In order to calculate the impact of this proposed change, we examined 2004 PFS carrier claims processed through March 31, 2005. We extracted all claims that were billed on the same day, for the same beneficiary, at the same provider, for multiple diagnostic imaging procedures within the same family of codes. For each subset of claims, the procedures were arrayed based on the pricing of the technical

component of these services. We simulated the effect of the multiple procedure payment reduction by accounting for 100 percent of the highest priced technical component, and 50 percent of all other technical components. Note that if the procedure was billed globally, the professional component was always calculated at 100 percent of the professional component (modifier-26) value.

The simulated total allowed charges for each family of codes includes all global, technical, and professional utilization for the family of codes (for example, the sum of claims where the multiple procedure payment reduction

would have been in effect, in addition to claims that would not have been subject to the multiple procedure payment reduction). These simulated totals were then compared to the actual allowed charges for each family of codes within the same time period to calculate the impacts of the proposed change.

Table 32 below shows the actual 2004 allowed charges by family of imaging procedures and lists the percentage impact by family if this proposed policy had been in effect. Family 2 has the largest (-18.9 percent) impact, while Family 11 has the smallest (-1.3 percent) impact.

TABLE 32.—IMPACT OF MULTIPLE PROCEDURE REDUCTION FOR DIAGNOSTIC IMAGING BY FAMILY OF IMAGING SERVICES

Family	Description of family of imaging procedures	2004 Medicare allowed charges (\$ in millions)	Percentage impact (percent)
01 .....	Ultrasound (Chest/Abdomen/Pelvis—Non-Obstetrical .....	\$138	-6.8

TABLE 32.—IMPACT OF MULTIPLE PROCEDURE REDUCTION FOR DIAGNOSTIC IMAGING BY FAMILY OF IMAGING SERVICES—Continued

Family	Description of family of imaging procedures	2004 Medicare allowed charges (\$ in millions)	Percentage impact (percent)
02	CT and CTA (Chest/Thorax/Abd/Pelvis)	563	-18.9
03	CT and CTA (Head/Brain/Orbit/Maxillofacial/Neck)	97	-2.6
04	MRI and MRA (Chest/Abd/Pelvis)	105	-4.7
05	MRI and MRA (Head/Brain/Neck)	532	-6.2
06	MRI and MRA (spine)	540	-4.3
07	CT (spine)	24	-4.1
08	MRI and MRA (lower extremities)	166	-3.2
09	CT and CTA (lower extremities)	5	-2.0
10	MR and MRI (upper extremities and joints)	107	-2.7
11	CT and CTA (upper extremities)	2	-1.3
Total for all procedures subject to multiple imaging reductions		2,276	-8.3

Using the same data, we also summarized the dollar value of the reductions by specialty. Specialty-specific percentage impacts were calculated by comparing each specialty's 2004 allowed charges for all Medicare allowed services to the reduced allowed charges that would have occurred had this proposal been in effect. As expected, the most significant impacts occur among radiologists, who would experience a -2.1 percent impact. Diagnostic testing facilities experience a -2.9 percent impact. Most other specialties experience a 0.2 percent payment increase as a result of the budget neutrality adjustment. (Because this multiple procedure reduction adjustment would otherwise reduce overall payments by 0.2 percent, it is necessary to include a budget neutrality adjustment to the RVUs, resulting in positive impacts for most specialties.) Table 33 below shows the percentage impact by specialty in

combination with other proposed changes.

Table 33 below shows the estimated change in average payments by specialty, nonphysician practitioner, and supplier, resulting from proposed changes to the calculation of practice expense and malpractice RVUs, and the multiple imaging procedure discount. The first column displays Medicare allowed charges during 2004 for each specialty, practitioner, and supplier. The practice expense changes shown in the second column represent the first year impact of a 4-year transition resulting from all practice expense revisions including the adoption of the bottom-up approach and the elimination of the nonphysician work pool. The impact shown is identical to the first column of Table 30. The malpractice impacts shown in the third column are identical to those displayed above in Table 31. The fourth column in Table 33 below demonstrates the impacts for each specialty of the proposed multiple

imaging procedure discount. The fifth column shows the combined impact of all proposed changes by specialty.

The largest impacts in this column are attributable to the proposed changes to the PE methodology. The final column includes the current estimate of the 2006 PFS update factor of -4.3 percent. It also combines the impacts of the previous three columns. In addition, this column reflects the expiration of the transitional adjustment required by section 303 of the MMA for drug administration services. This adjustment was set at 32 percent for 2004 and 3 percent for 2005.

Section 1848(d) and (f) of the Act requires the Secretary to set the PFS update under the SGR system. We are currently forecasting a negative update of -4.3 percent for 2006 and negative updates for the next few years. As in the past, we will include a complete discussion of our methodology for calculating the SGR in the final rule.

TABLE 33.—IMPACT OF PRACTICE EXPENSE, MALPRACTICE RVUS, MULTIPLE IMAGING DISCOUNT, AND PHYSICIAN FEE SCHEDULE UPDATE ON TOTAL MEDICARE ALLOWED CHARGES BY PHYSICIAN, PRACTITIONER, AND SUPPLIER SUB-CATEGORY

Specialty	Medicare allowed charges for 2004 (\$ in millions)	Impact of PE RVU changes (percent)	Impact of malpractice RVU changes (percent)	Impact of multiple imaging discount (percent)	Impact of all proposed changes (percent)	Combined impact: includes update and drug admin. trans. (percent)
Physicians:						
Allergy/Immunology	\$165	0.6	0.0	0.2	0.8	-3.5
Anesthesiology	1,486	-0.7	-0.1	0.2	-0.6	-4.9
Cardiac Surgery	385	-1.0	0.2	0.2	-0.5	-4.8
Cardiology	7,219	-0.5	0.1	0.2	-0.2	-4.5
Colon and Rectal Surgery	118	0.7	0.0	0.2	1.0	-3.3
Critical Care	147	-0.3	0.0	0.2	-0.1	-4.4
Dermatology	2,033	4.1	-0.1	0.2	4.2	-0.1
Emergency Medicine	1,841	-0.4	0.0	0.2	-0.2	-4.5
Endocrinology	301	-0.5	0.0	0.2	-0.3	-4.6
Family Practice	4,683	0.1	0.0	0.1	0.2	-4.1
Gastroenterology	1,710	1.4	0.0	0.1	1.5	-2.8

TABLE 33.—IMPACT OF PRACTICE EXPENSE, MALPRACTICE RVUS, MULTIPLE IMAGING DISCOUNT, AND PHYSICIAN FEE SCHEDULE UPDATE ON TOTAL MEDICARE ALLOWED CHARGES BY PHYSICIAN, PRACTITIONER, AND SUPPLIER SUB-CATEGORY—Continued

Specialty	Medicare allowed charges for 2004 (\$ in millions)	Impact of PE RVU changes (percent)	Impact of malpractice RVU changes (percent)	Impact of multiple imaging discount (percent)	Impact of all proposed changes (percent)	Combined impact: includes update and drug admin. trans. (percent)
General Practice .....	1,023	0.2	0.0	0.1	0.2	-4.1
General Surgery .....	2,319	0.2	0.1	0.2	0.4	-3.9
Geriatrics .....	123	-0.2	0.0	0.2	-0.1	-4.4
Hand Surgery .....	68	-0.5	0.1	0.2	-0.2	-4.5
Hematology\Oncology .....	985	0.4	0.0	0.1	0.5	-5.2
Infectious Disease .....	410	-0.1	0.0	0.2	0.1	-4.3
Internal Medicine .....	9,257	-0.1	0.0	0.2	0.1	-4.2
Interventional Radiology .....	209	0.2	-0.1	-0.9	-0.8	-5.1
Nephrology .....	1,507	-0.2	0.0	0.2	0.0	-4.3
Neurology .....	1,284	-0.6	0.0	0.0	-0.6	-4.9
Neurosurgery .....	538	-0.7	0.2	0.1	-0.3	-4.6
Nuclear Medicine .....	87	-0.3	-0.1	-0.2	-0.5	-4.8
Obstetrics\Gynecology .....	599	0.0	0.0	0.1	0.2	-4.2
Ophthalmology .....	4,739	-1.1	0.0	0.2	-1.0	-5.3
Orthopedic Surgery .....	3,145	-0.4	0.1	0.2	-0.1	-4.4
Otolaryngology .....	871	-0.6	0.0	0.2	-0.4	-4.7
Pathology .....	915	1.3	0.0	0.2	1.5	-2.8
Pediatrics .....	66	0.1	0.0	0.2	0.3	-4.1
Physical Medicine .....	750	-0.5	-0.1	0.2	-0.4	-4.7
Plastic Surgery .....	279	0.1	0.0	0.2	0.3	-4.0
Psychiatry .....	1,127	0.0	-0.1	0.2	0.1	-4.2
Pulmonary Disease .....	1,521	-0.2	0.0	0.2	0.0	-4.3
Radiation Oncology .....	1,308	1.9	0.0	0.1	2.0	-2.3
Radiology .....	5,154	0.4	0.0	-2.1	-1.7	-6.0
Rheumatology .....	400	-0.9	0.0	0.1	-0.8	-5.4
Thoracic Surgery .....	464	-0.8	0.2	0.2	-0.4	-4.7
Urology .....	1,782	1.8	0.0	0.0	1.8	-2.6
Vascular Surgery .....	560	0.5	0.0	0.2	0.7	-3.6
Practitioners:						
Audiologist .....	31	-5.8	0.0	0.2	-5.6	-9.9
Chiropractor .....	720	-1.3	-0.6	0.2	-1.8	-6.1
Clinical Psychologist .....	527	-0.6	-0.3	0.2	-0.6	-4.9
Clinical Social Worker .....	345	-0.6	-0.4	0.2	-0.8	-5.1
Nurse Anesthetist .....	523	-0.4	0.0	0.2	-0.2	-4.5
Nurse Practitioner .....	617	0.1	0.0	0.2	0.2	-4.1
Optometry .....	720	-0.8	0.0	0.2	-0.6	-4.9
Oral\Maxillofacial Surgery .....	37	0.8	0.0	0.2	1.0	-3.3
Physical\Occupational Therapy .....	1,283	1.5	-0.5	0.2	1.2	-3.1
Physicians Assistant .....	472	0.0	0.0	0.2	0.3	-4.0
Podiatry .....	1,487	1.3	0.0	0.2	1.5	-2.8
Suppliers:						
Diagnostic Testing Facility .....	1,087	-2.4	0.0	-2.9	-5.3	-9.6
Independent Laboratory .....	631	6.4	0.0	0.2	6.6	2.3
Portable X-Ray Supplier .....	96	0.4	0.0	0.1	0.5	-3.8

Table 34 below shows the impact on total payments for selected high-volume procedures of all of the changes previously discussed. We selected these procedures because they are the most commonly provided by a broad

spectrum of physician specialties. There are separate columns that show the change in the facility rates and the nonfacility rates. For an explanation of facility and nonfacility practice expense refer to section II.A. in the preamble of

this proposed rule. If we change any of the proposed provisions following the consideration of public comments, these figures may change.

TABLE 34.—IMPACT OF PROPOSED RULE ON PAYMENT FOR SELECTED PROCEDURES

HCPCS	MOD	Description	Non-facility			Facility		
			Old	New	Percent change	Old	New	Percent change
11721 .....	.....	Debride nail, 6 or more .....	\$39.79	\$38.77	-3	\$31.08	\$29.60	-5
17000 .....	.....	Destroy benign/premigl lesion .....	60.64	62.54	3	44.34	44.39	0
27130 .....	.....	Total hip arthroplasty .....	N/A	N/A	N/A	1,396.14	1,321.88	-5

TABLE 34.—IMPACT OF PROPOSED RULE ON PAYMENT FOR SELECTED PROCEDURES—Continued

HCPCS	MOD	Description	Non-facility			Facility		
			Old	New	Percent change	Old	New	Percent change
27244		Treat thigh fracture	N/A	N/A	N/A	1,134.65	1,073.62	-5
27447		Total knee arthroplasty	N/A	N/A	N/A	1,507.94	1,427.92	-5
33533		CABG, arterial, single	N/A	N/A	N/A	1,923.30	1,813.54	-6
35301		Rechanneling of artery	N/A	N/A	N/A	1,128.59	1,072.23	-5
43239		Upper GI endoscopy, biopsy	333.50	336.27	1	162.20	159.18	-2
66821		After cataract laser surgery	248.23	233.25	-6	230.42	216.83	-6
66984		Cataract surg w/iol, 1 stage	N/A	N/A	N/A	684.05	649.50	-5
67210		Treatment of retinal lesion	599.54	568.15	-5	573.39	544.48	-5
71010		Chest x-ray	28.04	25.68	-8	N/A	N/A	N/A
71010	26	Chest x-ray	9.47	9.17	-3	9.47	9.17	-3
76091		Mammogram, both breasts	97.40	101.39	4	N/A	N/A	N/A
76091	26	Mammogram, both breasts	45.10	43.77	-3	45.10	43.77	-3
76092		Mammogram, screening	85.65	83.77	-2	N/A	N/A	N/A
76092	26	Mammogram, screening	36.38	35.33	-3	36.38	35.33	-3
77427		Radiation tx management, x5	172.05	168.64	-2	172.05	166.10	-3
78465	26	Heart image (3d), multiple	77.31	74.92	-3	77.31	74.92	-3
88305	26	Tissue exam by pathologist	42.07	40.14	-5	42.07	40.14	-5
90801		Psy dx interview	153.11	147.29	-4	144.01	137.12	-5
90862		Medication management	51.92	50.31	-3	48.89	46.77	-4
90935		Hemodialysis, one evaluation	N/A	N/A	N/A	73.14	69.37	-5
92012		Eye exam established pat	65.18	61.63	-5	37.14	35.32	-5
92014		Eye exam & treatment	96.26	91.31	-5	60.64	57.66	-5
92980		Insert intracoronary stent	N/A	N/A	N/A	809.11	786.38	-3
93000		Electrocardiogram, complete	26.91	24.23	-10	N/A	N/A	N/A
93010		Electrocardiogram report	9.10	8.81	-3	9.10	8.81	-3
93015		Cardiovascular stress test	108.01	107.55	0	N/A	N/A	N/A
93307	26	Echo exam of heart	49.27	47.67	-3	49.27	47.67	-3
93510	26	Left heart catheterization	257.32	252.61	-2	257.32	252.61	-2
98941		Chiropractic manipulation	36.76	34.78	-5	31.83	30.42	-4
99203		Office/outpatient visit, new	97.02	93.33	-4	72.38	69.11	-5
99213		Office/outpatient visit, est	52.68	50.65	-4	35.62	33.96	-5
99214		Office/outpatient visit, est	82.62	79.62	-4	59.12	56.30	-5
99222		Initial hospital care	N/A	N/A	N/A	112.93	107.79	-5
99223		Initial hospital care	N/A	N/A	N/A	157.27	150.29	-4
99231		Subsequent hospital care	N/A	N/A	N/A	34.11	32.60	-4
99232		Subsequent hospital care	N/A	N/A	N/A	55.71	53.31	-4
99233		Subsequent hospital care	N/A	N/A	N/A	79.21	75.74	-4
99236		Observ/hosp same date	N/A	N/A	N/A	223.22	213.40	-4
99239		Hospital discharge day	N/A	N/A	N/A	96.64	92.53	-4
99243		Office consultation	122.79	118.66	-3	93.99	90.08	-4
99244		Office consultation	172.81	166.69	-4	138.70	133.04	-4
99253		Initial inpatient consult	N/A	N/A	N/A	98.91	94.99	-4
99254		Initial inpatient consult	N/A	N/A	N/A	142.12	136.30	-4
99261		Follow-up inpatient consult	N/A	N/A	N/A	22.36	21.43	-4
99262		Follow-up inpatient consult	N/A	N/A	N/A	45.48	43.50	-4
99263		Follow-up inpatient consult	N/A	N/A	N/A	67.46	64.57	-4
99283		Emergency dept visit	N/A	N/A	N/A	62.15	59.30	-5
99284		Emergency dept visit	N/A	N/A	N/A	97.02	92.54	-5
99291		Critical care, first hour	256.57	243.87	-5	207.68	198.33	-4
99292		Critical care, add'l 30 min	113.69	108.60	-4	103.84	99.17	-4
99302		Nursing facility care	87.92	84.00	-4	87.92	84.00	-4
99303		Nursing facility care	108.39	103.43	-5	108.39	103.43	-5
99312		Nursing fac care, subseq	56.47	54.03	-4	56.47	54.03	-4
99313		Nursing fac care, subseq	79.58	76.18	-4	79.58	76.18	-4
99348		Home visit, est patient	72.01	68.65	-5	N/A	N/A	N/A
99350		Home visit, est patient	164.48	156.46	-5	N/A	N/A	N/A
G0008		Immunization admin	18.57	17.88	-4	N/A	N/A	N/A
G0317		ESRD related svcs 4+mo 20+yrs	307.73	294.91	-4	307.73	294.91	-4
G0344		Initial preventive exam	97.40	93.69	-4	72.76	69.47	-5
G0366		EKG for initial prevent exam	26.91	24.23	-10	N/A	N/A	N/A
G0367		EKG tracing for initial prev	17.81	15.42	-13	N/A	N/A	N/A
G0368		EKG interpret & report preve	9.10	8.81	-3	9.10	8.81	-3

In the November 15, 2004 PFS final rule, we showed the combined impact of PFS and drug payment changes on

the total revenues for specialties that perform a significant volume of drug administration services. (69 FR 66406)

Although we have not performed a similar combined impact analysis this year for all of the specialties considered

last year, we have undertaken a similar analysis of hematology/oncology. In last year's final rule, we announced a one-year demonstration to collect information about symptoms for cancer patients receiving chemotherapy (69 FR 66308). Although this demonstration was implemented through the Secretary's authority under sections 402(a)(1)(B) and 402(a)(2) of the Social Security Act Amendments of 1967 (Pub. L. 90-248) and not through administrative rulemaking, we discussed the impacts of the additional payments from this demonstration in last year's final rule impact analysis.

Therefore, we are also including an analysis of the impact on payments to hematology/oncology as this demonstration project ends. As indicated in Table 35 below, PFS services account for approximately 28 percent of Medicare revenues for hematology/oncology. Medicare payments for all PFS services provided by the specialties of hematology/oncology are projected to decrease by 5.2 percent for 2006. We estimate the impact of the one-year demonstration was 15 percent higher payments relative to PFS payments during 2005. We estimate that approximately 69 percent

of total Medicare revenues for hematology/oncology are attributed to drugs, and, for purposes of this analysis, we are assuming no change in the payment levels for Part B drugs during 2006. Assuming no changes in utilization for 2006, we project total Medicare revenues to oncologists would decline by 5.6 percent. However, if the volume of drugs and PFS services increased at historical rates, total Medicare revenues for hematology/oncology would increase by 8.1 percent between 2005 and 2006.

TABLE 35—IMPACT OF DRUG AND PHYSICIAN FEE SCHEDULE PAYMENT CHANGES

Specialty	Physician Fee Schedule			Drugs		All Revenues	
	Percent of total medicare revenues from fee schedule (percent)	Change medicare physician fee schedule revenues (percent)	Change one-year demonstration project (percent)	Percent of total medicare revenues from drugs	Change medicare drug revenues (percent)	Combined percent change all medicare revenues*	Combined percent change all medicare revenues with utilization increase**
Hematology/Oncology ..	28	-5.2	-15	69	0	-5.6	8.1%

\*Note: Reflects changes in total Medicare revenues assuming no changes in utilization. Calculation reflects average changes in fee schedule payments and for drugs weighted by percent of Medicare revenues.

\*\* Note: We estimate that Medicare payments to oncologists would increase by 8% between 2005 and 2006 if growth in the volume of drugs and physician fee schedule services were to grow at historical rates, despite the effect of the end of the one-year demonstration project.

*B. Geographic Practice Cost Indices (GPCI)—Payment Localities*

As discussed in section II.B. of the preamble to this proposed rule, we are proposing two changes to the California GPCI payment localities. We are proposing to remove both Santa Cruz County and Sonoma County from the Rest of California payment locality, and make both of those counties separate payment localities.

In the November 15, 2004 final rule, we published 2005 and 2006 GPCI and

GAF values reflecting the 2 year phase-in of the updated GPCI data. For the Rest of California payment locality that included Santa Cruz and Sonoma counties, the 2005 GAF is 1.012, and the 2006 GAF published at that time was 1.017. After removing Santa Cruz County from the Rest of California locality, its proposed 2006 GAF increases to 1.119. Removing Sonoma County from the Rest of California locality results in a proposed 2006 GAF of 1.098 for the new Sonoma County payment locality. The Rest of California

proposed 2006 GAF is 1.011. Table 36 below shows the impacts of the proposed changes in the GPCIs and GAFs. Although only Santa Cruz and Sonoma Counties and the Rest of California locality are specifically impacted by the proposed change, in Table 36, we are showing the GPCIs and GAFs for all California payment localities (the changes from the 2005 to 2006 GAFs for these counties represent the second year of the transition to updated GPCIs).

TABLE 36.—IMPACTS ON CALIFORNIA PAYMENT LOCALITIES

Locality name	County	Work GPCI	2005 GPCI		GAF	2006 Proposed GPCI			Percent change from 2005 GAFs	
			PE GPCI	MP GPCI		Work GPCI	PE GPCI	MP GPCI		GAF
Anaheim	Orange	1.036	1.21	0.954	1.109	1.034	1.236	0.954	1.119	0.9
Los Angeles	Los Angeles	1.049	1.147	0.954	1.088	1.041	1.156	0.954	1.088	0.0
Marin	Marin, Napa, Solano	1.025	1.294	0.651	1.128	1.035	1.34	0.651	1.154	2.3
Oakland	Alameda, Contra Costa	1.048	1.303	0.651	1.144	1.054	1.371	0.651	1.177	2.9
San Francisco	San Francisco	1.064	1.501	0.651	1.239	1.06	1.543	0.651	1.256	1.4
San Mateo	San Mateo	1.061	1.484	0.639	1.23	1.073	1.536	0.639	1.259	2.4
Santa Clara	Santa Clara	1.073	1.46	0.604	1.224	1.083	1.54	0.604	1.265	3.3
Santa Cruz	Santa Cruz	1.007	1.043	0.733	1.012	1.014	1.218	0.717	1.119	10.6
Sonoma	Sonoma	1.007	1.043	0.733	1.012	1.017	1.23	0.717	1.098	8.5
Ventura	Ventura	1.028	1.152	0.744	1.072	1.028	1.179	0.744	1.083	1.0
Rest of California*		1.007	1.043	0.733	1.012	1.007	1.042	0.717	1.011	-0.1%

\*Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Nevada, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Joaquin, San Diego, San Luis Obispo, Santa Barbara, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Yuba

C. Medicare Telehealth Services

In section II.D. of this proposed rule, we are proposing to add individual medical nutrition therapy, as represented by HCPCS codes G0270, 97802, and 97803, to the list of telehealth services. We believe that this change will have little effect on Medicare expenditures.

D. Contractor Pricing of CPT Codes 97039 and 97139

As discussed earlier in the preamble of this proposed rule (section II.E.), we are proposing to have the contractors value CPT codes 97039 and 97139. This will make the pricing methodology for these services consistent with our policy for other unlisted services and we believe it will have no significant impact on Medicare expenditures.

E. ESRD-MMA Related Provisions

The ESRD related provisions in this proposed rule are discussed in section II.G. In order to understand the impact of the proposed changes affecting payments to different categories of ESRD facilities, it is necessary to compare estimated payments under the current payment system (current payments) to estimated payments under the proposed revisions to the composite rate payment system as set forth in this proposed rule (proposed payments). To estimate the impact among various classes of ESRD facilities, it is imperative that the estimates of current payments and proposed payments contain similar inputs. Therefore, we simulated payments only for those ESRD facilities for which we are able to calculate both current 2005 payments and proposed 2006 payments.

Due to data limitations, we are unable to estimate current and proposed payments for 77 facilities that bill for ESRD dialysis treatments. ESRD providers were grouped into the categories based on characteristics provided in the Online Survey and Certification and Reporting (OSCAR) file and the most recent cost report data from the Healthcare Cost Report Information System (HCRIS). We also used the December 2004 update of CY 2004 Standard Analytical File (SAF) claims as a basis for Medicare dialysis treatments and separately billable drugs and biologicals. While the December 2004 update of the 2004 SAF file is not complete, we wanted to use the most recent data available, and plan to use an updated version of the 2004 SAF file for the final rule.

TABLE 37—IMPACT OF PROPOSED CHANGES IN PAYMENTS TO HOSPITAL BASED AND INDEPENDENT ESRD FACILITIES (INCLUDES DRUG AND COMPOSITE RATE PAYMENTS)

[Percent change in total payments to ESRD facilities (both program and beneficiaries)]

	Number of facilities	Number of Di- alysis treat- ments (in millions)	Effect of changes in wage index <sup>1</sup>	Effect of changes in drug pay- ments <sup>2</sup>	Overall effect <sup>3</sup>
All .....	4,293	29.5	0.0	1.2	0.5
Independent .....	3,716	26.1	-0.1	1.2	0.4
Hospital Based .....	577	3.3	1.3	1.0	1.2
Size:					
Small < than 5000 treatments per year .....	1,714	4.9	-0.5	1.1	0.1
Medium 5000 to 9999 treatments per year .....	1,724	12.4	0.1	1.3	0.6
Large > than 10000 treatments per year .....	855	12.1	0.2	1.2	0.6
Type of Ownership:					
Profit .....	3,388	23.8	-0.2	1.2	0.4
Nonprofit .....	896	5.6	1.0	1.1	1.0
Rural .....	1,189	6.0	-0.6	1.1	0.1
Urban .....	3,104	23.5	0.2	1.2	0.6
Region:					
New England .....	143	1.1	3.7	1.6	2.9
Middle Atlantic .....	521	3.9	2.1	1.5	1.9
East North Central .....	651	4.6	-1.9	0.9	-0.8
West North Central .....	333	1.6	-0.9	1.0	-0.2
South Atlantic .....	975	6.8	-0.3	1.2	0.4
East South Central .....	342	2.2	-1.6	1.1	-0.4
West South Central .....	585	4.1	-1.3	1.1	-0.3
Mountain .....	226	1.3	-0.6	1.1	0.0
Pacific .....	486	3.7	2.6	1.5	2.2
Puerto Rico .....	31	0.3	-1.6	0.7	-0.7

<sup>1</sup> This column shows the effect of wage changes to composite rate payments to ESRD providers. Composite rate payments computed using the current wage index are compared to composite rate payments using the proposed wage index changes.

<sup>2</sup> This column shows the effect of the changes in drug payments to ESRD providers. These include proposed changes in payment for separately billable drugs (2006 ASP+6) and the 8.9% drug add-on compared to current payment for separately billable drugs (2005 AAP) and the current 8.7 percent drug add-on.

<sup>3</sup> This column shows the percent change between proposed and current payments to ESRD facilities. The proposed payments include the wage adjusted composite rate, and the 8.9% drug add-on times treatments plus proposed payment for separately billable drugs. The current payment to ESRD facilities includes the current wage adjusted composite rate times treatments plus current drug payments for separately billable drugs.

Table 37 above shows the impact of this year's proposed changes to payments to hospital based and independent ESRD facilities. We have included both composite rate payments as well as payments for separately

billable drugs and biologicals because both are affected by the proposed changes. The first column of Table 37 identifies the type of ESRD provider, the second column indicates the number of ESRD facilities for each type, and the

third column indicates the number of dialysis treatments.

The fourth column shows the effect of proposed changes to the ESRD wage index as it affects the composite rate payments to ESRD facilities. The fourth

column compares aggregate wage adjusted composite rate payments using the proposed ESRD wage index compared to the current ESRD wage adjusted composite rate payments. The overall effect to all ESRD providers in aggregate is zero because the proposed ESRD wage index has been multiplied by a budget neutrality factor to comply with the statutory requirement that any wage index revisions be done in a manner that results in the same aggregate amount of expenditures as would have been made without any changes in the wage index. The percent changes shown in the fifth and sixth columns are the result of the increase to the drug add-on and the changes in drug prices which are explained in section G below.

The fifth column shows the effect of the proposed changes in drug payments to ESRD providers. Current payments for drugs represent 2005 Medicare reimbursement using AAP prices for the top ten drugs (as discussed earlier in this preamble). Current Medicare spending for the top ten drugs is estimated using 2005 AAP prices times actual drug utilization from 2004 claims. (EPO units are estimated using payments because the units field on bills represents the number of EPO administrations rather than the number of EPO units). Spending under the proposed change is 2005 ASP +6 percent for the top ten drugs times actual drug utilization from 2004 claims. The proposed prices for these top ten drugs are discussed earlier in this preamble. In order to simulate what ASP +6 percent pricing will be in 2006 we inflated the 2005 first quarter ASP +6 prices by a forecast of the PPI for prescription drugs (5.7 percent annual growth from 2005 to 2006).

Proposed payment for drugs in 2006 also includes the 8.9 percent drug add-on to the composite rate. This amount is computed by multiplying the wage adjusted composite rate for each provider times dialysis treatments from 2004 claims. Column 5 is computed by comparing spending under the proposed payment for drugs (ASP +6 percent inflated to 2006) including the 8.9 percent drug add-on amount to spending under current payments for drugs with the current drug add-on of 8.7 percent. In order to make column 5 comparable with rest of Table 38, current composite rate payments to ESRD facilities were included in both current and proposed spending calculations.

We did not simulate any case mix in this impact table because 2004 claims data do not include the new data fields (height and weight) that are needed to

calculate case mix. These data fields were not required be reported by providers until January 1, 2005. However, we have not proposed any changes to case mix for calendar year 2006.

Column 6 shows the overall effect of all changes in drug and composite rate payments to ESRD providers. The overall effect is measured as the difference between proposed payment with all MMA changes as proposed in this rule and current payment. Proposed payment is computed by multiplying the composite rate for each provider (with both the proposed wage index and the 8.9 percent drug add-on) times dialysis treatments from 2004. In addition, the proposed payment includes payments for separately billable drugs under the ASP +6 drug pricing inflated to 2006 levels. Current payment is the current wage adjusted composite rate for each provider times dialysis treatments from 2004 claims plus current AAP priced drug payments for separately billable drugs with the current 8.7 percent drug add-on.

The overall impact to ESRD providers in aggregate is 0.5 percent. Among the two separately shown effects, the effect of changes to the wage index has the most variation among provider type but is budget neutral in aggregate. The effect of change in drug payments contributes most to the overall effect, but varies little among provider types.

We also note that the proposed revisions to the composite rate exceptions process will have no impact on payments to ESRD providers since we have only proposed changes in process and these changes do not affect which providers will be eligible for exceptions nor the amount of the exception.

#### *F. Payment for Covered Outpatient Drugs and Biologicals*

As discussed in section II.H. of this proposed rule, the proposal to pay a reduced supplying fee for each Medicare Part B oral drug prescription, after the first one, supplied to a beneficiary during a month is estimated to reduce total Federal expenditures by \$8 million in 2006, and \$30 million over the five-year period, CY 2006 to 2010. The preamble seeks comment on an appropriate inhalation drug dispensing fee amount for 2006. The effect on Federal expenditures of a potential change to the inhalation drug dispensing fee would depend on the dispensing fee amount established.

#### *G. Private Contracts and Opt-Out Provision*

The changes discussed in section II.I. of this proposed rule, with respect to private contracts and the opt-out provision, are currently estimated to have no significant impact on Medicare expenditures. However, we believe the changes will clarify that the consequences for the failure to maintain opt-out will apply regardless of whether the physician or practitioner was notified by the carrier.

#### *H. FQHC Supplemental Payment Provision*

Section 237 of the MMA amended section 1833(a)(3) of Act to provide supplemental payments to FQHCs that contract with Medicare Advantage (MA) organizations to cover the difference, if any, between the payment received by the health center for treating MA enrollees and the payment to which the FQHC would be entitled to receive under its cost-based all-inclusive payment rate. We estimate that this new MMA payment provision for FQHC services will not increase Medicare payments. In other words, this MMA provision would have no budgetary impact on the Medicare trust fund due to the fact that a supplemental payment would only be made when the MA payment to the health center is less than its original FQHC cost based rate. Consequently, no additional Medicare expenditures would be needed to pay the center up to what it would have received under original Medicare.

#### *I. National Coverage Decisions Timeframes*

The proposed changes to § 426.340 discussed in section II.N. of this proposed rule, are made in order to conform certain timeframes in the regulation to meet legislative changes made by the MMA of 2003. These changes to the regulation will meet Congressional intent in the development of NCDs, and will conform the regulation to the overall NCD process. There will be no budget implications as a result of these changes.

#### *J. Coverage of Screening for Glaucoma*

As discussed in section II.O. of the preamble to this proposed rule, we would expand the definition of an eligible beneficiary under the glaucoma screening benefit to include Hispanic Americans age 65 and over, effective January 1, 2006, subject to certain frequency and other limitations on coverage. At present, § 410.23(a)(2) (Conditions for and limitations on coverage of screening for glaucoma) defines the term "eligible beneficiary"

to include individuals in the following high risk categories:

- Individual with diabetes mellitus.
- Individual with a family history of glaucoma.

• African-Americans age 50 and over.

Based on the projected utilization of these screening services and related medically necessary follow-up tests and treatment that may be required for the additional beneficiaries screened, we estimate that this expanded benefit will result in an increase in Medicare payments to ophthalmologists or optometrists who will provide these screening tests and related follow-up tests and treatment. However, this is not expected to have a significant cost impact on the Medicare program.

#### *K. Physician Referral for Nuclear Medicine Services*

This proposal, which is discussed in section II.P. of this proposed rule, would primarily affect physicians and health care entities that furnish items and services to Medicare beneficiaries. We have attempted to minimize its effect by interpreting the law in a practical and realistic manner. We are unable to quantify the number of physicians who have either an ownership or an investment interest in entities that furnish nuclear medicine services and/or supplies. Even if we assume that a substantial number of physicians have ownership or investment interests in these types of entities, we believe that, in general, the economic impact on these physicians would not necessarily be substantial, for the reasons stated below.

Physician owners/investors of entities that furnish nuclear medicine services and supplies in a manner that satisfies the requirements of the in-office ancillary services exception would not be affected by this proposed rule. In addition, physician ownership of or investment in entities that furnish nuclear medicine services and supplies to residents of rural areas would not be affected by this requirement.

If a physician's ownership or investment interest would lead to a prohibition on his or her referrals to that entity, the physician has two options. First, he or she can stop making referrals to that entity and make referrals to another entity. Second, the physician can divest himself or herself of the interest. While the impact on an individual physician may be significant, we do not believe that physicians, in general, will be significantly affected if they have to stop making referrals to an entity in which they have an ownership interest. We have come to this conclusion because we assume that the

majority of physicians receive most of their income from the services they personally furnish, not from nuclear medicine services performed by entities that they own. In addition, we assume that, unless the physician established the entity to serve only his or her patients, the entity receives referrals from other physicians. Thus, the physician may still receive a return on the ownership or investment. We do not believe that the second option (divestiture of the ownership interest) would necessarily have a significant economic effect. However, we assume, that, at least from an economic standpoint, most physicians invest in entities because they are income producing. If an investment is successful, a physician may have little difficulty finding new investors willing to take over the physician's investment. The physician, in turn, can then invest the monies received in some other investment. We believe the cost of divestiture will vary from situation to situation.

We also do not believe that beneficiary access to medically necessary nuclear medicine services would be threatened simply because most physician ownership of entities that furnish nuclear medicine services would be prohibited. As indicated above, we see no reason why medically necessary nuclear medicine services could not be furnished by entities owned by those not in a position to refer such services.

We expect that this proposed rule may result in savings to both the Medicare and Medicaid programs by minimizing anti-competitive business arrangements as well as financial incentives that encourage over-utilization of costly nuclear medicine services. (See David Armstrong, "MRI and CT Centers Offer Doctors Way to Profit on Scans," Wall Street Journal, May 2, 2005, *et al.*) We cannot gauge with any certainty the extent of these savings to either program at this time.

#### *L. Alternatives Considered*

This proposed rule contains a range of policies, including some proposals related to specific MMA provisions. The preamble provides descriptions of the statutory provisions that are addressed, identifies those policies when discretion has been exercised, presents rationale for our decisions and, where relevant, alternatives that were considered.

#### *M. Impact on Beneficiaries*

There are a number of changes made in this proposed rule that would have an effect on beneficiaries. In general, we believe these changes will improve

beneficiary access to services that are currently covered or will expand the Medicare benefit package to include new services. As explained in more detail below, the regulatory provisions may affect beneficiary liability in some cases. Any changes in aggregate beneficiary liability from a particular provision will be a function of the coinsurance (20 percent if applicable for the particular provision after the beneficiary has met the deductible) and the effect of the aggregate cost (savings) of the provision on the calculation of the Medicare Part B premium rate (generally 25 percent of the provision's cost or savings).

To illustrate this point, as shown in Table 34, the 2005 national payment amount in the nonfacility setting for CPT code 99203 (Office/outpatient visit, new), is \$97.02 which means that currently a beneficiary is responsible for 20 percent of this amount, or \$19.40. Under this proposed rule the 2006 national payment amount in the nonfacility setting for CPT code 99203, as shown in Table 34, is \$93.33 which means that, in 2006, the beneficiary coinsurance for this service would be \$18.66.

Very few of the changes we are proposing impact overall payments and therefore will affect Medicare beneficiaries' coinsurance liability. Proposals discussed above that do affect overall spending would similarly impact beneficiaries' coinsurance.

For example, we have tried to ensure that the proposal concerning physician self-referral for nuclear medicine services would not adversely impact the medical care of Medicare or Medicaid patients. While we recognize that these proposed revisions may have an impact on current arrangements under which patients are receiving medical care, there are other ways to structure these arrangements so that patients may continue to receive medically necessary nuclear medicine services. In almost all cases, we believe this proposal concerning physician referral for nuclear medicine services should not require substantial changes in delivery arrangements and would help minimize anti-competitive behavior that can affect where a beneficiary receives health care services and possibly the quality of the services furnished. We also believe it will minimize the number of medically unnecessary nuclear medicine procedures billed to the Medicare and Medicaid programs.

#### *N. Accounting Statement*

As required by OMB Circular A-4 (available at <http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf>), in

Table 38 below, we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of this proposed rule. This table includes the impact of the proposed changes in this

rule on providers and suppliers and encompasses the anticipated negative update to the physician fee schedule based on the statutory SGR formula.

Expenditures are classified as transfers to Medicare providers/or

suppliers (that is, ESRD facilities and physicians, other practitioners and medical suppliers that receive payment under the physician fee schedule or Medicare Part B).

**TABLE 38.—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES, FROM CY 2005 TO THE CY 2006**

[in millions]

Category	Transfers
Annualized Monetized Transfers .....	Negative transfer—Estimated decrease in expenditures (\$1,860). Federal Government To ESRD Medicare Providers; physicians, other practitioners and suppliers who receive payment under the Medicare Physician Fee Schedule; and Medicare Suppliers billing for Part B drugs.
From Whom To Whom? .....	

In accordance with the provisions of Executive Order 12866, this final rule was reviewed by the Office of Management and Budget.

**List of Subjects**

*42 CFR Part 405*

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medical devices, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

*42 CFR Part 410*

Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

*42 CFR Part 411*

Kidney diseases, Medicare, Physician Referral, Reporting and recordkeeping requirements.

*42 CFR Part 413*

Health facilities, Kidney diseases, Medicare, Reporting and recordkeeping requirements.

*42 CFR Part 414*

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and recordkeeping requirements.

*42 CFR Part 426*

Administrative practice and procedure, Medicare, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

**PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED**

1. The authority citation for part 405 continues to read as follows:

**Authority:** Secs. 1102, 1861, 1862(a), 1871, 1874, 1881, and 1886(k) of the Social Security Act (42 U.S.C. 1302, 1395x, 1395y(a), 1395hh, 1395kk, 1395rr, and 1395ww(k)), and sec. 353 of the Public Health Service Act (42 U.S.C. 263a).

**Subpart D—Private Contracts**

2. Section 405.435 is amended by—  
A. Revising introductory text in paragraph (b).

B. Adding paragraph (d).  
The revision and addition read as follows:

**§ 405.435 Failure to maintain opt-out.**

\* \* \* \* \*

(b) If a physician or practitioner fails to maintain opt-out in accordance with paragraph (a) of this section, then, for the remainder of the opt-out period, except as provided by paragraph (d) of this section—

\* \* \* \* \*

(d) If a physician or practitioner demonstrates that he or she has taken good faith efforts to maintain opt-out (including by refunding amounts in excess of the charge limits to beneficiaries with whom he or she did not sign a private contract) within 45 days of a notice from the carrier of a violation of paragraph (a) of this section, then the requirements of paragraphs (b)(1) through (b)(8) of this section are not applicable. In situations where a violation of paragraph (a) of this section is not discovered by the carrier during the 2-year opt-out period when the violation actually occurred, then the requirements of paragraphs (b)(1) through (b)(8) of this section are applicable from the date that the first violation of paragraph (a) of this section

occurred until the end of the opt-out period during which the violation occurred (unless the physician or practitioner takes good faith efforts, within 45 days of any notice from the carrier that the physician or practitioner failed to maintain opt-out, or the physician's or practitioner's discovery of the failure to maintain opt-out, whichever is earlier, to correct his or her violations of paragraph (a) of this section, for example, by refunding the amounts in excess of the charge limits to beneficiaries with whom he or she did not sign a private contract).

\* \* \* \* \*

**Subpart X—Rural Health Clinic and Federally Qualified Health Center Services**

3. Add § 405.2469 to read as follows:

**§ 405.2469 Federally Qualified Health Centers supplemental payments.**

Federally Qualified Health Centers under contract (directly or indirectly) with Medicare Advantage plans are eligible for supplemental payments for covered Federally Qualified Health Center services furnished to enrollees in Medicare Advantage plans offered by the Medicare Advantage organization to cover the difference, if any, between their payments from the Medicare Advantage plan and what they would receive under the cost-based Federally Qualified Health Center payment system.

(a) *Calculation of supplemental payment.* (1) The supplemental payment for Federally Qualified Health Center covered services provided to Medicare patients enrolled in Medicare Advantage plans is based on—

(i) The difference between payments received by the center from the Medicare Advantage plan as determined on a per visit basis;

(ii) The Federally Qualified Health Center's all-inclusive cost-based per visit rate as set forth in this subpart;

(iii) Less any amount the FQHC may charge as described in section 1857(e)(3)(B) of the Act.

(2) Any financial incentives provided to Federally Qualified Health Centers under their Medicare Advantage contracts, such as risk pool payments, bonuses, or withholds, are prohibited from being included in the calculation of supplemental payments due to the Federally Qualified Health Center.

(b) Per visit supplemental payment. A supplemental payment required under this section is made to the Federally Qualified Health Center when a covered face-to-face encounter occurs between a Medicare Advantage enrollee and a practitioner as set forth in § 405.4563.

**PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS**

4. 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).

**Subpart B—Medical and Other Health Services**

5. Section 410.23 is amended by revising paragraph (a)(2)(i) through (iv) to read as follows:

**§ 410.23 Screening for glaucoma: Conditions for and limitations on coverage.**

- (a) \* \* \*
- (2) \* \* \*

- (i) Individual with diabetes mellitus.
- (ii) Individual with a family history of glaucoma.
- (iii) African-Americans age 50 and over.
- (iv) Hispanic-Americans age 65 and over.

\* \* \* \* \*

6. Section 410.78 is amended by—  
A. Revising paragraph (b) introductory text.

B. Adding paragraph (b)(2)(viii).  
The revision and addition 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, pharmacologic management, end stage renal disease related services included in the monthly capitation payment (except for one visit per month to examine the access site), and individual

medical nutrition therapy furnished by an interactive telecommunications system if the following conditions are met:

- (2) \* \* \*

(viii) A registered dietician or nutrition professional as described in § 410.134.

\* \* \* \* \*

**PART 411—EXCLUSIONS FROM MEDICARE AND LIMITATIONS ON MEDICARE PAYMENT**

7. The authority citation for part 411 continues to read as follows:

**Authority:** Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

**Subpart J—Financial Relationships Between Physicians and Entities Furnishing Designated Health Services**

- 8. Section 411.351 is amended by—  
A. Revising the definition “Radiation therapy services and supplies”.
  - B. Revising the definition “Radiology and certain other imaging services”.
- The revisions read as follows:

**§ 411.351 Definitions.**

\* \* \* \* \*

*Radiation therapy services and supplies* means those particular services and supplies so identified on the List of CPT/HCPCS Codes. All services and supplies identified on the List of CPT/HCPCS Codes are radiation therapy services and supplies for purposes of this subpart. Any service or supply not specifically identified as radiation therapy services or supplies on the List of CPT/HCPCS Codes is not a radiation therapy service or supply for purposes of this subpart. The list of codes identifying radiation therapy services and supplies are those covered under section 1861(s)(4) of the Act and § 410.35 of this chapter.

*Radiation and certain other imaging services* means those particular services so identified on the List of CPT/HCPCS Codes. All services so identified on the List of CPT/HCPCS Codes are radiology and certain other imaging services for purposes of this subpart. Any service not specifically identified as radiology and certain other imaging services on the List of CPT/HCPCS Codes, is not a radiology or certain other imaging service for purposes of this subpart. The list of codes identifying radiology and certain other imaging services includes the professional and technical components of any diagnostic test or procedure using x-rays, ultrasound, or other imaging services, computerized axial tomography, or magnetic resonance imaging, or diagnostic

nuclear medicine, as covered under section 1861(s)(3) of the Act and § 410.32 and § 410.34 of this chapter, but does not include—

(1) X-ray, fluoroscopy, or ultrasound procedures that require the insertion of a needle, catheter, tube, or probe through the skin or into a body orifice.

(2) Radiology procedures that are integral to the performance of a non-radiological medical procedure and performed—

(i) During the nonradiological medical procedure; or

(ii) Immediately following the non-radiological medical procedure where necessary to confirm placement of an item placed during the nonradiological medical procedure.

\* \* \* \* \*

**PART 413—PRINCIPLES OF REASONABLE COST REIMBURSEMENT; PAYMENT FOR END-STAGE RENAL DISEASE SERVICES; PROSPECTIVELY DETERMINED PAYMENT RATES FOR SKILLED NURSING FACILITIES**

9. The authority citation for part 413 continues to read as follows:

**Authority:** Secs. 1102, 1812(d), 1814(b), 1815, 1833(a), (i), and (n), 1871, 1881, 1883, and 1886 of the Social Security Act (42 U.S.C. 1302, 1395D(D), 1395f(b), 1395g, 13951(a), (i), and (n), 1395hh, 1395rr, 1395tt, and 1395ww).

**Subpart H—Payment for End-Stage Renal Disease (ESRD) Services and Organ Procurement Costs**

10. Section 413.170 is amended by revising paragraph (b) to read as follows:

**§ 413.170 Scope.**

\* \* \* \* \*

(b) Providing procedures and criteria under which a pediatric ESRD facility (an ESRD facility with at least a 50 percent pediatric patient mix) may receive an exception to the prospective payment rates; and

\* \* \* \* \*

11. Section 413.174 is amended by—  
A. Revising paragraph (f).  
B. Removing paragraph (g).  
The revisions read as follows:

**§ 413.174 Prospective rates for hospital-based and independent ESRD facilities.**

\* \* \* \* \*

(f) *Additional payment for separately billable drugs.* CMS makes an additional payment for certain drugs furnished to ESRD patients by a Medicare-approved ESRD facility. CMS makes this payment directly to the ESRD facility. Payment for these drugs is made—

(1) Only on an assignment basis, directly to the facility which must

accept, as payment in full, the amount that CMS determines;

(2) Subject to the Part B deductible and coinsurance;

(3) To hospital-based facilities in accordance with the cost reimbursement rules set forth in this part, except for erythropoietin/epogen (commonly called EPO), which is paid the same amount as independent facilities; and

(4) To independent facilities in accordance with the methodology set forth in § 405.517 of this chapter.

12. Section 413.180 is amended by—

A. Revising paragraphs (b) and (d)

B. Removing paragraphs (e) and (k).

C. Redesignating paragraphs (f) through (j) as paragraphs (e) through (i).

D. Redesignating paragraphs (l) and (m) as paragraphs (j) and (k).

The amendment reads as follows:

**§ 413.180 Procedures for requesting exceptions to payment rates.**

\* \* \* \* \*

(b) *Criteria for requesting an exception.* If a pediatric ESRD facility projects on the basis of prior year costs and utilization trends that it has an allowable cost per treatment higher than its prospective rate set under § 413.174, and if these excess costs are attributable to one or more of the factors in § 413.182, the facility may request, in accordance with paragraph (e) of this section, that CMS approve an exception to that rate and set a higher prospective payment rate.

\* \* \* \* \*

(d) *Payment rate exception request.* Effective October 1, 2002, CMS may approve exceptions to a pediatric ESRD facility's updated prospective payment rate, if the pediatric ESRD facility did not have an approved exception rate as of October 1, 2002. A pediatric ESRD facility may request an exception to its payment rate at any time after it is in operation for at least 12 consecutive months.

\* \* \* \* \*

13. Section 413.182 is revised to read as follows:

**§ 413.182 Criteria for approval of exception requests.**

(a) CMS may approve exceptions to a pediatric ESRD facility's prospective payment rate if the pediatric ESRD facility did not have an approved exception rate as of October 1, 2002.

(b) The pediatric ESRD facility must demonstrate, by convincing objective evidence, that its total per treatment costs are reasonable and allowable under the relevant cost reimbursement principles of part 413 and that its per treatment costs in excess of its payment rate are directly attributable to any of the following criteria:

(1) Pediatric patient mix, as specified in § 413.184.

(2) Self-dialysis training costs in pediatric facilities, as specified in § 413.186

14. Section 413.184 is amended by revising paragraphs (a) and (b)(1) to read as follows:

**§ 413.184 Payment exception: Pediatric patient mix.**

(a) *Qualifications.* To qualify for an exception to its prospective payment rate based on its pediatric patient mix a facility must demonstrate that—

(1) At least 50 percent of its patients are individuals under 18 years of age;

(2) Its nursing personnel costs are allocated properly between each mode of care;

(3) The additional nursing hours per treatment are not the result of an excess number of employees;

(4) Its pediatric patients require a significantly higher staff-to-patient ratio than typical adult patients; and

(5) These services, procedures, or supplies and its per treatment costs are clearly prudent and reasonable when compared to those of pediatric facilities with a similar patient mix.

(b) *Documentation.* (1) A pediatric ESRD facility must submit a listing of all outpatient dialysis patients (including all home patients) treated during the most recently completed and filed cost report (in accordance with cost reporting requirements under § 413.198) showing—

(i) Age of patients and percentage of patients under the age of 18;

(ii) Individual patient diagnosis;

(iii) Home patients and ages;

(iv) In-facility patients, staff-assisted, or self-dialysis;

(v) Diabetic patients; and

(vi) Patients isolated because of contagious disease.

\* \* \* \* \*

**§ 413.186 [Removed]**

15. Section 413.186 is removed.

**§ 413.188 [Removed]**

16. Section 413.188 is removed.

17. Redesignate § 413.190 as § 413.186 and revise the newly designated § 413.186 to read as follows:

**§ 413.186 Payment exception: Self-dialysis training costs in pediatric facilities.**

(a) *Qualification.* To qualify for an exception to the prospective payment rate based on self-dialysis training costs, the pediatric ESRD facility must establish that it incurs per treatment costs for furnishing self-dialysis and home dialysis training that exceed the facility's payment rate for the training sessions.

(b) *Justification.* To justify its exception request, a facility must—

(1) Separately identify those elements contributing to its costs in excess of the composite training rate; and

(2) Demonstrate that its per treatment costs are reasonable and allowable.

(c) *Criteria for determining proper cost reporting.* CMS considers the pediatric ESRD facility's total costs, cost finding and apportionment, including its allocation of costs, to determine if costs are properly reported by treatment modality.

(d) *Limitation of exception requests.*

Exception requests for a higher training rate are limited to those cost components relating to training such as technical staff, medical supplies, and the special costs of education (manuals and education materials). These requests may include overhead and other indirect costs to the extent that these costs are directly attributable to the additional training costs.

(e) *Documentation.* The pediatric ESRD facility must provide the following information to support its exception request:

(1) A copy of the facility's training program.

(2) Computation of the facility's cost per treatment for maintenance sessions and training sessions including an explanation of the cost difference between the two modalities.

(3) Class size and patients' training schedules.

(4) Number of training sessions required, by treatment modality, to train patients.

(5) Number of patients trained for the current year and the prior 2 years on a monthly basis.

(6) Projection for the next 12 months of future training candidates.

(7) The number and qualifications of staff at training sessions.

(f) *Accelerated training exception.* (1)

A pediatric ESRD facility may bill Medicare for a dialysis training session only when a patient receives a dialysis treatment (normally three times a week for hemodialysis). Continuous cycling peritoneal dialysis (CCPD) and continuous ambulatory peritoneal dialysis (CAPD) are daily treatment modalities; ESRD facilities are paid the equivalent of three hemodialysis treatments for each week that CCPD and CAPD treatments are provided.

(2) If a pediatric ESRD facility elects to train all its patients using a particular treatment modality more often than during each dialysis treatment and, as a result, the number of billable training dialysis sessions is less than the number of actual training sessions, the facility

may request a composite rate exception, limited to the lesser of the—

(i) Facility's projected training cost per treatment; or

(ii) Cost per treatment the facility receives in training a patient if it had trained patients only during a dialysis treatment, that is, three times per week.

(3) An ESRD facility may bill a maximum of 25 training sessions per patient for hemodialysis training and 15 sessions for CCPD and CAPD training.

(4) In computing the payment amount under an accelerated training exception, CMS uses a minimum number of training sessions per patient (15 for hemodialysis and 5 for CAPD and CCPD) when the facility actually provides fewer than the minimum number of training sessions.

(5) To justify an accelerated training exception request, an ESRD facility must document that a significant number of training sessions for a particular modality are provided during a shorter but more condensed period.

(6) The facility must submit with the exception request a list of patients, by modality, trained during the most recent cost report period. The list must include each beneficiary's—

(i) Name;

(ii) Age; and

(iii) Training status (completed, not completed, being retrained, or in the process of being trained).

(7) The total treatments from the patient list must be the same as the total treatments reported on the cost report filed with the request.

**§ 413.192 [Removed]**

18. Section 413.192 is removed.

**PART 414—PAYMENT FOR PART B MEDICAL AND OTHER HEALTH SERVICES**

19. 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)).

**Subpart B—Physicians and Other Practitioners**

20. Section 414.65 is amended by revising paragraph (a)(1) to 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, pharmacologic management, end stage renal disease related services included in the monthly

capitation payment (except for one visit per month to examine the access site), and individual medical nutrition therapy furnished via an interactive telecommunications system is equal to the current fee schedule amount applicable for the service of the physician or practitioner.

\* \* \* \* \*

21. Section 414.802 is amended by adding definitions of "direct sales" and "indirect sales" to read as follows:

**§ 414.802 Definitions**

\* \* \* \* \*

*Direct Sales* means sales directly from the manufacturer to the provider (for example, physician or other health care provider) or supplier.

\* \* \* \* \*

*Indirect Sales* means from the manufacturer to a wholesaler, distributor, or similar entity that sells to others in the distribution chain. Indirect sales also include any sale subject to the average sales price reporting requirement that is not a direct sale.

\* \* \* \* \*

22. Section 414.804(a) is amended by:

A. Redesignating paragraphs (a)(3), (a)(4), (a)(5), and (a)(6), as paragraphs (a)(4), (a)(5), (a)(6), and (a)(7).

B. Adding a new paragraph (a)(3).

C. Revising newly redesignated paragraph (a)(4).

The redesignations and revisions read as follows:

**§ 414.804 Basis of payment.**

(a) \* \* \*

(3) In calculating the manufacturer's average sales price, a manufacturer must—

(i) Calculate the average sales price for direct sales;

(ii) Calculate the average sales price for indirect sales; and

(iii) Calculate the weighted average of the results from paragraphs (a)(3)(i) and (a)(3)(ii). *Example.* [(ASP for direct sales × direct sales units) + (ASP for indirect sales × indirect sales units)]/(direct sales units + indirect units sales units).

(4) To the extent that data on price concessions, as described in paragraph (a)(2) of this section, are available on a lagged basis, the manufacturer must estimate this amount in accordance with the methodology described in paragraphs (a)(4)(i) through (a)(4)(iv) of this section, for each of the amounts calculated under paragraphs (a)(3)(i) and (a)(3)(ii) of this section, before calculating the weighted average described in paragraph (a)(3)(iii) of this section.

(i) For each National Drug Code, the manufacturer calculates a percentage

equal to the sum of the price concessions for the most recent 12-month period available associated with sales subject to the average sales price reporting requirement divided by the total in dollars for the sales subject to the average sales price reporting requirement for the same 12-month period.

(ii) The manufacturer then multiplies the percentage described in paragraph (a)(4)(i) of this section by the total in dollars for the sales subject to the average sales price reporting requirement for the quarter being submitted. (The manufacturer must carry a sufficient number of decimal places in the calculation of the price concessions percentage in order to round accurately the net total sales amount for the quarter to the nearest whole dollar.) The result of this multiplication is then subtracted from the total in dollars for the sales subject to the average sales price reporting requirement for the quarter being submitted.

(iii) The manufacturer then uses the result of the calculation described in paragraph (a)(4)(ii) of this section as the numerator and the number of units sold in the quarter as the denominator to calculate the manufacturer's average sales price for the National Drug Code in the quarter being submitted.

(iv) *Example.* The total lagged price concessions (discounts, rebates, etc.) over the most recent 12-month period available associated with direct sales for National Drug Code 12345-6789-01 subject to the ASP reporting requirement equal \$200,000. The total in dollars for the direct sales subject to the average sales price reporting requirement for the same period equals \$600,000. The lagged price concessions percentage for this period equals  $200,000/600,000 = .33333$ . The total in dollars for the direct sales subject to the average sales price reporting requirement for the quarter being reported equals \$50,000 for 10,000 direct sales units sold. Assuming no non-lagged price concessions apply, the manufacturer's average sales price calculation for direct sales for this National Drug Code for this quarter is:  $50,000 - (.33333 \times 50,000) = \$33,334$  (net total direct sales amount);  $33,334/10,000 = \$3.33$  (average sales price for direct sales). The average sales price for indirect sales is calculated independently.

\* \* \* \* \*

**Subpart L—Supplying and Dispensing Fees**

23. Section 414.1001 is amended by revising paragraph (a) as follows:

**§ 414.1001 Basis of payment.**

(a) A supplying fee of \$24 is paid to a supplier for the first prescription of drugs and biologicals described in sections 1861(s)(2)(J), 1861(s)(2)(Q), and 1861(s)(2)(T) of the Act that that supplier provided to a beneficiary during a month. A supplying fee of \$8 is paid to a supplier for each prescription of drugs and biologicals described in sections 1861(s)(2)(J), 1861(s)(2)(Q), and 1861(s)(2)(T) of the Act, after the first one, that that supplier provided to a beneficiary during a month.

\* \* \* \* \*

**PART 426—REVIEW OF NATIONAL COVERAGE DETERMINATIONS AND LOCAL COVERAGE DETERMINATIONS**

24. The authority citation for part 426 continues to read as follows:

**Authority:** Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

25. The heading for part 426 is revised to read as set forth above.

**Subpart C—General Provisions for the Review of LCDs and NCDs**

26. Section 426.340 is amended by—

- A. Revising paragraph (e)(2).
- B. Adding paragraph (e)(3).
- C. Revising paragraph (f)(2).
- D. Adding paragraph (f)(3).

The revisions and additions read as follows:

**§ 426.340 Procedures for review of new evidence.**

\* \* \* \* \*

(e) \* \* \*

(2) For LCDs, sets a reasonable timeframe, not more than 90 days, by which the contractor completes the reconsideration.

(3) For NCDs, sets a reasonable timeframe, in compliance with the timeframes specified in section 1862(1) of the Act, by which CMS completes the reconsideration.

(f) \* \* \*

(2) For LCDs, the 90-day reconsideration timeframe is not met.

(3) For NCDs, the reconsideration timeframe as specified by the Board, in compliance with section 1862(1) of the Act, is not met.

\* \* \* \* \*

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program).

Dated: July 12, 2005.

**Mark B. McClellan,**

*Administrator, Centers for Medicare & Medicaid Services.*

Approved: July 18, 2005.

**Michael O. Leavitt,**

*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 2006. 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—2006 Relative Value Units and Related Information Used in Determining Medicare Payments For 2006

This addendum contains the following information for each CPT code and alphanumeric HCPCS code, except for alphanumeric codes beginning with B (enteral and parenteral therapy), E (durable medical equipment), K (temporary codes for nonphysicians' services or items), or L (orthotics), and codes for anesthesiology.

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 coverage determination 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/discontinued 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 CMS 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.) These codes are deleted effective with the beginning of the year and are never subject to a grace period. This indicator is no longer effective with the 2006 physician fee schedule as of January 1, 2006.

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. (Code subject to a 90 day grace period.) This indicator is no longer effective with the 2006 physician fee schedule as of January 1, 2006.

H = Deleted modifier. For 2000 and later years, 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.

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 is 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 2005. Codes that are not used for Medicare payment are identified with a "+."

6. *Non-facility practice expense RVUs.* These are the fully implemented resource-based practice expense RVUs for non-facility settings.

7. *Facility practice expense RVUs.* These are the fully implemented resource-based practice expense RVUs for facility settings.

8. *Malpractice expense RVUs.* These are the RVUs for the malpractice expense for the service for 2005.

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 that is always included in the global period of the other service. (Note: Physician work and practice expense are associated with intra service time and in some instances the post service time.)

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
0003T		C	Cervicography	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
0010T		C	Tb test, gamma interferon	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0016T		C	Thermox 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 stimulat	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0019T		I	Extracorp shock wave tx, ms	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0020T		C	Extracorp shock wave tx, ft	0.00	0.00	0.00	0.00	0.00	0.00	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
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	Antiprotrombin 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
0045T		C	Whole body photography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0046T		C	Cath lavage, mammary duct(s)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0047T		C	Cath lavage, mammary duct(s)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0048T		C	Implant ventricular device	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0049T		C	External circulation assist	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0050T		C	Removal circulation assist	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0051T		C	Implant total heart system	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0052T		C	Replace component heart syst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0053T		C	Replace component heart syst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0054T		C	Bone surgery using computer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0055T		C	Bone surgery using computer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0056T		C	Bone surgery using computer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0058T		C	Cryopreservation, ovary tiss	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0059T		C	Cryopreservation, oocyte	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0060T		C	Electrical impedance scan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0061T		C	Destruction of tumor, breast	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0062T		C	Rep intradisc annulus;1 lev	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0063T		C	Rep intradisc annulus;>1lev	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0064T		C	Spectroscop eval expired gas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0065T		C	Ocular photoscreen bilat	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0066T		N	Ct colonography;screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0066T	26	N	Ct colonography;screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0066T	TC	N	Ct colonography;screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0067T		C	Ct colonography;dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0067T	26	C	Ct colonography;dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0067T	TC	C	Ct colonography;dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0068T		C	Interp/rept heart sound	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0069T		C	Analysis only heart sound	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0070T		C	Interp only heart sound	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0071T		C	U/s leiomyomata ablate <200	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0072T		C	U/s leiomyomata ablate >200	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0073T		A	Delivery, comp imrt	0.00	16.71	NA	0.13	16.84	NA	XXX
0074T		N	Online physician e/m	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0075T		C	Perq stent/chest vert art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0075T	26	C	Perq stent/chest vert art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0075T	TC	C	Perq stent/chest vert art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0076T		C	S&i stent/chest vert art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0076T	26	C	S&i stent/chest vert art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0076T	TC	C	S&i stent/chest vert art	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0077T		C	Cereb therm perfusion probe	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0078T		C	Endovasc aort repr w/device	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0079T		C	Endovasc visc extnsn repr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0080T		C	Endovasc aort repr rad s&i	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0081T		C	Endovasc visc extnsn s&i	0.00	0.00	0.00	0.00	0.00	0.00	XXX

<sup>1</sup> CPT codes and descriptions only are copyright 2005 American Medical Association. All rights reserved. Applicable FARS/DFARS apply.<sup>2</sup> Copyright 2005 American Dental Association. All rights reserved.<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
0082T		C	Stereotactic rad delivery	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0083T		C	Stereotactic rad tx mngmt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0084T		C	Temp prostate urethral stent	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0085T		C	Breath test heart reject	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0086T		C	L ventricle fill pressure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0087T		C	Sperm eval hyaluronan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0088T		C	Rf tongue base vol reduxn	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0500F		I	Initial prenatal care visit	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0501F		I	Prenatal flow sheet	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0502F		I	Subsequent prenatal care	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0503F		I	Postpartum care visit	0.00	0.00	0.00	0.00	0.00	0.00	XXX
1000F		I	Tobacco use, smoking, assess	0.00	0.00	0.00	0.00	0.00	0.00	XXX
1001F		I	Tobacco use, non-smoking	0.00	0.00	0.00	0.00	0.00	0.00	XXX
10021		A	Fna w/o image	1.27	2.11	0.53	0.10	3.48	1.90	XXX
10022		A	Fna w/image	1.27	2.51	0.44	0.08	3.86	1.79	XXX
1002F		I	Assess anginal symptom/level	0.00	0.00	0.00	0.00	0.00	0.00	XXX
10040		A	Acne surgery	1.18	1.12	0.84	0.05	2.35	2.07	010
10060		A	Drainage of skin abscess	1.17	1.27	0.94	0.12	2.56	2.24	010
10061		A	Drainage of skin abscess	2.40	1.90	1.49	0.26	4.56	4.15	010
10080		A	Drainage of pilonidal cyst	1.17	2.98	1.07	0.11	4.27	2.36	010
10081		A	Drainage of pilonidal cyst	2.45	3.91	1.48	0.24	6.60	4.17	010
10120		A	Remove foreign body	1.22	2.14	0.94	0.12	3.49	2.28	010
10121		A	Remove foreign body	2.70	3.47	1.75	0.33	6.49	4.77	010
10140		A	Drainage of hematoma/fluid	1.53	1.83	1.29	0.19	3.56	3.01	010
10160		A	Puncture drainage of lesion	1.20	1.62	1.08	0.14	2.96	2.43	010
10180		A	Complex drainage, wound	2.25	2.95	1.93	0.35	5.55	4.53	010
11000		A	Debride infected skin	0.60	0.61	0.21	0.07	1.28	0.88	000
11001		A	Debride infected skin add-on	0.30	0.24	0.11	0.04	0.58	0.45	ZZZ
11004		A	Debride genitalia & perineum	10.33	NA	3.80	0.67	NA	14.80	000
11005		A	Debride abdom wall	13.78	NA	5.42	0.96	NA	20.16	000
11006		A	Debride genit/per/abdom wall	12.64	NA	4.73	1.28	NA	18.64	000
11008		A	Remove mesh from abd wall	5.01	NA	1.97	0.61	NA	7.59	ZZZ
11010		A	Debride skin, fx	4.20	6.68	2.57	0.66	11.54	7.43	010
11011		A	Debride skin/muscle, fx	4.95	7.80	2.29	0.74	13.49	7.98	000
11012		A	Debride skin/muscle/bone, fx	6.88	11.37	3.73	1.16	19.41	11.78	000
11040		A	Debride skin, partial	0.50	0.55	0.21	0.06	1.11	0.77	000
11041		A	Debride skin, full	0.82	0.68	0.32	0.10	1.60	1.24	000
11042		A	Debride skin/tissue	1.12	0.98	0.43	0.13	2.23	1.68	000
11043		A	Debride tissue/muscle	2.38	3.33	2.54	0.32	6.03	5.25	010
11044		A	Debride tissue/muscle/bone	3.07	4.38	3.65	0.43	7.88	7.15	010
11055		R	Trim skin lesion	0.43	0.60	0.17	0.05	1.08	0.65	000
11056		R	Trim skin lesions, 2 to 4	0.61	0.68	0.23	0.07	1.36	0.91	000
11057		R	Trim skin lesions, over 4	0.79	0.78	0.29	0.10	1.68	1.18	000
11100		A	Biopsy, skin lesion	0.81	1.38	0.39	0.03	2.22	1.23	000
11101		A	Biopsy, skin add-on	0.41	0.37	0.20	0.02	0.80	0.63	ZZZ
11200		A	Removal of skin tags	0.77	1.11	0.78	0.04	1.92	1.59	010
11201		A	Remove skin tags add-on	0.29	0.17	0.12	0.02	0.48	0.43	ZZZ
11300		A	Shave skin lesion	0.51	1.05	0.21	0.03	1.59	0.75	000
11301		A	Shave skin lesion	0.85	1.22	0.39	0.04	2.11	1.28	000
11302		A	Shave skin lesion	1.05	1.43	0.46	0.05	2.53	1.57	000
11303		A	Shave skin lesion	1.24	1.73	0.52	0.07	3.04	1.83	000
11305		A	Shave skin lesion	0.67	0.91	0.27	0.07	1.65	1.01	000
11306		A	Shave skin lesion	0.99	1.20	0.42	0.07	2.27	1.48	000
11307		A	Shave skin lesion	1.14	1.41	0.49	0.07	2.63	1.70	000
11308		A	Shave skin lesion	1.41	1.56	0.58	0.13	3.10	2.13	000
11310		A	Shave skin lesion	0.73	1.19	0.32	0.04	1.96	1.09	000
11311		A	Shave skin lesion	1.05	1.35	0.49	0.05	2.45	1.59	000
11312		A	Shave skin lesion	1.20	1.57	0.55	0.06	2.83	1.81	000
11313		A	Shave skin lesion	1.62	1.95	0.71	0.10	3.67	2.43	000
11400		A	Exc tr-ext b9+marg 0.5 < cm	0.85	1.98	0.88	0.06	2.89	1.79	010
11401		A	Exc tr-ext b9+marg 0.6-1 cm	1.23	2.08	1.01	0.10	3.42	2.35	010
11402		A	Exc tr-ext b9+marg 1.1-2 cm	1.51	2.26	1.07	0.13	3.91	2.72	010
11403		A	Exc tr-ext b9+marg 2.1-3 cm	1.79	2.43	1.32	0.17	4.39	3.28	010
11404		A	Exc tr-ext b9+marg 3.1-4 cm	2.06	2.74	1.40	0.21	5.01	3.67	010
11406		A	Exc tr-ext b9+marg > 4.0 cm	2.77	3.08	1.64	0.32	6.16	4.73	010
11420		A	Exc h-f-nk-sp b9+marg 0.5 <	0.98	1.79	0.93	0.09	2.86	2.00	010
11421		A	Exc h-f-nk-sp b9+marg 0.6-1	1.42	2.11	1.10	0.13	3.66	2.66	010
11422		A	Exc h-f-nk-sp b9+marg 1.1-2	1.63	2.30	1.33	0.16	4.09	3.12	010
11423		A	Exc h-f-nk-sp b9+marg 2.1-3	2.01	2.61	1.45	0.20	4.83	3.66	010
11424		A	Exc h-f-nk-sp b9+marg 3.1-4	2.43	2.87	1.60	0.25	5.55	4.28	010
11426		A	Exc h-f-nk-sp b9+marg > 4 cm	3.78	3.50	2.09	0.44	7.72	6.30	010
11440		A	Exc face-mm b9+marg 0.5 < cm	1.06	2.19	1.29	0.08	3.33	2.43	010
11441		A	Exc face-mm b9+marg 0.6-1 cm	1.48	2.35	1.47	0.13	3.97	3.08	010
11442		A	Exc face-mm b9+marg 1.1-2 cm	1.72	2.59	1.55	0.16	4.47	3.43	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
11443		A	Exc face-mm b9+marg 2.1-3 cm	2.29	2.96	1.78	0.22	5.48	4.30	010
11444		A	Exc face-mm b9+marg 3.1-4 cm	3.15	3.52	2.14	0.30	6.97	5.59	010
11446		A	Exc face-mm b9+marg > 4 cm	4.49	4.17	2.71	0.43	9.09	7.63	010
11450		A	Removal, sweat gland lesion	2.74	4.91	2.02	0.34	7.99	5.10	090
11451		A	Removal, sweat gland lesion	3.95	6.43	2.52	0.53	10.90	7.00	090
11462		A	Removal, sweat gland lesion	2.52	5.04	2.03	0.32	7.88	4.86	090
11463		A	Removal, sweat gland lesion	3.95	6.59	2.67	0.54	11.08	7.16	090
11470		A	Removal, sweat gland lesion	3.26	4.98	2.28	0.40	8.64	5.93	090
11471		A	Removal, sweat gland lesion	4.41	6.48	2.76	0.58	11.47	7.75	090
11600		A	Exc tr-ext mlg+marg 0.5 < cm	1.31	2.68	0.96	0.10	4.09	2.38	010
11601		A	Exc tr-ext mlg+marg 0.6-1 cm	1.80	2.86	1.21	0.12	4.78	3.14	010
11602		A	Exc tr-ext mlg+marg 1.1-2 cm	1.95	3.00	1.25	0.12	5.07	3.32	010
11603		A	Exc tr-ext mlg+marg 2.1-3 cm	2.19	3.22	1.31	0.16	5.58	3.66	010
11604		A	Exc tr-ext mlg+marg 3.1-4 cm	2.40	3.52	1.37	0.20	6.13	3.98	010
11606		A	Exc tr-ext mlg+marg > 4 cm	3.43	4.22	1.70	0.36	8.01	5.49	010
11620		A	Exc h-f-nk-sp mlg+marg 0.5 <	1.19	2.65	0.94	0.09	3.93	2.22	010
11621		A	Exc h-f-nk-sp mlg+marg 0.6-1	1.76	2.86	1.22	0.12	4.74	3.11	010
11622		A	Exc h-f-nk-sp mlg+marg 1.1-2	2.09	3.14	1.37	0.14	5.38	3.60	010
11623		A	Exc h-f-nk-sp mlg+marg 2.1-3	2.62	3.49	1.55	0.20	6.30	4.36	010
11624		A	Exc h-f-nk-sp mlg+marg 3.1-4	3.07	3.90	1.74	0.27	7.23	5.07	010
11626		A	Exc h-f-nk-sp mlg+mar > 4 cm	4.30	4.79	2.34	0.45	9.54	7.09	010
11640		A	Exc face-mm malig+marg 0.5 <	1.35	2.74	1.09	0.11	4.20	2.55	010
11641		A	Exc face-mm malig+marg 0.6-1	2.16	3.19	1.50	0.16	5.52	3.82	010
11642		A	Exc face-mm malig+marg 1.1-2	2.60	3.59	1.67	0.19	6.38	4.45	010
11643		A	Exc face-mm malig+marg 2.1-3	3.11	3.98	1.91	0.26	7.34	5.28	010
11644		A	Exc face-mm malig+marg 3.1-4	4.03	4.87	2.39	0.37	9.27	6.79	010
11646		A	Exc face-mm mlg+marg > 4 cm	5.95	5.96	3.38	0.61	12.53	9.94	010
11719		R	Trim nail(s)	0.17	0.27	0.07	0.02	0.46	0.26	000
11720		A	Debride nail, 1-5	0.32	0.36	0.12	0.04	0.72	0.48	000
11721		A	Debride nail, 6 or more	0.54	0.46	0.21	0.07	1.07	0.82	000
11730		A	Removal of nail plate	1.13	1.08	0.42	0.14	2.36	1.69	000
11732		A	Remove nail plate, add-on	0.57	0.46	0.22	0.07	1.10	0.86	ZZZ
11740		A	Drain blood from under nail	0.37	0.59	0.36	0.04	1.00	0.77	000
11750		A	Removal of nail bed	1.86	2.27	1.76	0.22	4.35	3.85	010
11752		A	Remove nail bed/finger tip	2.68	3.09	2.95	0.35	6.12	5.98	010
11755		A	Biopsy, nail unit	1.31	1.70	0.78	0.14	3.15	2.23	000
11760		A	Repair of nail bed	1.58	2.68	1.71	0.21	4.47	3.50	010
11762		A	Reconstruction of nail bed	2.90	3.00	2.27	0.36	6.26	5.53	010
11765		A	Excision of nail fold, toe	0.69	1.91	0.80	0.08	2.68	1.57	010
11770		A	Removal of pilonidal lesion	2.62	3.43	1.49	0.33	6.37	4.44	010
11771		A	Removal of pilonidal lesion	5.74	5.69	3.32	0.74	12.18	9.80	090
11772		A	Removal of pilonidal lesion	6.98	7.42	5.05	0.89	15.29	12.92	090
11900		A	Injection into skin lesions	0.52	0.72	0.22	0.02	1.26	0.76	000
11901		A	Added skin lesions injection	0.80	0.76	0.38	0.03	1.59	1.21	000
11920		R	Correct skin color defects	1.61	3.44	1.08	0.24	5.30	2.93	000
11921		R	Correct skin color defects	1.93	3.70	1.24	0.29	5.92	3.47	000
11922		R	Correct skin color defects	0.49	1.08	0.24	0.07	1.65	0.80	ZZZ
11950		R	Therapy for contour defects	0.84	1.13	0.41	0.06	2.03	1.31	000
11951		R	Therapy for contour defects	1.19	1.47	0.51	0.11	2.77	1.82	000
11952		R	Therapy for contour defects	1.69	1.81	0.67	0.16	3.66	2.52	000
11954		R	Therapy for contour defects	1.85	2.32	0.89	0.25	4.42	3.00	000
11960		A	Insert tissue expander(s)	9.09	NA	10.12	1.31	NA	20.51	090
11970		A	Replace tissue expander	7.06	NA	5.95	1.05	NA	14.07	090
11971		A	Remove tissue expander(s)	2.13	8.65	3.67	0.32	11.10	6.12	090
11975		N	Insert contraceptive cap	1.48	1.50	0.57	0.17	3.15	2.22	XXX
11976		R	Removal of contraceptive cap	1.78	1.75	0.66	0.21	3.74	2.66	000
11977		N	Removal/reinsert contra cap	3.31	2.31	1.25	0.37	5.99	4.93	XXX
11980		A	Implant hormone pellet(s)	1.48	1.12	0.58	0.13	2.73	2.19	000
11981		A	Insert drug implant device	1.48	1.82	0.67	0.12	3.43	2.28	XXX
11982		A	Remove drug implant device	1.78	2.03	0.82	0.17	3.98	2.78	XXX
11983		A	Remove/insert drug implant	3.31	2.51	1.51	0.23	6.05	5.04	XXX
12001		A	Repair superficial wound(s)	1.70	1.91	0.75	0.15	3.76	2.60	010
12002		A	Repair superficial wound(s)	1.86	1.97	0.87	0.17	4.00	2.90	010
12004		A	Repair superficial wound(s)	2.24	2.24	0.98	0.21	4.70	3.43	010
12005		A	Repair superficial wound(s)	2.87	2.73	1.16	0.27	5.87	4.30	010
12006		A	Repair superficial wound(s)	3.67	3.28	1.47	0.35	7.29	5.49	010
12007		A	Repair superficial wound(s)	4.12	3.69	1.76	0.45	8.26	6.33	010
12011		A	Repair superficial wound(s)	1.76	2.06	0.76	0.16	3.99	2.68	010
12013		A	Repair superficial wound(s)	1.99	2.20	0.90	0.18	4.37	3.07	010
12014		A	Repair superficial wound(s)	2.46	2.49	1.02	0.23	5.19	3.72	010
12015		A	Repair superficial wound(s)	3.20	3.03	1.21	0.29	6.52	4.70	010
12016		A	Repair superficial wound(s)	3.93	3.45	1.48	0.37	7.74	5.78	010
12017		A	Repair superficial wound(s)	4.71	NA	1.84	0.47	NA	7.02	010
12018		A	Repair superficial wound(s)	5.53	NA	2.19	0.64	NA	8.37	010

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
12020		A	Closure of split wound	2.63	3.78	1.88	0.30	6.71	4.80	010
12021		A	Closure of split wound	1.84	1.82	1.40	0.24	3.90	3.48	010
12031		A	Layer closure of wound(s)	2.15	2.69	1.06	0.17	5.01	3.39	010
12032		A	Layer closure of wound(s)	2.47	4.16	1.76	0.16	6.80	4.39	010
12034		A	Layer closure of wound(s)	2.93	3.55	1.47	0.25	6.73	4.64	010
12035		A	Layer closure of wound(s)	3.43	5.25	2.09	0.39	9.07	5.91	010
12036		A	Layer closure of wound(s)	4.05	5.50	2.47	0.55	10.10	7.07	010
12037		A	Layer closure of wound(s)	4.67	6.07	2.88	0.66	11.40	8.21	010
12041		A	Layer closure of wound(s)	2.37	2.89	1.20	0.19	5.46	3.77	010
12042		A	Layer closure of wound(s)	2.75	3.58	1.49	0.17	6.50	4.41	010
12044		A	Layer closure of wound(s)	3.15	3.70	1.61	0.27	7.12	5.03	010
12045		A	Layer closure of wound(s)	3.64	5.20	2.22	0.41	9.25	6.27	010
12046		A	Layer closure of wound(s)	4.25	6.30	2.68	0.54	11.09	7.47	010
12047		A	Layer closure of wound(s)	4.65	6.42	2.99	0.58	11.64	8.22	010
12051		A	Layer closure of wound(s)	2.47	3.52	1.47	0.20	6.19	4.15	010
12052		A	Layer closure of wound(s)	2.78	3.56	1.46	0.17	6.50	4.40	010
12053		A	Layer closure of wound(s)	3.13	3.83	1.55	0.23	7.18	4.91	010
12054		A	Layer closure of wound(s)	3.46	4.13	1.64	0.30	7.89	5.40	010
12055		A	Layer closure of wound(s)	4.43	5.03	2.12	0.45	9.91	7.00	010
12056		A	Layer closure of wound(s)	5.24	6.86	2.95	0.59	12.69	8.78	010
12057		A	Layer closure of wound(s)	5.96	6.58	3.62	0.56	13.11	10.15	010
13100		A	Repair of wound or lesion	3.13	4.22	2.26	0.26	7.60	5.64	010
13101		A	Repair of wound or lesion	3.92	5.05	2.65	0.26	9.23	6.82	010
13102		A	Repair wound/lesion add-on	1.24	1.27	0.56	0.13	2.64	1.93	ZZZ
13120		A	Repair of wound or lesion	3.31	4.29	2.29	0.26	7.85	5.86	010
13121		A	Repair of wound or lesion	4.33	5.26	2.75	0.25	9.84	7.32	010
13122		A	Repair wound/lesion add-on	1.44	1.54	0.62	0.15	3.13	2.21	ZZZ
13131		A	Repair of wound or lesion	3.79	4.58	2.63	0.26	8.63	6.68	010
13132		A	Repair of wound or lesion	5.95	6.47	4.16	0.32	12.74	10.43	010
13133		A	Repair wound/lesion add-on	2.19	1.80	1.02	0.18	4.18	3.39	ZZZ
13150		A	Repair of wound or lesion	3.81	4.92	2.70	0.34	9.06	6.85	010
13151		A	Repair of wound or lesion	4.45	5.08	3.10	0.31	9.83	7.86	010
13152		A	Repair of wound or lesion	6.33	6.56	3.96	0.40	13.30	10.69	010
13153		A	Repair wound/lesion add-on	2.38	2.07	1.11	0.24	4.69	3.74	ZZZ
13160		A	Late closure of wound	10.48	NA	7.03	1.54	NA	19.05	090
14000		A	Skin tissue rearrangement	5.89	8.20	5.35	0.59	14.68	11.83	090
14001		A	Skin tissue rearrangement	8.48	10.09	6.90	0.82	19.39	16.20	090
14020		A	Skin tissue rearrangement	6.59	9.07	6.37	0.64	16.30	13.61	090
14021		A	Skin tissue rearrangement	10.06	10.93	8.08	0.81	21.80	18.95	090
14040		A	Skin tissue rearrangement	7.88	9.46	7.06	0.62	17.95	15.55	090
14041		A	Skin tissue rearrangement	11.49	11.70	8.59	0.73	23.92	20.81	090
14060		A	Skin tissue rearrangement	8.51	9.39	7.32	0.68	18.58	16.51	090
14061		A	Skin tissue rearrangement	12.29	12.73	9.39	0.76	25.78	22.44	090
14300		A	Skin tissue rearrangement	11.76	12.16	8.95	1.16	25.09	21.87	090
14350		A	Skin tissue rearrangement	9.62	NA	7.01	1.34	NA	17.97	090
15000		A	Skin graft	4.00	3.98	2.14	0.54	8.52	6.68	000
15001		A	Skin graft add-on	1.00	1.32	0.40	0.14	2.46	1.54	ZZZ
15050		A	Skin pinch graft	4.30	6.91	4.97	0.57	11.78	9.84	090
15100		A	Skin split graft	9.06	12.29	7.58	1.28	22.63	17.91	090
15101		A	Skin split graft add-on	1.72	3.48	1.11	0.24	5.45	3.08	ZZZ
15120		A	Skin split graft	9.84	11.33	7.57	1.16	22.32	18.57	090
15121		A	Skin split graft add-on	2.68	4.31	1.75	0.36	7.34	4.79	ZZZ
15200		A	Skin full graft	8.04	9.81	6.07	0.98	18.82	15.09	090
15201		A	Skin full graft add-on	1.32	2.51	0.60	0.19	4.02	2.12	ZZZ
15220		A	Skin full graft	7.88	9.79	6.51	0.84	18.51	15.23	090
15221		A	Skin full graft add-on	1.19	2.30	0.55	0.16	3.65	1.90	ZZZ
15240		A	Skin full graft	9.05	10.88	7.76	0.92	20.85	17.72	090
15241		A	Skin full graft add-on	1.86	2.54	0.89	0.23	4.63	2.98	ZZZ
15260		A	Skin full graft	10.06	11.18	8.47	0.69	21.93	19.22	090
15261		A	Skin full graft add-on	2.23	2.85	1.36	0.21	5.29	3.80	ZZZ
15342		A	Cultured skin graft, 25 cm	1.00	1.86	0.54	0.12	2.98	1.66	010
15343		A	Culture skin graft addl 25 cm	0.25	0.09	0.09	0.03	0.37	0.37	ZZZ
15350		A	Skin homograft	4.00	6.20	3.75	0.51	10.71	8.26	090
15351		A	Skin homograft add-on	1.00	NA	0.36	0.14	NA	1.50	ZZZ
15400		A	Skin heterograft	4.00	4.14	3.97	0.47	8.61	8.43	090
15401		A	Skin heterograft add-on	1.00	1.79	0.43	0.14	2.93	1.57	ZZZ
15570		A	Form skin pedicle flap	9.22	10.97	6.57	1.34	21.53	17.13	090
15572		A	Form skin pedicle flap	9.28	9.50	6.27	1.20	19.98	16.75	090
15574		A	Form skin pedicle flap	9.89	10.88	7.59	1.20	21.97	18.68	090
15576		A	Form skin pedicle flap	8.70	9.94	6.72	0.87	19.51	16.29	090
15600		A	Skin graft	1.91	7.11	2.95	0.27	9.29	5.13	090
15610		A	Skin graft	2.42	4.58	3.30	0.35	7.36	6.07	090
15620		A	Skin graft	2.95	7.48	3.77	0.35	10.77	7.07	090
15630		A	Skin graft	3.28	7.06	4.05	0.34	10.68	7.66	090

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CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
15650		A	Transfer skin pedicle flap	3.97	7.20	4.12	0.42	11.59	8.50	090
15732		A	Muscle-skin graft, head/neck	17.85	17.55	11.84	1.99	37.38	31.67	090
15734		A	Muscle-skin graft, trunk	17.80	17.23	11.96	2.61	37.64	32.36	090
15736		A	Muscle-skin graft, arm	16.28	17.29	10.85	2.45	36.03	29.58	090
15738		A	Muscle-skin graft, leg	17.93	17.10	11.35	2.65	37.68	31.92	090
15740		A	Island pedicle flap graft	10.25	11.22	8.29	0.63	22.11	19.17	090
15750		A	Neurovascular pedicle graft	11.41	NA	8.81	1.42	NA	21.65	090
15756		A	Free myo/skin flap microvasc	35.25	NA	19.96	4.61	NA	59.82	090
15757		A	Free skin flap, microvasc	35.25	NA	20.93	3.89	NA	60.07	090
15758		A	Free fascial flap, microvasc	35.12	NA	20.93	4.23	NA	60.28	090
15760		A	Composite skin graft	8.75	10.37	7.07	0.85	19.97	16.66	090
15770		A	Derma-fat-fascia graft	7.53	NA	6.55	1.05	NA	15.13	090
15775		R	Hair transplant punch grafts	3.96	4.40	1.34	0.52	8.88	5.82	000
15776		R	Hair transplant punch grafts	5.54	5.71	2.82	0.72	11.97	9.08	000
15780		A	Abrasion treatment of skin	7.29	11.64	8.13	0.67	19.61	16.09	090
15781		A	Abrasion treatment of skin	4.85	7.37	5.36	0.34	12.56	10.55	090
15782		A	Abrasion treatment of skin	4.32	9.54	6.31	0.34	14.20	10.96	090
15783		A	Abrasion treatment of skin	4.29	7.10	4.35	0.28	11.67	8.92	090
15786		A	Abrasion, lesion, single	2.03	3.43	1.39	0.11	5.58	3.54	010
15787		A	Abrasion, lesions, add-on	0.33	1.02	0.16	0.04	1.40	0.53	ZZZ
15788		R	Chemical peel, face, epiderm	2.09	7.25	3.43	0.11	9.46	5.63	090
15789		R	Chemical peel, face, dermal	4.92	8.43	5.00	0.20	13.55	10.12	090
15792		R	Chemical peel, nonfacial	1.86	7.34	4.59	0.13	9.33	6.59	090
15793		A	Chemical peel, nonfacial	3.74	6.85	4.57	0.19	10.78	8.50	090
15810		A	Salabrasion	4.74	0.00	3.74	0.51	5.25	8.99	090
15811		A	Salabrasion	5.39	5.30	4.65	0.80	11.49	10.84	090
15819		A	Plastic surgery, neck	9.39	NA	7.02	0.97	NA	17.38	090
15820		A	Revision of lower eyelid	5.15	6.76	5.38	0.40	12.31	10.93	090
15821		A	Revision of lower eyelid	5.72	7.13	5.55	0.45	13.30	11.72	090
15822		A	Revision of upper eyelid	4.45	5.66	4.37	0.37	10.48	9.19	090
15823		A	Revision of upper eyelid	7.05	7.64	6.27	0.50	15.20	13.82	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	7.99	1.75	NA	22.14	090
15832		A	Excise excessive skin tissue	11.59	NA	8.13	1.66	NA	21.39	090
15833		A	Excise excessive skin tissue	10.64	NA	7.89	1.49	NA	20.02	090
15834		A	Excise excessive skin tissue	10.85	NA	7.50	1.61	NA	19.96	090
15835		A	Excise excessive skin tissue	11.67	NA	7.42	1.60	NA	20.69	090
15836		A	Excise excessive skin tissue	9.35	NA	6.64	1.34	NA	17.33	090
15837		A	Excise excessive skin tissue	8.44	8.28	7.16	1.18	17.90	16.78	090
15838		A	Excise excessive skin tissue	7.13	NA	5.93	0.58	NA	13.64	090
15839		A	Excise excessive skin tissue	9.39	8.67	6.28	1.22	19.28	16.89	090
15840		A	Graft for face nerve palsy	13.27	NA	9.70	1.32	NA	24.28	090
15841		A	Graft for face nerve palsy	23.28	NA	14.69	2.54	NA	40.51	090
15842		A	Flap for face nerve palsy	37.98	NA	22.25	4.93	NA	65.16	090
15845		A	Skin and muscle repair, face	12.58	NA	9.08	0.81	NA	22.47	090
15850		B	Removal of sutures	0.78	1.53	0.30	0.05	2.36	1.13	XXX
15851		A	Removal of sutures	0.86	1.62	0.30	0.06	2.54	1.22	000
15852		A	Dressing change not for burn	0.86	1.77	0.32	0.09	2.72	1.27	000
15860		A	Test for blood flow in graft	1.95	NA	0.77	0.27	NA	2.99	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	7.96	NA	5.45	1.04	NA	14.44	090
15922		A	Removal of tail bone ulcer	9.91	NA	7.03	1.42	NA	18.36	090
15931		A	Remove sacrum pressure sore	9.25	NA	5.58	1.25	NA	16.08	090
15933		A	Remove sacrum pressure sore	10.85	NA	7.66	1.52	NA	20.03	090
15934		A	Remove sacrum pressure sore	12.70	NA	7.84	1.78	NA	22.32	090
15935		A	Remove sacrum pressure sore	14.58	NA	10.04	2.09	NA	26.71	090
15936		A	Remove sacrum pressure sore	12.38	NA	7.99	1.76	NA	22.14	090
15937		A	Remove sacrum pressure sore	14.22	NA	9.53	2.06	NA	25.81	090
15940		A	Remove hip pressure sore	9.35	NA	6.02	1.31	NA	16.68	090
15941		A	Remove hip pressure sore	11.43	NA	9.13	1.66	NA	22.23	090
15944		A	Remove hip pressure sore	11.46	NA	8.36	1.65	NA	21.47	090
15945		A	Remove hip pressure sore	12.70	NA	9.36	1.84	NA	23.90	090
15946		A	Remove hip pressure sore	21.58	NA	13.97	3.16	NA	38.71	090
15950		A	Remove thigh pressure sore	7.55	NA	5.30	1.04	NA	13.88	090
15951		A	Remove thigh pressure sore	10.72	NA	7.67	1.49	NA	19.88	090
15952		A	Remove thigh pressure sore	11.39	NA	7.57	1.60	NA	20.56	090
15953		A	Remove thigh pressure sore	12.64	NA	8.75	1.79	NA	23.18	090

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<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
15956		A	Remove thigh pressure sore	15.53	NA	10.47	2.21	NA	28.21	090
15958		A	Remove thigh pressure sore	15.49	NA	10.73	2.25	NA	28.47	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	0.84	0.25	0.08	1.81	1.22	000
16010		A	Treatment of burn(s)	0.87	NA	0.61	0.09	NA	1.58	000
16015		A	Treatment of burn(s)	2.35	NA	1.13	0.32	NA	3.81	000
16020		A	Treatment of burn(s)	0.80	1.24	0.57	0.08	2.13	1.45	000
16025		A	Treatment of burn(s)	1.85	1.71	0.94	0.19	3.75	2.99	000
16030		A	Treatment of burn(s)	2.08	2.09	1.10	0.24	4.41	3.43	000
16035		A	Incision of burn scab, initi	3.75	NA	1.59	0.46	NA	5.80	090
16036		A	Escharotomy; add'l incision	1.50	NA	0.59	0.20	NA	2.29	ZZZ
17000		A	Destroy benign/premigl lesion	0.60	1.09	0.59	0.03	1.73	1.22	010
17003		A	Destroy lesions, 2-14	0.15	0.12	0.08	0.01	0.28	0.24	ZZZ
17004		A	Destroy lesions, 15 or more	2.80	2.58	1.71	0.11	5.49	4.62	010
17106		A	Destruction of skin lesions	4.59	4.81	3.35	0.35	9.75	8.29	090
17107		A	Destruction of skin lesions	9.17	7.66	5.50	0.63	17.46	15.30	090
17108		A	Destruction of skin lesions	13.21	9.87	7.77	0.54	23.62	21.52	090
17110		A	Destruct lesion, 1-14	0.65	1.65	0.75	0.05	2.35	1.45	010
17111		A	Destruct lesion, 15 or more	0.92	1.79	0.87	0.05	2.76	1.84	010
17250		A	Chemical cautery, tissue	0.50	1.23	0.34	0.06	1.79	0.90	000
17260		A	Destruction of skin lesions	0.91	1.33	0.69	0.04	2.28	1.64	010
17261		A	Destruction of skin lesions	1.17	1.83	0.91	0.05	3.05	2.13	010
17262		A	Destruction of skin lesions	1.58	2.13	1.11	0.06	3.78	2.76	010
17263		A	Destruction of skin lesions	1.79	2.32	1.18	0.07	4.19	3.04	010
17264		A	Destruction of skin lesions	1.94	2.51	1.19	0.08	4.53	3.22	010
17266		A	Destruction of skin lesions	2.34	2.79	1.26	0.09	5.23	3.69	010
17270		A	Destruction of skin lesions	1.32	1.89	0.94	0.05	3.27	2.31	010
17271		A	Destruction of skin lesions	1.49	2.01	1.07	0.06	3.56	2.63	010
17272		A	Destruction of skin lesions	1.77	2.25	1.21	0.07	4.10	3.06	010
17273		A	Destruction of skin lesions	2.05	2.48	1.31	0.08	4.62	3.44	010
17274		A	Destruction of skin lesions	2.60	2.87	1.53	0.10	5.56	4.23	010
17276		A	Destruction of skin lesions	3.21	3.26	1.72	0.16	6.63	5.08	010
17280		A	Destruction of skin lesions	1.17	1.80	0.87	0.05	3.03	2.09	010
17281		A	Destruction of skin lesions	1.72	2.15	1.18	0.07	3.94	2.98	010
17282		A	Destruction of skin lesions	2.04	2.43	1.35	0.08	4.55	3.47	010
17283		A	Destruction of skin lesions	2.65	2.86	1.58	0.11	5.61	4.34	010
17284		A	Destruction of skin lesions	3.22	3.26	1.82	0.13	6.60	5.17	010
17286		A	Destruction of skin lesions	4.44	4.01	2.44	0.23	8.68	7.11	010
17304		A	1 stage mohs, up to 5 spec	7.61	9.35	3.85	0.30	17.26	11.76	000
17305		A	2 stage mohs, up to 5 spec	2.86	4.64	1.46	0.11	7.61	4.42	000
17306		A	3 stage mohs, up to 5 spec	2.86	4.79	1.47	0.11	7.76	4.44	000
17307		A	Mohs addl stage up to 5 spec	2.86	4.39	1.49	0.11	7.36	4.45	000
17310		A	Mohs any stage > 5 spec each	0.95	1.74	0.51	0.03	2.72	1.49	ZZZ
17340		A	Cryotherapy of skin	0.76	0.38	0.36	0.05	1.19	1.17	010
17360		A	Skin peel therapy	1.43	1.51	0.96	0.06	3.00	2.46	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	1.97	0.32	0.08	2.89	1.24	000
19001		A	Drain breast lesion add-on	0.42	0.25	0.15	0.04	0.71	0.61	ZZZ
19020		A	Incision of breast lesion	3.57	6.18	2.67	0.45	10.20	6.68	090
19030		A	Injection for breast x-ray	1.53	3.03	0.53	0.09	4.65	2.15	000
19100		A	Bx breast percut w/o image	1.27	2.06	0.43	0.16	3.50	1.86	000
19101		A	Biopsy of breast, open	3.19	4.65	1.98	0.39	8.23	5.56	010
19102		A	Bx breast percut w/image	2.00	3.99	0.68	0.14	6.13	2.83	000
19103		A	Bx breast percut w/device	3.70	11.81	1.26	0.30	15.81	5.25	000
19110		A	Nipple exploration	4.30	5.75	2.87	0.57	10.62	7.74	090
19112		A	Excise breast duct fistula	3.67	5.89	2.69	0.48	10.04	6.84	090
19120		A	Removal of breast lesion	5.56	4.56	3.06	0.73	10.85	9.35	090
19125		A	Excision, breast lesion	6.06	4.77	3.28	0.80	11.63	10.14	090
19126		A	Excision, addl breast lesion	2.94	NA	0.98	0.38	NA	4.29	ZZZ
19140		A	Removal of breast tissue	5.14	7.05	3.39	0.69	12.88	9.22	090
19160		A	Partial mastectomy	5.99	NA	3.41	0.79	NA	10.19	090
19162		A	P-mastectomy w/ln removal	13.54	NA	6.26	1.79	NA	21.59	090
19180		A	Removal of breast	8.81	NA	5.00	1.18	NA	14.99	090
19182		A	Removal of breast	7.74	NA	4.72	1.04	NA	13.50	090
19200		A	Removal of breast	15.50	NA	7.87	1.92	NA	25.29	090
19220		A	Removal of breast	15.73	NA	8.17	2.07	NA	25.98	090
19240		A	Removal of breast	16.01	NA	8.15	2.12	NA	26.28	090
19260		A	Removal of chest wall lesion	15.45	NA	10.76	2.13	NA	28.34	090
19271		A	Revision of chest wall	18.91	NA	17.32	2.62	NA	38.84	090
19272		A	Extensive chest wall surgery	21.56	NA	18.30	2.99	NA	42.85	090
19290		A	Place needle wire, breast	1.27	3.01	0.44	0.07	4.36	1.78	000
19291		A	Place needle wire, breast	0.63	1.27	0.22	0.04	1.94	0.89	ZZZ
19295		A	Place breast clip, percut	0.00	2.74	NA	0.01	2.75	NA	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
19296		A	Place po breast cath for rad	3.64	117.96	1.50	0.36	121.96	5.49	000
19297		A	Place breast cath for rad	1.72	NA	0.62	0.17	NA	2.52	ZZZ
19298		A	Place breast rad tube/caths	6.01	39.56	2.35	0.43	46.00	8.79	000
19316		A	Suspension of breast	10.69	NA	7.30	1.64	NA	19.63	090
19318		A	Reduction of large breast	15.63	NA	10.79	2.92	NA	29.34	090
19324		A	Enlarge breast	5.85	NA	4.79	0.84	NA	11.48	090
19325		A	Enlarge breast with implant	8.46	NA	6.33	1.33	NA	16.11	090
19328		A	Removal of breast implant	5.68	NA	4.88	0.91	NA	11.47	090
19330		A	Removal of implant material	7.60	NA	5.88	1.26	NA	14.74	090
19340		A	Immediate breast prosthesis	6.33	NA	3.03	1.06	NA	10.42	ZZZ
19342		A	Delayed breast prosthesis	11.20	NA	8.67	1.83	NA	21.70	090
19350		A	Breast reconstruction	8.93	13.03	6.95	1.41	23.37	17.28	090
19355		A	Correct inverted nipple(s)	7.58	9.85	4.63	0.92	18.34	13.12	090
19357		A	Breast reconstruction	18.17	NA	15.13	2.93	NA	36.23	090
19361		A	Breast reconstruction	19.27	NA	12.09	2.92	NA	34.28	090
19364		A	Breast reconstruction	41.02	NA	22.83	6.22	NA	70.07	090
19366		A	Breast reconstruction	21.29	NA	11.31	3.24	NA	35.84	090
19367		A	Breast reconstruction	25.74	NA	16.16	4.03	NA	45.93	090
19368		A	Breast reconstruction	32.43	NA	18.34	5.52	NA	56.30	090
19369		A	Breast reconstruction	29.84	NA	17.81	4.50	NA	52.15	090
19370		A	Surgery of breast capsule	8.06	NA	6.70	1.29	NA	16.05	090
19371		A	Removal of breast capsule	9.36	NA	7.60	1.62	NA	18.57	090
19380		A	Revise breast reconstruction	9.15	NA	7.48	1.44	NA	18.07	090
19396		A	Design custom breast implant	2.17	2.17	1.02	0.30	4.65	3.50	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	2.70	1.73	0.25	5.07	4.10	010
20005		A	Incision of deep abscess	3.42	3.50	2.23	0.46	7.37	6.10	010
2000F		I	Blood pressure, measured	0.00	0.00	0.00	0.00	0.00	0.00	XXX
20100		A	Explore wound, neck	10.08	NA	4.35	1.21	NA	15.64	010
20101		A	Explore wound, chest	3.23	5.85	1.57	0.44	9.52	5.24	010
20102		A	Explore wound, abdomen	3.94	7.18	1.88	0.49	11.61	6.31	010
20103		A	Explore wound, extremity	5.30	8.22	3.29	0.75	14.27	9.34	010
20150		A	Excise epiphyseal bar	13.70	NA	7.00	2.03	NA	22.73	090
20200		A	Muscle biopsy	1.46	2.95	0.74	0.23	4.64	2.44	000
20205		A	Deep muscle biopsy	2.35	3.79	1.17	0.33	6.47	3.86	000
20206		A	Needle biopsy, muscle	0.99	6.34	0.66	0.07	7.40	1.72	000
20220		A	Bone biopsy, trocar/needle	1.27	4.29	0.79	0.08	5.65	2.15	000
20225		A	Bone biopsy, trocar/needle	1.87	22.84	1.17	0.22	24.94	3.27	000
20240		A	Bone biopsy, excisional	3.24	NA	2.48	0.44	NA	6.16	010
20245		A	Bone biopsy, excisional	7.79	NA	6.39	1.31	NA	15.48	010
20250		A	Open bone biopsy	5.03	NA	3.45	1.02	NA	9.50	010
20251		A	Open bone biopsy	5.56	NA	4.09	1.15	NA	10.80	010
20500		A	Injection of sinus tract	1.23	2.10	1.46	0.12	3.46	2.81	010
20501		A	Inject sinus tract for x-ray	0.76	2.87	0.26	0.04	3.67	1.06	000
20520		A	Removal of foreign body	1.85	2.81	1.70	0.21	4.88	3.77	010
20525		A	Removal of foreign body	3.50	8.59	2.55	0.51	12.60	6.55	010
20526		A	Ther injection, carp tunnel	0.94	0.94	0.51	0.13	2.01	1.58	000
20550		A	Inj tendon sheath/ligament	0.75	0.69	0.23	0.09	1.54	1.07	000
20551		A	Inj tendon origin/insertion	0.75	0.67	0.32	0.08	1.50	1.15	000
20552		A	Inj trigger point, 1/2 muscl	0.66	0.70	0.20	0.05	1.41	0.91	000
20553		A	Inject trigger points, => 3	0.75	0.79	0.21	0.04	1.58	1.00	000
20600		A	Drain/inject, joint/bursa	0.66	0.66	0.35	0.08	1.40	1.09	000
20605		A	Drain/inject, joint/bursa	0.68	0.75	0.35	0.08	1.52	1.11	000
20610		A	Drain/inject, joint/bursa	0.79	0.92	0.41	0.11	1.83	1.31	000
20612		A	Aspirate/inj ganglion cyst	0.70	0.70	0.35	0.10	1.50	1.15	000
20615		A	Treatment of bone cyst	2.28	3.38	1.82	0.20	5.87	4.31	010
20650		A	Insert and remove bone pin	2.23	2.35	1.54	0.31	4.90	4.09	010
20660		A	Apply, rem fixation device	2.52	2.95	1.58	0.59	6.05	4.68	000
20661		A	Application of head brace	4.89	NA	4.82	1.14	NA	10.85	090
20662		A	Application of pelvis brace	6.07	NA	5.39	0.56	NA	12.02	090
20663		A	Application of thigh brace	5.43	NA	4.71	0.94	NA	11.08	090
20664		A	Halo brace application	8.07	NA	6.89	1.74	NA	16.70	090
20665		A	Removal of fixation device	1.31	2.06	1.32	0.19	3.57	2.82	010
20670		A	Removal of support implant	1.74	10.66	2.02	0.28	12.68	4.04	010
20680		A	Removal of support implant	3.35	8.36	3.59	0.56	12.27	7.50	090
20690		A	Apply bone fixation device	3.52	NA	2.45	0.59	NA	6.56	090
20692		A	Apply bone fixation device	6.41	NA	3.67	1.05	NA	11.14	090
20693		A	Adjust bone fixation device	5.86	NA	5.26	0.98	NA	12.10	090
20694		A	Remove bone fixation device	4.16	6.78	3.93	0.71	11.65	8.80	090
20802		A	Replantation, arm, complete	41.17	NA	20.55	3.81	NA	65.53	090
20805		A	Replant forearm, complete	50.03	NA	32.77	4.84	NA	87.64	090
20808		A	Replantation hand, complete	61.68	NA	40.74	6.86	NA	109.28	090
20816		A	Replantation digit, complete	30.95	NA	35.39	4.52	NA	70.86	090
20822		A	Replantation digit, complete	25.60	NA	32.40	4.18	NA	62.18	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
20824		A	Replantation thumb, complete	30.95	NA	34.30	4.61	NA	69.86	090
20827		A	Replantation thumb, complete	26.42	NA	34.08	3.66	NA	64.16	090
20838		A	Replantation foot, complete	41.43	NA	21.78	1.12	NA	64.34	090
20900		A	Removal of bone for graft	5.58	8.42	5.50	0.94	14.95	12.02	090
20902		A	Removal of bone for graft	7.56	NA	6.66	1.30	NA	15.52	090
20910		A	Remove cartilage for graft	5.34	NA	5.04	0.71	NA	11.09	090
20912		A	Remove cartilage for graft	6.35	NA	5.63	0.69	NA	12.67	090
20920		A	Removal of fascia for graft	5.31	NA	4.26	0.66	NA	10.23	090
20922		A	Removal of fascia for graft	6.61	7.41	4.87	0.70	14.72	12.18	090
20924		A	Removal of tendon for graft	6.48	NA	5.69	1.04	NA	13.22	090
20926		A	Removal of tissue for graft	5.53	NA	4.66	0.87	NA	11.06	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	0.90	0.43	NA	3.15	ZZZ
20936		B	Spinal bone autograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
20937		A	Spinal bone autograft	2.80	NA	1.41	0.54	NA	4.74	ZZZ
20938		A	Spinal bone autograft	3.03	NA	1.52	0.64	NA	5.18	ZZZ
20950		A	Fluid pressure, muscle	1.26	6.35	0.97	0.20	7.81	2.43	000
20955		A	Fibula bone graft, microvasc	39.23	NA	23.52	4.89	NA	67.64	090
20956		A	Iliac bone graft, microvasc	39.29	NA	24.03	7.01	NA	70.33	090
20957		A	Mt bone graft, microvasc	40.67	NA	18.69	7.05	NA	66.42	090
20962		A	Other bone graft, microvasc	39.29	NA	25.76	6.55	NA	71.60	090
20969		A	Bone/skin graft, microvasc	43.94	NA	25.78	4.79	NA	74.51	090
20970		A	Bone/skin graft, iliac crest	43.09	NA	24.61	6.60	NA	74.30	090
20972		A	Bone/skin graft, metatarsal	43.02	NA	20.22	5.30	NA	68.54	090
20973		A	Bone/skin graft, great toe	45.78	NA	24.42	5.54	NA	75.74	090
20974		A	Electrical bone stimulation	0.62	0.71	0.53	0.11	1.44	1.26	000
20975		A	Electrical bone stimulation	2.61	NA	1.67	0.51	NA	4.78	000
20979		A	Us bone stimulation	0.62	0.77	0.33	0.09	1.49	1.04	000
20982		A	Ablate, bone tumor(s) perq	7.28	105.12	12.41	0.69	113.09	20.38	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	7.28	1.11	NA	18.53	090
21015		A	Resection of facial tumor	5.29	NA	4.86	0.70	NA	10.86	090
21025		A	Excision of bone, lower jaw	10.06	12.30	9.24	1.32	23.68	20.62	090
21026		A	Excision of facial bone(s)	4.85	7.94	6.20	0.60	13.39	11.65	090
21029		A	Contour of face bone lesion	7.72	9.32	6.85	0.94	17.98	15.50	090
21030		A	Excise max/zygoma b9 tumor	4.50	6.45	4.96	0.54	11.49	10.00	090
21031		A	Remove exostosis, mandible	3.25	5.29	3.62	0.48	9.01	7.35	090
21032		A	Remove exostosis, maxilla	3.25	5.45	3.51	0.47	9.16	7.23	090
21034		A	Excise max/zygoma mlg tumor	16.18	15.67	12.29	1.71	33.56	30.19	090
21040		A	Excise mandible lesion	4.50	6.51	4.70	0.54	11.55	9.74	090
21044		A	Removal of jaw bone lesion	11.86	NA	9.18	1.12	NA	22.17	090
21045		A	Extensive jaw surgery	16.18	NA	12.08	1.52	NA	29.79	090
21046		A	Remove mandible cyst complex	13.01	NA	11.91	1.85	NA	26.77	090
21047		A	Excise lwr jaw cyst w/repair	18.76	NA	13.17	2.12	NA	34.05	090
21048		A	Remove maxilla cyst complex	13.51	NA	12.13	1.76	NA	27.40	090
21049		A	Excis uppr jaw cyst w/repair	18.01	NA	12.78	1.59	NA	32.37	090
21050		A	Removal of jaw joint	10.77	NA	9.31	1.47	NA	21.56	090
21060		A	Remove jaw joint cartilage	10.23	NA	8.51	1.38	NA	20.12	090
21070		A	Remove coronoid process	8.21	NA	7.03	1.27	NA	16.50	090
21076		A	Prepare face/oral prosthesis	13.43	12.00	9.44	1.99	27.42	24.85	010
21077		A	Prepare face/oral prosthesis	33.77	29.60	24.40	4.55	67.91	62.72	090
21079		A	Prepare face/oral prosthesis	22.35	20.43	16.13	3.15	45.94	41.63	090
21080		A	Prepare face/oral prosthesis	25.11	23.16	18.23	3.74	52.01	47.08	090
21081		A	Prepare face/oral prosthesis	22.90	21.14	16.42	3.20	47.24	42.52	090
21082		A	Prepare face/oral prosthesis	20.88	18.48	14.83	3.11	42.47	38.82	090
21083		A	Prepare face/oral prosthesis	19.31	17.90	13.57	2.88	40.09	35.76	090
21084		A	Prepare face/oral prosthesis	22.52	21.12	16.44	2.18	45.82	41.15	090
21085		A	Prepare face/oral prosthesis	9.01	8.28	6.79	1.27	18.56	17.07	010
21086		A	Prepare face/oral prosthesis	24.93	22.34	18.15	3.71	50.98	46.79	090
21087		A	Prepare face/oral prosthesis	24.93	22.11	18.05	3.44	50.48	46.42	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	11.76	4.79	0.34	16.32	9.35	090
21110		A	Interdental fixation	5.21	10.08	8.54	0.72	16.01	14.47	090
21116		A	Injection, jaw joint x-ray	0.81	4.08	0.34	0.06	4.95	1.21	000
21120		A	Reconstruction of chin	4.93	10.42	7.29	0.60	15.95	12.82	090
21121		A	Reconstruction of chin	7.65	9.92	7.81	0.90	18.47	16.36	090
21122		A	Reconstruction of chin	8.53	NA	8.55	1.07	NA	18.15	090
21123		A	Reconstruction of chin	11.16	NA	10.59	1.40	NA	23.15	090
21125		A	Augmentation, lower jaw bone	10.62	55.80	8.18	0.79	67.21	19.59	090
21127		A	Augmentation, lower jaw bone	11.12	48.12	9.27	1.52	60.76	21.91	090
21137		A	Reduction of forehead	9.83	NA	7.48	1.32	NA	18.63	090
21138		A	Reduction of forehead	12.19	NA	9.25	1.74	NA	23.18	090
21139		A	Reduction of forehead	14.62	NA	11.13	1.18	NA	26.93	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
21141		A	Reconstruct midface, left	18.11	NA	13.41	2.35	NA	33.87	090
21142		A	Reconstruct midface, left	18.82	NA	12.75	2.38	NA	33.95	090
21143		A	Reconstruct midface, left	19.59	NA	14.37	1.66	NA	35.62	090
21145		A	Reconstruct midface, left	19.95	NA	13.66	2.84	NA	36.45	090
21146		A	Reconstruct midface, left	20.72	NA	15.04	3.09	NA	38.85	090
21147		A	Reconstruct midface, left	21.78	NA	14.88	1.84	NA	38.51	090
21150		A	Reconstruct midface, left	25.25	NA	16.60	2.55	NA	44.40	090
21151		A	Reconstruct midface, left	28.32	NA	21.89	2.30	NA	52.51	090
21154		A	Reconstruct midface, left	30.53	NA	22.45	2.48	NA	55.46	090
21155		A	Reconstruct midface, left	34.47	NA	23.33	6.64	NA	64.44	090
21159		A	Reconstruct midface, left	42.40	NA	27.95	8.18	NA	78.53	090
21160		A	Reconstruct midface, left	46.46	NA	27.92	4.13	NA	78.51	090
21172		A	Reconstruct orbit/forehead	27.82	NA	13.53	3.55	NA	44.90	090
21175		A	Reconstruct orbit/forehead	33.19	NA	17.38	4.83	NA	55.40	090
21179		A	Reconstruct entire forehead	22.26	NA	13.72	2.80	NA	38.78	090
21180		A	Reconstruct entire forehead	25.20	NA	14.96	3.48	NA	43.65	090
21181		A	Contour cranial bone lesion	9.91	NA	7.23	1.32	NA	18.46	090
21182		A	Reconstruct cranial bone	32.20	NA	18.55	2.80	NA	53.56	090
21183		A	Reconstruct cranial bone	35.33	NA	20.24	4.47	NA	60.04	090
21184		A	Reconstruct cranial bone	38.26	NA	21.33	5.70	NA	65.29	090
21188		A	Reconstruction of midface	22.47	NA	18.35	1.69	NA	42.52	090
21193		A	Reconst lwr jaw w/o graft	17.15	NA	12.42	2.23	NA	31.81	090
21194		A	Reconst lwr jaw w/graft	19.85	NA	13.45	2.02	NA	35.32	090
21195		A	Reconst lwr jaw w/o fixation	17.24	NA	14.61	1.64	NA	33.50	090
21196		A	Reconst lwr jaw w/fixation	18.92	NA	15.41	2.07	NA	36.40	090
21198		A	Reconst lwr jaw segment	14.17	NA	12.46	1.44	NA	28.07	090
21199		A	Reconst lwr jaw w/advance	16.01	NA	8.90	1.39	NA	26.30	090
21206		A	Reconstruct upper jaw bone	14.11	NA	12.46	1.33	NA	27.90	090
21208		A	Augmentation of facial bones	10.23	23.47	9.29	1.09	34.79	20.61	090
21209		A	Reduction of facial bones	6.72	10.88	7.90	0.90	18.50	15.52	090
21210		A	Face bone graft	10.23	27.25	9.15	1.30	38.78	20.68	090
21215		A	Lower jaw bone graft	10.77	47.37	9.24	1.53	59.67	21.54	090
21230		A	Rib cartilage graft	10.77	NA	7.79	1.29	NA	19.85	090
21235		A	Ear cartilage graft	6.72	10.18	6.28	0.61	17.52	13.62	090
21240		A	Reconstruction of jaw joint	14.06	NA	11.95	2.24	NA	28.25	090
21242		A	Reconstruction of jaw joint	12.96	NA	11.42	1.78	NA	26.15	090
21243		A	Reconstruction of jaw joint	20.80	NA	17.27	3.25	NA	41.33	090
21244		A	Reconstruction of lower jaw	11.86	NA	11.91	1.25	NA	25.02	090
21245		A	Reconstruction of jaw	11.86	14.32	9.62	1.19	27.37	22.67	090
21246		A	Reconstruction of jaw	12.47	NA	8.83	1.35	NA	22.65	090
21247		A	Reconstruct lower jaw bone	22.65	NA	17.07	2.83	NA	42.54	090
21248		A	Reconstruction of jaw	11.48	12.29	9.24	1.55	25.32	22.28	090
21249		A	Reconstruction of jaw	17.52	16.75	12.47	2.48	36.76	32.47	090
21255		A	Reconstruct lower jaw bone	16.72	NA	15.70	2.38	NA	34.80	090
21256		A	Reconstruction of orbit	16.20	NA	11.48	1.50	NA	29.18	090
21260		A	Revise eye sockets	16.53	NA	13.26	0.97	NA	30.76	090
21261		A	Revise eye sockets	31.50	NA	23.50	3.42	NA	58.42	090
21263		A	Revise eye sockets	28.44	NA	19.87	2.62	NA	50.93	090
21267		A	Revise eye sockets	18.91	NA	18.95	1.70	NA	39.56	090
21268		A	Revise eye sockets	24.49	NA	19.69	3.65	NA	47.83	090
21270		A	Augmentation, cheek bone	10.23	11.66	7.09	0.72	22.61	18.04	090
21275		A	Revision, orbitofacial bones	11.24	NA	7.91	1.29	NA	20.45	090
21280		A	Revision of eyelid	6.03	NA	5.78	0.42	NA	12.23	090
21282		A	Revision of eyelid	3.49	NA	4.35	0.26	NA	8.10	090
21295		A	Revision of jaw muscle/bone	1.53	NA	2.51	0.16	NA	4.20	090
21296		A	Revision of jaw muscle/bone	4.25	NA	4.95	0.34	NA	9.54	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	2.00	0.26	0.13	2.85	1.11	000
21310		A	Treatment of nose fracture	0.58	2.16	0.15	0.05	2.79	0.78	000
21315		A	Treatment of nose fracture	1.51	4.19	1.81	0.14	5.84	3.46	010
21320		A	Treatment of nose fracture	1.85	3.89	1.58	0.18	5.92	3.61	010
21325		A	Treatment of nose fracture	3.77	NA	8.21	0.31	NA	12.29	090
21330		A	Treatment of nose fracture	5.38	NA	9.26	0.56	NA	15.20	090
21335		A	Treatment of nose fracture	8.62	NA	9.38	0.74	NA	18.74	090
21336		A	Treat nasal septal fracture	5.72	NA	9.31	0.55	NA	15.59	090
21337		A	Treat nasal septal fracture	2.71	5.96	3.49	0.28	8.95	6.48	090
21338		A	Treat nasoethmoid fracture	6.46	NA	13.21	0.82	NA	20.49	090
21339		A	Treat nasoethmoid fracture	8.10	NA	13.20	0.96	NA	22.26	090
21340		A	Treatment of nose fracture	10.77	NA	8.17	1.15	NA	20.09	090
21343		A	Treatment of sinus fracture	12.96	NA	14.86	1.47	NA	29.28	090
21344		A	Treatment of sinus fracture	19.73	NA	15.85	2.43	NA	38.01	090
21345		A	Treat nose/jaw fracture	8.17	9.82	7.04	0.92	18.91	16.13	090
21346		A	Treat nose/jaw fracture	10.61	NA	11.91	1.21	NA	23.73	090
21347		A	Treat nose/jaw fracture	12.70	NA	15.39	1.47	NA	29.55	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
21348		A	Treat nose/jaw fracture	16.69	NA	10.81	2.48	NA	29.98	090
21355		A	Treat cheek bone fracture	3.77	6.07	3.42	0.34	10.18	7.52	010
21356		A	Treat cheek bone fracture	4.15	6.99	4.41	0.46	11.60	9.02	010
21360		A	Treat cheek bone fracture	6.46	NA	5.80	0.74	NA	13.00	090
21365		A	Treat cheek bone fracture	14.96	NA	10.51	1.69	NA	27.16	090
21366		A	Treat cheek bone fracture	17.78	NA	11.02	2.49	NA	31.29	090
21385		A	Treat eye socket fracture	9.17	NA	8.06	0.97	NA	18.20	090
21386		A	Treat eye socket fracture	9.17	NA	6.88	0.97	NA	17.01	090
21387		A	Treat eye socket fracture	9.71	NA	8.67	1.08	NA	19.46	090
21390		A	Treat eye socket fracture	10.13	NA	7.58	0.90	NA	18.61	090
21395		A	Treat eye socket fracture	12.69	NA	8.75	1.44	NA	22.88	090
21400		A	Treat eye socket fracture	1.40	2.60	1.82	0.15	4.15	3.37	090
21401		A	Treat eye socket fracture	7.47	7.77	3.44	0.38	11.41	7.09	090
21406		A	Treat eye socket fracture	7.01	NA	5.92	0.73	NA	13.67	090
21407		A	Treat eye socket fracture	8.62	NA	6.66	0.94	NA	16.22	090
21408		A	Treat eye socket fracture	12.38	NA	8.63	1.44	NA	22.45	090
21421		A	Treat mouth roof fracture	5.14	9.62	8.32	0.73	15.49	14.19	090
21422		A	Treat mouth roof fracture	8.33	NA	7.89	0.99	NA	17.20	090
21423		A	Treat mouth roof fracture	10.40	NA	9.02	1.27	NA	20.69	090
21431		A	Treat craniofacial fracture	7.05	NA	9.40	0.70	NA	17.15	090
21432		A	Treat craniofacial fracture	8.62	NA	7.96	0.81	NA	17.39	090
21433		A	Treat craniofacial fracture	25.36	NA	15.91	2.78	NA	44.05	090
21435		A	Treat craniofacial fracture	17.25	NA	12.37	1.98	NA	31.60	090
21436		A	Treat craniofacial fracture	28.06	NA	17.82	3.09	NA	48.96	090
21440		A	Treat dental ridge fracture	2.71	7.43	6.26	0.38	10.52	9.34	090
21445		A	Treat dental ridge fracture	5.38	10.05	8.32	0.78	16.21	14.48	090
21450		A	Treat lower jaw fracture	2.98	7.70	6.71	0.33	11.01	10.02	090
21451		A	Treat lower jaw fracture	4.87	9.77	8.44	0.63	15.27	13.94	090
21452		A	Treat lower jaw fracture	1.98	12.37	4.74	0.27	14.62	7.00	090
21453		A	Treat lower jaw fracture	5.54	11.18	10.71	0.74	17.46	16.99	090
21454		A	Treat lower jaw fracture	6.46	NA	6.17	0.82	NA	13.46	090
21461		A	Treat lower jaw fracture	8.10	26.43	12.53	0.98	35.51	21.60	090
21462		A	Treat lower jaw fracture	9.80	29.34	12.71	1.27	40.41	23.78	090
21465		A	Treat lower jaw fracture	11.91	NA	9.63	1.50	NA	23.05	090
21470		A	Treat lower jaw fracture	15.35	NA	11.78	1.96	NA	29.09	090
21480		A	Reset dislocated jaw	0.61	1.72	0.19	0.06	2.39	0.86	000
21485		A	Reset dislocated jaw	3.99	8.73	7.76	0.51	13.23	12.25	090
21490		A	Repair dislocated jaw	11.86	NA	9.55	1.96	NA	23.37	090
21493		A	Treat hyoid bone fracture	1.27	NA	0.53	0.12	NA	1.92	090
21494		A	Treat hyoid bone fracture	6.28	NA	3.42	0.57	NA	10.27	090
21495		A	Treat hyoid bone fracture	5.69	NA	8.55	0.46	NA	14.70	090
21497		A	Interdental wiring	3.86	8.88	7.77	0.50	13.24	12.12	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	6.31	3.73	0.43	10.55	7.97	090
21502		A	Drain chest lesion	7.12	NA	5.42	0.97	NA	13.52	090
21510		A	Drainage of bone lesion	5.74	NA	5.42	0.80	NA	11.96	090
21550		A	Biopsy of neck/chest	2.06	3.85	1.74	0.16	6.08	3.96	010
21555		A	Remove lesion, neck/chest	4.35	5.54	3.17	0.56	10.45	8.08	090
21556		A	Remove lesion, neck/chest	5.57	NA	4.05	0.65	NA	10.27	090
21557		A	Remove tumor, neck/chest	8.89	NA	5.23	1.08	NA	15.19	090
21600		A	Partial removal of rib	6.89	NA	5.68	0.99	NA	13.57	090
21610		A	Partial removal of rib	14.62	NA	8.68	3.07	NA	26.37	090
21615		A	Removal of rib	9.88	NA	6.42	1.45	NA	17.75	090
21616		A	Removal of rib and nerves	12.04	NA	7.95	1.86	NA	21.85	090
21620		A	Partial removal of sternum	6.79	NA	5.72	0.98	NA	13.50	090
21627		A	Sternal debridement	6.81	NA	6.17	1.02	NA	14.00	090
21630		A	Extensive sternum surgery	17.38	NA	11.45	2.58	NA	31.42	090
21632		A	Extensive sternum surgery	18.15	NA	10.81	2.65	NA	31.60	090
21685		A	Hyoid myotomy & suspension	13.01	NA	9.82	1.06	NA	23.89	090
21700		A	Revision of neck muscle	6.19	NA	4.74	0.32	NA	11.26	090
21705		A	Revision of neck muscle/rib	9.61	NA	5.43	1.43	NA	16.47	090
21720		A	Revision of neck muscle	5.68	NA	2.87	0.91	NA	9.46	090
21725		A	Revision of neck muscle	6.99	NA	5.31	1.21	NA	13.51	090
21740		A	Reconstruction of sternum	16.51	NA	8.37	2.36	NA	27.24	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	5.94	1.63	NA	18.35	090
21800		A	Treatment of rib fracture	0.96	0.00	1.31	0.09	1.05	2.36	090
21805		A	Treatment of rib fracture	2.76	NA	3.20	0.38	NA	6.34	090
21810		A	Treatment of rib fracture(s)	6.86	NA	4.93	0.94	NA	12.74	090
21820		A	Treat sternum fracture	1.28	1.78	1.70	0.16	3.22	3.15	090
21825		A	Treat sternum fracture	7.41	NA	6.25	1.11	NA	14.78	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	3.54	1.48	0.14	5.74	3.68	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
21925		A	Biopsy soft tissue of back	4.49	5.12	3.24	0.60	10.20	8.33	090
21930		A	Remove lesion, back or flank	5.00	5.82	3.39	0.66	11.48	9.05	090
21935		A	Remove tumor, back	17.97	NA	9.46	2.47	NA	29.90	090
22100		A	Remove part of neck vertebra	9.74	NA	7.39	2.13	NA	19.26	090
22101		A	Remove part, thorax vertebra	9.82	NA	7.57	1.90	NA	19.28	090
22102		A	Remove part, lumbar vertebra	9.82	NA	7.89	1.87	NA	19.58	090
22103		A	Remove extra spine segment	2.34	NA	1.17	0.44	NA	3.96	ZZZ
22110		A	Remove part of neck vertebra	12.75	NA	8.96	2.76	NA	24.47	090
22112		A	Remove part, thorax vertebra	12.82	NA	9.03	2.52	NA	24.36	090
22114		A	Remove part, lumbar vertebra	12.82	NA	9.02	2.63	NA	24.46	090
22116		A	Remove extra spine segment	2.32	NA	1.14	0.50	NA	3.96	ZZZ
22210		A	Revision of neck spine	23.83	NA	15.05	5.44	NA	44.31	090
22212		A	Revision of thorax spine	19.43	NA	12.99	3.90	NA	36.32	090
22214		A	Revision of lumbar spine	19.46	NA	13.43	3.91	NA	36.80	090
22216		A	Revise, extra spine segment	6.04	NA	3.04	1.29	NA	10.37	ZZZ
22220		A	Revision of neck spine	21.38	NA	13.33	5.06	NA	39.78	090
22222		A	Revision of thorax spine	21.53	NA	11.12	4.12	NA	36.78	090
22224		A	Revision of lumbar spine	21.53	NA	13.85	4.18	NA	39.56	090
22226		A	Revise, extra spine segment	6.04	NA	3.00	1.29	NA	10.34	ZZZ
22305		A	Treat spine process fracture	2.05	2.25	1.86	0.39	4.69	4.31	090
22310		A	Treat spine fracture	2.62	2.72	2.28	0.50	5.84	5.40	090
22315		A	Treat spine fracture	8.85	9.37	7.16	1.85	20.07	17.86	090
22318		A	Treat odontoid fx w/o graft	21.51	NA	13.09	5.28	NA	39.89	090
22319		A	Treat odontoid fx w/graft	24.01	NA	14.38	6.03	NA	44.41	090
22325		A	Treat spine fracture	18.31	NA	11.94	3.87	NA	34.12	090
22326		A	Treat neck spine fracture	19.60	NA	12.41	4.42	NA	36.43	090
22327		A	Treat thorax spine fracture	19.21	NA	12.28	3.98	NA	35.47	090
22328		A	Treat each add spine fx	4.61	NA	2.21	0.94	NA	7.76	ZZZ
22505		A	Manipulation of spine	1.87	NA	0.92	0.36	NA	3.15	010
22520		A	Percut vertebroplasty thor	8.92	60.09	5.24	1.71	70.72	15.87	010
22521		A	Percut vertebroplasty lumb	8.35	54.29	5.08	1.60	64.24	15.03	010
22522		A	Percut vertebroplasty add'l	4.31	NA	1.70	0.82	NA	6.83	ZZZ
22532		A	Lat thorax spine fusion	24.01	NA	14.47	4.34	NA	42.82	090
22533		A	Lat lumbar spine fusion	23.14	NA	13.34	3.15	NA	39.63	090
22534		A	Lat thor/lumb, add'l seg	6.00	NA	2.95	1.25	NA	10.20	ZZZ
22548		A	Neck spine fusion	25.83	NA	15.46	5.59	NA	46.88	090
22554		A	Neck spine fusion	18.63	NA	12.07	4.45	NA	35.15	090
22556		A	Thorax spine fusion	23.47	NA	14.33	4.34	NA	42.14	090
22558		A	Lumbar spine fusion	22.29	NA	12.94	3.15	NA	38.39	090
22585		A	Additional spinal fusion	5.53	NA	2.72	1.25	NA	9.50	ZZZ
22590		A	Spine & skull spinal fusion	20.52	NA	13.02	4.78	NA	38.32	090
22595		A	Neck spinal fusion	19.40	NA	12.54	4.40	NA	36.34	090
22600		A	Neck spine fusion	16.15	NA	10.93	3.72	NA	30.80	090
22610		A	Thorax spine fusion	16.03	NA	11.12	3.52	NA	30.67	090
22612		A	Lumbar spine fusion	21.01	NA	13.81	4.46	NA	39.28	090
22614		A	Spine fusion, extra segment	6.44	NA	3.25	1.38	NA	11.08	ZZZ
22630		A	Lumbar spine fusion	20.85	NA	13.27	4.72	NA	38.84	090
22632		A	Spine fusion, extra segment	5.23	NA	2.59	1.16	NA	8.98	ZZZ
22800		A	Fusion of spine	18.26	NA	12.40	3.75	NA	34.41	090
22802		A	Fusion of spine	30.89	NA	19.00	6.15	NA	56.04	090
22804		A	Fusion of spine	36.29	NA	22.00	6.98	NA	65.27	090
22808		A	Fusion of spine	26.28	NA	15.86	4.92	NA	47.07	090
22810		A	Fusion of spine	30.28	NA	17.84	5.13	NA	53.25	090
22812		A	Fusion of spine	32.72	NA	19.47	5.28	NA	57.46	090
22818		A	Kyphectomy, 1-2 segments	31.84	NA	18.38	6.45	NA	56.67	090
22819		A	Kyphectomy, 3 or more	36.46	NA	19.51	7.65	NA	63.63	090
22830		A	Exploration of spinal fusion	10.85	NA	7.73	2.29	NA	20.87	090
22840		A	Insert spine fixation device	12.55	NA	6.31	2.78	NA	21.63	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	12.59	NA	6.32	2.74	NA	21.64	ZZZ
22843		A	Insert spine fixation device	13.47	NA	6.41	2.85	NA	22.73	ZZZ
22844		A	Insert spine fixation device	16.45	NA	8.49	3.18	NA	28.12	ZZZ
22845		A	Insert spine fixation device	11.96	NA	5.91	2.85	NA	20.72	ZZZ
22846		A	Insert spine fixation device	12.42	NA	6.16	2.95	NA	21.53	ZZZ
22847		A	Insert spine fixation device	13.81	NA	6.82	2.99	NA	23.62	ZZZ
22848		A	Insert pelv fixation device	6.00	NA	3.09	1.15	NA	10.24	ZZZ
22849		A	Reinsert spinal fixation	18.52	NA	11.40	3.89	NA	33.80	090
22850		A	Remove spine fixation device	9.53	NA	6.80	2.04	NA	18.37	090
22851		A	Apply spine prosth device	6.71	NA	3.27	1.49	NA	11.47	ZZZ
22852		A	Remove spine fixation device	9.02	NA	6.60	1.89	NA	17.50	090
22855		A	Remove spine fixation device	15.14	NA	9.43	3.51	NA	28.08	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	3.22	0.76	NA	9.78	090
22999		C	Abdomen surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
23000		A	Removal of calcium deposits	4.36	8.16	4.28	0.68	13.20	9.32	090
23020		A	Release shoulder joint	8.94	NA	7.31	1.54	NA	17.79	090
23030		A	Drain shoulder lesion	3.43	7.02	2.81	0.57	11.01	6.81	010
23031		A	Drain shoulder bursa	2.75	7.33	2.62	0.46	10.54	5.83	010
23035		A	Drain shoulder bone lesion	8.62	NA	7.93	1.47	NA	18.02	090
23040		A	Exploratory shoulder surgery	9.21	NA	7.61	1.60	NA	18.42	090
23044		A	Exploratory shoulder surgery	7.12	NA	6.22	1.24	NA	14.58	090
23065		A	Biopsy shoulder tissues	2.27	2.71	1.60	0.20	5.18	4.08	010
23066		A	Biopsy shoulder tissues	4.16	7.54	3.89	0.63	12.33	8.68	090
23075		A	Removal of shoulder lesion	2.39	3.59	1.75	0.34	6.33	4.49	010
23076		A	Removal of shoulder lesion	7.64	NA	5.45	1.13	NA	14.21	090
23077		A	Remove tumor of shoulder	16.10	NA	9.99	2.33	NA	28.42	090
23100		A	Biopsy of shoulder joint	6.03	NA	5.48	1.04	NA	12.55	090
23101		A	Shoulder joint surgery	5.58	NA	5.15	0.96	NA	11.69	090
23105		A	Remove shoulder joint lining	8.24	NA	6.90	1.42	NA	16.56	090
23106		A	Incision of collarbone joint	5.96	NA	5.51	0.99	NA	12.46	090
23107		A	Explore treat shoulder joint	8.63	NA	7.15	1.49	NA	17.27	090
23120		A	Partial removal, collar bone	7.11	NA	6.24	1.23	NA	14.59	090
23125		A	Removal of collar bone	9.40	NA	7.32	1.62	NA	18.34	090
23130		A	Remove shoulder bone, part	7.56	NA	6.89	1.30	NA	15.75	090
23140		A	Removal of bone lesion	6.89	NA	5.09	1.08	NA	13.07	090
23145		A	Removal of bone lesion	9.10	NA	7.23	1.49	NA	17.82	090
23146		A	Removal of bone lesion	7.84	NA	6.88	1.35	NA	16.06	090
23150		A	Removal of humerus lesion	8.49	NA	6.70	1.32	NA	16.51	090
23155		A	Removal of humerus lesion	10.35	NA	8.07	1.80	NA	20.22	090
23156		A	Removal of humerus lesion	8.69	NA	7.14	1.50	NA	17.33	090
23170		A	Remove collar bone lesion	6.86	NA	5.82	1.12	NA	13.80	090
23172		A	Remove shoulder blade lesion	6.90	NA	6.08	1.01	NA	13.99	090
23174		A	Remove humerus lesion	9.52	NA	8.10	1.65	NA	19.27	090
23180		A	Remove collar bone lesion	8.54	NA	8.60	1.47	NA	18.61	090
23182		A	Remove shoulder blade lesion	8.16	NA	8.18	1.37	NA	17.71	090
23184		A	Remove humerus lesion	9.39	NA	8.92	1.63	NA	19.94	090
23190		A	Partial removal of scapula	7.24	NA	5.98	1.17	NA	14.40	090
23195		A	Removal of head of humerus	9.82	NA	7.48	1.70	NA	19.00	090
23200		A	Removal of collar bone	12.08	NA	8.44	1.93	NA	22.46	090
23210		A	Removal of shoulder blade	12.49	NA	8.72	2.02	NA	23.24	090
23220		A	Partial removal of humerus	14.57	NA	10.48	2.48	NA	27.53	090
23221		A	Partial removal of humerus	17.75	NA	11.47	3.05	NA	32.26	090
23222		A	Partial removal of humerus	23.93	NA	15.31	3.94	NA	43.17	090
23330		A	Remove shoulder foreign body	1.85	3.54	1.81	0.24	5.64	3.90	010
23331		A	Remove shoulder foreign body	7.38	NA	6.57	1.27	NA	15.23	090
23332		A	Remove shoulder foreign body	11.62	NA	9.02	2.02	NA	22.66	090
23350		A	Injection for shoulder x-ray	1.00	3.39	0.35	0.06	4.45	1.41	000
23395		A	Muscle transfer, shoulder/arm	16.85	NA	12.46	2.93	NA	32.25	090
23397		A	Muscle transfers	16.14	NA	11.05	2.73	NA	29.92	090
23400		A	Fixation of shoulder blade	13.55	NA	9.73	2.29	NA	25.57	090
23405		A	Incision of tendon & muscle	8.38	NA	6.69	1.45	NA	16.51	090
23406		A	Incise tendon(s) & muscle(s)	10.79	NA	8.07	1.87	NA	20.74	090
23410		A	Repair rotator cuff, acute	12.45	NA	9.10	2.16	NA	23.72	090
23412		A	Repair rotator cuff, chronic	13.32	NA	9.58	2.31	NA	25.20	090
23415		A	Release of shoulder ligament	9.98	NA	7.73	1.73	NA	19.44	090
23420		A	Repair of shoulder	13.31	NA	10.51	2.31	NA	26.12	090
23430		A	Repair biceps tendon	9.99	NA	7.84	1.73	NA	19.56	090
23440		A	Remove/transplant tendon	10.48	NA	7.99	1.82	NA	20.29	090
23450		A	Repair shoulder capsule	13.41	NA	9.53	2.32	NA	25.26	090
23455		A	Repair shoulder capsule	14.38	NA	10.11	2.49	NA	26.98	090
23460		A	Repair shoulder capsule	15.38	NA	11.01	2.66	NA	29.05	090
23462		A	Repair shoulder capsule	15.31	NA	10.42	2.59	NA	28.32	090
23465		A	Repair shoulder capsule	15.86	NA	10.83	2.76	NA	29.46	090
23466		A	Repair shoulder capsule	14.23	NA	11.02	2.46	NA	27.71	090
23470		A	Reconstruct shoulder joint	17.15	NA	11.86	2.98	NA	32.00	090
23472		A	Reconstruct shoulder joint	21.11	NA	13.97	3.66	NA	38.74	090
23480		A	Revision of collar bone	11.18	NA	8.49	1.94	NA	21.61	090
23485		A	Revision of collar bone	13.44	NA	9.57	2.33	NA	25.34	090
23490		A	Reinforce clavicle	11.86	NA	8.43	1.47	NA	21.76	090
23491		A	Reinforce shoulder bones	14.22	NA	10.37	2.46	NA	27.05	090
23500		A	Treat clavicle fracture	2.08	2.79	2.44	0.30	5.17	4.82	090
23505		A	Treat clavicle fracture	3.69	4.29	3.74	0.61	8.59	8.04	090
23515		A	Treat clavicle fracture	7.41	NA	6.34	1.28	NA	15.03	090
23520		A	Treat clavicle dislocation	2.16	2.77	2.67	0.34	5.28	5.17	090
23525		A	Treat clavicle dislocation	3.60	4.40	3.83	0.46	8.46	7.88	090
23530		A	Treat clavicle dislocation	7.31	NA	5.75	1.20	NA	14.27	090
23532		A	Treat clavicle dislocation	8.02	NA	6.76	1.38	NA	16.15	090
23540		A	Treat clavicle dislocation	2.23	2.79	2.28	0.29	5.31	4.81	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
23545		A	Treat clavicle dislocation	3.26	4.10	3.29	0.35	7.71	6.90	090
23550		A	Treat clavicle dislocation	7.24	NA	6.18	1.25	NA	14.67	090
23552		A	Treat clavicle dislocation	8.46	NA	7.08	1.46	NA	17.00	090
23570		A	Treat shoulder blade fx	2.23	2.92	2.81	0.36	5.52	5.40	090
23575		A	Treat shoulder blade fx	4.06	4.75	4.19	0.59	9.40	8.84	090
23585		A	Treat scapula fracture	8.97	NA	7.39	1.54	NA	17.90	090
23600		A	Treat humerus fracture	2.94	4.40	3.44	0.48	7.81	6.86	090
23605		A	Treat humerus fracture	4.87	5.95	4.97	0.84	11.66	10.68	090
23615		A	Treat humerus fracture	9.36	NA	8.56	1.62	NA	19.54	090
23616		A	Treat humerus fracture	21.28	NA	13.70	3.69	NA	38.67	090
23620		A	Treat humerus fracture	2.40	3.51	2.89	0.40	6.31	5.69	090
23625		A	Treat humerus fracture	3.93	4.80	4.16	0.67	9.40	8.76	090
23630		A	Treat humerus fracture	7.35	NA	6.41	1.27	NA	15.04	090
23650		A	Treat shoulder dislocation	3.39	3.68	2.67	0.30	7.36	6.35	090
23655		A	Treat shoulder dislocation	4.57	NA	4.04	0.69	NA	9.30	090
23660		A	Treat shoulder dislocation	7.49	NA	6.18	1.29	NA	14.96	090
23665		A	Treat dislocation/fracture	4.47	5.18	4.59	0.71	10.36	9.77	090
23670		A	Treat dislocation/fracture	7.91	NA	6.61	1.36	NA	15.88	090
23675		A	Treat dislocation/fracture	6.05	6.63	5.66	1.01	13.70	12.73	090
23680		A	Treat dislocation/fracture	10.06	NA	7.86	1.75	NA	19.67	090
23700		A	Fixation of shoulder	2.53	NA	2.11	0.44	NA	5.08	010
23800		A	Fusion of shoulder joint	14.17	NA	10.10	2.35	NA	26.62	090
23802		A	Fusion of shoulder joint	16.61	NA	9.87	2.70	NA	29.19	090
23900		A	Amputation of arm & girdle	19.73	NA	11.40	3.18	NA	34.31	090
23920		A	Amputation at shoulder joint	14.62	NA	9.65	2.46	NA	26.73	090
23921		A	Amputation follow-up surgery	5.49	NA	4.93	0.78	NA	11.20	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	2.95	5.96	2.24	0.43	9.34	5.62	010
23931		A	Drainage of arm bursa	1.79	5.52	2.09	0.28	7.60	4.16	010
23935		A	Drain arm/elbow bone lesion	6.09	NA	5.72	1.05	NA	12.86	090
24000		A	Exploratory elbow surgery	5.82	NA	5.24	0.97	NA	12.03	090
24006		A	Release elbow joint	9.32	NA	7.51	1.50	NA	18.33	090
24065		A	Biopsy arm/elbow soft tissue	2.08	3.47	1.72	0.17	5.73	3.97	010
24066		A	Biopsy arm/elbow soft tissue	5.21	8.65	4.03	0.80	14.66	10.04	090
24075		A	Remove arm/elbow lesion	3.92	7.23	3.34	0.56	11.71	7.81	090
24076		A	Remove arm/elbow lesion	6.30	NA	4.75	0.95	NA	12.01	090
24077		A	Remove tumor of arm/elbow	11.76	NA	7.55	1.72	NA	21.04	090
24100		A	Biopsy elbow joint lining	4.93	NA	4.39	0.85	NA	10.17	090
24101		A	Explore/treat elbow joint	6.13	NA	5.73	1.03	NA	12.90	090
24102		A	Remove elbow joint lining	8.04	NA	6.64	1.33	NA	16.01	090
24105		A	Removal of elbow bursa	3.61	NA	4.25	0.61	NA	8.47	090
24110		A	Remove humerus lesion	7.39	NA	6.46	1.28	NA	15.13	090
24115		A	Remove/graft bone lesion	9.64	NA	7.02	1.67	NA	18.33	090
24116		A	Remove/graft bone lesion	11.81	NA	8.78	2.05	NA	22.65	090
24120		A	Remove elbow lesion	6.65	NA	5.74	1.10	NA	13.49	090
24125		A	Remove/graft bone lesion	7.90	NA	6.05	1.06	NA	15.01	090
24126		A	Remove/graft bone lesion	8.32	NA	6.82	1.16	NA	16.30	090
24130		A	Removal of head of radius	6.25	NA	5.82	1.04	NA	13.11	090
24134		A	Removal of arm bone lesion	9.74	NA	8.50	1.64	NA	19.88	090
24136		A	Remove radius bone lesion	8.00	NA	7.04	1.38	NA	16.42	090
24138		A	Remove elbow bone lesion	8.06	NA	7.53	1.34	NA	16.92	090
24140		A	Partial removal of arm bone	9.19	NA	8.71	1.51	NA	19.41	090
24145		A	Partial removal of radius	7.59	NA	7.71	1.25	NA	16.54	090
24147		A	Partial removal of elbow	7.55	NA	8.23	1.30	NA	17.08	090
24149		A	Radical resection of elbow	14.21	NA	11.28	2.34	NA	27.82	090
24150		A	Extensive humerus surgery	13.28	NA	9.69	2.32	NA	25.28	090
24151		A	Extensive humerus surgery	15.59	NA	11.17	2.59	NA	29.36	090
24152		A	Extensive radius surgery	10.06	NA	7.49	1.48	NA	19.04	090
24153		A	Extensive radius surgery	11.54	NA	5.91	0.74	NA	18.20	090
24155		A	Removal of elbow joint	11.73	NA	8.15	1.92	NA	21.80	090
24160		A	Remove elbow joint implant	7.84	NA	6.68	1.30	NA	15.82	090
24164		A	Remove radius head implant	6.23	NA	5.58	1.03	NA	12.84	090
24200		A	Removal of arm foreign body	1.76	3.26	1.59	0.20	5.22	3.55	010
24201		A	Removal of arm foreign body	4.56	9.27	4.11	0.72	14.55	9.38	090
24220		A	Injection for elbow x-ray	1.31	3.46	0.46	0.08	4.85	1.85	000
24300		A	Manipulate elbow w/anesth	3.75	NA	5.52	0.65	NA	9.92	090
24301		A	Muscle/tendon transfer	10.20	NA	7.93	1.66	NA	19.79	090
24305		A	Arm tendon lengthening	7.45	NA	6.49	1.15	NA	15.10	090
24310		A	Revision of arm tendon	5.98	NA	5.40	0.96	NA	12.34	090
24320		A	Repair of arm tendon	10.56	NA	7.54	1.73	NA	19.83	090
24330		A	Revision of arm muscles	9.61	NA	7.63	1.60	NA	18.84	090
24331		A	Revision of arm muscles	10.65	NA	8.40	1.77	NA	20.82	090
24332		A	Tenolysis, triceps	7.45	NA	6.56	1.23	NA	15.24	090
24340		A	Repair of biceps tendon	7.90	NA	6.76	1.36	NA	16.01	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
24341		A	Repair arm tendon/muscle	7.91	NA	7.68	1.36	NA	16.94	090
24342		A	Repair of ruptured tendon	10.62	NA	8.25	1.85	NA	20.72	090
24343		A	Repr elbow lat ligmnt w/tiss	8.66	NA	7.89	1.43	NA	17.98	090
24344		A	Reconstruct elbow lat ligmnt	14.01	NA	11.16	2.36	NA	27.53	090
24345		A	Repr elbw med ligmnt w/tissu	8.66	NA	7.78	1.44	NA	17.87	090
24346		A	Reconstruct elbow med ligmnt	14.01	NA	11.00	2.33	NA	27.34	090
24350		A	Repair of tennis elbow	5.25	NA	5.40	0.87	NA	11.52	090
24351		A	Repair of tennis elbow	5.91	NA	5.72	1.02	NA	12.65	090
24352		A	Repair of tennis elbow	6.43	NA	5.97	1.10	NA	13.50	090
24354		A	Repair of tennis elbow	6.48	NA	5.95	1.07	NA	13.50	090
24356		A	Revision of tennis elbow	6.68	NA	6.10	1.11	NA	13.90	090
24360		A	Reconstruct elbow joint	12.34	NA	9.17	2.05	NA	23.56	090
24361		A	Reconstruct elbow joint	14.09	NA	10.24	2.18	NA	26.51	090
24362		A	Reconstruct elbow joint	15.00	NA	9.75	2.60	NA	27.35	090
24363		A	Replace elbow joint	18.50	NA	13.29	3.01	NA	34.80	090
24365		A	Reconstruct head of radius	8.40	NA	6.97	1.41	NA	16.78	090
24366		A	Reconstruct head of radius	9.14	NA	7.29	1.52	NA	17.95	090
24400		A	Revision of humerus	11.06	NA	8.58	1.92	NA	21.56	090
24410		A	Revision of humerus	14.83	NA	10.10	2.57	NA	27.49	090
24420		A	Revision of humerus	13.45	NA	10.21	2.17	NA	25.83	090
24430		A	Repair of humerus	12.82	NA	9.43	2.21	NA	24.45	090
24435		A	Repair humerus with graft	13.18	NA	10.55	2.27	NA	25.99	090
24470		A	Revision of elbow joint	8.75	NA	7.46	1.48	NA	17.69	090
24495		A	Decompression of forearm	8.13	NA	8.34	1.18	NA	17.65	090
24498		A	Reinforce humerus	11.92	NA	8.97	2.06	NA	22.95	090
24500		A	Treat humerus fracture	3.22	4.99	3.57	0.50	8.71	7.29	090
24505		A	Treat humerus fracture	5.17	6.69	5.24	0.89	12.75	11.30	090
24515		A	Treat humerus fracture	11.65	NA	9.09	2.02	NA	22.76	090
24516		A	Treat humerus fracture	11.65	NA	8.82	2.02	NA	22.49	090
24530		A	Treat humerus fracture	3.50	5.33	3.92	0.57	9.40	7.99	090
24535		A	Treat humerus fracture	6.87	7.89	6.43	1.18	15.94	14.48	090
24538		A	Treat humerus fracture	9.44	NA	8.42	1.64	NA	19.50	090
24545		A	Treat humerus fracture	10.46	NA	8.18	1.82	NA	20.46	090
24546		A	Treat humerus fracture	15.70	NA	10.96	2.73	NA	29.39	090
24560		A	Treat humerus fracture	2.81	4.64	3.09	0.44	7.88	6.33	090
24565		A	Treat humerus fracture	5.56	6.71	5.37	0.93	13.20	11.86	090
24566		A	Treat humerus fracture	7.80	NA	7.86	1.30	NA	16.96	090
24575		A	Treat humerus fracture	10.66	NA	8.14	1.86	NA	20.66	090
24576		A	Treat humerus fracture	2.87	4.90	3.60	0.46	8.23	6.93	090
24577		A	Treat humerus fracture	5.79	7.01	5.67	0.95	13.75	12.41	090
24579		A	Treat humerus fracture	11.60	NA	8.55	2.02	NA	22.17	090
24582		A	Treat humerus fracture	8.56	NA	8.78	1.48	NA	18.82	090
24586		A	Treat elbow fracture	15.22	NA	10.87	2.64	NA	28.73	090
24587		A	Treat elbow fracture	15.17	NA	10.68	2.52	NA	28.37	090
24600		A	Treat elbow dislocation	4.23	4.99	3.39	0.50	9.72	8.12	090
24605		A	Treat elbow dislocation	5.42	NA	5.20	0.89	NA	11.51	090
24615		A	Treat elbow dislocation	9.43	NA	7.57	1.60	NA	18.59	090
24620		A	Treat elbow fracture	6.98	NA	6.08	1.07	NA	14.13	090
24635		A	Treat elbow fracture	13.20	NA	13.92	2.28	NA	29.40	090
24640		A	Treat elbow dislocation	1.20	2.03	0.77	0.12	3.35	2.10	010
24650		A	Treat radius fracture	2.16	4.11	2.66	0.35	6.62	5.18	090
24655		A	Treat radius fracture	4.40	6.05	4.65	0.70	11.15	9.75	090
24665		A	Treat radius fracture	8.15	NA	7.26	1.41	NA	16.81	090
24666		A	Treat radius fracture	9.50	NA	7.80	1.62	NA	18.92	090
24670		A	Treat ulnar fracture	2.55	4.27	2.98	0.41	7.23	5.93	090
24675		A	Treat ulnar fracture	4.72	6.10	4.83	0.81	11.63	10.36	090
24685		A	Treat ulnar fracture	8.81	NA	7.27	1.52	NA	17.60	090
24800		A	Fusion of elbow joint	11.20	NA	8.49	1.63	NA	21.33	090
24802		A	Fusion/graft of elbow joint	13.70	NA	10.04	2.37	NA	26.11	090
24900		A	Amputation of upper arm	9.61	NA	6.91	1.53	NA	18.05	090
24920		A	Amputation of upper arm	9.55	NA	6.77	1.61	NA	17.93	090
24925		A	Amputation follow-up surgery	7.07	NA	5.91	1.14	NA	14.12	090
24930		A	Amputation follow-up surgery	10.25	NA	7.05	1.67	NA	18.97	090
24931		A	Amputate upper arm & implant	12.73	NA	5.68	1.89	NA	20.30	090
24935		A	Revision of amputation	15.57	NA	7.92	2.13	NA	25.62	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	6.49	0.55	NA	10.41	090
25001		A	Incise flexor carpi radialis	3.38	NA	4.10	0.55	NA	8.03	090
25020		A	Decompress forearm 1 space	5.92	NA	9.00	0.93	NA	15.85	090
25023		A	Decompress forearm 1 space	12.97	NA	14.21	2.03	NA	29.21	090
25024		A	Decompress forearm 2 spaces	9.51	NA	7.28	1.36	NA	18.15	090
25025		A	Decompress forearm 2 spaces	16.55	NA	9.75	1.82	NA	28.13	090
25028		A	Drainage of forearm lesion	5.25	NA	7.73	0.81	NA	13.79	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
25031		A	Drainage of forearm bursa	4.14	NA	7.45	0.63	NA	12.22	090
25035		A	Treat forearm bone lesion	7.36	NA	12.69	1.24	NA	21.29	090
25040		A	Explore/treat wrist joint	7.18	NA	7.00	1.15	NA	15.34	090
25065		A	Biopsy forearm soft tissues	1.99	3.49	1.85	0.15	5.64	4.00	010
25066		A	Biopsy forearm soft tissues	4.13	NA	6.69	0.64	NA	11.46	090
25075		A	Removal forearm lesion subcu	3.74	NA	5.66	0.55	NA	9.95	090
25076		A	Removal forearm lesion deep	4.92	NA	8.98	0.74	NA	14.64	090
25077		A	Remove tumor, forearm/wrist	9.77	NA	11.47	1.42	NA	22.66	090
25085		A	Incision of wrist capsule	5.50	NA	6.78	0.85	NA	13.13	090
25100		A	Biopsy of wrist joint	3.90	NA	5.04	0.59	NA	9.53	090
25101		A	Explore/treat wrist joint	4.69	NA	5.64	0.75	NA	11.08	090
25105		A	Remove wrist joint lining	5.85	NA	6.97	0.92	NA	13.74	090
25107		A	Remove wrist joint cartilage	6.43	NA	7.98	0.99	NA	15.41	090
25110		A	Remove wrist tendon lesion	3.92	NA	6.65	0.62	NA	11.19	090
25111		A	Remove wrist tendon lesion	3.39	NA	4.51	0.53	NA	8.43	090
25112		A	Reremove wrist tendon lesion	4.53	NA	5.05	0.70	NA	10.28	090
25115		A	Remove wrist/forearm lesion	8.83	NA	13.21	1.31	NA	23.35	090
25116		A	Remove wrist/forearm lesion	7.11	NA	12.34	1.11	NA	20.56	090
25118		A	Excise wrist tendon sheath	4.37	NA	5.49	0.68	NA	10.54	090
25119		A	Partial removal of ulna	6.04	NA	7.25	0.96	NA	14.25	090
25120		A	Removal of forearm lesion	6.10	NA	11.29	1.00	NA	18.39	090
25125		A	Remove/graft forearm lesion	7.48	NA	12.05	1.06	NA	20.60	090
25126		A	Remove/graft forearm lesion	7.56	NA	12.20	1.27	NA	21.02	090
25130		A	Removal of wrist lesion	5.26	NA	6.15	0.80	NA	12.21	090
25135		A	Remove & graft wrist lesion	6.89	NA	7.22	1.02	NA	15.13	090
25136		A	Remove & graft wrist lesion	5.97	NA	6.35	1.03	NA	13.35	090
25145		A	Remove forearm bone lesion	6.37	NA	11.29	1.01	NA	18.67	090
25150		A	Partial removal of ulna	7.09	NA	7.83	1.14	NA	16.06	090
25151		A	Partial removal of radius	7.39	NA	11.93	1.18	NA	20.50	090
25170		A	Extensive forearm surgery	11.09	NA	14.28	1.77	NA	27.15	090
25210		A	Removal of wrist bone	5.95	NA	6.52	0.88	NA	13.35	090
25215		A	Removal of wrist bones	7.90	NA	8.37	1.19	NA	17.46	090
25230		A	Partial removal of radius	5.23	NA	5.89	0.79	NA	11.91	090
25240		A	Partial removal of ulna	5.17	NA	6.61	0.81	NA	12.59	090
25246		A	Injection for wrist x-ray	1.45	3.36	0.50	0.09	4.90	2.05	000
25248		A	Remove forearm foreign body	5.14	NA	8.08	0.72	NA	13.94	090
25250		A	Removal of wrist prosthesis	6.60	NA	5.92	1.01	NA	13.53	090
25251		A	Removal of wrist prosthesis	9.58	NA	7.68	1.26	NA	18.52	090
25259		A	Manipulate wrist w/anesthes	3.75	NA	5.53	0.62	NA	9.90	090
25260		A	Repair forearm tendon/muscle	7.81	NA	12.49	1.19	NA	21.49	090
25263		A	Repair forearm tendon/muscle	7.83	NA	12.46	1.18	NA	21.47	090
25265		A	Repair forearm tendon/muscle	9.89	NA	13.46	1.47	NA	24.82	090
25270		A	Repair forearm tendon/muscle	6.00	NA	11.23	0.95	NA	18.18	090
25272		A	Repair forearm tendon/muscle	7.04	NA	11.96	1.11	NA	20.11	090
25274		A	Repair forearm tendon/muscle	8.76	NA	12.81	1.36	NA	22.92	090
25275		A	Repair forearm tendon sheath	8.51	NA	7.34	1.31	NA	17.15	090
25280		A	Revise wrist/forearm tendon	7.22	NA	11.85	1.08	NA	20.15	090
25290		A	Incise wrist/forearm tendon	5.29	NA	13.90	0.82	NA	20.01	090
25295		A	Release wrist/forearm tendon	6.55	NA	11.39	1.00	NA	18.94	090
25300		A	Fusion of tendons at wrist	8.81	NA	8.15	1.26	NA	18.22	090
25301		A	Fusion of tendons at wrist	8.41	NA	7.76	1.29	NA	17.46	090
25310		A	Transplant forearm tendon	8.15	NA	12.25	1.21	NA	21.61	090
25312		A	Transplant forearm tendon	9.58	NA	13.12	1.41	NA	24.11	090
25315		A	Revise palsy hand tendon(s)	10.20	NA	13.54	1.58	NA	25.32	090
25316		A	Revise palsy hand tendon(s)	12.33	NA	15.27	1.74	NA	29.35	090
25320		A	Repair/revise wrist joint	10.77	NA	11.02	1.61	NA	23.40	090
25332		A	Revise wrist joint	11.41	NA	8.89	1.83	NA	22.13	090
25335		A	Realignment of hand	12.89	NA	11.18	1.92	NA	25.99	090
25337		A	Reconstruct ulna/radioulnar	10.17	NA	10.64	1.61	NA	22.42	090
25350		A	Revision of radius	8.79	NA	13.10	1.46	NA	23.35	090
25355		A	Revision of radius	10.17	NA	13.71	1.73	NA	25.61	090
25360		A	Revision of ulna	8.44	NA	12.99	1.41	NA	22.84	090
25365		A	Revise radius & ulna	12.40	NA	14.72	2.15	NA	29.28	090
25370		A	Revise radius or ulna	13.37	NA	15.25	2.28	NA	30.89	090
25375		A	Revise radius & ulna	13.05	NA	15.43	2.26	NA	30.73	090
25390		A	Shorten radius or ulna	10.40	NA	13.71	1.65	NA	25.76	090
25391		A	Lengthen radius or ulna	13.66	NA	15.64	2.21	NA	31.51	090
25392		A	Shorten radius & ulna	13.96	NA	15.22	2.10	NA	31.28	090
25393		A	Lengthen radius & ulna	15.88	NA	16.66	2.76	NA	35.30	090
25394		A	Repair carpal bone, shorten	10.40	NA	7.82	1.59	NA	19.81	090
25400		A	Repair radius or ulna	10.92	NA	14.27	1.82	NA	27.01	090
25405		A	Repair/graft radius or ulna	14.39	NA	16.29	2.32	NA	33.00	090
25415		A	Repair radius & ulna	13.36	NA	15.55	2.17	NA	31.07	090
25420		A	Repair/graft radius & ulna	16.34	NA	17.27	2.61	NA	36.23	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
25425		A	Repair/graft radius or ulna	13.22	NA	20.06	2.08	NA	35.36	090
25426		A	Repair/graft radius & ulna	15.83	NA	15.84	2.54	NA	34.22	090
25430		A	Vasc graft into carpal bone	9.26	NA	7.15	1.27	NA	17.68	090
25431		A	Repair nonunion carpal bone	10.44	NA	8.14	1.90	NA	20.48	090
25440		A	Repair/graft wrist bone	10.44	NA	9.04	1.63	NA	21.11	090
25441		A	Reconstruct wrist joint	12.91	NA	9.69	2.07	NA	24.67	090
25442		A	Reconstruct wrist joint	10.85	NA	8.61	1.53	NA	21.00	090
25443		A	Reconstruct wrist joint	10.39	NA	8.50	1.37	NA	20.26	090
25444		A	Reconstruct wrist joint	11.15	NA	8.75	1.71	NA	21.61	090
25445		A	Reconstruct wrist joint	9.70	NA	7.74	1.55	NA	18.99	090
25446		A	Wrist replacement	16.56	NA	11.56	2.47	NA	30.59	090
25447		A	Repair wrist joint(s)	10.37	NA	8.38	1.61	NA	20.36	090
25449		A	Remove wrist joint implant	14.50	NA	10.34	2.21	NA	27.05	090
25450		A	Revision of wrist joint	7.88	NA	9.64	1.36	NA	18.87	090
25455		A	Revision of wrist joint	9.50	NA	10.38	0.96	NA	20.84	090
25490		A	Reinforce radius	9.55	NA	12.92	1.43	NA	23.90	090
25491		A	Reinforce ulna	9.97	NA	13.59	1.60	NA	25.16	090
25492		A	Reinforce radius and ulna	12.33	NA	14.41	2.14	NA	28.89	090
25500		A	Treat fracture of radius	2.45	3.74	2.64	0.35	6.55	5.44	090
25505		A	Treat fracture of radius	5.21	6.63	5.27	0.90	12.74	11.38	090
25515		A	Treat fracture of radius	9.19	NA	7.21	1.59	NA	17.99	090
25520		A	Treat fracture of radius	6.26	6.94	5.89	1.08	14.28	13.23	090
25525		A	Treat fracture of radius	12.24	NA	9.67	2.12	NA	24.04	090
25526		A	Treat fracture of radius	12.99	NA	13.19	2.19	NA	28.36	090
25530		A	Treat fracture of ulna	2.09	3.93	2.78	0.34	6.37	5.21	090
25535		A	Treat fracture of ulna	5.14	6.11	5.15	0.89	12.14	11.18	090
25545		A	Treat fracture of ulna	8.91	NA	7.41	1.53	NA	17.85	090
25560		A	Treat fracture radius & ulna	2.44	3.86	2.52	0.35	6.66	5.31	090
25565		A	Treat fracture radius & ulna	5.63	6.78	5.27	0.93	13.34	11.83	090
25574		A	Treat fracture radius & ulna	7.01	NA	6.97	1.21	NA	15.19	090
25575		A	Treat fracture radius/ulna	10.45	NA	9.21	1.81	NA	21.47	090
25600		A	Treat fracture radius/ulna	2.64	4.25	2.88	0.42	7.31	5.93	090
25605		A	Treat fracture radius/ulna	5.81	7.30	6.05	1.00	14.11	12.86	090
25611		A	Treat fracture radius/ulna	7.78	NA	8.63	1.34	NA	17.75	090
25620		A	Treat fracture radius/ulna	8.56	NA	7.02	1.42	NA	17.00	090
25622		A	Treat wrist bone fracture	2.62	4.43	3.00	0.41	7.45	6.03	090
25624		A	Treat wrist bone fracture	4.53	6.13	4.93	0.76	11.42	10.22	090
25628		A	Treat wrist bone fracture	8.44	NA	7.58	1.37	NA	17.38	090
25630		A	Treat wrist bone fracture	2.89	4.34	2.85	0.45	7.68	6.18	090
25635		A	Treat wrist bone fracture	4.39	6.05	3.80	0.74	11.18	8.92	090
25645		A	Treat wrist bone fracture	7.25	NA	6.41	1.20	NA	14.86	090
25650		A	Treat wrist bone fracture	3.06	4.20	3.07	0.45	7.71	6.57	090
25651		A	Pin ulnar styloid fracture	5.36	NA	5.32	0.86	NA	11.54	090
25652		A	Treat fracture ulnar styloid	7.61	NA	6.78	1.21	NA	15.60	090
25660		A	Treat wrist dislocation	4.76	NA	4.57	0.58	NA	9.91	090
25670		A	Treat wrist dislocation	7.93	NA	6.76	1.28	NA	15.96	090
25671		A	Pin radioulnar dislocation	6.00	NA	5.95	1.00	NA	12.96	090
25675		A	Treat wrist dislocation	4.67	5.76	4.51	0.62	11.05	9.80	090
25676		A	Treat wrist dislocation	8.05	NA	7.06	1.34	NA	16.45	090
25680		A	Treat wrist fracture	5.99	NA	4.65	0.78	NA	11.42	090
25685		A	Treat wrist fracture	9.79	NA	7.57	1.60	NA	18.96	090
25690		A	Treat wrist dislocation	5.50	NA	5.34	0.88	NA	11.72	090
25695		A	Treat wrist dislocation	8.35	NA	6.86	1.32	NA	16.53	090
25800		A	Fusion of wrist joint	9.77	NA	8.74	1.57	NA	20.08	090
25805		A	Fusion/graft of wrist joint	11.28	NA	9.86	1.80	NA	22.94	090
25810		A	Fusion/graft of wrist joint	10.57	NA	9.54	1.67	NA	21.78	090
25820		A	Fusion of hand bones	7.45	NA	7.54	1.22	NA	16.21	090
25825		A	Fuse hand bones with graft	9.28	NA	8.88	1.41	NA	19.57	090
25830		A	Fusion, radioulnar jnt/ulna	10.06	NA	13.60	1.55	NA	25.21	090
25900		A	Amputation of forearm	9.02	NA	11.89	1.30	NA	22.21	090
25905		A	Amputation of forearm	9.13	NA	11.58	1.40	NA	22.11	090
25907		A	Amputation follow-up surgery	7.81	NA	11.06	1.10	NA	19.96	090
25909		A	Amputation follow-up surgery	8.97	NA	11.60	1.44	NA	22.01	090
25915		A	Amputation of forearm	17.08	NA	17.81	2.93	NA	37.83	090
25920		A	Amputate hand at wrist	8.69	NA	7.56	1.35	NA	17.59	090
25922		A	Amputate hand at wrist	7.42	NA	6.76	1.12	NA	15.31	090
25924		A	Amputation follow-up surgery	8.47	NA	7.77	1.32	NA	17.56	090
25927		A	Amputation of hand	8.81	NA	11.04	1.27	NA	21.11	090
25929		A	Amputation follow-up surgery	7.60	NA	5.70	1.14	NA	14.43	090
25931		A	Amputation follow-up surgery	7.82	NA	10.79	1.15	NA	19.75	090
25999		C	Forearm or wrist surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
26010		A	Drainage of finger abscess	1.54	5.21	1.56	0.18	6.93	3.29	010
26011		A	Drainage of finger abscess	2.19	8.22	2.23	0.33	10.74	4.75	010
26020		A	Drain hand tendon sheath	4.67	NA	5.17	0.73	NA	10.56	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
26025		A	Drainage of palm bursa	4.82	NA	4.94	0.76	NA	10.52	090
26030		A	Drainage of palm bursa(s)	5.93	NA	5.53	0.92	NA	12.38	090
26034		A	Treat hand bone lesion	6.23	NA	6.14	1.01	NA	13.38	090
26035		A	Decompress fingers/hand	9.52	NA	7.64	1.47	NA	18.62	090
26037		A	Decompress fingers/hand	7.25	NA	6.11	1.13	NA	14.50	090
26040		A	Release palm contracture	3.34	NA	3.91	0.53	NA	7.77	090
26045		A	Release palm contracture	5.56	NA	5.45	0.93	NA	11.94	090
26055		A	Incise finger tendon sheath	2.70	13.25	3.79	0.43	16.38	6.92	090
26060		A	Incision of finger tendon	2.82	NA	3.39	0.45	NA	6.65	090
26070		A	Explore/treat hand joint	3.69	NA	3.29	0.48	NA	7.45	090
26075		A	Explore/treat finger joint	3.79	NA	3.68	0.53	NA	7.99	090
26080		A	Explore/treat finger joint	4.24	NA	4.69	0.66	NA	9.59	090
26100		A	Biopsy hand joint lining	3.67	NA	3.99	0.54	NA	8.19	090
26105		A	Biopsy finger joint lining	3.71	NA	4.08	0.59	NA	8.38	090
26110		A	Biopsy finger joint lining	3.53	NA	3.91	0.53	NA	7.97	090
26115		A	Removal hand lesion subcut	3.86	12.36	4.61	0.59	16.81	9.06	090
26116		A	Removal hand lesion, deep	5.53	NA	5.81	0.84	NA	12.18	090
26117		A	Remove tumor, hand/finger	8.56	NA	6.86	1.26	NA	16.67	090
26121		A	Release palm contracture	7.55	NA	6.73	1.17	NA	15.44	090
26123		A	Release palm contracture	9.30	NA	8.57	1.43	NA	19.30	090
26125		A	Release palm contracture	4.61	NA	2.37	0.70	NA	7.68	ZZZ
26130		A	Remove wrist joint lining	5.42	NA	5.17	0.94	NA	11.53	090
26135		A	Revise finger joint, each	6.96	NA	6.25	1.07	NA	14.28	090
26140		A	Revise finger joint, each	6.17	NA	5.85	0.92	NA	12.94	090
26145		A	Tendon excision, palm/finger	6.32	NA	5.85	0.97	NA	13.15	090
26160		A	Remove tendon sheath lesion	3.16	11.58	3.98	0.49	15.23	7.63	090
26170		A	Removal of palm tendon, each	4.77	NA	4.78	0.69	NA	10.24	090
26180		A	Removal of finger tendon	5.18	NA	5.23	0.78	NA	11.19	090
26185		A	Remove finger bone	5.25	NA	5.85	0.81	NA	11.91	090
26200		A	Remove hand bone lesion	5.51	NA	5.19	0.88	NA	11.58	090
26205		A	Remove/graft bone lesion	7.71	NA	6.67	1.20	NA	15.57	090
26210		A	Removal of finger lesion	5.15	NA	5.24	0.79	NA	11.18	090
26215		A	Remove/graft finger lesion	7.10	NA	6.17	0.98	NA	14.25	090
26230		A	Partial removal of hand bone	6.33	NA	5.71	1.01	NA	13.05	090
26235		A	Partial removal, finger bone	6.19	NA	5.62	0.95	NA	12.76	090
26236		A	Partial removal, finger bone	5.32	NA	5.14	0.81	NA	11.27	090
26250		A	Extensive hand surgery	7.56	NA	6.23	1.07	NA	14.85	090
26255		A	Extensive hand surgery	12.43	NA	9.06	1.68	NA	23.18	090
26260		A	Extensive finger surgery	7.03	NA	5.99	1.01	NA	14.03	090
26261		A	Extensive finger surgery	9.10	NA	5.99	1.14	NA	16.23	090
26262		A	Partial removal of finger	5.67	NA	5.16	0.88	NA	11.71	090
26320		A	Removal of implant from hand	3.98	NA	4.17	0.59	NA	8.74	090
26340		A	Manipulate finger w/anesth	2.51	NA	4.73	0.39	NA	7.62	090
26350		A	Repair finger/hand tendon	5.99	NA	13.59	0.93	NA	20.51	090
26352		A	Repair/graft hand tendon	7.69	NA	14.33	1.13	NA	23.15	090
26356		A	Repair finger/hand tendon	8.08	NA	17.23	1.21	NA	26.52	090
26357		A	Repair finger/hand tendon	8.59	NA	14.61	1.33	NA	24.52	090
26358		A	Repair/graft hand tendon	9.15	NA	15.56	1.38	NA	26.09	090
26370		A	Repair finger/hand tendon	7.11	NA	14.05	1.12	NA	22.28	090
26372		A	Repair/graft hand tendon	8.77	NA	15.41	1.40	NA	25.58	090
26373		A	Repair finger/hand tendon	8.17	NA	14.94	1.23	NA	24.33	090
26390		A	Revise hand/finger tendon	9.20	NA	12.48	1.40	NA	23.08	090
26392		A	Repair/graft hand tendon	10.26	NA	15.62	1.57	NA	27.45	090
26410		A	Repair hand tendon	4.63	NA	11.08	0.73	NA	16.44	090
26412		A	Repair/graft hand tendon	6.31	NA	12.37	0.97	NA	19.65	090
26415		A	Excision, hand/finger tendon	8.35	NA	11.10	0.98	NA	20.43	090
26416		A	Graft hand or finger tendon	9.38	NA	13.70	0.79	NA	23.87	090
26418		A	Repair finger tendon	4.25	NA	11.46	0.67	NA	16.37	090
26420		A	Repair/graft finger tendon	6.77	NA	12.71	1.07	NA	20.55	090
26426		A	Repair finger/hand tendon	6.15	NA	12.28	0.95	NA	19.38	090
26428		A	Repair/graft finger tendon	7.21	NA	12.96	1.09	NA	21.26	090
26432		A	Repair finger tendon	4.02	NA	9.55	0.64	NA	14.21	090
26433		A	Repair finger tendon	4.56	NA	10.05	0.72	NA	15.32	090
26434		A	Repair/graft finger tendon	6.09	NA	10.81	0.93	NA	17.84	090
26437		A	Realignment of tendons	5.82	NA	10.83	0.89	NA	17.54	090
26440		A	Release palm/finger tendon	5.02	NA	12.48	0.75	NA	18.25	090
26442		A	Release palm & finger tendon	8.17	NA	14.98	1.20	NA	24.35	090
26445		A	Release hand/finger tendon	4.31	NA	12.19	0.65	NA	17.15	090
26449		A	Release forearm/hand tendon	7.00	NA	14.77	1.06	NA	22.83	090
26450		A	Incision of palm tendon	3.67	NA	6.88	0.59	NA	11.14	090
26455		A	Incision of finger tendon	3.64	NA	6.84	0.58	NA	11.05	090
26460		A	Incise hand/finger tendon	3.46	NA	6.72	0.55	NA	10.72	090
26471		A	Fusion of finger tendons	5.73	NA	10.54	0.88	NA	17.15	090
26474		A	Fusion of finger tendons	5.32	NA	10.64	0.76	NA	16.72	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
26476		A	Tendon lengthening	5.18	NA	10.25	0.79	NA	16.22	090
26477		A	Tendon shortening	5.15	NA	10.36	0.81	NA	16.32	090
26478		A	Lengthening of hand tendon	5.80	NA	11.05	0.90	NA	17.75	090
26479		A	Shortening of hand tendon	5.74	NA	10.82	0.92	NA	17.48	090
26480		A	Transplant hand tendon	6.69	NA	14.01	1.02	NA	21.73	090
26483		A	Transplant/graft hand tendon	8.30	NA	14.50	1.26	NA	24.06	090
26485		A	Transplant palm tendon	7.71	NA	14.35	1.15	NA	23.20	090
26489		A	Transplant/graft palm tendon	9.56	NA	11.43	1.26	NA	22.25	090
26490		A	Revise thumb tendon	8.42	NA	12.07	1.21	NA	21.70	090
26492		A	Tendon transfer with graft	9.63	NA	12.83	1.40	NA	23.86	090
26494		A	Hand tendon/muscle transfer	8.48	NA	12.21	1.28	NA	21.97	090
26496		A	Revise thumb tendon	9.60	NA	12.51	1.45	NA	23.56	090
26497		A	Finger tendon transfer	9.58	NA	12.79	1.41	NA	23.78	090
26498		A	Finger tendon transfer	14.01	NA	15.30	2.10	NA	31.41	090
26499		A	Revision of finger	8.99	NA	12.25	1.35	NA	22.59	090
26500		A	Hand tendon reconstruction	5.96	NA	10.72	0.90	NA	17.58	090
26502		A	Hand tendon reconstruction	7.14	NA	11.30	1.13	NA	19.57	090
26504		A	Hand tendon reconstruction	7.47	NA	11.78	1.24	NA	20.50	090
26508		A	Release thumb contracture	6.01	NA	10.92	0.98	NA	17.92	090
26510		A	Thumb tendon transfer	5.43	NA	10.60	0.79	NA	16.82	090
26516		A	Fusion of knuckle joint	7.15	NA	11.48	1.10	NA	19.73	090
26517		A	Fusion of knuckle joints	8.84	NA	12.69	1.41	NA	22.94	090
26518		A	Fusion of knuckle joints	9.03	NA	12.59	1.35	NA	22.97	090
26520		A	Release knuckle contracture	5.30	NA	12.91	0.80	NA	19.01	090
26525		A	Release finger contracture	5.33	NA	12.98	0.81	NA	19.12	090
26530		A	Revise knuckle joint	6.69	NA	5.96	1.04	NA	13.70	090
26531		A	Revise knuckle with implant	7.92	NA	6.91	1.17	NA	16.00	090
26535		A	Revise finger joint	5.24	NA	3.74	0.71	NA	9.69	090
26536		A	Revise/implant finger joint	6.37	NA	9.37	0.96	NA	16.70	090
26540		A	Repair hand joint	6.43	NA	11.12	0.99	NA	18.55	090
26541		A	Repair hand joint with graft	8.63	NA	12.57	1.28	NA	22.48	090
26542		A	Repair hand joint with graft	6.78	NA	11.28	1.02	NA	19.08	090
26545		A	Reconstruct finger joint	6.92	NA	11.40	1.05	NA	19.37	090
26546		A	Repair nonunion hand	8.93	NA	14.18	1.44	NA	24.54	090
26548		A	Reconstruct finger joint	8.04	NA	12.05	1.20	NA	21.29	090
26550		A	Construct thumb replacement	21.25	NA	16.68	2.45	NA	40.38	090
26551		A	Great toe-hand transfer	46.60	NA	30.93	7.96	NA	85.49	090
26553		A	Single transfer, toe-hand	46.29	NA	24.09	2.41	NA	72.79	090
26554		A	Double transfer, toe-hand	54.98	NA	35.75	9.41	NA	100.14	090
26555		A	Positional change of finger	16.64	NA	17.43	2.48	NA	36.56	090
26556		A	Toe joint transfer	47.28	NA	33.97	2.57	NA	83.82	090
26560		A	Repair of web finger	5.38	NA	9.22	0.85	NA	15.45	090
26561		A	Repair of web finger	10.92	NA	11.75	1.45	NA	24.12	090
26562		A	Repair of web finger	15.01	NA	16.25	2.23	NA	33.49	090
26565		A	Correct metacarpal flaw	6.74	NA	11.26	1.00	NA	19.01	090
26567		A	Correct finger deformity	6.82	NA	11.21	1.04	NA	19.08	090
26568		A	Lengthen metacarpal/finger	9.09	NA	14.50	1.49	NA	25.08	090
26580		A	Repair hand deformity	18.19	NA	13.16	2.28	NA	33.63	090
26587		A	Reconstruct extra finger	14.06	NA	8.99	1.53	NA	24.58	090
26590		A	Repair finger deformity	17.97	NA	13.46	2.77	NA	34.20	090
26591		A	Repair muscles of hand	3.26	NA	8.94	0.48	NA	12.68	090
26593		A	Release muscles of hand	5.31	NA	10.45	0.78	NA	16.54	090
26596		A	Excision constricting tissue	8.96	NA	8.42	1.43	NA	18.81	090
26600		A	Treat metacarpal fracture	1.96	3.79	2.57	0.30	6.05	4.83	090
26605		A	Treat metacarpal fracture	2.86	4.70	3.55	0.49	8.05	6.90	090
26607		A	Treat metacarpal fracture	5.36	NA	5.98	0.87	NA	12.21	090
26608		A	Treat metacarpal fracture	5.36	NA	6.00	0.88	NA	12.25	090
26615		A	Treat metacarpal fracture	5.33	NA	5.12	0.86	NA	11.31	090
26641		A	Treat thumb dislocation	3.94	4.72	3.42	0.39	9.05	7.75	090
26645		A	Treat thumb fracture	4.41	5.31	4.08	0.67	10.39	9.16	090
26650		A	Treat thumb fracture	5.72	NA	6.43	0.94	NA	13.09	090
26665		A	Treat thumb fracture	7.61	NA	6.39	0.90	NA	14.90	090
26670		A	Treat hand dislocation	3.69	4.41	2.85	0.39	8.49	6.92	090
26675		A	Treat hand dislocation	4.64	5.57	4.34	0.77	10.98	9.75	090
26676		A	Pin hand dislocation	5.52	NA	6.43	0.91	NA	12.86	090
26685		A	Treat hand dislocation	6.98	NA	5.94	1.09	NA	14.02	090
26686		A	Treat hand dislocation	7.95	NA	6.67	1.24	NA	15.86	090
26700		A	Treat knuckle dislocation	3.69	3.68	2.76	0.35	7.71	6.80	090
26705		A	Treat knuckle dislocation	4.19	5.43	4.18	0.66	10.28	9.03	090
26706		A	Pin knuckle dislocation	5.12	NA	4.95	0.81	NA	10.88	090
26715		A	Treat knuckle dislocation	5.74	NA	5.33	0.91	NA	11.98	090
26720		A	Treat finger fracture, each	1.66	2.70	1.98	0.24	4.60	3.89	090
26725		A	Treat finger fracture, each	3.34	4.60	3.40	0.53	8.47	7.26	090
26727		A	Treat finger fracture, each	5.23	NA	5.98	0.84	NA	12.05	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
26735		A	Treat finger fracture, each	5.98	NA	5.37	0.95	NA	12.30	090
26740		A	Treat finger fracture, each	1.94	3.04	2.63	0.31	5.30	4.88	090
26742		A	Treat finger fracture, each	3.85	5.11	3.78	0.58	9.54	8.21	090
26746		A	Treat finger fracture, each	5.81	NA	5.37	0.91	NA	12.09	090
26750		A	Treat finger fracture, each	1.70	2.41	1.94	0.22	4.33	3.86	090
26755		A	Treat finger fracture, each	3.11	4.27	2.91	0.42	7.80	6.44	090
26756		A	Pin finger fracture, each	4.39	NA	5.49	0.71	NA	10.59	090
26765		A	Treat finger fracture, each	4.17	NA	4.24	0.66	NA	9.07	090
26770		A	Treat finger dislocation	3.03	3.34	2.32	0.27	6.64	5.62	090
26775		A	Treat finger dislocation	3.71	5.29	3.69	0.54	9.54	7.94	090
26776		A	Pin finger dislocation	4.80	NA	5.76	0.77	NA	11.33	090
26785		A	Treat finger dislocation	4.21	NA	4.37	0.68	NA	9.26	090
26820		A	Thumb fusion with graft	8.27	NA	12.42	1.30	NA	21.99	090
26841		A	Fusion of thumb	7.13	NA	12.37	1.18	NA	20.69	090
26842		A	Thumb fusion with graft	8.25	NA	12.54	1.32	NA	22.11	090
26843		A	Fusion of hand joint	7.62	NA	11.60	1.15	NA	20.37	090
26844		A	Fusion/graft of hand joint	8.74	NA	12.56	1.33	NA	22.63	090
26850		A	Fusion of knuckle	6.97	NA	11.44	1.06	NA	19.48	090
26852		A	Fusion of knuckle with graft	8.47	NA	12.16	1.22	NA	21.85	090
26860		A	Fusion of finger joint	4.69	NA	10.46	0.73	NA	15.88	090
26861		A	Fusion of finger jnt, add-on	1.74	NA	0.90	0.27	NA	2.92	ZZZ
26862		A	Fusion/graft of finger joint	7.37	NA	11.62	1.10	NA	20.09	090
26863		A	Fuse/graft added joint	3.90	NA	2.05	0.56	NA	6.50	ZZZ
26910		A	Amputate metacarpal bone	7.61	NA	10.59	1.16	NA	19.36	090
26951		A	Amputation of finger/thumb	4.59	NA	9.50	0.71	NA	14.80	090
26952		A	Amputation of finger/thumb	6.31	NA	10.91	0.95	NA	18.17	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	6.97	1.22	NA	15.67	090
26991		A	Drainage of pelvis bursa	6.68	10.53	5.30	1.11	18.32	13.09	090
26992		A	Drainage of bone lesion	13.03	NA	9.96	2.16	NA	25.15	090
27000		A	Incision of hip tendon	5.62	NA	5.11	0.98	NA	11.71	090
27001		A	Incision of hip tendon	6.94	NA	5.89	1.24	NA	14.08	090
27003		A	Incision of hip tendon	7.34	NA	6.33	1.12	NA	14.79	090
27005		A	Incision of hip tendon	9.67	NA	7.57	1.72	NA	18.95	090
27006		A	Incision of hip tendons	9.69	NA	7.73	1.69	NA	19.11	090
27025		A	Incision of hip/thigh fascia	11.16	NA	8.32	1.84	NA	21.33	090
27030		A	Drainage of hip joint	13.02	NA	9.33	2.26	NA	24.61	090
27033		A	Exploration of hip joint	13.40	NA	9.61	2.32	NA	25.33	090
27035		A	Denervation of hip joint	16.69	NA	10.89	2.15	NA	29.73	090
27036		A	Excision of hip joint/muscle	12.89	NA	9.70	2.26	NA	24.85	090
27040		A	Biopsy of soft tissues	2.88	5.38	2.05	0.27	8.53	5.20	010
27041		A	Biopsy of soft tissues	9.90	NA	6.60	1.35	NA	17.85	090
27047		A	Remove hip/pelvis lesion	7.45	7.18	4.71	1.03	15.67	13.19	090
27048		A	Remove hip/pelvis lesion	6.25	NA	4.72	0.92	NA	11.89	090
27049		A	Remove tumor, hip/pelvis	13.67	NA	8.24	2.06	NA	23.97	090
27050		A	Biopsy of sacroiliac joint	4.36	NA	4.30	0.60	NA	9.26	090
27052		A	Biopsy of hip joint	6.23	NA	5.71	1.08	NA	13.02	090
27054		A	Removal of hip joint lining	8.55	NA	7.11	1.47	NA	17.13	090
27060		A	Removal of ischial bursa	5.43	NA	4.27	0.80	NA	10.50	090
27062		A	Remove femur lesion/bursa	5.37	NA	5.02	0.93	NA	11.32	090
27065		A	Removal of hip bone lesion	5.90	NA	5.29	1.01	NA	12.20	090
27066		A	Removal of hip bone lesion	10.33	NA	8.19	1.79	NA	20.31	090
27067		A	Remove/graft hip bone lesion	13.84	NA	10.34	1.84	NA	26.02	090
27070		A	Partial removal of hip bone	10.72	NA	8.80	1.74	NA	21.26	090
27071		A	Partial removal of hip bone	11.46	NA	9.74	1.92	NA	23.12	090
27075		A	Extensive hip surgery	35.02	NA	18.71	5.64	NA	59.37	090
27076		A	Extensive hip surgery	22.13	NA	14.10	3.70	NA	39.94	090
27077		A	Extensive hip surgery	40.02	NA	22.00	6.12	NA	68.14	090
27078		A	Extensive hip surgery	13.45	NA	9.64	2.22	NA	25.31	090
27079		A	Extensive hip surgery	13.76	NA	9.29	1.94	NA	24.99	090
27080		A	Removal of tail bone	6.39	NA	4.72	0.93	NA	12.05	090
27086		A	Remove hip foreign body	1.87	4.44	1.80	0.25	6.56	3.92	010
27087		A	Remove hip foreign body	8.55	NA	6.51	1.35	NA	16.41	090
27090		A	Removal of hip prosthesis	11.15	NA	8.50	1.94	NA	21.59	090
27091		A	Removal of hip prosthesis	22.15	NA	13.56	3.84	NA	39.56	090
27093		A	Injection for hip x-ray	1.30	4.24	0.49	0.13	5.67	1.92	000
27095		A	Injection for hip x-ray	1.50	5.37	0.52	0.14	7.01	2.17	000
27096		A	Inject sacroiliac joint	1.40	4.02	0.32	0.08	5.50	1.81	000
27097		A	Revision of hip tendon	8.81	NA	6.21	1.57	NA	16.58	090
27098		A	Transfer tendon to pelvis	8.84	NA	6.82	0.95	NA	16.61	090
27100		A	Transfer of abdominal muscle	11.08	NA	8.39	1.85	NA	21.33	090
27105		A	Transfer of spinal muscle	11.77	NA	8.87	1.72	NA	22.37	090
27110		A	Transfer of iliopsoas muscle	13.27	NA	8.88	2.18	NA	24.32	090
27111		A	Transfer of iliopsoas muscle	12.15	NA	8.85	1.94	NA	22.95	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
27120		A	Reconstruction of hip socket	18.02	NA	11.51	3.08	NA	32.60	090
27122		A	Reconstruction of hip socket	14.99	NA	10.69	2.61	NA	28.29	090
27125		A	Partial hip replacement	14.70	NA	10.30	2.54	NA	27.54	090
27130		A	Total hip arthroplasty	20.13	NA	12.88	3.50	NA	36.51	090
27132		A	Total hip arthroplasty	23.32	NA	15.15	4.04	NA	42.51	090
27134		A	Revise hip joint replacement	28.54	NA	17.24	4.94	NA	50.72	090
27137		A	Revise hip joint replacement	21.18	NA	13.50	3.67	NA	38.35	090
27138		A	Revise hip joint replacement	22.18	NA	13.95	3.84	NA	39.97	090
27140		A	Transplant femur ridge	12.24	NA	9.11	2.11	NA	23.47	090
27146		A	Incision of hip bone	17.43	NA	11.77	2.96	NA	32.17	090
27147		A	Revision of hip bone	20.59	NA	12.90	3.57	NA	37.06	090
27151		A	Incision of hip bones	22.52	NA	7.72	3.91	NA	34.16	090
27156		A	Revision of hip bones	24.64	NA	15.58	4.21	NA	44.43	090
27158		A	Revision of pelvis	19.75	NA	10.86	3.16	NA	33.77	090
27161		A	Incision of neck of femur	16.71	NA	11.73	2.94	NA	31.38	090
27165		A	Incision/fixation of femur	17.92	NA	12.51	3.10	NA	33.53	090
27170		A	Repair/graft femur head/neck	16.08	NA	10.95	2.81	NA	29.85	090
27175		A	Treat slipped epiphysis	8.47	NA	6.48	1.46	NA	16.41	090
27176		A	Treat slipped epiphysis	12.05	NA	8.73	2.22	NA	23.01	090
27177		A	Treat slipped epiphysis	15.09	NA	10.56	2.61	NA	28.26	090
27178		A	Treat slipped epiphysis	11.99	NA	8.16	2.08	NA	22.24	090
27179		A	Revise head/neck of femur	12.99	NA	9.67	2.25	NA	24.91	090
27181		A	Treat slipped epiphysis	14.69	NA	9.92	1.57	NA	26.18	090
27185		A	Revision of femur epiphysis	9.19	NA	7.28	2.39	NA	18.86	090
27187		A	Reinforce hip bones	13.55	NA	9.99	2.37	NA	25.90	090
27193		A	Treat pelvic ring fracture	5.56	4.94	4.94	0.96	11.47	11.47	090
27194		A	Treat pelvic ring fracture	9.66	NA	7.43	1.65	NA	18.74	090
27200		A	Treat tail bone fracture	1.84	2.16	2.09	0.28	4.29	4.21	090
27202		A	Treat tail bone fracture	7.04	NA	15.72	1.06	NA	23.83	090
27215		A	Treat pelvic fracture(s)	10.05	NA	6.86	1.97	NA	18.88	090
27216		A	Treat pelvic ring fracture	15.20	NA	9.29	2.63	NA	27.12	090
27217		A	Treat pelvic ring fracture	14.12	NA	9.83	2.41	NA	26.36	090
27218		A	Treat pelvic ring fracture	20.16	NA	11.08	3.48	NA	34.72	090
27220		A	Treat hip socket fracture	6.18	5.56	5.47	1.07	12.81	12.72	090
27222		A	Treat hip socket fracture	12.71	NA	9.65	2.19	NA	24.54	090
27226		A	Treat hip wall fracture	14.92	NA	7.58	2.48	NA	24.97	090
27227		A	Treat hip fracture(s)	23.46	NA	14.93	4.05	NA	42.44	090
27228		A	Treat hip fracture(s)	27.17	NA	17.08	4.66	NA	48.92	090
27230		A	Treat thigh fracture	5.50	5.35	4.95	0.95	11.80	11.41	090
27232		A	Treat thigh fracture	10.68	NA	6.97	1.85	NA	19.50	090
27235		A	Treat thigh fracture	12.16	NA	9.14	2.11	NA	23.42	090
27236		A	Treat thigh fracture	15.61	NA	10.71	2.71	NA	29.03	090
27238		A	Treat thigh fracture	5.52	NA	4.99	0.89	NA	11.40	090
27240		A	Treat thigh fracture	12.50	NA	9.20	2.16	NA	23.87	090
27244		A	Treat thigh fracture	15.95	NA	10.94	2.77	NA	29.67	090
27245		A	Treat thigh fracture	20.32	NA	13.31	3.52	NA	37.15	090
27246		A	Treat thigh fracture	4.71	4.33	4.30	0.81	9.85	9.82	090
27248		A	Treat thigh fracture	10.45	NA	7.95	1.81	NA	20.21	090
27250		A	Treat hip dislocation	6.95	NA	4.46	0.62	NA	12.03	090
27252		A	Treat hip dislocation	10.39	NA	7.21	1.66	NA	19.26	090
27253		A	Treat hip dislocation	12.93	NA	9.47	2.24	NA	24.63	090
27254		A	Treat hip dislocation	18.27	NA	11.66	3.17	NA	33.10	090
27256		A	Treat hip dislocation	4.12	3.43	2.02	0.46	8.01	6.60	010
27257		A	Treat hip dislocation	5.22	NA	2.73	0.69	NA	8.64	010
27258		A	Treat hip dislocation	15.44	NA	10.55	2.64	NA	28.63	090
27259		A	Treat hip dislocation	21.56	NA	13.80	3.74	NA	39.11	090
27265		A	Treat hip dislocation	5.05	NA	4.64	0.63	NA	10.32	090
27266		A	Treat hip dislocation	7.49	NA	6.15	1.29	NA	14.94	090
27275		A	Manipulation of hip joint	2.27	NA	2.04	0.39	NA	4.71	010
27280		A	Fusion of sacroiliac joint	13.40	NA	9.96	2.53	NA	25.89	090
27282		A	Fusion of pubic bones	11.34	NA	8.03	1.86	NA	21.24	090
27284		A	Fusion of hip joint	23.46	NA	14.32	3.92	NA	41.69	090
27286		A	Fusion of hip joint	23.46	NA	15.30	3.12	NA	41.88	090
27290		A	Amputation of leg at hip	23.30	NA	13.67	3.43	NA	40.40	090
27295		A	Amputation of leg at hip	18.66	NA	10.98	2.95	NA	32.59	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	9.54	5.00	1.04	17.08	12.54	090
27303		A	Drainage of bone lesion	8.29	NA	6.75	1.43	NA	16.47	090
27305		A	Incise thigh tendon & fascia	5.92	NA	5.02	1.01	NA	11.95	090
27306		A	Incision of thigh tendon	4.62	NA	4.56	0.85	NA	10.03	090
27307		A	Incision of thigh tendons	5.80	NA	5.21	1.04	NA	12.05	090
27310		A	Exploration of knee joint	9.28	NA	7.35	1.61	NA	18.24	090
27315		A	Partial removal, thigh nerve	6.97	NA	4.85	1.09	NA	12.91	090
27320		A	Partial removal, thigh nerve	6.30	NA	5.10	1.06	NA	12.46	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
27323		A	Biopsy, thigh soft tissues	2.28	3.74	1.85	0.24	6.26	4.37	010
27324		A	Biopsy, thigh soft tissues	4.90	NA	4.09	0.75	NA	9.74	090
27327		A	Removal of thigh lesion	4.47	5.95	3.65	0.64	11.06	8.76	090
27328		A	Removal of thigh lesion	5.57	NA	4.27	0.84	NA	10.68	090
27329		A	Remove tumor, thigh/knee	14.15	NA	8.81	2.14	NA	25.09	090
27330		A	Biopsy, knee joint lining	4.97	NA	4.42	0.86	NA	10.25	090
27331		A	Explore/treat knee joint	5.88	NA	5.34	1.02	NA	12.24	090
27332		A	Removal of knee cartilage	8.28	NA	6.89	1.43	NA	16.60	090
27333		A	Removal of knee cartilage	7.30	NA	6.46	1.26	NA	15.02	090
27334		A	Remove knee joint lining	8.71	NA	7.18	1.51	NA	17.39	090
27335		A	Remove knee joint lining	10.01	NA	7.96	1.74	NA	19.71	090
27340		A	Removal of kneecap bursa	4.18	NA	4.41	0.72	NA	9.31	090
27345		A	Removal of knee cyst	5.92	NA	5.44	1.00	NA	12.37	090
27347		A	Remove knee cyst	5.78	NA	5.27	0.98	NA	12.03	090
27350		A	Removal of kneecap	8.18	NA	7.01	1.41	NA	16.60	090
27355		A	Remove femur lesion	7.66	NA	6.55	1.32	NA	15.53	090
27356		A	Remove femur lesion/graft	9.49	NA	7.61	1.65	NA	18.75	090
27357		A	Remove femur lesion/graft	10.53	NA	8.42	1.95	NA	20.90	090
27358		A	Remove femur lesion/fixation	4.74	NA	2.44	0.82	NA	8.00	ZZZ
27360		A	Partial removal, leg bone(s)	10.50	NA	9.16	1.83	NA	21.49	090
27365		A	Extensive leg surgery	16.28	NA	11.33	2.79	NA	30.40	090
27370		A	Injection for knee x-ray	0.96	3.56	0.33	0.08	4.60	1.38	000
27372		A	Removal of foreign body	5.07	9.52	4.54	0.84	15.43	10.45	090
27380		A	Repair of kneecap tendon	7.16	NA	6.99	1.24	NA	15.40	090
27381		A	Repair/graft kneecap tendon	10.34	NA	8.75	1.79	NA	20.88	090
27385		A	Repair of thigh muscle	7.77	NA	7.33	1.36	NA	16.45	090
27386		A	Repair/graft of thigh muscle	10.56	NA	9.15	1.85	NA	21.56	090
27390		A	Incision of thigh tendon	5.33	NA	4.95	0.92	NA	11.20	090
27391		A	Incision of thigh tendons	7.20	NA	6.35	1.23	NA	14.78	090
27392		A	Incision of thigh tendons	9.21	NA	7.35	1.57	NA	18.13	090
27393		A	Lengthening of thigh tendon	6.39	NA	5.64	1.10	NA	13.13	090
27394		A	Lengthening of thigh tendons	8.51	NA	6.98	1.47	NA	16.96	090
27395		A	Lengthening of thigh tendons	11.73	NA	9.02	2.04	NA	22.79	090
27396		A	Transplant of thigh tendon	7.87	NA	6.77	1.34	NA	15.97	090
27397		A	Transplants of thigh tendons	11.28	NA	8.76	1.82	NA	21.87	090
27400		A	Revise thigh muscles/tendons	9.03	NA	7.04	1.31	NA	17.37	090
27403		A	Repair of knee cartilage	8.34	NA	6.95	1.44	NA	16.72	090
27405		A	Repair of knee ligament	8.66	NA	7.25	1.51	NA	17.42	090
27407		A	Repair of knee ligament	10.28	NA	8.05	1.78	NA	20.11	090
27409		A	Repair of knee ligaments	12.91	NA	9.63	2.24	NA	24.78	090
27412		A	Autochondrocyte implant knee	23.28	NA	14.69	4.35	NA	42.32	090
27415		A	Osteochondral knee allograft	18.53	NA	12.45	4.35	NA	35.33	090
27418		A	Repair degenerated kneecap	10.85	NA	8.61	1.88	NA	21.34	090
27420		A	Revision of unstable kneecap	9.84	NA	7.85	1.71	NA	19.40	090
27422		A	Revision of unstable kneecap	9.79	NA	7.86	1.70	NA	19.35	090
27424		A	Revision/removal of kneecap	9.82	NA	7.83	1.70	NA	19.35	090
27425		A	Lat retinacular release open	5.22	NA	5.33	0.90	NA	11.45	090
27427		A	Reconstruction, knee	9.37	NA	7.56	1.63	NA	18.55	090
27428		A	Reconstruction, knee	14.01	NA	10.90	2.42	NA	27.33	090
27429		A	Reconstruction, knee	15.53	NA	12.03	2.70	NA	30.27	090
27430		A	Revision of thigh muscles	9.68	NA	7.75	1.69	NA	19.12	090
27435		A	Incision of knee joint	9.50	NA	8.21	1.69	NA	19.40	090
27437		A	Revise kneecap	8.47	NA	7.01	1.49	NA	16.96	090
27438		A	Revise kneecap with implant	11.23	NA	8.28	1.95	NA	21.46	090
27440		A	Revision of knee joint	10.43	NA	5.82	1.81	NA	18.06	090
27441		A	Revision of knee joint	10.82	NA	6.50	1.88	NA	19.20	090
27442		A	Revision of knee joint	11.89	NA	8.64	2.09	NA	22.62	090
27443		A	Revision of knee joint	10.93	NA	8.44	1.90	NA	21.27	090
27445		A	Revision of knee joint	17.69	NA	11.96	3.08	NA	32.73	090
27446		A	Revision of knee joint	15.85	NA	10.91	2.80	NA	29.57	090
27447		A	Total knee arthroplasty	21.49	NA	14.16	3.79	NA	39.44	090
27448		A	Incision of thigh	11.06	NA	8.33	1.94	NA	21.33	090
27450		A	Incision of thigh	13.99	NA	10.24	2.42	NA	26.65	090
27454		A	Realignment of thigh bone	17.57	NA	12.12	3.12	NA	32.81	090
27455		A	Realignment of knee	12.83	NA	9.54	2.24	NA	24.61	090
27457		A	Realignment of knee	13.46	NA	9.60	2.34	NA	25.40	090
27465		A	Shortening of thigh bone	13.88	NA	9.89	2.47	NA	26.24	090
27466		A	Lengthening of thigh bone	16.34	NA	11.46	2.77	NA	30.58	090
27468		A	Shorten/lengthen thighs	18.98	NA	12.09	3.30	NA	34.37	090
27470		A	Repair of thigh	16.08	NA	11.42	2.79	NA	30.29	090
27472		A	Repair/graft of thigh	17.73	NA	12.28	3.07	NA	33.07	090
27475		A	Surgery to stop leg growth	8.65	NA	6.97	1.36	NA	16.98	090
27477		A	Surgery to stop leg growth	9.86	NA	7.49	1.73	NA	19.08	090
27479		A	Surgery to stop leg growth	12.81	NA	9.48	2.78	NA	25.07	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
27485		A	Surgery to stop leg growth	8.85	NA	7.16	1.53	NA	17.53	090
27486		A	Revise/replace knee joint	19.28	NA	13.08	3.36	NA	35.71	090
27487		A	Revise/replace knee joint	25.28	NA	16.04	4.39	NA	45.71	090
27488		A	Removal of knee prosthesis	15.75	NA	11.34	2.74	NA	29.83	090
27495		A	Reinforce thigh	15.56	NA	11.05	2.71	NA	29.32	090
27496		A	Decompression of thigh/knee	6.11	NA	5.42	0.99	NA	12.52	090
27497		A	Decompression of thigh/knee	7.17	NA	5.28	1.15	NA	13.61	090
27498		A	Decompression of thigh/knee	8.00	NA	5.79	1.24	NA	15.03	090
27499		A	Decompression of thigh/knee	9.01	NA	6.64	1.47	NA	17.11	090
27500		A	Treatment of thigh fracture	5.92	6.67	4.85	1.02	13.61	11.79	090
27501		A	Treatment of thigh fracture	5.92	6.35	5.23	1.03	13.30	12.18	090
27502		A	Treatment of thigh fracture	10.58	NA	7.88	1.78	NA	20.24	090
27503		A	Treatment of thigh fracture	10.58	NA	8.05	1.84	NA	20.47	090
27506		A	Treatment of thigh fracture	17.45	NA	12.39	3.03	NA	32.87	090
27507		A	Treatment of thigh fracture	14.00	NA	9.53	2.42	NA	25.95	090
27508		A	Treatment of thigh fracture	5.83	6.55	5.32	0.97	13.35	12.12	090
27509		A	Treatment of thigh fracture	7.72	NA	7.64	1.34	NA	16.69	090
27510		A	Treatment of thigh fracture	9.14	NA	7.12	1.53	NA	17.79	090
27511		A	Treatment of thigh fracture	13.65	NA	10.77	2.37	NA	26.79	090
27513		A	Treatment of thigh fracture	17.93	NA	13.38	3.12	NA	34.43	090
27514		A	Treatment of thigh fracture	17.30	NA	12.88	3.00	NA	33.19	090
27516		A	Treat thigh fx growth plate	5.37	6.45	5.36	0.81	12.63	11.54	090
27517		A	Treat thigh fx growth plate	8.79	NA	7.24	1.22	NA	17.25	090
27519		A	Treat thigh fx growth plate	15.03	NA	11.17	2.55	NA	28.75	090
27520		A	Treat kneecap fracture	2.87	4.69	3.34	0.47	8.03	6.67	090
27524		A	Treat kneecap fracture	10.01	NA	7.97	1.74	NA	19.72	090
27530		A	Treat knee fracture	3.78	5.44	4.30	0.65	9.87	8.72	090
27532		A	Treat knee fracture	7.30	7.13	6.27	1.26	15.69	14.83	090
27535		A	Treat knee fracture	11.50	NA	9.71	2.00	NA	23.21	090
27536		A	Treat knee fracture	15.66	NA	11.25	2.73	NA	29.64	090
27538		A	Treat knee fracture(s)	4.87	6.23	5.04	0.84	11.94	10.75	090
27540		A	Treat knee fracture	13.11	NA	9.21	2.27	NA	24.59	090
27550		A	Treat knee dislocation	5.76	6.12	4.78	0.76	12.64	11.30	090
27552		A	Treat knee dislocation	7.91	NA	6.75	1.36	NA	16.01	090
27556		A	Treat knee dislocation	14.42	NA	11.21	2.50	NA	28.13	090
27557		A	Treat knee dislocation	16.77	NA	12.63	2.97	NA	32.38	090
27558		A	Treat knee dislocation	17.73	NA	12.57	3.08	NA	33.38	090
27560		A	Treat kneecap dislocation	3.82	4.97	3.08	0.40	9.19	7.29	090
27562		A	Treat kneecap dislocation	5.79	NA	4.62	0.94	NA	11.36	090
27566		A	Treat kneecap dislocation	12.23	NA	9.03	2.12	NA	23.38	090
27570		A	Fixation of knee joint	1.74	NA	1.72	0.30	NA	3.77	010
27580		A	Fusion of knee	19.38	NA	14.25	3.37	NA	37.00	090
27590		A	Amputate leg at thigh	12.03	NA	6.53	1.74	NA	20.30	090
27591		A	Amputate leg at thigh	12.69	NA	8.40	2.02	NA	23.11	090
27592		A	Amputate leg at thigh	10.02	NA	6.02	1.45	NA	17.49	090
27594		A	Amputation follow-up surgery	6.92	NA	5.04	1.02	NA	12.99	090
27596		A	Amputation follow-up surgery	10.60	NA	6.65	1.57	NA	18.82	090
27598		A	Amputate lower leg at knee	10.53	NA	6.85	1.65	NA	19.03	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	4.37	0.86	NA	10.88	090
27601		A	Decompression of lower leg	5.64	NA	4.68	0.80	NA	11.13	090
27602		A	Decompression of lower leg	7.35	NA	4.97	1.10	NA	13.43	090
27603		A	Drain lower leg lesion	4.94	7.21	4.07	0.74	12.89	9.75	090
27604		A	Drain lower leg bursa	4.47	5.96	3.87	0.69	11.12	9.03	090
27605		A	Incision of achilles tendon	2.88	7.29	2.26	0.41	10.58	5.55	010
27606		A	Incision of achilles tendon	4.14	NA	3.25	0.69	NA	8.07	010
27607		A	Treat lower leg bone lesion	7.98	NA	6.02	1.31	NA	15.30	090
27610		A	Explore/treat ankle joint	8.35	NA	6.79	1.40	NA	16.54	090
27612		A	Exploration of ankle joint	7.33	NA	5.95	1.13	NA	14.42	090
27613		A	Biopsy lower leg soft tissue	2.17	3.43	1.77	0.20	5.81	4.14	010
27614		A	Biopsy lower leg soft tissue	5.66	7.24	4.34	0.78	13.69	10.78	090
27615		A	Remove tumor, lower leg	12.57	NA	9.08	1.83	NA	23.48	090
27618		A	Remove lower leg lesion	5.09	6.11	3.92	0.72	11.92	9.73	090
27619		A	Remove lower leg lesion	8.41	9.38	5.82	1.25	19.03	15.48	090
27620		A	Explore/treat ankle joint	5.98	NA	5.31	0.97	NA	12.26	090
27625		A	Remove ankle joint lining	8.31	NA	6.30	1.28	NA	15.89	090
27626		A	Remove ankle joint lining	8.92	NA	6.73	1.48	NA	17.12	090
27630		A	Removal of tendon lesion	4.80	7.39	4.27	0.74	12.93	9.81	090
27635		A	Remove lower leg bone lesion	7.79	NA	6.54	1.31	NA	15.63	090
27637		A	Remove/graft leg bone lesion	9.86	NA	8.03	1.66	NA	19.55	090
27638		A	Remove/graft leg bone lesion	10.57	NA	8.04	1.84	NA	20.45	090
27640		A	Partial removal of tibia	11.37	NA	9.90	1.88	NA	23.15	090
27641		A	Partial removal of fibula	9.25	NA	8.03	1.46	NA	18.74	090
27645		A	Extensive lower leg surgery	14.18	NA	11.57	2.41	NA	28.16	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
27646		A	Extensive lower leg surgery	12.67	NA	10.60	2.05	NA	25.32	090
27647		A	Extensive ankle/heel surgery	12.24	NA	7.48	1.75	NA	21.47	090
27648		A	Injection for ankle x-ray	0.96	3.39	0.34	0.08	4.43	1.38	000
27650		A	Repair achilles tendon	9.70	NA	7.30	1.59	NA	18.59	090
27652		A	Repair/graft achilles tendon	10.33	NA	7.81	1.71	NA	19.85	090
27654		A	Repair of achilles tendon	10.02	NA	6.97	1.58	NA	18.57	090
27656		A	Repair leg fascia defect	4.57	8.20	3.70	0.69	13.46	8.96	090
27658		A	Repair of leg tendon, each	4.98	NA	4.45	0.79	NA	10.22	090
27659		A	Repair of leg tendon, each	6.81	NA	5.50	1.09	NA	13.40	090
27664		A	Repair of leg tendon, each	4.59	NA	4.42	0.76	NA	9.77	090
27665		A	Repair of leg tendon, each	5.40	NA	4.84	0.89	NA	11.14	090
27675		A	Repair lower leg tendons	7.18	NA	5.59	1.11	NA	13.89	090
27676		A	Repair lower leg tendons	8.43	NA	6.57	1.37	NA	16.36	090
27680		A	Release of lower leg tendon	5.74	NA	4.96	0.93	NA	11.63	090
27681		A	Release of lower leg tendons	6.82	NA	5.74	1.15	NA	13.72	090
27685		A	Revision of lower leg tendon	6.50	7.38	5.35	0.97	14.86	12.82	090
27686		A	Revise lower leg tendons	7.46	NA	6.30	1.24	NA	15.00	090
27687		A	Revision of calf tendon	6.24	NA	5.18	1.00	NA	12.43	090
27690		A	Revise lower leg tendon	8.72	NA	6.22	1.33	NA	16.27	090
27691		A	Revise lower leg tendon	9.97	NA	7.54	1.64	NA	19.15	090
27692		A	Revise additional leg tendon	1.87	NA	0.90	0.32	NA	3.10	ZZZ
27695		A	Repair of ankle ligament	6.51	NA	5.71	1.05	NA	13.27	090
27696		A	Repair of ankle ligaments	8.28	NA	6.28	1.28	NA	15.83	090
27698		A	Repair of ankle ligament	9.37	NA	6.77	1.47	NA	17.61	090
27700		A	Revision of ankle joint	9.30	NA	5.63	1.30	NA	16.23	090
27702		A	Reconstruct ankle joint	13.68	NA	10.12	2.37	NA	26.17	090
27703		A	Reconstruction, ankle joint	15.88	NA	10.91	2.76	NA	29.56	090
27704		A	Removal of ankle implant	7.63	NA	5.42	1.27	NA	14.31	090
27705		A	Incision of tibia	10.38	NA	7.92	1.80	NA	20.10	090
27707		A	Incision of fibula	4.37	NA	4.78	0.76	NA	9.91	090
27709		A	Incision of tibia & fibula	9.96	NA	7.87	1.73	NA	19.56	090
27712		A	Realignment of lower leg	14.26	NA	10.43	2.47	NA	27.15	090
27715		A	Revision of lower leg	14.40	NA	10.43	2.49	NA	27.32	090
27720		A	Repair of tibia	11.79	NA	9.10	2.04	NA	22.93	090
27722		A	Repair/graft of tibia	11.82	NA	8.84	2.05	NA	22.72	090
27724		A	Repair/graft of tibia	18.21	NA	11.98	3.16	NA	33.34	090
27725		A	Repair of lower leg	15.60	NA	11.56	2.71	NA	29.87	090
27727		A	Repair of lower leg	14.02	NA	10.02	2.43	NA	26.47	090
27730		A	Repair of tibia epiphysis	7.41	NA	6.21	1.72	NA	15.35	090
27732		A	Repair of fibula epiphysis	5.32	NA	4.80	0.77	NA	10.90	090
27734		A	Repair lower leg epiphyses	8.49	NA	6.11	1.35	NA	15.95	090
27740		A	Repair of leg epiphyses	9.31	NA	7.72	1.62	NA	18.65	090
27742		A	Repair of leg epiphyses	10.30	NA	5.76	1.79	NA	17.85	090
27745		A	Reinforce tibia	10.07	NA	7.91	1.75	NA	19.73	090
27750		A	Treatment of tibia fracture	3.20	4.90	3.74	0.55	8.65	7.49	090
27752		A	Treatment of tibia fracture	5.84	6.74	5.51	1.01	13.59	12.36	090
27756		A	Treatment of tibia fracture	6.78	NA	6.25	1.17	NA	14.20	090
27758		A	Treatment of tibia fracture	11.67	NA	8.89	2.03	NA	22.59	090
27759		A	Treatment of tibia fracture	13.77	NA	9.99	2.38	NA	26.13	090
27760		A	Treatment of ankle fracture	3.02	4.83	3.48	0.48	8.32	6.98	090
27762		A	Treatment of ankle fracture	5.25	6.43	5.12	0.85	12.53	11.22	090
27766		A	Treatment of ankle fracture	8.37	NA	6.99	1.44	NA	16.80	090
27780		A	Treatment of fibula fracture	2.66	4.05	3.12	0.41	7.12	6.18	090
27781		A	Treatment of fibula fracture	4.40	5.61	4.51	0.73	10.74	9.64	090
27784		A	Treatment of fibula fracture	7.11	NA	6.26	1.23	NA	14.60	090
27786		A	Treatment of ankle fracture	2.85	4.61	3.23	0.46	7.92	6.54	090
27788		A	Treatment of ankle fracture	4.45	5.76	4.52	0.74	10.95	9.71	090
27792		A	Treatment of ankle fracture	7.67	NA	6.74	1.32	NA	15.72	090
27808		A	Treatment of ankle fracture	2.84	4.94	3.59	0.46	8.24	6.89	090
27810		A	Treatment of ankle fracture	5.13	6.35	5.00	0.82	12.30	10.96	090
27814		A	Treatment of ankle fracture	10.68	NA	8.29	1.85	NA	20.82	090
27816		A	Treatment of ankle fracture	2.90	4.54	3.31	0.43	7.86	6.63	090
27818		A	Treatment of ankle fracture	5.50	6.47	5.02	0.82	12.79	11.34	090
27822		A	Treatment of ankle fracture	11.00	NA	13.08	1.91	NA	25.99	090
27823		A	Treatment of ankle fracture	13.01	NA	13.87	2.25	NA	29.12	090
27824		A	Treat lower leg fracture	2.90	4.22	3.47	0.45	7.56	6.81	090
27825		A	Treat lower leg fracture	6.19	6.69	5.23	1.02	13.91	12.44	090
27826		A	Treat lower leg fracture	8.55	NA	11.29	1.47	NA	21.31	090
27827		A	Treat lower leg fracture	14.07	NA	15.09	2.43	NA	31.58	090
27828		A	Treat lower leg fracture	16.24	NA	16.21	2.81	NA	35.26	090
27829		A	Treat lower leg joint	5.49	NA	8.63	0.95	NA	15.08	090
27830		A	Treat lower leg dislocation	3.79	4.54	3.74	0.54	8.87	8.07	090
27831		A	Treat lower leg dislocation	4.56	NA	4.32	0.73	NA	9.61	090
27832		A	Treat lower leg dislocation	6.49	NA	5.97	1.03	NA	13.49	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
27840		A	Treat ankle dislocation	4.58	NA	3.63	0.46	NA	8.67	090
27842		A	Treat ankle dislocation	6.21	NA	4.96	1.00	NA	12.17	090
27846		A	Treat ankle dislocation	9.80	NA	7.68	1.70	NA	19.18	090
27848		A	Treat ankle dislocation	11.20	NA	11.46	1.94	NA	24.61	090
27860		A	Fixation of ankle joint	2.34	NA	1.93	0.39	NA	4.67	010
27870		A	Fusion of ankle joint, open	13.92	NA	10.21	2.36	NA	26.49	090
27871		A	Fusion of tibiofibular joint	9.18	NA	7.35	1.59	NA	18.12	090
27880		A	Amputation of lower leg	11.85	NA	6.96	1.75	NA	20.56	090
27881		A	Amputation of lower leg	12.34	NA	8.58	1.98	NA	22.90	090
27882		A	Amputation of lower leg	8.95	NA	6.29	1.29	NA	16.53	090
27884		A	Amputation follow-up surgery	8.22	NA	5.60	1.22	NA	15.04	090
27886		A	Amputation follow-up surgery	9.33	NA	6.34	1.40	NA	17.06	090
27888		A	Amputation of foot at ankle	9.68	NA	7.28	1.51	NA	18.47	090
27889		A	Amputation of foot at ankle	9.99	NA	6.30	1.46	NA	17.75	090
27892		A	Decompression of leg	7.39	NA	5.44	1.10	NA	13.93	090
27893		A	Decompression of leg	7.35	NA	5.32	1.10	NA	13.78	090
27894		A	Decompression of leg	10.49	NA	7.57	1.65	NA	19.71	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	2.74	3.15	1.93	0.33	6.21	5.00	010
28002		A	Treatment of foot infection	4.62	5.17	3.71	0.61	10.39	8.94	010
28003		A	Treatment of foot infection	8.42	6.42	5.15	1.12	15.96	14.69	090
28005		A	Treat foot bone lesion	8.69	NA	5.96	1.16	NA	15.81	090
28008		A	Incision of foot fascia	4.45	4.77	3.20	0.57	9.79	8.22	090
28010		A	Incision of toe tendon	2.85	2.45	2.42	0.36	5.66	5.62	090
28011		A	Incision of toe tendons	4.14	0.00	3.28	0.59	4.73	8.01	090
28020		A	Exploration of foot joint	5.01	6.09	4.06	0.72	11.82	9.79	090
28022		A	Exploration of foot joint	4.67	5.39	3.80	0.62	10.68	9.09	090
28024		A	Exploration of toe joint	4.38	5.38	3.85	0.58	10.34	8.81	090
28030		A	Removal of foot nerve	6.15	NA	3.67	0.74	NA	10.56	090
28035		A	Decompression of tibia nerve	5.09	6.00	4.03	0.70	11.79	9.82	090
28043		A	Excision of foot lesion	3.54	3.94	3.14	0.46	7.94	7.13	090
28045		A	Excision of foot lesion	4.72	5.58	3.58	0.63	10.93	8.93	090
28046		A	Resection of tumor, foot	10.18	8.90	6.37	1.36	20.44	17.91	090
28050		A	Biopsy of foot joint lining	4.25	5.11	3.55	0.60	9.96	8.40	090
28052		A	Biopsy of foot joint lining	3.94	5.08	3.38	0.53	9.55	7.85	090
28054		A	Biopsy of toe joint lining	3.45	4.89	3.18	0.46	8.80	7.09	090
28060		A	Partial removal, foot fascia	5.23	5.69	3.86	0.70	11.62	9.79	090
28062		A	Removal of foot fascia	6.52	6.70	4.03	0.83	14.05	11.38	090
28070		A	Removal of foot joint lining	5.10	5.45	3.78	0.73	11.28	9.61	090
28072		A	Removal of foot joint lining	4.58	5.68	4.20	0.68	10.94	9.46	090
28080		A	Removal of foot lesion	3.58	5.41	3.72	0.47	9.45	7.77	090
28086		A	Excise foot tendon sheath	4.78	7.81	4.55	0.76	13.35	10.09	090
28088		A	Excise foot tendon sheath	3.86	5.80	3.79	0.61	10.26	8.26	090
28090		A	Removal of foot lesion	4.41	5.34	3.44	0.59	10.34	8.44	090
28092		A	Removal of toe lesions	3.64	5.34	3.47	0.49	9.47	7.59	090
28100		A	Removal of ankle/heel lesion	5.66	7.86	4.61	0.82	14.34	11.09	90
28102		A	Remove/graft foot lesion	7.74	NA	5.81	1.14	NA	14.68	090
28103		A	Remove/graft foot lesion	6.50	NA	4.57	0.91	NA	11.98	090
28104		A	Removal of foot lesion	5.12	5.69	3.88	0.70	11.51	9.70	090
28106		A	Remove/graft foot lesion	7.16	NA	4.44	0.97	NA	12.58	090
28107		A	Remove/graft foot lesion	5.56	6.67	4.17	0.74	12.97	10.47	090
28108		A	Removal of toe lesions	4.16	4.85	3.25	0.53	9.54	7.94	090
28110		A	Part removal of metatarsal	4.08	5.43	3.22	0.54	10.05	7.84	090
28111		A	Part removal of metatarsal	5.01	6.36	3.62	0.67	12.04	9.30	090
28112		A	Part removal of metatarsal	4.49	5.96	3.54	0.61	11.06	8.64	090
28113		A	Part removal of metatarsal	4.79	6.33	4.34	0.63	11.75	9.76	090
28114		A	Removal of metatarsal heads	9.80	11.63	8.27	1.42	22.85	19.49	090
28116		A	Revision of foot	7.76	7.08	5.17	1.03	15.87	13.96	090
28118		A	Removal of heel bone	5.96	6.41	4.30	0.84	13.21	11.11	090
28119		A	Removal of heel spur	5.39	5.67	3.73	0.70	11.76	9.83	090
28120		A	Part removal of ankle/heel	5.40	7.28	4.34	0.77	13.45	10.51	090
28122		A	Partial removal of foot bone	7.29	7.04	5.23	0.98	15.31	13.50	090
28124		A	Partial removal of toe	4.81	5.27	3.67	0.60	10.68	9.08	090
28126		A	Partial removal of toe	3.52	4.46	2.98	0.45	8.43	6.95	090
28130		A	Removal of ankle bone	8.12	NA	6.57	1.26	NA	15.94	090
28140		A	Removal of metatarsal	6.91	7.29	4.70	0.92	15.12	12.53	090
28150		A	Removal of toe	4.09	5.05	3.27	0.53	9.67	7.89	090
28153		A	Partial removal of toe	3.66	4.58	2.73	0.47	8.70	6.86	090
28160		A	Partial removal of toe	3.74	4.80	3.31	0.49	9.03	7.53	090
28171		A	Extensive foot surgery	9.61	NA	5.43	1.33	NA	16.37	090
28173		A	Extensive foot surgery	8.81	7.79	5.16	1.12	17.71	15.08	090
28175		A	Extensive foot surgery	6.05	5.93	3.73	0.73	12.71	10.51	090
28190		A	Removal of foot foreign body	1.96	3.47	1.44	0.22	5.65	3.62	010
28192		A	Removal of foot foreign body	4.64	5.62	3.60	0.61	10.87	8.85	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
28193		A	Removal of foot foreign body	5.73	5.84	3.91	0.73	12.30	10.37	090
28200		A	Repair of foot tendon	4.60	5.32	3.53	0.61	10.53	8.74	090
28202		A	Repair/graft of foot tendon	6.84	7.31	4.47	0.91	15.06	12.23	090
28208		A	Repair of foot tendon	4.37	5.05	3.30	0.58	10.00	8.25	090
28210		A	Repair/graft of foot tendon	6.35	6.38	4.03	0.81	13.55	11.20	090
28220		A	Release of foot tendon	4.53	4.93	3.41	0.57	10.03	8.51	090
28222		A	Release of foot tendons	5.62	5.50	4.08	0.69	11.81	10.39	090
28225		A	Release of foot tendon	3.66	4.53	2.90	0.46	8.64	7.02	090
28226		A	Release of foot tendons	4.53	5.06	3.70	0.58	10.16	8.81	090
28230		A	Incision of foot tendon(s)	4.24	4.90	3.61	0.55	9.69	8.40	090
28232		A	Incision of toe tendon	3.39	4.71	3.26	0.44	8.54	7.08	090
28234		A	Incision of foot tendon	3.37	4.87	3.33	0.44	8.68	7.14	090
28238		A	Revision of foot tendon	7.74	7.39	4.89	1.06	16.19	13.69	090
28240		A	Release of big toe	4.36	4.87	3.45	0.58	9.81	8.39	090
28250		A	Revision of foot fascia	5.92	5.82	4.10	0.82	12.57	10.84	090
28260		A	Release of midfoot joint	7.97	6.56	4.95	1.14	15.67	14.06	090
28261		A	Revision of foot tendon	11.73	8.87	7.22	1.57	22.17	20.53	090
28262		A	Revision of foot and ankle	15.84	13.37	10.63	2.59	31.81	29.06	090
28264		A	Release of midfoot joint	10.35	7.94	7.12	1.54	19.83	19.01	090
28270		A	Release of foot contracture	4.76	5.16	3.72	0.62	10.54	9.10	090
28272		A	Release of toe joint, each	3.80	4.44	2.87	0.46	8.70	7.12	090
28280		A	Fusion of toes	5.19	6.34	4.39	0.73	12.26	10.31	090
28285		A	Repair of hammertoe	4.59	5.12	3.44	0.59	10.30	8.62	090
28286		A	Repair of hammertoe	4.56	5.06	3.27	0.57	10.19	8.40	090
28288		A	Partial removal of foot bone	4.74	6.20	4.83	0.65	11.59	10.22	090
28289		A	Repair hallux rigidus	7.04	8.06	5.68	1.02	16.12	13.74	090
28290		A	Correction of bunion	5.66	6.44	4.63	0.82	12.92	11.11	090
28292		A	Correction of bunion	7.04	7.80	5.60	0.91	15.75	13.55	090
28293		A	Correction of bunion	9.16	11.26	6.22	1.13	21.55	16.51	090
28294		A	Correction of bunion	8.57	7.68	4.72	1.09	17.34	14.38	090
28296		A	Correction of bunion	9.19	8.36	5.39	1.19	18.74	15.77	090
28297		A	Correction of bunion	9.19	9.04	6.14	1.32	19.55	16.65	090
28298		A	Correction of bunion	7.95	7.47	4.98	1.05	16.47	13.98	090
28299		A	Correction of bunion	10.58	8.99	6.05	1.37	20.94	18.00	090
28300		A	Incision of heel bone	9.55	NA	6.86	1.54	NA	17.95	090
28302		A	Incision of ankle bone	9.56	NA	6.72	1.42	NA	17.70	090
28304		A	Incision of midfoot bones	9.17	8.16	5.67	1.27	18.60	16.11	090
28305		A	Incise/graft midfoot bones	10.50	NA	6.72	1.27	NA	18.49	090
28306		A	Incision of metatarsal	5.86	6.96	4.14	0.84	13.66	10.84	090
28307		A	Incision of metatarsal	6.33	10.64	5.16	0.90	17.87	12.39	090
28308		A	Incision of metatarsal	5.29	6.01	3.71	0.70	12.00	9.71	090
28309		A	Incision of metatarsals	12.79	NA	7.83	2.04	NA	22.65	090
28310		A	Revision of big toe	5.43	5.98	3.56	0.70	12.12	9.70	090
28312		A	Revision of toe	4.55	5.67	3.60	0.63	10.85	8.78	090
28313		A	Repair deformity of toe	5.01	5.47	4.69	0.73	11.21	10.43	090
28315		A	Removal of sesamoid bone	4.86	5.15	3.35	0.63	10.63	8.84	090
28320		A	Repair of foot bones	9.19	NA	6.56	1.43	NA	17.18	090
28322		A	Repair of metatarsals	8.35	9.10	6.19	1.27	18.72	15.81	090
28340		A	Resect enlarged toe tissue	6.98	6.67	4.24	0.84	14.49	12.07	090
28341		A	Resect enlarged toe	8.42	7.22	4.82	1.01	16.64	14.25	090
28344		A	Repair extra toe(s)	4.26	5.88	3.60	0.51	10.65	8.37	090
28345		A	Repair webbed toe(s)	5.92	6.38	4.61	0.80	13.10	11.33	090
28360		A	Reconstruct cleft foot	13.35	NA	10.20	2.28	NA	25.83	090
28400		A	Treatment of heel fracture	2.16	3.82	2.96	0.35	6.33	5.48	090
28405		A	Treatment of heel fracture	4.57	5.00	4.50	0.73	10.30	9.80	090
28406		A	Treatment of heel fracture	6.31	NA	6.54	1.11	NA	13.97	090
28415		A	Treat heel fracture	15.98	NA	15.56	2.66	NA	34.20	090
28420		A	Treat/graft heel fracture	16.65	NA	15.18	2.80	NA	34.63	090
28430		A	Treatment of ankle fracture	2.09	3.58	2.48	0.31	5.98	4.88	090
28435		A	Treatment of ankle fracture	3.40	4.07	3.64	0.55	8.02	7.59	090
28436		A	Treatment of ankle fracture	4.71	NA	5.69	0.81	NA	11.21	090
28445		A	Treat ankle fracture	15.63	NA	10.73	2.58	NA	28.94	090
28450		A	Treat midfoot fracture, each	1.90	3.31	2.40	0.28	5.50	4.58	090
28455		A	Treat midfoot fracture, each	3.10	3.64	3.37	0.44	7.18	6.91	090
28456		A	Treat midfoot fracture	2.69	NA	4.03	0.44	NA	7.15	090
28465		A	Treat midfoot fracture, each	7.01	NA	7.98	1.10	NA	16.10	090
28470		A	Treat metatarsal fracture	1.99	3.31	2.36	0.30	5.60	4.66	090
28475		A	Treat metatarsal fracture	2.98	3.53	3.12	0.44	6.94	6.54	090
28476		A	Treat metatarsal fracture	3.38	NA	4.82	0.54	NA	8.74	090
28485		A	Treat metatarsal fracture	5.71	NA	7.53	0.83	NA	14.07	090
28490		A	Treat big toe fracture	1.09	2.00	1.59	0.14	3.23	2.82	090
28495		A	Treat big toe fracture	1.58	2.21	2.01	0.20	3.99	3.79	090
28496		A	Treat big toe fracture	2.33	7.96	3.12	0.36	10.66	5.82	090
28505		A	Treat big toe fracture	3.81	9.34	5.68	0.56	13.71	10.05	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
28510		A	Treatment of toe fracture	1.09	1.54	1.49	0.14	2.77	2.72	090
28515		A	Treatment of toe fracture	1.46	1.93	1.85	0.18	3.58	3.50	090
28525		A	Treat toe fracture	3.33	8.76	5.19	0.49	12.58	9.01	090
28530		A	Treat sesamoid bone fracture	1.06	1.67	1.41	0.14	2.87	2.61	090
28531		A	Treat sesamoid bone fracture	2.35	7.40	3.45	0.34	10.09	6.14	090
28540		A	Treat foot dislocation	2.04	2.65	2.41	0.26	4.95	4.72	090
28545		A	Treat foot dislocation	2.45	2.60	2.48	0.37	5.42	5.30	090
28546		A	Treat foot dislocation	3.21	6.89	4.25	0.52	10.62	7.97	090
28555		A	Repair foot dislocation	6.30	11.09	7.52	1.04	18.43	14.86	090
28570		A	Treat foot dislocation	1.66	2.65	2.27	0.23	4.54	4.17	090
28575		A	Treat foot dislocation	3.32	3.92	3.70	0.56	7.79	7.58	090
28576		A	Treat foot dislocation	4.17	NA	4.11	0.69	NA	8.97	090
28585		A	Repair foot dislocation	8.00	8.69	7.47	1.25	17.94	16.71	090
28600		A	Treat foot dislocation	1.89	3.03	2.61	0.27	5.20	4.77	090
28605		A	Treat foot dislocation	2.72	3.35	3.16	0.40	6.46	6.28	090
28606		A	Treat foot dislocation	4.90	NA	4.64	0.82	NA	10.36	090
28615		A	Repair foot dislocation	7.78	NA	9.80	1.30	NA	18.87	090
28630		A	Treat toe dislocation	1.70	1.61	0.96	0.20	3.51	2.87	010
28635		A	Treat toe dislocation	1.91	2.21	1.51	0.26	4.38	3.68	010
28636		A	Treat toe dislocation	2.78	3.87	2.55	0.43	7.08	5.75	010
28645		A	Repair toe dislocation	4.22	5.95	4.24	0.57	10.74	9.03	090
28660		A	Treat toe dislocation	1.23	1.48	0.76	0.13	2.84	2.13	010
28665		A	Treat toe dislocation	1.92	0.00	1.42	0.26	2.18	3.60	010
28666		A	Treat toe dislocation	2.67	NA	2.48	0.43	NA	5.58	010
28675		A	Repair of toe dislocation	2.93	7.92	4.53	0.45	11.29	7.91	090
28705		A	Fusion of foot bones	18.81	NA	12.10	3.08	NA	33.99	090
28715		A	Fusion of foot bones	13.11	NA	9.48	2.16	NA	24.75	090
28725		A	Fusion of foot bones	11.61	NA	8.02	1.86	NA	21.49	090
28730		A	Fusion of foot bones	10.76	NA	8.29	1.70	NA	20.75	090
28735		A	Fusion of foot bones	10.85	NA	7.65	1.68	NA	20.18	090
28737		A	Revision of foot bones	9.65	NA	6.70	1.47	NA	17.82	090
28740		A	Fusion of foot bones	8.03	10.65	6.34	1.22	19.89	15.58	090
28750		A	Fusion of big toe joint	7.30	11.53	6.49	1.13	19.97	14.93	090
28755		A	Fusion of big toe joint	4.74	6.22	3.72	0.65	11.61	9.11	090
28760		A	Fusion of big toe joint	7.76	8.16	5.48	1.05	16.96	14.28	090
28800		A	Amputation of midfoot	8.22	NA	5.67	1.15	NA	15.04	090
28805		A	Amputation thru metatarsal	8.40	NA	5.52	1.18	NA	15.10	090
28810		A	Amputation toe & metatarsal	6.21	NA	4.39	0.86	NA	11.46	090
28820		A	Amputation of toe	4.41	7.47	3.72	0.61	12.49	8.74	090
28825		A	Partial amputation of toe	3.59	6.95	3.42	0.50	11.03	7.50	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	3.98	1.70	0.41	6.64	4.37	000
29010		A	Application of body cast	2.06	4.62	1.73	0.45	7.14	4.25	000
29015		A	Application of body cast	2.41	4.23	1.57	0.28	6.92	4.27	000
29020		A	Application of body cast	2.11	4.69	1.39	0.28	7.08	3.79	000
29025		A	Application of body cast	2.40	4.38	1.82	0.44	7.23	4.66	000
29035		A	Application of body cast	1.77	5.06	1.54	0.28	7.11	3.60	000
29040		A	Application of body cast	2.22	3.53	1.49	0.36	6.12	4.08	000
29044		A	Application of body cast	2.12	5.87	1.85	0.35	8.35	4.33	000
29046		A	Application of body cast	2.41	4.95	2.04	0.42	7.79	4.87	000
29049		A	Application of figure eight	0.89	2.01	0.51	0.13	3.03	1.54	000
29055		A	Application of shoulder cast	1.78	4.12	1.44	0.30	6.21	3.52	000
29058		A	Application of shoulder cast	1.31	2.28	0.70	0.17	3.76	2.19	000
29065		A	Application of long arm cast	0.87	2.25	0.73	0.15	3.28	1.75	000
29075		A	Application of forearm cast	0.77	2.08	0.66	0.13	2.98	1.57	000
29085		A	Apply hand/wrist cast	0.87	1.98	0.62	0.14	3.00	1.63	000
29086		A	Apply finger cast	0.62	0.95	0.48	0.07	1.65	1.17	000
29105		A	Apply long arm splint	0.87	1.76	0.49	0.12	2.76	1.49	000
29125		A	Apply forearm splint	0.59	1.51	0.38	0.07	2.17	1.04	000
29126		A	Apply forearm splint	0.77	1.49	0.45	0.07	2.33	1.29	000
29130		A	Application of finger splint	0.50	0.46	0.17	0.06	1.02	0.73	000
29131		A	Application of finger splint	0.55	0.74	0.23	0.03	1.32	0.81	000
29200		A	Strapping of chest	0.65	0.76	0.33	0.04	1.45	1.02	000
29220		A	Strapping of low back	0.64	0.74	0.39	0.04	1.42	1.07	000
29240		A	Strapping of shoulder	0.71	0.86	0.35	0.06	1.64	1.12	000
29260		A	Strapping of elbow or wrist	0.55	0.78	0.31	0.05	1.38	0.91	000
29280		A	Strapping of hand or finger	0.51	0.82	0.31	0.03	1.36	0.85	000
29305		A	Application of hip cast	2.03	4.78	1.72	0.35	7.17	4.10	000
29325		A	Application of hip casts	2.32	4.95	1.90	0.40	7.67	4.63	000
29345		A	Application of long leg cast	1.40	2.53	1.03	0.24	4.17	2.67	000
29355		A	Application of long leg cast	1.53	2.59	1.09	0.26	4.38	2.89	000
29358		A	Apply long leg cast brace	1.43	2.76	1.06	0.25	4.44	2.74	000
29365		A	Application of long leg cast	1.18	2.64	0.92	0.20	4.02	2.31	000
29405		A	Apply short leg cast	0.86	2.14	0.69	0.14	3.14	1.70	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
29425		A	Apply short leg cast	1.01	2.20	0.73	0.15	3.36	1.89	000
29435		A	Apply short leg cast	1.18	2.22	0.90	0.20	3.60	2.29	000
29440		A	Addition of walker to cast	0.57	1.06	0.27	0.08	1.71	0.92	000
29445		A	Apply rigid leg cast	1.78	2.49	0.95	0.27	4.54	3.00	000
29450		A	Application of leg cast	2.08	1.97	1.07	0.27	4.32	3.43	000
29505		A	Application, long leg splint	0.69	1.50	0.44	0.08	2.27	1.21	000
29515		A	Application lower leg splint	0.73	1.16	0.45	0.09	1.98	1.27	000
29520		A	Strapping of hip	0.54	0.88	0.46	0.03	1.45	1.03	000
29530		A	Strapping of knee	0.57	0.83	0.32	0.05	1.45	0.94	000
29540		A	Strapping of ankle and/or ft	0.51	0.48	0.31	0.06	1.05	0.88	000
29550		A	Strapping of toes	0.47	0.46	0.29	0.06	0.99	0.82	000
29580		A	Application of paste boot	0.57	0.76	0.35	0.07	1.40	0.99	000
29590		A	Application of foot splint	0.76	0.53	0.28	0.09	1.38	1.13	000
29700		A	Removal/revision of cast	0.57	0.89	0.27	0.08	1.54	0.92	000
29705		A	Removal/revision of cast	0.76	0.80	0.37	0.13	1.69	1.26	000
29710		A	Removal/revision of cast	1.34	1.49	0.68	0.20	3.03	2.22	000
29715		A	Removal/revision of cast	0.94	1.82	0.39	0.09	2.85	1.42	000
29720		A	Repair of body cast	0.68	1.53	0.38	0.12	2.33	1.18	000
29730		A	Windowing of cast	0.75	0.79	0.34	0.12	1.67	1.21	000
29740		A	Wedging of cast	1.12	1.38	0.48	0.18	2.68	1.78	000
29750		A	Wedging of clubfoot cast	1.26	1.27	0.57	0.21	2.74	2.04	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	6.72	0.99	NA	14.14	090
29804		A	Jaw arthroscopy/surgery	8.15	NA	7.64	1.38	NA	17.16	090
29805		A	Shoulder arthroscopy, dx	5.89	NA	5.48	1.02	NA	12.39	090
29806		A	Shoulder arthroscopy/surgery	14.38	NA	10.80	2.49	NA	27.67	090
29807		A	Shoulder arthroscopy/surgery	13.91	NA	10.64	2.41	NA	26.96	090
29819		A	Shoulder arthroscopy/surgery	7.63	NA	6.56	1.32	NA	15.51	090
29820		A	Shoulder arthroscopy/surgery	7.07	NA	6.01	1.22	NA	14.31	090
29821		A	Shoulder arthroscopy/surgery	7.73	NA	6.57	1.33	NA	15.63	090
29822		A	Shoulder arthroscopy/surgery	7.43	NA	6.46	1.28	NA	15.18	090
29823		A	Shoulder arthroscopy/surgery	8.18	NA	6.98	1.41	NA	16.57	090
29824		A	Shoulder arthroscopy/surgery	8.26	NA	7.29	1.42	NA	16.96	090
29825		A	Shoulder arthroscopy/surgery	7.63	NA	6.54	1.32	NA	15.48	090
29826		A	Shoulder arthroscopy/surgery	9.00	NA	7.28	1.55	NA	17.83	090
29827		A	Arthroscop rotator cuff repr	15.37	NA	11.16	2.66	NA	29.19	090
29830		A	Elbow arthroscopy	5.76	NA	5.18	0.99	NA	11.93	090
29834		A	Elbow arthroscopy/surgery	6.28	NA	5.64	1.08	NA	13.00	090
29835		A	Elbow arthroscopy/surgery	6.48	NA	5.69	1.13	NA	13.30	090
29836		A	Elbow arthroscopy/surgery	7.56	NA	6.56	1.22	NA	15.33	090
29837		A	Elbow arthroscopy/surgery	6.87	NA	5.92	1.19	NA	13.99	090
29838		A	Elbow arthroscopy/surgery	7.72	NA	6.66	1.30	NA	15.67	090
29840		A	Wrist arthroscopy	5.54	NA	5.15	0.84	NA	11.53	090
29843		A	Wrist arthroscopy/surgery	6.01	NA	5.44	0.92	NA	12.37	090
29844		A	Wrist arthroscopy/surgery	6.37	NA	5.63	1.04	NA	13.04	090
29845		A	Wrist arthroscopy/surgery	7.53	NA	6.29	0.99	NA	14.81	090
29846		A	Wrist arthroscopy/surgery	6.75	NA	5.86	1.07	NA	13.68	090
29847		A	Wrist arthroscopy/surgery	7.08	NA	5.99	1.08	NA	14.16	090
29848		A	Wrist endoscopy/surgery	5.44	NA	5.43	0.86	NA	11.73	090
29850		A	Knee arthroscopy/surgery	8.20	NA	5.02	1.25	NA	14.47	090
29851		A	Knee arthroscopy/surgery	13.11	NA	9.49	2.34	NA	24.93	090
29855		A	Tibial arthroscopy/surgery	10.62	NA	8.48	1.84	NA	20.95	090
29856		A	Tibial arthroscopy/surgery	14.15	NA	10.34	2.39	NA	26.87	090
29860		A	Hip arthroscopy, dx	8.06	NA	6.73	1.36	NA	16.15	090
29861		A	Hip arthroscopy/surgery	9.16	NA	7.11	1.59	NA	17.86	090
29862		A	Hip arthroscopy/surgery	9.91	NA	8.29	1.62	NA	19.82	090
29863		A	Hip arthroscopy/surgery	9.91	NA	8.25	1.42	NA	19.58	090
29866		A	Autgrft implnt, knee w/scope	13.91	NA	10.98	2.39	NA	27.28	090
29867		A	Allgrft implnt, knee w/scope	17.03	NA	12.80	2.78	NA	32.61	090
29868		A	Meniscal trnspl, knee w/scpe	23.64	NA	16.26	4.35	NA	44.25	090
29870		A	Knee arthroscopy, dx	5.07	NA	4.72	0.85	NA	10.64	090
29871		A	Knee arthroscopy/drainage	6.55	NA	5.68	1.14	NA	13.38	090
29873		A	Knee arthroscopy/surgery	6.00	NA	6.35	1.04	NA	13.39	090
29874		A	Knee arthroscopy/surgery	7.05	NA	5.88	1.11	NA	14.04	090
29875		A	Knee arthroscopy/surgery	6.31	NA	5.65	1.09	NA	13.06	090
29876		A	Knee arthroscopy/surgery	7.93	NA	6.80	1.37	NA	16.09	090
29877		A	Knee arthroscopy/surgery	7.35	NA	6.52	1.28	NA	15.16	090
29879		A	Knee arthroscopy/surgery	8.05	NA	6.89	1.39	NA	16.32	090
29880		A	Knee arthroscopy/surgery	8.51	NA	7.12	1.47	NA	17.10	090
29881		A	Knee arthroscopy/surgery	7.77	NA	6.73	1.34	NA	15.84	090
29882		A	Knee arthroscopy/surgery	8.66	NA	7.01	1.50	NA	17.16	090
29883		A	Knee arthroscopy/surgery	11.05	NA	8.77	1.92	NA	21.74	090
29884		A	Knee arthroscopy/surgery	7.33	NA	6.48	1.27	NA	15.09	090
29885		A	Knee arthroscopy/surgery	9.10	NA	7.71	1.58	NA	18.39	090

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<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
29886		A	Knee arthroscopy/surgery	7.55	NA	6.63	1.30	NA	15.47	090
29887		A	Knee arthroscopy/surgery	9.05	NA	7.67	1.57	NA	18.29	090
29888		A	Knee arthroscopy/surgery	13.91	NA	9.87	2.41	NA	26.19	090
29889		A	Knee arthroscopy/surgery	16.01	NA	12.04	2.78	NA	30.83	090
29891		A	Ankle arthroscopy/surgery	8.41	NA	7.29	1.39	NA	17.09	090
29892		A	Ankle arthroscopy/surgery	9.01	NA	7.52	1.41	NA	17.94	090
29893		A	Scope, plantar fasciotomy	5.22	6.64	4.09	0.63	12.49	9.94	090
29894		A	Ankle arthroscopy/surgery	7.21	NA	5.34	1.15	NA	13.71	090
29895		A	Ankle arthroscopy/surgery	6.99	NA	5.34	1.11	NA	13.44	090
29897		A	Ankle arthroscopy/surgery	7.18	NA	5.71	1.17	NA	14.06	090
29898		A	Ankle arthroscopy/surgery	8.33	NA	6.05	1.28	NA	15.66	090
29899		A	Ankle arthroscopy/surgery	13.92	NA	10.23	2.40	NA	26.54	090
29900		A	Mcp joint arthroscopy, dx	5.42	NA	5.67	0.94	NA	12.03	090
29901		A	Mcp joint arthroscopy, surg	6.13	NA	6.05	1.06	NA	13.25	090
29902		A	Mcp joint arthroscopy, surg	6.70	NA	6.33	1.12	NA	14.15	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	3.99	1.37	0.12	5.54	2.92	010
30020		A	Drainage of nose lesion	1.43	3.41	1.45	0.12	4.97	3.00	010
30100		A	Intranasal biopsy	0.94	2.03	0.80	0.07	3.04	1.82	000
30110		A	Removal of nose polyp(s)	1.63	3.28	1.54	0.14	5.05	3.31	010
30115		A	Removal of nose polyp(s)	4.35	NA	5.73	0.41	NA	10.49	090
30117		A	Removal of intranasal lesion	3.17	13.54	4.61	0.26	16.97	8.04	090
30118		A	Removal of intranasal lesion	9.70	NA	9.03	0.78	NA	19.50	090
30120		A	Revision of nose	5.27	6.80	5.78	0.52	12.59	11.57	090
30124		A	Removal of nose lesion	3.11	NA	3.63	0.25	NA	6.98	090
30125		A	Removal of nose lesion	7.16	NA	8.11	0.63	NA	15.90	090
30130		A	Removal of turbinate bones	3.38	NA	5.52	0.31	NA	9.21	090
30140		A	Removal of turbinate bones	3.43	NA	6.22	0.35	NA	10.00	090
30150		A	Partial removal of nose	9.15	NA	10.64	0.93	NA	20.72	090
30160		A	Removal of nose	9.59	NA	9.92	0.88	NA	20.39	090
30200		A	Injection treatment of nose	0.78	1.64	0.73	0.06	2.48	1.57	000
30210		A	Nasal sinus therapy	1.08	2.12	1.29	0.09	3.30	2.46	010
30220		A	Insert nasal septal button	1.54	4.36	1.51	0.12	6.02	3.18	010
30300		A	Remove nasal foreign body	1.04	4.50	1.84	0.08	5.62	2.96	010
30310		A	Remove nasal foreign body	1.96	NA	3.04	0.16	NA	5.16	010
30320		A	Remove nasal foreign body	4.52	NA	6.84	0.39	NA	11.75	090
30400		R	Reconstruction of nose	9.84	NA	15.01	1.04	NA	25.89	090
30410		R	Reconstruction of nose	12.99	NA	17.64	1.42	NA	32.05	090
30420		R	Reconstruction of nose	15.89	NA	17.44	1.46	NA	34.80	090
30430		R	Revision of nose	7.21	NA	15.31	0.77	NA	23.30	090
30435		R	Revision of nose	11.71	NA	18.43	1.22	NA	31.36	090
30450		R	Revision of nose	18.66	NA	21.03	1.96	NA	41.65	090
30460		A	Revision of nose	9.97	NA	9.57	1.03	NA	20.57	090
30462		A	Revision of nose	19.58	NA	19.21	2.53	NA	41.32	090
30465		A	Repair nasal stenosis	11.64	NA	11.57	1.06	NA	24.28	090
30520		A	Repair of nasal septum	5.70	NA	6.65	0.46	NA	12.81	090
30540		A	Repair nasal defect	7.76	NA	9.00	0.67	NA	17.43	090
30545		A	Repair nasal defect	11.38	NA	11.78	1.70	NA	24.86	090
30560		A	Release of nasal adhesions	1.26	4.73	2.09	0.10	6.09	3.45	010
30580		A	Repair upper jaw fistula	6.69	7.88	5.69	0.89	15.46	13.27	090
30600		A	Repair mouth/nose fistula	6.02	7.54	4.90	0.70	14.26	11.63	090
30620		A	Intranasal reconstruction	5.97	NA	8.69	0.57	NA	15.23	090
30630		A	Repair nasal septum defect	7.12	NA	7.85	0.61	NA	15.58	090
30801		A	Cauterization, inner nose	1.09	4.06	1.92	0.09	5.25	3.10	010
30802		A	Cauterization, inner nose	2.03	4.58	2.36	0.16	6.78	4.56	010
30901		A	Control of nosebleed	1.21	1.34	0.31	0.11	2.67	1.63	000
30903		A	Control of nosebleed	1.54	2.74	0.48	0.13	4.42	2.16	000
30905		A	Control of nosebleed	1.97	3.51	0.73	0.17	5.65	2.88	000
30906		A	Repeat control of nosebleed	2.45	3.89	1.15	0.20	6.55	3.81	000
30915		A	Ligation, nasal sinus artery	7.20	NA	6.62	0.58	NA	14.40	090
30920		A	Ligation, upper jaw artery	9.84	NA	8.89	0.80	NA	19.52	090
30930		A	Therapy, fracture of nose	1.26	NA	1.61	0.12	NA	2.99	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	2.85	1.38	0.09	4.09	2.63	010
31002		A	Irrigation, sphenoid sinus	1.91	NA	3.13	0.15	NA	5.19	010
31020		A	Exploration, maxillary sinus	2.95	8.41	5.16	0.29	11.65	8.40	090
31030		A	Exploration, maxillary sinus	5.92	11.21	6.59	0.60	17.73	13.11	090
31032		A	Explore sinus, remove polyps	6.57	NA	7.16	0.59	NA	14.32	090
31040		A	Exploration behind upper jaw	9.43	NA	9.43	0.87	NA	19.73	090
31050		A	Exploration, sphenoid sinus	5.28	NA	6.29	0.49	NA	12.06	090
31051		A	Sphenoid sinus surgery	7.11	NA	8.19	0.62	NA	15.92	090
31070		A	Exploration of frontal sinus	4.28	NA	5.90	0.38	NA	10.56	090
31075		A	Exploration of frontal sinus	9.17	NA	9.59	0.75	NA	19.51	090
31080		A	Removal of frontal sinus	11.42	NA	13.18	1.23	NA	25.83	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
31081		A	Removal of frontal sinus	12.76	NA	13.68	2.46	NA	28.90	090
31084		A	Removal of frontal sinus	13.52	NA	13.27	1.19	NA	27.98	090
31085		A	Removal of frontal sinus	14.21	NA	13.72	1.72	NA	29.65	090
31086		A	Removal of frontal sinus	12.87	NA	13.07	1.07	NA	27.00	090
31087		A	Removal of frontal sinus	13.11	NA	12.29	1.44	NA	26.83	090
31090		A	Exploration of sinuses	9.54	NA	12.48	0.94	NA	22.96	090
31200		A	Removal of ethmoid sinus	4.97	NA	8.87	0.29	NA	14.13	090
31201		A	Removal of ethmoid sinus	8.38	NA	9.09	0.82	NA	18.28	090
31205		A	Removal of ethmoid sinus	10.24	NA	11.45	0.67	NA	22.36	090
31225		A	Removal of upper jaw	19.24	NA	17.49	1.59	NA	38.32	090
31230		A	Removal of upper jaw	21.95	NA	18.89	1.77	NA	42.62	090
31231		A	Nasal endoscopy, dx	1.10	3.34	0.86	0.09	4.54	2.05	000
31233		A	Nasal/sinus endoscopy, dx	2.18	4.23	1.44	0.20	6.62	3.82	000
31235		A	Nasal/sinus endoscopy, dx	2.65	4.82	1.67	0.26	7.72	4.57	000
31237		A	Nasal/sinus endoscopy, surg	2.99	5.08	1.82	0.28	8.35	5.09	000
31238		A	Nasal/sinus endoscopy, surg	3.27	5.11	2.02	0.27	8.65	5.56	000
31239		A	Nasal/sinus endoscopy, surg	8.71	NA	7.73	0.62	NA	17.05	010
31240		A	Nasal/sinus endoscopy, surg	2.62	NA	1.68	0.24	NA	4.53	000
31254		A	Revision of ethmoid sinus	4.65	NA	2.75	0.45	NA	7.85	000
31255		A	Removal of ethmoid sinus	6.96	NA	3.96	0.73	NA	11.65	000
31256		A	Exploration maxillary sinus	3.30	NA	2.04	0.33	NA	5.67	000
31267		A	Endoscopy, maxillary sinus	5.46	NA	3.17	0.55	NA	9.18	000
31276		A	Sinus endoscopy, surgical	8.86	NA	4.93	0.92	NA	14.71	000
31287		A	Nasal/sinus endoscopy, surg	3.92	NA	2.37	0.39	NA	6.68	000
31288		A	Nasal/sinus endoscopy, surg	4.58	NA	2.71	0.46	NA	7.75	000
31290		A	Nasal/sinus endoscopy, surg	17.24	NA	11.64	1.40	NA	30.29	010
31291		A	Nasal/sinus endoscopy, surg	18.20	NA	12.08	1.68	NA	31.95	010
31292		A	Nasal/sinus endoscopy, surg	14.77	NA	10.26	1.21	NA	26.24	010
31293		A	Nasal/sinus endoscopy, surg	16.22	NA	11.00	1.28	NA	28.50	010
31294		A	Nasal/sinus endoscopy, surg	19.07	NA	12.43	1.53	NA	33.03	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	14.30	NA	14.71	1.17	NA	30.18	090
31320		A	Diagnostic incision, larynx	5.26	NA	10.05	0.46	NA	15.77	090
31360		A	Removal of larynx	17.08	NA	16.42	1.38	NA	34.88	090
31365		A	Removal of larynx	24.17	NA	19.92	1.97	NA	46.06	090
31367		A	Partial removal of larynx	21.87	NA	21.49	1.78	NA	45.14	090
31368		A	Partial removal of larynx	27.10	NA	25.03	2.20	NA	54.33	090
31370		A	Partial removal of larynx	21.39	NA	21.85	1.74	NA	44.98	090
31375		A	Partial removal of larynx	20.22	NA	20.05	1.63	NA	41.90	090
31380		A	Partial removal of larynx	20.22	NA	20.20	1.70	NA	42.12	090
31382		A	Partial removal of larynx	20.53	NA	21.26	1.67	NA	43.46	090
31390		A	Removal of larynx & pharynx	27.54	NA	23.90	2.23	NA	53.67	090
31395		A	Reconstruct larynx & pharynx	31.10	NA	27.81	2.48	NA	61.39	090
31400		A	Revision of larynx	10.31	NA	13.38	0.83	NA	24.52	090
31420		A	Removal of epiglottis	10.22	NA	9.33	0.83	NA	20.38	090
31500		A	Insert emergency airway	2.33	NA	0.54	0.17	NA	3.04	000
31502		A	Change of windpipe airway	0.65	NA	0.28	0.05	NA	0.98	000
31505		A	Diagnostic laryngoscopy	0.61	1.43	0.60	0.05	2.09	1.26	000
31510		A	Laryngoscopy with biopsy	1.92	3.23	1.22	0.16	5.31	3.30	000
31511		A	Remove foreign body, larynx	2.16	3.06	1.03	0.19	5.41	3.38	000
31512		A	Removal of larynx lesion	2.07	3.15	1.32	0.18	5.40	3.58	000
31513		A	Injection into vocal cord	2.10	NA	1.42	0.17	NA	3.69	000
31515		A	Laryngoscopy for aspiration	1.80	3.44	1.04	0.14	5.38	2.98	000
31520		A	Diagnostic laryngoscopy	2.57	NA	1.52	0.20	NA	4.28	000
31525		A	Diagnostic laryngoscopy	2.64	3.59	1.61	0.21	6.43	4.46	000
31526		A	Diagnostic laryngoscopy	2.58	NA	1.67	0.21	NA	4.45	000
31527		A	Laryngoscopy for treatment	3.28	NA	1.82	0.26	NA	5.36	000
31528		A	Laryngoscopy and dilation	2.37	NA	1.43	0.19	NA	3.99	000
31529		A	Laryngoscopy and dilation	2.69	NA	1.66	0.22	NA	4.56	000
31530		A	Operative laryngoscopy	3.39	NA	1.89	0.29	NA	5.57	000
31531		A	Operative laryngoscopy	3.59	NA	2.20	0.29	NA	6.07	000
31535		A	Operative laryngoscopy	3.17	NA	1.93	0.26	NA	5.36	000
31536		A	Operative laryngoscopy	3.56	NA	2.18	0.29	NA	6.02	000
31540		A	Operative laryngoscopy	4.13	NA	2.45	0.33	NA	6.91	000
31541		A	Operative laryngoscopy	4.53	NA	2.69	0.37	NA	7.58	000
31545		A	Remove vc lesion w/scope	6.31	NA	3.38	0.37	NA	10.07	000
31546		A	Remove vc lesion scope/graft	9.75	NA	4.88	0.78	NA	15.41	000
31560		A	Operative laryngoscopy	5.46	NA	3.04	0.43	NA	8.93	000
31561		A	Operative laryngoscopy	6.00	NA	3.25	0.49	NA	9.74	000
31570		A	Laryngoscopy with injection	3.87	5.43	2.30	0.31	9.61	6.48	000
31571		A	Laryngoscopy with injection	4.27	NA	2.51	0.35	NA	7.13	000
31575		A	Diagnostic laryngoscopy	1.10	1.86	0.87	0.09	3.05	2.06	000
31576		A	Laryngoscopy with biopsy	1.97	3.62	1.26	0.14	5.73	3.37	000
31577		A	Remove foreign body, larynx	2.47	3.67	1.49	0.21	6.36	4.17	000

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
31578		A	Removal of larynx lesion	2.85	4.19	1.48	0.23	7.27	4.55	000
31579		A	Diagnostic laryngoscopy	2.26	3.64	1.44	0.18	6.09	3.88	000
31580		A	Revision of larynx	12.38	NA	15.50	1.00	NA	28.89	090
31582		A	Revision of larynx	21.63	NA	25.01	1.75	NA	48.40	090
31584		A	Treat larynx fracture	19.65	NA	17.74	1.71	NA	39.10	090
31585		A	Treat larynx fracture	4.64	NA	6.55	0.38	NA	11.57	090
31586		A	Treat larynx fracture	8.04	NA	10.59	0.67	NA	19.29	090
31587		A	Revision of larynx	11.99	NA	9.04	0.97	NA	22.00	090
31588		A	Revision of larynx	13.12	NA	13.31	1.06	NA	27.48	090
31590		A	Reinnervate larynx	6.97	NA	14.97	0.84	NA	22.79	090
31595		A	Larynx nerve surgery	8.35	NA	10.28	0.68	NA	19.31	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	3.09	0.80	NA	11.08	000
31601		A	Incision of windpipe	4.45	NA	2.32	0.40	NA	7.17	000
31603		A	Incision of windpipe	4.15	NA	1.65	0.44	NA	6.24	000
31605		A	Incision of windpipe	3.58	NA	1.15	0.40	NA	5.13	000
31610		A	Incision of windpipe	8.77	NA	8.10	0.79	NA	17.66	090
31611		A	Surgery/speech prosthesis	5.64	NA	6.98	0.46	NA	13.08	090
31612		A	Puncture/clear windpipe	0.91	1.10	0.34	0.08	2.09	1.33	000
31613		A	Repair windpipe opening	4.59	NA	5.91	0.42	NA	10.92	090
31614		A	Repair windpipe opening	7.12	NA	8.67	0.58	NA	16.38	090
31615		A	Visualization of windpipe	2.09	2.55	1.17	0.16	4.80	3.43	000
31620		A	Endobronchial us add-on	1.40	5.59	0.54	0.11	7.10	2.05	ZZZ
31622		A	Dx bronchoscope/wash	2.79	5.46	1.04	0.18	8.42	4.00	000
31623		A	Dx bronchoscope/brush	2.89	6.17	1.03	0.13	9.19	4.05	000
31624		A	Dx bronchoscope/lavage	2.89	5.56	1.03	0.13	8.57	4.05	000
31625		A	Bronchoscopy w/biopsy(s)	3.37	5.61	1.18	0.18	9.16	4.73	000
31628		A	Bronchoscopy/lung bx, each	3.81	6.81	1.28	0.18	10.80	5.26	000
31629		A	Bronchoscopy/needle bx, each	4.10	13.48	1.37	0.16	17.74	5.63	000
31630		A	Bronchoscopy dilate/fx repr	3.82	NA	1.66	0.32	NA	5.80	000
31631		A	Bronchoscopy, dilate w/stent	4.37	NA	1.72	0.34	NA	6.43	000
31632		A	Bronchoscopy/lung bx, add'l	1.03	0.80	0.30	0.18	2.01	1.52	ZZZ
31633		A	Bronchoscopy/needle bx add'l	1.32	0.91	0.39	0.16	2.39	1.87	ZZZ
31635		A	Bronchoscopy w/fb removal	3.68	5.90	1.39	0.24	9.81	5.31	000
31636		A	Bronchoscopy, bronch stents	4.31	NA	1.72	0.31	NA	6.34	000
31637		A	Bronchoscopy, stent add-on	1.58	NA	0.55	0.13	NA	2.26	ZZZ
31638		A	Bronchoscopy, revise stent	4.89	NA	1.92	0.22	NA	7.03	000
31640		A	Bronchoscopy w/tumor excise	4.94	NA	2.01	0.46	NA	7.41	000
31641		A	Bronchoscopy, treat blockage	5.03	NA	1.83	0.35	NA	7.21	000
31643		A	Diag bronchoscope/catheter	3.50	NA	1.20	0.20	NA	4.90	000
31645		A	Bronchoscopy, clear airways	3.17	4.95	1.10	0.16	8.28	4.43	000
31646		A	Bronchoscopy, reclear airway	2.73	4.68	0.98	0.14	7.54	3.85	000
31656		A	Bronchoscopy, inj for x-ray	2.17	6.94	0.83	0.15	9.27	3.16	000
31700		A	Insertion of airway catheter	1.34	2.16	0.67	0.08	3.58	2.10	000
31708		A	Instill airway contrast dye	1.41	NA	0.48	0.07	NA	1.97	000
31710		A	Insertion of airway catheter	1.30	NA	0.42	0.12	NA	1.84	000
31715		A	Injection for bronchus x-ray	1.11	NA	0.34	0.07	NA	1.53	000
31717		A	Bronchial brush biopsy	2.12	7.76	0.78	0.14	10.02	3.05	000
31720		A	Clearance of airways	1.06	NA	0.32	0.07	NA	1.46	000
31725		A	Clearance of airways	1.96	NA	0.57	0.14	NA	2.67	000
31730		A	Intro, windpipe wire/tube	2.86	7.21	0.97	0.21	10.27	4.03	000
31750		A	Repair of windpipe	13.03	NA	17.23	1.05	NA	31.30	090
31755		A	Repair of windpipe	15.94	NA	24.11	1.29	NA	41.34	090
31760		A	Repair of windpipe	22.36	NA	10.59	2.94	NA	35.89	090
31766		A	Reconstruction of windpipe	30.44	NA	13.49	4.52	NA	48.45	090
31770		A	Repair/graft of bronchus	22.52	NA	10.00	2.83	NA	35.35	090
31775		A	Reconstruct bronchus	23.55	NA	11.47	3.01	NA	38.02	090
31780		A	Reconstruct windpipe	17.73	NA	10.66	1.65	NA	30.03	090
31781		A	Reconstruct windpipe	23.54	NA	11.70	2.24	NA	37.48	090
31785		A	Remove windpipe lesion	17.23	NA	9.85	1.59	NA	28.67	090
31786		A	Remove windpipe lesion	23.99	NA	12.72	3.29	NA	40.00	090
31800		A	Repair of windpipe injury	7.43	NA	8.95	0.79	NA	17.17	090
31805		A	Repair of windpipe injury	13.14	NA	7.04	1.82	NA	22.00	090
31820		A	Closure of windpipe lesion	4.49	5.62	3.57	0.38	10.49	8.44	090
31825		A	Repair of windpipe defect	6.81	7.56	5.24	0.53	14.90	12.58	090
31830		A	Revise windpipe scar	4.50	5.72	3.90	0.44	10.66	8.83	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	2.92	0.48	0.08	4.54	2.10	000
32002		A	Treatment of collapsed lung	2.19	3.14	1.08	0.12	5.45	3.39	000
32005		A	Treat lung lining chemically	2.19	6.09	0.68	0.23	8.51	3.11	000
32019		A	Insert pleural catheter	4.18	18.66	1.62	0.42	23.26	6.22	000
32020		A	Insertion of chest tube	3.98	NA	1.32	0.43	NA	5.73	000
32035		A	Exploration of chest	8.68	NA	5.73	1.26	NA	15.67	090
32036		A	Exploration of chest	9.69	NA	6.26	1.43	NA	17.38	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
32095		A	Biopsy through chest wall	8.37	NA	5.25	1.22	NA	14.83	090
32100		A	Exploration/biopsy of chest	15.25	NA	7.65	2.23	NA	25.13	090
32110		A	Explore/repair chest	23.02	NA	10.50	3.21	NA	36.72	090
32120		A	Re-exploration of chest	11.54	NA	6.89	1.63	NA	20.06	090
32124		A	Explore chest free adhesions	12.73	NA	7.08	1.89	NA	21.69	090
32140		A	Removal of lung lesion(s)	13.94	NA	7.53	1.96	NA	23.43	090
32141		A	Remove/treat lung lesions	14.01	NA	7.39	2.00	NA	23.40	090
32150		A	Removal of lung lesion(s)	14.16	NA	7.47	2.00	NA	23.63	090
32151		A	Remove lung foreign body	14.22	NA	7.93	2.03	NA	24.18	090
32160		A	Open chest heart massage	9.31	NA	5.19	1.31	NA	15.81	090
32200		A	Drain, open, lung lesion	15.30	NA	8.72	2.13	NA	26.16	090
32201		A	Drain, percut, lung lesion	4.00	21.42	1.37	0.24	25.66	5.60	000
32215		A	Treat chest lining	11.33	NA	6.72	1.68	NA	19.73	090
32220		A	Release of lung	24.01	NA	12.63	3.56	NA	40.20	090
32225		A	Partial release of lung	13.97	NA	7.49	2.06	NA	23.52	090
32310		A	Removal of chest lining	13.45	NA	7.24	1.99	NA	22.67	090
32320		A	Free/remove chest lining	24.01	NA	11.91	3.51	NA	39.42	090
32400		A	Needle biopsy chest lining	1.76	2.16	0.56	0.10	4.03	2.42	000
32402		A	Open biopsy chest lining	7.57	NA	4.98	1.07	NA	13.62	090
32405		A	Biopsy, lung or mediastinum	1.93	0.69	0.66	0.11	2.74	2.71	000
32420		A	Puncture/clear lung	2.18	NA	0.69	0.12	NA	2.99	000
32440		A	Removal of lung	25.01	NA	12.36	3.68	NA	41.05	090
32442		A	Sleeve pneumonectomy	26.25	NA	14.11	3.84	NA	44.21	090
32445		A	Removal of lung	25.10	NA	13.42	3.71	NA	42.23	090
32480		A	Partial removal of lung	23.76	NA	11.57	3.49	NA	38.82	090
32482		A	Bilobectomy	25.01	NA	12.42	3.66	NA	41.09	090
32484		A	Segmentectomy	20.70	NA	10.89	3.03	NA	34.62	090
32486		A	Sleeve lobectomy	23.93	NA	12.60	3.51	NA	40.04	090
32488		A	Completion pneumonectomy	25.72	NA	13.17	3.80	NA	42.69	090
32491		R	Lung volume reduction	21.26	NA	11.97	2.98	NA	36.21	090
32500		A	Partial removal of lung	22.01	NA	11.78	3.25	NA	37.04	090
32501		A	Repair bronchus add-on	4.69	NA	1.51	0.65	NA	6.85	ZZZ
32520		A	Remove lung & revise chest	21.69	NA	10.81	3.20	NA	35.70	090
32522		A	Remove lung & revise chest	24.21	NA	11.65	3.32	NA	39.18	090
32525		A	Remove lung & revise chest	26.51	NA	12.30	3.87	NA	42.68	090
32540		A	Removal of lung lesion	14.65	NA	9.15	2.07	NA	25.87	090
32601		A	Thoracoscopy, diagnostic	5.46	NA	2.30	0.80	NA	8.57	000
32602		A	Thoracoscopy, diagnostic	5.96	NA	2.47	0.87	NA	9.30	000
32603		A	Thoracoscopy, diagnostic	7.82	NA	2.97	1.14	NA	11.92	000
32604		A	Thoracoscopy, diagnostic	8.79	NA	3.39	1.25	NA	13.43	000
32605		A	Thoracoscopy, diagnostic	6.93	NA	2.84	1.00	NA	10.78	000
32606		A	Thoracoscopy, diagnostic	8.41	NA	3.27	1.22	NA	12.89	000
32650		A	Thoracoscopy, surgical	10.75	NA	6.45	1.58	NA	18.78	090
32651		A	Thoracoscopy, surgical	12.92	NA	6.95	1.86	NA	21.73	090
32652		A	Thoracoscopy, surgical	18.67	NA	9.69	2.72	NA	31.08	090
32653		A	Thoracoscopy, surgical	12.88	NA	6.67	1.88	NA	21.42	090
32654		A	Thoracoscopy, surgical	12.44	NA	7.15	1.63	NA	21.22	090
32655		A	Thoracoscopy, surgical	13.11	NA	6.96	1.89	NA	21.96	090
32656		A	Thoracoscopy, surgical	12.92	NA	7.54	1.89	NA	22.34	090
32657		A	Thoracoscopy, surgical	13.66	NA	7.35	1.99	NA	22.99	090
32658		A	Thoracoscopy, surgical	11.63	NA	6.95	1.69	NA	20.27	090
32659		A	Thoracoscopy, surgical	11.59	NA	7.08	1.62	NA	20.29	090
32660		A	Thoracoscopy, surgical	17.43	NA	8.99	2.08	NA	28.50	090
32661		A	Thoracoscopy, surgical	13.26	NA	7.43	1.92	NA	22.61	090
32662		A	Thoracoscopy, surgical	16.45	NA	8.45	2.17	NA	27.07	090
32663		A	Thoracoscopy, surgical	18.48	NA	10.24	2.72	NA	31.44	090
32664		A	Thoracoscopy, surgical	14.21	NA	7.35	2.32	NA	23.88	090
32665		A	Thoracoscopy, surgical	15.55	NA	7.88	2.15	NA	25.58	090
32800		A	Repair lung hernia	13.70	NA	7.28	1.98	NA	22.96	090
32810		A	Close chest after drainage	13.06	NA	7.37	1.93	NA	22.36	090
32815		A	Close bronchial fistula	23.17	NA	10.69	3.27	NA	37.12	090
32820		A	Reconstruct injured chest	21.49	NA	11.99	2.52	NA	36.00	090
32851		A	Lung transplant, single	38.65	NA	25.98	5.56	NA	70.19	090
32852		A	Lung transplant with bypass	41.82	NA	30.94	6.00	NA	78.76	090
32853		A	Lung transplant, double	47.84	NA	29.88	7.05	NA	84.77	090
32854		A	Lung transplant with bypass	51.00	NA	32.72	7.20	NA	90.92	090
32855		C	Prepare donor lung, single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
32856		C	Prepare donor lung, double	0.00	0.00	0.00	0.00	0.00	0.00	XXX
32900		A	Removal of rib(s)	20.28	NA	9.73	2.93	NA	32.94	090
32905		A	Revise & repair chest wall	20.76	NA	9.90	3.15	NA	33.81	090
32906		A	Revise & repair chest wall	26.78	NA	11.79	3.97	NA	42.54	090
32940		A	Revision of lung	19.44	NA	9.22	2.88	NA	31.54	090
32960		A	Therapeutic pneumothorax	1.84	1.72	0.55	0.16	3.72	2.55	000
32997		A	Total lung lavage	6.00	NA	1.86	0.55	NA	8.41	000

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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	0.80	0.14	NA	3.19	000
33011		A	Repeat drainage of heart sac	2.24	NA	0.84	0.15	NA	3.23	000
33015		A	Incision of heart sac	6.80	NA	4.87	0.65	NA	12.33	090
33020		A	Incision of heart sac	12.62	NA	6.63	1.79	NA	21.03	090
33025		A	Incision of heart sac	12.09	NA	6.19	1.80	NA	20.09	090
33030		A	Partial removal of heart sac	18.72	NA	9.25	2.83	NA	30.80	090
33031		A	Partial removal of heart sac	21.80	NA	9.77	3.13	NA	34.71	090
33050		A	Removal of heart sac lesion	14.37	NA	7.68	2.14	NA	24.18	090
33120		A	Removal of heart lesion	24.57	NA	11.29	3.69	NA	39.54	090
33130		A	Removal of heart lesion	21.40	NA	9.93	3.00	NA	34.34	090
33140		A	Heart revascularize (tmr)	20.01	NA	10.59	2.85	NA	33.45	090
33141		A	Heart tmr w/other procedure	4.84	NA	1.55	0.69	NA	7.08	ZZZ
33200		A	Insertion of heart pacemaker	12.48	NA	6.92	1.70	NA	21.11	090
33201		A	Insertion of heart pacemaker	10.18	NA	6.49	1.36	NA	18.03	090
33206		A	Insertion of heart pacemaker	6.67	NA	4.59	0.52	NA	11.79	090
33207		A	Insertion of heart pacemaker	8.05	NA	4.83	0.59	NA	13.46	090
33208		A	Insertion of heart pacemaker	8.14	NA	4.98	0.56	NA	13.67	090
33210		A	Insertion of heart electrode	3.31	NA	1.30	0.18	NA	4.78	000
33211		A	Insertion of heart electrode	3.40	NA	1.37	0.21	NA	4.97	000
33212		A	Insertion of pulse generator	5.52	NA	3.44	0.43	NA	9.39	090
33213		A	Insertion of pulse generator	6.37	NA	3.86	0.45	NA	10.68	090
33214		A	Upgrade of pacemaker system	7.76	NA	5.09	0.58	NA	13.43	090
33215		A	Reposition pacing-defib lead	4.76	NA	3.38	0.37	NA	8.51	090
33216		A	Insert lead pace-defib, one	5.78	NA	4.39	0.36	NA	10.54	090
33217		A	Insert lead pace-defib, dual	5.75	NA	4.45	0.39	NA	10.59	090
33218		A	Repair lead pace-defib, one	5.44	NA	4.46	0.37	NA	10.27	090
33220		A	Repair lead pace-defib, dual	5.52	NA	4.46	0.37	NA	10.35	090
33222		A	Revise pocket, pacemaker	4.96	NA	4.42	0.42	NA	9.80	090
33223		A	Revise pocket, pacing-defib	6.46	NA	4.77	0.45	NA	11.68	090
33224		A	Insert pacing lead & connect	9.06	NA	4.21	0.54	NA	13.80	000
33225		A	L ventric pacing lead add-on	8.35	NA	3.40	0.45	NA	12.20	ZZZ
33226		A	Reposition I ventric lead	8.70	NA	3.97	0.59	NA	13.25	000
33233		A	Removal of pacemaker system	3.30	NA	3.42	0.22	NA	6.94	090
33234		A	Removal of pacemaker system	7.83	NA	5.06	0.56	NA	13.45	090
33235		A	Removal pacemaker electrode	9.41	NA	7.06	0.73	NA	17.20	090
33236		A	Remove electrode/thoracotomy	12.61	NA	7.35	1.68	NA	21.64	090
33237		A	Remove electrode/thoracotomy	13.72	NA	7.78	1.59	NA	23.08	090
33238		A	Remove electrode/thoracotomy	15.23	NA	8.15	2.02	NA	25.40	090
33240		A	Insert pulse generator	7.61	NA	4.72	0.41	NA	12.74	090
33241		A	Remove pulse generator	3.25	NA	3.09	0.18	NA	6.52	090
33243		A	Remove eltrd/thoracotomy	22.66	NA	11.36	2.09	NA	36.11	090
33244		A	Remove eltrd, transven	13.77	NA	9.12	0.99	NA	23.88	090
33245		A	Insert epic eltrd pace-defib	14.31	NA	8.05	2.01	NA	24.37	090
33246		A	Insert epic eltrd/generator	20.72	NA	10.36	2.63	NA	33.71	090
33249		A	Eltrd/insert pace-defib	14.24	NA	8.82	0.77	NA	23.83	090
33250		A	Ablate heart dysrhythm focus	21.86	NA	11.92	3.18	NA	36.96	090
33251		A	Ablate heart dysrhythm focus	24.89	NA	11.44	3.59	NA	39.92	090
33253		A	Reconstruct atria	31.07	NA	13.48	4.52	NA	49.08	090
33261		A	Ablate heart dysrhythm focus	24.89	NA	11.47	3.45	NA	39.81	090
33282		A	Implant pat-active ht record	4.17	NA	4.20	0.23	NA	8.60	090
33284		A	Remove pat-active ht record	2.51	NA	3.56	0.14	NA	6.20	090
33300		A	Repair of heart wound	17.93	NA	9.18	2.65	NA	29.76	090
33305		A	Repair of heart wound	21.45	NA	10.32	3.12	NA	34.90	090
33310		A	Exploratory heart surgery	18.52	NA	9.32	2.58	NA	30.42	090
33315		A	Exploratory heart surgery	22.38	NA	10.57	3.27	NA	36.22	090
33320		A	Repair major blood vessel(s)	16.79	NA	8.23	2.07	NA	27.09	090
33321		A	Repair major vessel	20.21	NA	9.56	2.90	NA	32.67	090
33322		A	Repair major blood vessel(s)	20.63	NA	10.16	2.85	NA	33.64	090
33330		A	Insert major vessel graft	21.44	NA	10.06	2.81	NA	34.31	090
33332		A	Insert major vessel graft	23.97	NA	10.31	3.02	NA	37.30	090
33335		A	Insert major vessel graft	30.02	NA	12.98	4.27	NA	47.27	090
33400		A	Repair of aortic valve	28.52	NA	14.97	4.10	NA	47.59	090
33401		A	Valvuloplasty, open	23.92	NA	13.45	3.56	NA	40.93	090
33403		A	Valvuloplasty, w/cp bypass	24.90	NA	13.75	3.54	NA	42.19	090
33404		A	Prepare heart-aorta conduit	28.56	NA	13.97	4.32	NA	46.84	090
33405		A	Replacement of aortic valve	35.02	NA	17.44	5.31	NA	57.77	090
33406		A	Replacement of aortic valve	37.51	NA	18.22	5.43	NA	61.16	090
33410		A	Replacement of aortic valve	32.47	NA	15.85	4.68	NA	53.00	090
33411		A	Replacement of aortic valve	36.27	NA	17.89	5.46	NA	59.63	090
33412		A	Replacement of aortic valve	42.02	NA	19.54	6.37	NA	67.93	090
33413		A	Replacement of aortic valve	43.52	NA	19.98	6.51	NA	70.00	090
33414		A	Repair of aortic valve	30.36	NA	13.80	4.56	NA	48.72	090
33415		A	Revision, subvalvular tissue	27.16	NA	11.72	4.13	NA	43.02	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
33416		A	Revise ventricle muscle	30.36	NA	13.13	4.56	NA	48.05	090
33417		A	Repair of aortic valve	28.55	NA	13.26	4.09	NA	45.90	090
33420		A	Revision of mitral valve	22.72	NA	9.43	1.81	NA	33.95	090
33422		A	Revision of mitral valve	25.95	NA	12.99	3.93	NA	42.87	090
33425		A	Repair of mitral valve	27.01	NA	12.48	4.06	NA	43.56	090
33426		A	Repair of mitral valve	33.02	NA	16.35	5.01	NA	54.37	090
33427		A	Repair of mitral valve	40.02	NA	18.50	6.07	NA	64.59	090
33430		A	Replacement of mitral valve	33.52	NA	16.51	5.08	NA	55.10	090
33460		A	Revision of tricuspid valve	23.61	NA	10.97	3.44	NA	38.02	090
33463		A	Valvuloplasty, tricuspid	25.63	NA	12.58	3.86	NA	42.07	090
33464		A	Valvuloplasty, tricuspid	27.34	NA	13.16	4.14	NA	44.65	090
33465		A	Replace tricuspid valve	28.81	NA	12.64	4.38	NA	45.82	090
33468		A	Revision of tricuspid valve	30.13	NA	13.24	4.06	NA	47.43	090
33470		A	Revision of pulmonary valve	20.82	NA	10.71	1.03	NA	32.56	090
33471		A	Valvotomy, pulmonary valve	22.26	NA	9.77	3.38	NA	35.41	090
33472		A	Revision of pulmonary valve	22.26	NA	11.93	3.54	NA	37.73	090
33474		A	Revision of pulmonary valve	23.06	NA	10.74	3.21	NA	37.00	090
33475		A	Replacement, pulmonary valve	33.02	NA	15.10	4.92	NA	53.04	090
33476		A	Revision of heart chamber	25.78	NA	12.17	2.41	NA	40.36	090
33478		A	Revision of heart chamber	26.75	NA	12.66	3.88	NA	43.29	090
33496		A	Repair, prosth valve clot	27.26	NA	12.45	4.12	NA	43.83	090
33500		A	Repair heart vessel fistula	25.56	NA	11.23	3.86	NA	40.65	090
33501		A	Repair heart vessel fistula	17.79	NA	8.19	1.90	NA	27.87	090
33502		A	Coronary artery correction	21.05	NA	10.82	2.99	NA	34.86	090
33503		A	Coronary artery graft	21.79	NA	9.79	1.77	NA	33.36	090
33504		A	Coronary artery graft	24.67	NA	11.64	3.35	NA	39.66	090
33505		A	Repair artery w/tunnel	26.85	NA	12.68	2.18	NA	41.72	090
33506		A	Repair artery, translocation	35.52	NA	14.19	4.65	NA	54.36	090
33508		A	Endoscopic vein harvest	0.31	NA	0.10	0.04	NA	0.45	ZZZ
33510		A	CABG, vein, single	29.02	NA	15.53	4.40	NA	48.95	090
33511		A	CABG, vein, two	30.02	NA	16.23	4.55	NA	50.80	090
33512		A	CABG, vein, three	31.81	NA	16.76	4.66	NA	53.24	090
33513		A	CABG, vein, four	32.01	NA	16.93	4.87	NA	53.81	090
33514		A	CABG, vein, five	32.77	NA	17.19	4.76	NA	54.72	090
33516		A	Cabg, vein, six or more	35.02	NA	17.95	5.11	NA	58.08	090
33517		A	CABG, artery-vein, single	2.58	NA	0.82	0.39	NA	3.79	ZZZ
33518		A	CABG, artery-vein, two	4.85	NA	1.55	0.73	NA	7.13	ZZZ
33519		A	CABG, artery-vein, three	7.12	NA	2.28	1.04	NA	10.44	ZZZ
33521		A	CABG, artery-vein, four	9.41	NA	3.01	1.37	NA	13.79	ZZZ
33522		A	CABG, artery-vein, five	11.67	NA	3.74	1.77	NA	17.18	ZZZ
33523		A	Cabg, art-vein, six or more	13.96	NA	4.44	2.12	NA	20.52	ZZZ
33530		A	Coronary artery, bypass/reop	5.86	NA	1.87	0.88	NA	8.61	ZZZ
33533		A	CABG, arterial, single	30.02	NA	15.67	4.55	NA	50.24	090
33534		A	CABG, arterial, two	32.21	NA	16.85	4.69	NA	53.75	090
33535		A	CABG, arterial, three	34.52	NA	17.30	5.01	NA	56.83	090
33536		A	Cabg, arterial, four or more	37.51	NA	17.58	5.42	NA	60.52	090
33542		A	Removal of heart lesion	28.87	NA	12.67	4.37	NA	45.91	090
33545		A	Repair of heart damage	36.79	NA	15.37	5.19	NA	57.35	090
33572		A	Open coronary endarterectomy	4.45	NA	1.42	0.65	NA	6.52	ZZZ
33600		A	Closure of valve	29.53	NA	12.38	4.41	NA	46.32	090
33602		A	Closure of valve	28.56	NA	12.52	3.81	NA	44.88	090
33606		A	Anastomosis/artery-aorta	30.75	NA	13.32	4.40	NA	48.47	090
33608		A	Repair anomaly w/conduit	31.10	NA	13.68	4.73	NA	49.51	090
33610		A	Repair by enlargement	30.62	NA	13.44	4.55	NA	48.61	090
33611		A	Repair double ventricle	34.02	NA	13.78	4.36	NA	52.16	090
33612		A	Repair double ventricle	35.02	NA	14.82	5.28	NA	55.12	090
33615		A	Repair, modified fontan	34.02	NA	12.93	4.31	NA	51.26	090
33617		A	Repair single ventricle	37.01	NA	15.54	5.64	NA	58.19	090
33619		A	Repair single ventricle	45.02	NA	20.23	6.44	NA	71.69	090
33641		A	Repair heart septum defect	21.40	NA	9.33	3.22	NA	33.95	090
33645		A	Revision of heart veins	24.83	NA	11.50	3.78	NA	40.11	090
33647		A	Repair heart septum defects	28.75	NA	13.50	3.31	NA	45.56	090
33660		A	Repair of heart defects	30.02	NA	13.24	4.48	NA	47.74	090
33665		A	Repair of heart defects	28.62	NA	13.32	3.99	NA	45.93	090
33670		A	Repair of heart chambers	35.02	NA	13.52	4.64	NA	53.18	090
33681		A	Repair heart septum defect	30.62	NA	14.26	4.44	NA	49.32	090
33684		A	Repair heart septum defect	29.67	NA	13.27	3.38	NA	46.32	090
33688		A	Repair heart septum defect	30.63	NA	10.17	4.72	NA	45.52	090
33690		A	Reinforce pulmonary artery	19.56	NA	9.86	1.96	NA	31.38	090
33692		A	Repair of heart defects	30.76	NA	13.32	4.57	NA	48.66	090
33694		A	Repair of heart defects	34.02	NA	13.87	5.26	NA	53.15	090
33697		A	Repair of heart defects	36.02	NA	14.41	4.08	NA	54.51	090
33702		A	Repair of heart defects	26.55	NA	12.26	3.67	NA	42.48	090
33710		A	Repair of heart defects	29.73	NA	13.76	4.42	NA	47.91	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
33720		A	Repair of heart defect	26.57	NA	11.98	3.83	NA	42.38	090
33722		A	Repair of heart defect	28.43	NA	13.09	1.30	NA	42.82	090
33730		A	Repair heart-vein defect(s)	34.27	NA	14.33	5.01	NA	53.61	090
33732		A	Repair heart-vein defect	28.18	NA	13.51	3.67	NA	45.36	090
33735		A	Revision of heart chamber	21.40	NA	9.04	1.91	NA	32.35	090
33736		A	Revision of heart chamber	23.53	NA	11.97	3.08	NA	38.57	090
33737		A	Revision of heart chamber	21.77	NA	11.26	3.24	NA	36.27	090
33750		A	Major vessel shunt	21.42	NA	10.37	1.16	NA	32.95	090
33755		A	Major vessel shunt	21.80	NA	8.58	3.25	NA	33.64	090
33762		A	Major vessel shunt	21.80	NA	10.24	3.13	NA	35.18	090
33764		A	Major vessel shunt & graft	21.80	NA	10.24	3.00	NA	35.04	090
33766		A	Major vessel shunt	22.78	NA	11.07	3.69	NA	37.53	090
33767		A	Major vessel shunt	24.51	NA	11.37	3.81	NA	39.69	090
33770		A	Repair great vessels defect	37.01	NA	14.36	5.72	NA	57.09	090
33771		A	Repair great vessels defect	34.67	NA	12.11	5.66	NA	52.44	090
33774		A	Repair great vessels defect	30.99	NA	14.46	4.80	NA	50.25	090
33775		A	Repair great vessels defect	32.21	NA	14.39	4.98	NA	51.58	090
33776		A	Repair great vessels defect	34.06	NA	15.27	5.07	NA	54.40	090
33777		A	Repair great vessels defect	33.48	NA	14.86	5.47	NA	53.81	090
33778		A	Repair great vessels defect	40.02	NA	16.36	6.18	NA	62.56	090
33779		A	Repair great vessels defect	36.23	NA	15.87	2.91	NA	55.01	090
33780		A	Repair great vessels defect	41.77	NA	18.55	3.67	NA	64.00	090
33781		A	Repair great vessels defect	36.47	NA	13.19	5.95	NA	55.61	090
33786		A	Repair arterial trunk	39.02	NA	15.99	5.69	NA	60.69	090
33788		A	Revision of pulmonary artery	26.63	NA	11.48	4.02	NA	42.13	090
33800		A	Aortic suspension	16.25	NA	7.95	2.45	NA	26.65	090
33802		A	Repair vessel defect	17.67	NA	9.00	2.26	NA	28.93	090
33803		A	Repair vessel defect	19.61	NA	9.30	3.19	NA	32.10	090
33813		A	Repair septal defect	20.66	NA	10.52	3.12	NA	34.30	090
33814		A	Repair septal defect	25.78	NA	12.31	3.84	NA	41.93	090
33820		A	Revise major vessel	16.30	NA	8.10	2.34	NA	26.74	090
33822		A	Revise major vessel	17.32	NA	8.59	2.67	NA	28.59	090
33824		A	Revise major vessel	19.53	NA	9.68	2.88	NA	32.09	090
33840		A	Remove aorta constriction	20.64	NA	9.97	2.15	NA	32.76	090
33845		A	Remove aorta constriction	22.13	NA	10.97	3.21	NA	36.31	090
33851		A	Remove aorta constriction	21.28	NA	10.39	3.17	NA	34.84	090
33852		A	Repair septal defect	23.72	NA	11.20	2.15	NA	37.07	090
33853		A	Repair septal defect	31.73	NA	14.43	4.47	NA	50.63	090
33860		A	Ascending aortic graft	38.02	NA	16.03	5.74	NA	59.79	090
33861		A	Ascending aortic graft	42.02	NA	17.31	6.35	NA	65.68	090
33863		A	Ascending aortic graft	45.02	NA	18.24	6.57	NA	69.83	090
33870		A	Transverse aortic arch graft	44.02	NA	17.91	6.60	NA	68.53	090
33875		A	Thoracic aortic graft	33.08	NA	13.78	4.88	NA	51.73	090
33877		A	Thoracoabdominal graft	42.63	NA	16.01	5.92	NA	64.56	090
33910		A	Remove lung artery emboli	24.60	NA	11.12	3.69	NA	39.41	090
33915		A	Remove lung artery emboli	21.03	NA	9.71	1.44	NA	32.18	090
33916		A	Surgery of great vessel	25.84	NA	11.10	3.66	NA	40.60	090
33917		A	Repair pulmonary artery	24.51	NA	11.84	3.69	NA	40.04	090
33918		A	Repair pulmonary atresia	26.46	NA	11.61	4.14	NA	42.21	090
33919		A	Repair pulmonary atresia	40.02	NA	17.47	5.95	NA	63.44	090
33920		A	Repair pulmonary atresia	31.96	NA	13.44	4.37	NA	49.77	090
33922		A	Transect pulmonary artery	23.53	NA	10.87	3.09	NA	37.48	090
33924		A	Remove pulmonary shunt	5.50	NA	1.79	0.82	NA	8.11	ZZZ
33933		C	Prepare donor heart/lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33935		R	Transplantation, heart/lung	60.99	NA	27.47	9.03	NA	97.50	090
33944		C	Prepare donor heart	0.00	0.00	0.00	0.00	0.00	0.00	XXX
33945		R	Transplantation of heart	42.12	NA	20.34	6.24	NA	68.70	090
33960		A	External circulation assist	19.37	NA	4.83	2.66	NA	26.86	000
33961		A	External circulation assist	10.93	NA	3.52	0.88	NA	15.33	ZZZ
33967		A	Insert ia percut device	4.85	NA	1.91	0.35	NA	7.11	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	2.27	0.82	NA	9.84	000
33971		A	Aortic circulation assist	9.70	NA	6.06	1.25	NA	17.01	090
33973		A	Insert balloon device	9.77	NA	3.29	1.26	NA	14.32	000
33974		A	Remove intra-aortic balloon	14.42	NA	7.94	1.73	NA	24.09	090
33975		A	Implant ventricular device	21.01	NA	6.15	3.06	NA	30.22	XXX
33976		A	Implant ventricular device	23.02	NA	7.41	3.25	NA	33.68	XXX
33977		A	Remove ventricular device	19.30	NA	10.77	2.80	NA	32.87	090
33978		A	Remove ventricular device	21.74	NA	11.54	3.30	NA	36.58	090
33979		A	Insert intracorporeal device	46.02	NA	14.63	6.95	NA	67.60	XXX
33980		A	Remove intracorporeal device	56.28	NA	24.71	8.56	NA	89.55	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	12.92	NA	6.54	1.84	NA	21.29	090
34051		A	Removal of artery clot	15.22	NA	7.62	2.20	NA	25.04	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
34101		A	Removal of artery clot	10.01	NA	5.21	1.41	NA	16.63	090
34111		A	Removal of arm artery clot	10.01	NA	5.24	1.40	NA	16.65	090
34151		A	Removal of artery clot	25.01	NA	10.17	3.55	NA	38.73	090
34201		A	Removal of artery clot	10.03	NA	5.25	1.45	NA	16.73	090
34203		A	Removal of leg artery clot	16.51	NA	7.83	2.35	NA	26.70	090
34401		A	Removal of vein clot	25.01	NA	10.75	3.09	NA	38.85	090
34421		A	Removal of vein clot	12.00	NA	6.19	1.55	NA	19.75	090
34451		A	Removal of vein clot	27.01	NA	11.17	3.83	NA	42.02	090
34471		A	Removal of vein clot	10.18	NA	5.27	1.18	NA	16.63	090
34490		A	Removal of vein clot	9.87	NA	5.32	1.41	NA	16.60	090
34501		A	Repair valve, femoral vein	16.01	NA	8.30	2.34	NA	26.66	090
34502		A	Reconstruct vena cava	26.96	NA	12.14	3.62	NA	42.72	090
34510		A	Transposition of vein valve	18.96	NA	9.10	2.32	NA	30.37	090
34520		A	Cross-over vein graft	17.96	NA	8.32	2.28	NA	28.56	090
34530		A	Leg vein fusion	16.65	NA	8.38	1.73	NA	26.77	090
34800		A	Endovas aaa repr w/sm tube	20.76	NA	9.00	2.45	NA	32.21	090
34802		A	Endovas aaa repr w/2-p part	23.02	NA	9.69	2.32	NA	35.03	090
34803		A	Endovas aaa repr w/3-p part	24.05	NA	10.04	2.00	NA	36.08	090
34804		A	Endovas aaa repr w/1-p part	23.02	NA	9.71	2.29	NA	35.02	090
34805		A	Endovas aaa repr w/long tube	21.89	NA	9.29	2.00	NA	33.18	090
34808		A	Endovas iliac a device add-on	4.13	NA	1.36	0.59	NA	6.08	ZZZ
34812		A	Xpose for endoprosth, femorl	6.75	NA	2.18	1.18	NA	10.12	000
34813		A	Femoral endovas graft add-on	4.80	NA	1.54	0.67	NA	7.01	ZZZ
34820		A	Xpose for endoprosth, iliac	9.76	NA	3.16	1.50	NA	14.42	000
34825		A	Endovasc extend prosth, init	12.00	NA	6.06	1.28	NA	19.35	090
34826		A	Endovasc exten prosth, add'l	4.13	NA	1.36	0.44	NA	5.93	ZZZ
34830		A	Open aortic tube prosth repr	32.61	NA	13.30	4.54	NA	50.45	090
34831		A	Open aortoiliac prosth repr	35.36	NA	11.49	4.88	NA	51.73	090
34832		A	Open aortofemor prosth repr	35.36	NA	14.18	4.84	NA	54.38	090
34833		A	Xpose for endoprosth, iliac	12.00	NA	4.44	1.69	NA	18.14	000
34834		A	Xpose, endoprosth, brachial	5.35	NA	2.20	0.76	NA	8.31	000
34900		A	Endovasc iliac repr w/graft	16.39	NA	7.46	1.99	NA	25.84	090
35001		A	Repair defect of artery	19.65	NA	9.25	2.80	NA	31.70	090
35002		A	Repair artery rupture, neck	21.01	NA	9.62	2.99	NA	33.62	090
35005		A	Repair defect of artery	18.13	NA	8.98	1.76	NA	28.87	090
35011		A	Repair defect of artery	18.01	NA	7.76	2.54	NA	28.31	090
35013		A	Repair artery rupture, arm	22.01	NA	9.41	3.09	NA	34.52	090
35021		A	Repair defect of artery	19.66	NA	9.21	2.86	NA	31.73	090
35022		A	Repair artery rupture, chest	23.20	NA	9.69	3.16	NA	36.05	090
35045		A	Repair defect of arm artery	17.58	NA	7.31	2.44	NA	27.33	090
35081		A	Repair defect of artery	28.03	NA	11.15	4.00	NA	43.18	090
35082		A	Repair artery rupture, aorta	38.52	NA	14.91	5.42	NA	58.85	090
35091		A	Repair defect of artery	35.42	NA	13.20	5.12	NA	53.74	090
35092		A	Repair artery rupture, aorta	45.02	NA	17.18	6.38	NA	68.58	090
35102		A	Repair defect of artery	30.77	NA	12.04	4.47	NA	47.28	090
35103		A	Repair artery rupture, groin	40.52	NA	15.45	5.74	NA	61.71	090
35111		A	Repair defect of artery	25.01	NA	10.22	3.46	NA	38.69	090
35112		A	Repair artery rupture, spleen	30.02	NA	11.74	4.07	NA	45.83	090
35121		A	Repair defect of artery	30.02	NA	12.04	4.29	NA	46.35	090
35122		A	Repair artery rupture, belly	35.02	NA	13.53	4.74	NA	53.29	090
35131		A	Repair defect of artery	25.01	NA	10.45	3.79	NA	39.25	090
35132		A	Repair artery rupture, groin	30.02	NA	12.07	4.29	NA	46.38	090
35141		A	Repair defect of artery	20.01	NA	8.64	2.89	NA	31.54	090
35142		A	Repair artery rupture, thigh	23.32	NA	10.07	3.35	NA	36.73	090
35151		A	Repair defect of artery	22.66	NA	9.70	3.23	NA	35.59	090
35152		A	Repair artery rupture, knee	25.63	NA	11.02	3.60	NA	40.25	090
35180		A	Repair blood vessel lesion	13.63	NA	6.76	1.00	NA	21.39	090
35182		A	Repair blood vessel lesion	30.02	NA	12.67	4.35	NA	47.04	090
35184		A	Repair blood vessel lesion	18.01	NA	8.08	2.52	NA	28.60	090
35188		A	Repair blood vessel lesion	14.29	NA	7.41	2.15	NA	23.85	090
35189		A	Repair blood vessel lesion	28.02	NA	11.63	4.00	NA	43.65	090
35190		A	Repair blood vessel lesion	12.76	NA	6.29	1.79	NA	20.83	090
35201		A	Repair blood vessel lesion	16.15	NA	7.72	2.33	NA	26.20	090
35206		A	Repair blood vessel lesion	13.26	NA	6.37	1.86	NA	21.48	090
35207		A	Repair blood vessel lesion	10.15	NA	7.14	1.48	NA	18.77	090
35211		A	Repair blood vessel lesion	22.13	NA	10.31	3.19	NA	35.63	090
35216		A	Repair blood vessel lesion	18.76	NA	8.81	2.64	NA	30.21	090
35221		A	Repair blood vessel lesion	24.40	NA	9.73	3.36	NA	37.49	090
35226		A	Repair blood vessel lesion	14.51	NA	7.48	2.01	NA	24.00	090
35231		A	Repair blood vessel lesion	20.01	NA	9.46	2.88	NA	32.35	090
35236		A	Repair blood vessel lesion	17.11	NA	7.66	2.42	NA	27.19	090
35241		A	Repair blood vessel lesion	23.14	NA	10.80	3.52	NA	37.46	090
35246		A	Repair blood vessel lesion	26.46	NA	11.26	3.85	NA	41.58	090
35251		A	Repair blood vessel lesion	30.21	NA	11.57	4.12	NA	45.90	090

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<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
35256		A	Repair blood vessel lesion	18.37	NA	8.09	2.62	NA	29.08	090
35261		A	Repair blood vessel lesion	17.81	NA	7.90	2.60	NA	28.31	090
35266		A	Repair blood vessel lesion	14.92	NA	6.83	2.09	NA	23.84	090
35271		A	Repair blood vessel lesion	22.13	NA	10.20	3.15	NA	35.48	090
35276		A	Repair blood vessel lesion	24.26	NA	10.98	3.48	NA	38.72	090
35281		A	Repair blood vessel lesion	28.02	NA	11.44	3.96	NA	43.42	090
35286		A	Repair blood vessel lesion	16.17	NA	7.82	2.34	NA	26.34	090
35301		A	Rechanneling of artery	18.71	NA	8.19	2.67	NA	29.56	090
35311		A	Rechanneling of artery	27.01	NA	11.26	3.41	NA	41.69	090
35321		A	Rechanneling of artery	16.01	NA	7.16	2.24	NA	25.41	090
35331		A	Rechanneling of artery	26.21	NA	10.90	3.82	NA	40.93	090
35341		A	Rechanneling of artery	25.12	NA	10.55	3.77	NA	39.44	090
35351		A	Rechanneling of artery	23.02	NA	9.34	3.34	NA	35.69	090
35355		A	Rechanneling of artery	18.51	NA	7.87	2.66	NA	29.04	090
35361		A	Rechanneling of artery	28.22	NA	11.40	4.14	NA	43.75	090
35363		A	Rechanneling of artery	30.21	NA	12.24	4.32	NA	46.77	090
35371		A	Rechanneling of artery	14.73	NA	6.75	2.13	NA	23.61	090
35372		A	Rechanneling of artery	18.01	NA	7.81	2.62	NA	28.44	090
35381		A	Rechanneling of artery	15.82	NA	7.58	2.25	NA	25.65	090
35390		A	Reoperation, carotid add-on	3.20	NA	1.04	0.46	NA	4.69	ZZZ
35400		A	Angioscopy	3.01	NA	1.08	0.43	NA	4.52	ZZZ
35450		A	Repair arterial blockage	10.07	NA	3.53	1.25	NA	14.85	000
35452		A	Repair arterial blockage	6.91	NA	2.54	0.94	NA	10.40	000
35454		A	Repair arterial blockage	6.04	NA	2.26	0.87	NA	9.17	000
35456		A	Repair arterial blockage	7.35	NA	2.70	1.04	NA	11.10	000
35458		A	Repair arterial blockage	9.50	NA	3.38	1.26	NA	14.14	000
35459		A	Repair arterial blockage	8.64	NA	3.10	1.21	NA	12.95	000
35460		A	Repair venous blockage	6.04	NA	2.22	0.83	NA	9.09	000
35470		A	Repair arterial blockage	8.64	87.06	3.50	0.69	96.39	12.82	000
35471		A	Repair arterial blockage	10.07	97.32	4.16	0.67	108.06	14.90	000
35472		A	Repair arterial blockage	6.91	63.69	2.86	0.58	71.19	10.36	000
35473		A	Repair arterial blockage	6.04	59.64	2.53	0.51	66.20	9.08	000
35474		A	Repair arterial blockage	7.36	85.82	3.03	0.57	93.76	10.96	000
35475		R	Repair arterial blockage	9.50	57.78	3.73	0.62	67.90	13.85	000
35476		A	Repair venous blockage	6.04	45.66	2.47	0.34	52.04	8.85	000
35480		A	Atherectomy, open	11.08	NA	4.00	1.28	NA	16.36	000
35481		A	Atherectomy, open	7.62	NA	2.83	1.13	NA	11.58	000
35482		A	Atherectomy, open	6.65	NA	2.54	0.89	NA	10.08	000
35483		A	Atherectomy, open	8.11	NA	2.98	1.15	NA	12.24	000
35484		A	Atherectomy, open	10.44	NA	3.69	1.27	NA	15.40	000
35485		A	Atherectomy, open	9.50	NA	3.49	1.35	NA	14.34	000
35490		A	Atherectomy, percutaneous	11.08	NA	4.92	0.71	NA	16.72	000
35491		A	Atherectomy, percutaneous	7.62	NA	3.37	0.74	NA	11.72	000
35492		A	Atherectomy, percutaneous	6.65	NA	3.29	0.43	NA	10.37	000
35493		A	Atherectomy, percutaneous	8.11	NA	3.99	0.56	NA	12.66	000
35494		A	Atherectomy, percutaneous	10.44	NA	4.70	0.59	NA	15.73	000
35495		A	Atherectomy, percutaneous	9.50	NA	4.63	0.69	NA	14.82	000
35500		A	Harvest vein for bypass	6.45	NA	1.97	0.93	NA	9.35	ZZZ
35501		A	Artery bypass graft	19.20	NA	8.16	2.80	NA	30.16	090
35506		A	Artery bypass graft	19.68	NA	9.16	2.86	NA	31.70	090
35507		A	Artery bypass graft	19.68	NA	9.10	2.84	NA	31.62	090
35508		A	Artery bypass graft	18.66	NA	9.26	2.77	NA	30.68	090
35509		A	Artery bypass graft	18.08	NA	8.46	2.61	NA	29.14	090
35510		A	Artery bypass graft	23.02	NA	10.15	2.11	NA	35.27	090
35511		A	Artery bypass graft	21.21	NA	9.12	2.90	NA	33.23	090
35512		A	Artery bypass graft	22.51	NA	9.96	2.11	NA	34.58	090
35515		A	Artery bypass graft	18.66	NA	9.19	2.77	NA	30.61	090
35516		A	Artery bypass graft	16.33	NA	6.58	2.33	NA	25.25	090
35518		A	Artery bypass graft	21.21	NA	8.73	3.02	NA	32.97	090
35521		A	Artery bypass graft	22.21	NA	9.54	3.12	NA	34.88	090
35522		A	Artery bypass graft	21.77	NA	9.61	2.11	NA	33.50	090
35525		A	Artery bypass graft	20.64	NA	9.13	2.11	NA	31.88	090
35526		A	Artery bypass graft	29.97	NA	12.27	3.62	NA	45.86	090
35531		A	Artery bypass graft	36.22	NA	14.08	5.16	NA	55.47	090
35533		A	Artery bypass graft	28.02	NA	11.43	3.84	NA	43.28	090
35536		A	Artery bypass graft	31.71	NA	12.60	4.61	NA	48.93	090
35541		A	Artery bypass graft	25.81	NA	10.90	3.70	NA	40.41	090
35546		A	Artery bypass graft	25.55	NA	10.58	3.69	NA	39.82	090
35548		A	Artery bypass graft	21.58	NA	9.19	2.97	NA	33.74	090
35549		A	Artery bypass graft	23.36	NA	10.07	3.29	NA	36.72	090
35551		A	Artery bypass graft	26.68	NA	11.14	3.74	NA	41.57	090
35556		A	Artery bypass graft	21.77	NA	9.44	3.09	NA	34.30	090
35558		A	Artery bypass graft	21.21	NA	9.28	2.99	NA	33.48	090
35560		A	Artery bypass graft	32.01	NA	12.93	4.74	NA	49.68	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
35563		A	Artery bypass graft	24.21	NA	10.24	3.51	NA	37.95	090
35565		A	Artery bypass graft	23.22	NA	9.85	3.29	NA	36.36	090
35566		A	Artery bypass graft	26.93	NA	11.05	3.82	NA	41.81	090
35571		A	Artery bypass graft	24.07	NA	10.52	3.42	NA	38.01	090
35572		A	Harvest femoropopliteal vein	6.82	NA	2.20	0.99	NA	10.02	ZZZ
35583		A	Vein bypass graft	22.38	NA	9.86	3.16	NA	35.41	090
35585		A	Vein bypass graft	28.41	NA	11.88	4.01	NA	44.30	090
35587		A	Vein bypass graft	24.76	NA	11.12	3.51	NA	39.39	090
35600		A	Harvest artery for cabg	4.95	NA	1.59	0.73	NA	7.27	ZZZ
35601		A	Artery bypass graft	17.50	NA	8.32	2.49	NA	28.31	090
35606		A	Artery bypass graft	18.72	NA	8.71	2.69	NA	30.12	090
35612		A	Artery bypass graft	15.77	NA	7.64	2.08	NA	25.49	090
35616		A	Artery bypass graft	15.71	NA	7.81	2.19	NA	25.71	090
35621		A	Artery bypass graft	20.01	NA	8.42	2.91	NA	31.34	090
35623		A	Bypass graft, not vein	24.01	NA	10.18	3.45	NA	37.63	090
35626		A	Artery bypass graft	27.77	NA	11.71	4.07	NA	43.54	090
35631		A	Artery bypass graft	34.02	NA	13.43	4.95	NA	52.40	090
35636		A	Artery bypass graft	29.52	NA	12.07	4.09	NA	45.68	090
35641		A	Artery bypass graft	24.58	NA	10.71	3.53	NA	38.82	090
35642		A	Artery bypass graft	17.99	NA	8.74	2.27	NA	28.99	090
35645		A	Artery bypass graft	17.47	NA	8.09	2.49	NA	28.06	090
35646		A	Artery bypass graft	31.01	NA	12.72	4.43	NA	48.16	090
35647		A	Artery bypass graft	28.02	NA	11.42	3.98	NA	43.42	090
35650		A	Artery bypass graft	19.01	NA	8.12	2.71	NA	29.84	090
35651		A	Artery bypass graft	25.05	NA	10.43	3.35	NA	38.83	090
35654		A	Artery bypass graft	25.01	NA	10.36	3.52	NA	38.89	090
35656		A	Artery bypass graft	19.54	NA	8.36	2.79	NA	30.69	090
35661		A	Artery bypass graft	19.01	NA	8.66	2.71	NA	30.38	090
35663		A	Artery bypass graft	22.01	NA	9.68	3.10	NA	34.80	090
35665		A	Artery bypass graft	21.01	NA	9.17	3.00	NA	33.18	090
35666		A	Artery bypass graft	22.20	NA	10.32	3.15	NA	35.67	090
35671		A	Artery bypass graft	19.34	NA	9.08	2.77	NA	31.19	090
35681		A	Composite bypass graft	1.60	NA	0.52	0.23	NA	2.35	ZZZ
35682		A	Composite bypass graft	7.20	NA	2.32	1.03	NA	10.56	ZZZ
35683		A	Composite bypass graft	8.51	NA	2.75	1.20	NA	12.46	ZZZ
35685		A	Bypass graft patency/patch	4.05	NA	1.34	0.58	NA	5.96	ZZZ
35686		A	Bypass graft/av fist patency	3.35	NA	1.12	0.47	NA	4.94	ZZZ
35691		A	Arterial transposition	18.06	NA	8.16	2.58	NA	28.79	090
35693		A	Arterial transposition	15.37	NA	7.60	2.21	NA	25.18	090
35694		A	Arterial transposition	19.17	NA	8.36	2.69	NA	30.22	090
35695		A	Arterial transposition	19.17	NA	8.30	2.73	NA	30.20	090
35697		A	Reimplant artery each	3.01	NA	1.00	0.41	NA	4.42	ZZZ
35700		A	Reoperation, bypass graft	3.09	NA	1.00	0.44	NA	4.52	ZZZ
35701		A	Exploration, carotid artery	8.51	NA	5.00	1.12	NA	14.63	090
35721		A	Exploration, femoral artery	7.18	NA	4.28	1.03	NA	12.49	090
35741		A	Exploration popliteal artery	8.01	NA	4.53	1.12	NA	13.65	090
35761		A	Exploration of artery/vein	5.37	NA	3.89	0.75	NA	10.01	090
35800		A	Explore neck vessels	7.02	NA	4.49	0.95	NA	12.47	090
35820		A	Explore chest vessels	12.89	NA	7.01	1.94	NA	21.84	090
35840		A	Explore abdominal vessels	9.78	NA	5.16	1.34	NA	16.28	090
35860		A	Explore limb vessels	5.55	NA	3.90	0.78	NA	10.23	090
35870		A	Repair vessel graft defect	22.18	NA	9.48	3.00	NA	34.67	090
35875		A	Removal of clot in graft	10.13	NA	5.10	1.41	NA	16.64	090
35876		A	Removal of clot in graft	17.00	NA	7.33	2.39	NA	26.72	090
35879		A	Revise graft w/vein	16.01	NA	7.48	2.27	NA	25.76	090
35881		A	Revise graft w/vein	18.01	NA	8.43	2.55	NA	28.99	090
35901		A	Excision, graft, neck	8.20	NA	5.13	1.15	NA	14.48	090
35903		A	Excision, graft, extremity	9.40	NA	5.97	1.30	NA	16.67	090
35905		A	Excision, graft, thorax	31.26	NA	12.78	4.43	NA	48.47	090
35907		A	Excision, graft, abdomen	35.02	NA	13.79	4.91	NA	53.71	090
36000		A	Place needle in vein	0.18	0.56	0.05	0.01	0.75	0.24	XXX
36002		A	Pseudoaneurysm injection trt	1.96	2.77	1.00	0.17	4.90	3.13	000
36005		A	Injection ext venography	0.95	8.00	0.33	0.05	9.00	1.33	000
36010		A	Place catheter in vein	2.43	18.12	0.80	0.20	20.76	3.44	XXX
36011		A	Place catheter in vein	3.15	27.36	1.09	0.27	30.78	4.51	XXX
36012		A	Place catheter in vein	3.52	20.90	1.26	0.23	24.64	5.00	XXX
36013		A	Place catheter in artery	2.53	20.81	0.69	0.25	23.58	3.46	XXX
36014		A	Place catheter in artery	3.03	20.65	1.09	0.19	23.86	4.31	XXX
36015		A	Place catheter in artery	3.52	23.90	1.26	0.21	27.63	4.98	XXX
36100		A	Establish access to artery	3.03	12.20	1.14	0.26	15.49	4.43	XXX
36120		A	Establish access to artery	2.01	10.97	0.67	0.14	13.13	2.83	XXX
36140		A	Establish access to artery	2.01	12.60	0.66	0.16	14.77	2.83	XXX
36145		A	Artery to vein shunt	2.01	12.69	0.69	0.11	14.81	2.82	XXX
36160		A	Establish access to aorta	2.53	13.15	0.85	0.26	15.93	3.63	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
36200		A	Place catheter in aorta	3.03	16.72	1.06	0.24	19.99	4.33	XXX
36215		A	Place catheter in artery	4.68	27.47	1.69	0.27	32.42	6.64	XXX
36216		A	Place catheter in artery	5.28	29.85	1.88	0.31	35.44	7.47	XXX
36217		A	Place catheter in artery	6.30	55.46	2.28	0.44	62.20	9.02	XXX
36218		A	Place catheter in artery	1.01	5.04	0.36	0.07	6.12	1.44	ZZZ
36245		A	Place catheter in artery	4.68	32.95	1.76	0.31	37.94	6.75	XXX
36246		A	Place catheter in artery	5.28	30.80	1.91	0.38	36.46	7.57	XXX
36247		A	Place catheter in artery	6.30	50.01	2.25	0.47	56.79	9.02	XXX
36248		A	Place catheter in artery	1.01	4.05	0.36	0.07	5.13	1.44	ZZZ
36260		A	Insertion of infusion pump	9.72	NA	4.82	1.29	NA	15.83	090
36261		A	Revision of infusion pump	5.45	NA	3.59	0.70	NA	9.75	090
36262		A	Removal of infusion pump	4.02	NA	2.71	0.54	NA	7.27	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	0.29	0.09	0.03	0.70	0.50	XXX
36405		A	Bl draw < 3 yrs scalp vein	0.31	0.26	0.08	0.03	0.60	0.42	XXX
36406		A	Bl draw < 3 yrs other vein	0.18	0.28	0.05	0.01	0.47	0.24	XXX
36410		A	Non-routine bl draw > 3 yrs	0.18	0.30	0.05	0.01	0.49	0.24	XXX
36416		B	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	0.27	0.07	NA	1.35	XXX
36425		A	Vein access cutdown > 1 yr	0.76	NA	0.22	0.06	NA	1.04	XXX
36430		A	Blood transfusion service	0.00	0.96	NA	0.06	1.02	NA	XXX
36440		A	Bl push transfuse, 2 yr or <	1.03	NA	0.28	0.10	NA	1.42	XXX
36450		A	Bl exchange/transfuse, nb	2.23	NA	0.69	0.21	NA	3.14	XXX
36455		A	Bl exchange/transfuse non-nb	2.43	NA	0.98	0.15	NA	3.57	XXX
36460		A	Transfusion service, fetal	6.59	NA	2.18	0.79	NA	9.57	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	2.62	0.76	0.12	3.83	1.97	010
36471		A	Injection therapy of veins	1.57	2.99	0.95	0.19	4.75	2.71	010
36475		A	Endovenous rf, 1st vein	6.73	48.94	2.56	0.37	56.05	9.67	000
36476		A	Endovenous rf, vein add-on	3.39	7.59	1.16	0.18	11.15	4.72	ZZZ
36478		A	Endovenous laser, 1st vein	6.73	44.54	2.56	0.37	51.64	9.67	000
36479		A	Endovenous laser vein add-on	3.39	7.69	1.16	0.18	11.26	4.72	ZZZ
36481		A	Insertion of catheter, vein	6.99	NA	2.68	0.55	NA	10.22	000
36500		A	Insertion of catheter, vein	3.52	NA	1.39	0.20	NA	5.11	000
36510		A	Insertion of catheter, vein	1.09	3.44	0.56	0.10	4.63	1.75	000
36511		A	Apheresis wbc	1.74	NA	0.71	0.08	NA	2.53	000
36512		A	Apheresis rbc	1.74	NA	0.72	0.08	NA	2.54	000
36513		A	Apheresis platelets	1.74	NA	0.71	0.17	NA	2.62	000
36514		A	Apheresis plasma	1.74	15.88	0.69	0.08	17.70	2.52	000
36515		A	Apheresis, adsorp/reinfuse	1.74	62.05	0.65	0.08	63.87	2.47	000
36516		A	Apheresis, selective	1.22	76.84	0.47	0.08	78.15	1.77	000
36522		A	Photopheresis	1.67	32.02	1.04	0.13	33.83	2.85	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	0.37	0.75	NA	XXX
36555		A	Insert non-tunnel cv cath	2.69	5.43	0.79	0.11	8.22	3.58	000
36556		A	Insert non-tunnel cv cath	2.51	5.21	0.72	0.19	7.91	3.42	000
36557		A	Insert tunneled cv cath	5.10	20.41	2.67	0.57	26.08	8.34	010
36558		A	Insert tunneled cv cath	4.80	20.32	2.61	0.57	25.69	7.97	010
36560		A	Insert tunneled cv cath	6.25	28.86	3.04	0.57	35.68	9.87	010
36561		A	Insert tunneled cv cath	6.00	28.25	2.93	0.57	34.82	9.50	010
36563		A	Insert tunneled cv cath	6.20	24.94	2.90	0.84	31.99	9.95	010
36565		A	Insert tunneled cv cath	6.00	24.32	2.91	0.57	30.89	9.48	010
36566		A	Insert tunneled cv cath	6.50	24.65	3.04	0.57	31.72	10.12	010
36568		A	Insert picc cath	1.92	7.06	0.60	0.11	9.10	2.64	000
36569		A	Insert picc cath	1.82	7.26	0.62	0.19	9.27	2.63	000
36570		A	Insert picvad cath	5.32	31.95	2.74	0.57	37.84	8.63	010
36571		A	Insert picvad cath	5.30	31.47	2.71	0.57	37.34	8.58	010
36575		A	Repair tunneled cv cath	0.67	4.06	0.27	0.20	4.93	1.14	000
36576		A	Repair tunneled cv cath	3.20	6.61	1.84	0.19	10.00	5.23	010
36578		A	Replace tunneled cv cath	3.50	11.13	2.34	0.19	14.82	6.03	010
36580		A	Replace cvad cath	1.31	6.63	0.43	0.19	8.13	1.93	000
36581		A	Replace tunneled cv cath	3.44	19.51	1.98	0.19	23.13	5.61	010
36582		A	Replace tunneled cv cath	5.20	26.90	2.91	0.19	32.29	8.30	010
36583		A	Replace tunneled cv cath	5.25	26.86	2.99	0.19	32.30	8.43	010
36584		A	Replace picc cath	1.20	6.64	0.61	0.19	8.04	2.00	000
36585		A	Replace picvad cath	4.80	28.57	2.80	0.19	33.56	7.79	010
36589		A	Removal tunneled cv cath	2.27	2.16	1.41	0.24	4.68	3.92	010
36590		A	Removal tunneled cv cath	3.31	3.35	1.72	0.44	7.10	5.46	010
36595		A	Mech remov tunneled cv cath	3.60	16.43	1.51	0.21	20.23	5.32	000
36596		A	Mech remov tunneled cv cath	0.75	3.62	0.52	0.05	4.43	1.32	000
36597		A	Reposition venous catheter	1.21	2.44	0.46	0.07	3.72	1.74	000
36600		A	Withdrawal of arterial blood	0.32	0.48	0.09	0.02	0.82	0.43	XXX
36620		A	Insertion catheter, artery	1.15	NA	0.23	0.07	NA	1.45	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
36625		A	Insertion catheter, artery	2.11	NA	0.52	0.26	NA	2.89	000
36640		A	Insertion catheter, artery	2.10	NA	1.02	0.21	NA	3.34	000
36660		A	Insertion catheter, artery	1.40	NA	0.43	0.14	NA	1.97	000
36680		A	Insert needle, bone cavity	1.20	NA	0.49	0.11	NA	1.81	000
36800		A	Insertion of cannula	2.43	NA	1.76	0.25	NA	4.44	000
36810		A	Insertion of cannula	3.97	NA	1.67	0.45	NA	6.09	000
36815		A	Insertion of cannula	2.63	NA	1.14	0.35	NA	4.12	000
36818		A	Av fuse, uppr arm, cephalic	11.54	NA	6.06	1.89	NA	19.49	090
36819		A	Av fuse, uppr arm, basilic	14.01	NA	6.20	1.95	NA	22.16	090
36820		A	Av fusion/forearm vein	14.01	NA	6.21	1.94	NA	22.16	090
36821		A	Av fusion direct any site	8.94	NA	4.55	1.23	NA	14.71	090
36822		A	Insertion of cannula(s)	5.42	NA	4.32	0.79	NA	10.53	090
36823		A	Insertion of cannula(s)	21.01	NA	9.19	2.88	NA	33.09	090
36825		A	Artery-vein autograft	9.85	NA	4.92	1.35	NA	16.12	090
36830		A	Artery-vein nonautograft	12.00	NA	5.10	1.66	NA	18.77	090
36831		A	Open thrombect av fistula	8.01	NA	3.88	1.09	NA	12.98	090
36832		A	Av fistula revision, open	10.50	NA	4.62	1.44	NA	16.56	090
36833		A	Av fistula revision	11.95	NA	5.08	1.65	NA	18.68	090
36834		A	Repair A-V aneurysm	9.94	NA	4.67	1.37	NA	15.98	090
36835		A	Artery to vein shunt	7.15	NA	4.23	0.98	NA	12.37	090
36838		A	Dist revas ligation, hemo	20.64	NA	9.21	3.01	NA	32.86	090
36860		A	External cannula declotting	2.01	2.26	0.70	0.11	4.38	2.82	000
36861		A	Cannula declotting	2.53	NA	1.54	0.27	NA	4.33	000
36870		A	Percut thrombect av fistula	5.16	52.60	3.30	0.29	58.05	8.75	090
37140		A	Revision of circulation	23.61	NA	10.93	2.01	NA	36.54	090
37145		A	Revision of circulation	24.62	NA	10.73	3.25	NA	38.60	090
37160		A	Revision of circulation	21.61	NA	9.10	2.81	NA	33.52	090
37180		A	Revision of circulation	24.62	NA	10.06	3.34	NA	38.02	090
37181		A	Splice spleen/kidney veins	26.69	NA	10.89	3.40	NA	40.98	090
37182		A	Insert hepatic shunt (tips)	17.00	NA	6.37	1.00	NA	24.37	000
37183		A	Remove hepatic shunt (tips)	8.01	NA	3.16	0.47	NA	11.63	000
37195		C	Thrombolytic therapy, stroke	0.00	0.00	0.00	0.00	0.00	0.00	XXX
37200		A	Transcatheter biopsy	4.56	NA	1.58	0.27	NA	6.41	000
37201		A	Transcatheter therapy infuse	5.00	NA	2.67	0.33	NA	8.00	000
37202		A	Transcatheter therapy infuse	5.68	NA	3.25	0.43	NA	9.36	000
37203		A	Transcatheter retrieval	5.03	33.96	2.14	0.29	39.28	7.46	000
37204		A	Transcatheter occlusion	18.15	NA	6.22	1.48	NA	25.84	000
37205		A	Transcath iv stent, percut	8.29	NA	3.95	0.60	NA	12.84	000
37206		A	Transcath iv stent/perc addl	4.13	NA	1.50	0.31	NA	5.94	ZZZ
37207		A	Transcath iv stent, open	8.29	NA	3.10	1.17	NA	12.56	000
37208		A	Transcath iv stent/open addl	4.13	NA	1.36	0.59	NA	6.08	ZZZ
37209		A	Exchange arterial catheter	2.27	NA	0.78	0.15	NA	3.21	000
37215		R	Transcath stent, cca w/eps	18.75	NA	9.55	1.09	NA	29.39	090
37216		R	Transcath stent, cca w/o eps	18.02	NA	9.26	1.04	NA	28.31	090
37250		A	Iv us first vessel add-on	2.10	NA	0.76	0.21	NA	3.08	ZZZ
37251		A	Iv us each add vessel add-on	1.60	NA	0.55	0.19	NA	2.35	ZZZ
37500		A	Endoscopy ligate perf veins	11.00	NA	6.76	1.54	NA	19.30	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	5.51	1.33	NA	17.72	090
37600		A	Ligation of neck artery	11.25	NA	6.44	1.41	NA	19.11	090
37605		A	Ligation of neck artery	13.12	NA	6.74	1.98	NA	21.84	090
37606		A	Ligation of neck artery	6.28	NA	4.46	1.23	NA	11.97	090
37607		A	Ligation of a-v fistula	6.16	NA	3.48	0.85	NA	10.49	090
37609		A	Temporal artery procedure	3.01	4.38	1.93	0.36	7.75	5.29	010
37615		A	Ligation of neck artery	5.73	NA	4.00	0.68	NA	10.41	090
37616		A	Ligation of chest artery	16.50	NA	7.92	2.32	NA	26.74	090
37617		A	Ligation of abdomen artery	22.07	NA	9.00	2.97	NA	34.05	090
37618		A	Ligation of extremity artery	4.84	NA	3.50	0.67	NA	9.01	090
37620		A	Revision of major vein	10.56	NA	5.83	0.91	NA	17.30	090
37650		A	Revision of major vein	7.81	NA	4.55	1.01	NA	13.36	090
37660		A	Revision of major vein	21.01	NA	8.86	2.48	NA	32.35	090
37700		A	Revise leg vein	3.73	NA	2.73	0.53	NA	6.99	090
37720		A	Removal of leg vein	5.66	NA	3.62	0.80	NA	10.08	090
37730		A	Removal of leg veins	7.33	NA	4.20	1.04	NA	12.57	090
37735		A	Removal of leg veins/lesion	10.53	NA	5.36	1.48	NA	17.37	090
37760		A	Ligation, leg veins, open	10.47	NA	5.22	1.44	NA	17.13	090
37765		A	Phleb veins - extrem - to 20	7.35	NA	4.46	0.48	NA	12.30	090
37766		A	Phleb veins - extrem 20+	9.31	NA	5.18	0.48	NA	14.97	090
37780		A	Revision of leg vein	3.84	NA	2.79	0.53	NA	7.15	090
37785		A	Ligate/divide/excise vein	3.84	5.13	2.67	0.54	9.51	7.05	090
37788		A	Revascularization, penis	22.02	NA	10.13	2.25	NA	34.40	090
37790		A	Penile venous occlusion	8.35	NA	4.76	0.59	NA	13.70	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	14.51	NA	6.10	1.91	NA	22.52	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
38101		A	Removal of spleen, partial	15.32	NA	6.48	2.04	NA	23.84	090
38102		A	Removal of spleen, total	4.80	NA	1.61	0.63	NA	7.04	ZZZ
38115		A	Repair of ruptured spleen	15.83	NA	6.57	2.08	NA	24.48	090
38120		A	Laparoscopy, splenectomy	17.00	NA	7.30	2.24	NA	26.55	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	2.65	NA	0.93	0.14	NA	3.72	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	0.65	0.07	NA	2.22	000
38206		R	Harvest auto stem cells	1.50	NA	0.65	0.07	NA	2.22	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 concentrate	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38220		A	Bone marrow aspiration	1.08	3.52	0.51	0.05	4.66	1.64	XXX
38221		A	Bone marrow biopsy	1.37	3.73	0.63	0.07	5.17	2.07	XXX
38230		R	Bone marrow collection	4.54	NA	3.13	0.48	NA	8.15	010
38240		R	Bone marrow/stem transplant	2.24	NA	1.00	0.11	NA	3.35	XXX
38241		R	Bone marrow/stem transplant	2.24	NA	1.01	0.11	NA	3.36	XXX
38242		A	Lymphocyte infuse transplant	1.71	NA	0.76	0.08	NA	2.55	000
38300		A	Drainage, lymph node lesion	1.99	4.20	2.04	0.25	6.45	4.28	010
38305		A	Drainage, lymph node lesion	6.00	NA	4.41	0.88	NA	11.29	090
38308		A	Incision of lymph channels	6.45	NA	3.68	0.85	NA	10.99	090
38380		A	Thoracic duct procedure	7.46	NA	5.54	0.74	NA	13.75	090
38381		A	Thoracic duct procedure	12.89	NA	6.70	1.84	NA	21.43	090
38382		A	Thoracic duct procedure	10.08	NA	5.67	1.37	NA	17.12	090
38500		A	Biopsy/removal, lymph nodes	3.75	3.64	2.06	0.49	7.88	6.30	010
38505		A	Needle biopsy, lymph nodes	1.14	2.05	0.80	0.09	3.28	2.03	000
38510		A	Biopsy/removal, lymph nodes	6.43	5.44	3.41	0.72	12.59	10.56	010
38520		A	Biopsy/removal, lymph nodes	6.67	NA	3.96	0.84	NA	11.47	090
38525		A	Biopsy/removal, lymph nodes	6.07	NA	3.27	0.80	NA	10.15	090
38530		A	Biopsy/removal, lymph nodes	7.99	NA	4.30	1.12	NA	13.40	090
38542		A	Explore deep node(s), neck	5.91	NA	4.39	0.60	NA	10.90	090
38550		A	Removal, neck/axilla lesion	6.92	NA	3.86	0.88	NA	11.66	090
38555		A	Removal, neck/axilla lesion	14.15	NA	8.26	1.75	NA	24.16	090
38562		A	Removal, pelvic lymph nodes	10.49	NA	5.88	1.20	NA	17.57	090
38564		A	Removal, abdomen lymph nodes	10.83	NA	5.25	1.32	NA	17.40	090
38570		A	Laparoscopy, lymph node biop	9.26	NA	3.99	1.13	NA	14.38	010
38571		A	Laparoscopy, lymphadenectomy	14.69	NA	6.36	1.15	NA	22.20	010
38572		A	Laparoscopy, lymphadenectomy	16.60	NA	7.09	1.90	NA	25.60	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	8.25	NA	6.11	0.72	NA	15.08	090
38720		A	Removal of lymph nodes, neck	13.62	NA	9.11	1.20	NA	23.92	090
38724		A	Removal of lymph nodes, neck	14.55	NA	9.57	1.28	NA	25.40	090
38740		A	Remove axilla lymph nodes	10.03	NA	4.90	1.32	NA	16.25	090
38745		A	Remove axilla lymph nodes	13.11	NA	6.02	1.73	NA	20.85	090
38746		A	Remove thoracic lymph nodes	4.89	NA	1.57	0.72	NA	7.18	ZZZ
38747		A	Remove abdominal lymph nodes	4.89	NA	1.63	0.64	NA	7.16	ZZZ
38760		A	Remove groin lymph nodes	12.96	NA	6.08	1.71	NA	20.75	090
38765		A	Remove groin lymph nodes	19.99	NA	8.92	2.47	NA	31.38	090
38770		A	Remove pelvis lymph nodes	13.24	NA	6.35	1.40	NA	20.99	090
38780		A	Remove abdomen lymph nodes	16.60	NA	8.20	1.88	NA	26.69	090
38790		A	Inject for lymphatic x-ray	1.29	NA	0.78	0.13	NA	2.20	000
38792		A	Identify sentinel node	0.52	NA	0.46	0.06	NA	1.04	000
38794		A	Access thoracic lymph duct	4.45	NA	3.68	0.32	NA	8.45	090
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	4.54	0.89	NA	11.53	090
39010		A	Exploration of chest	11.79	NA	7.16	1.75	NA	20.70	090
39200		A	Removal chest lesion	13.63	NA	7.22	2.02	NA	22.86	090
39220		A	Removal chest lesion	17.42	NA	8.95	2.45	NA	28.83	090
39400		A	Visualization of chest	5.61	NA	4.56	0.82	NA	10.99	010
39499		C	Chest procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
39501		A	Repair diaphragm laceration	13.20	NA	6.33	1.77	NA	21.29	090
39502		A	Repair paraesophageal hernia	16.34	NA	7.04	2.16	NA	25.54	090
39503		A	Repair of diaphragm hernia	95.05	NA	32.58	10.95	NA	138.58	090
39520		A	Repair of diaphragm hernia	16.11	NA	7.79	2.23	NA	26.14	090
39530		A	Repair of diaphragm hernia	15.42	NA	6.96	2.10	NA	24.48	090
39531		A	Repair of diaphragm hernia	16.43	NA	7.20	2.21	NA	25.84	090
39540		A	Repair of diaphragm hernia	13.33	NA	6.11	1.79	NA	21.23	090
39541		A	Repair of diaphragm hernia	14.42	NA	6.45	1.92	NA	22.79	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
39545		A	Revision of diaphragm	13.38	NA	7.43	1.83	NA	22.64	090
39560		A	Resect diaphragm, simple	12.00	NA	6.12	1.59	NA	19.72	090
39561		A	Resect diaphragm, complex	17.50	NA	9.27	2.44	NA	29.21	090
39599		C	Diaphragm surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
4000F		I	Tobacco use txmnt counseling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
4001F		I	Tobacco use txmnt, pharmacol	0.00	0.00	0.00	0.00	0.00	0.00	XXX
4002F		I	Statin therapy, rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
4006F		I	Beta-blocker therapy, rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
4009F		I	Ace inhibitor therapy, rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
4011F		I	Oral antiplatelet tx, rx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
40490		A	Biopsy of lip	1.22	1.72	0.62	0.05	3.00	1.89	000
40500		A	Partial excision of lip	4.28	7.24	4.29	0.38	11.90	8.95	090
40510		A	Partial excision of lip	4.70	6.69	3.93	0.49	11.88	9.12	090
40520		A	Partial excision of lip	4.67	7.48	4.01	0.52	12.67	9.20	090
40525		A	Reconstruct lip with flap	7.56	NA	6.14	0.85	NA	14.55	090
40527		A	Reconstruct lip with flap	9.14	NA	7.15	0.97	NA	17.26	090
40530		A	Partial removal of lip	5.40	7.88	4.49	0.55	13.83	10.44	090
40650		A	Repair lip	3.64	6.63	3.19	0.38	10.65	7.21	090
40652		A	Repair lip	4.26	7.65	4.15	0.52	12.43	8.93	090
40654		A	Repair lip	5.31	8.62	4.82	0.60	14.53	10.73	090
40700		A	Repair cleft lip/nasal	12.80	NA	8.83	0.95	NA	22.57	090
40701		A	Repair cleft lip/nasal	15.86	NA	10.99	1.65	NA	28.51	090
40702		A	Repair cleft lip/nasal	13.05	NA	8.06	1.23	NA	22.34	090
40720		A	Repair cleft lip/nasal	13.56	NA	9.60	1.79	NA	24.95	090
40761		A	Repair cleft lip/nasal	14.73	NA	9.96	1.93	NA	26.62	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	3.06	1.77	0.13	4.36	3.07	010
40801		A	Drainage of mouth lesion	2.54	4.13	2.73	0.31	6.98	5.57	010
40804		A	Removal, foreign body, mouth	1.24	3.40	1.80	0.11	4.75	3.15	010
40805		A	Removal, foreign body, mouth	2.70	4.51	2.77	0.32	7.52	5.79	010
40806		A	Incision of lip fold	0.31	1.86	0.50	0.04	2.21	0.85	000
40808		A	Biopsy of mouth lesion	0.96	2.75	1.48	0.10	3.81	2.54	010
40810		A	Excision of mouth lesion	1.31	2.97	1.65	0.13	4.41	3.09	010
40812		A	Excise/repair mouth lesion	2.31	3.83	2.37	0.28	6.42	4.96	010
40814		A	Excise/repair mouth lesion	3.42	5.05	3.85	0.41	8.88	7.67	090
40816		A	Excision of mouth lesion	3.67	5.28	3.95	0.40	9.35	8.02	090
40818		A	Excise oral mucosa for graft	2.41	5.21	3.88	0.21	7.84	6.50	090
40819		A	Excise lip or cheek fold	2.41	4.19	3.09	0.29	6.90	5.79	090
40820		A	Treatment of mouth lesion	1.28	4.09	2.45	0.11	5.48	3.84	010
40830		A	Repair mouth laceration	1.76	3.71	2.00	0.19	5.66	3.96	010
40831		A	Repair mouth laceration	2.46	4.69	2.96	0.30	7.45	5.73	010
40840		R	Reconstruction of mouth	8.74	9.82	6.80	1.08	19.64	16.62	090
40842		R	Reconstruction of mouth	8.74	10.09	6.62	1.08	19.91	16.44	090
40843		R	Reconstruction of mouth	12.10	12.11	7.61	1.39	25.60	21.11	090
40844		R	Reconstruction of mouth	16.02	15.74	11.32	1.99	33.76	29.33	090
40845		R	Reconstruction of mouth	18.59	17.02	12.90	2.00	37.61	33.48	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	2.32	1.40	0.12	3.74	2.82	010
41005		A	Drainage of mouth lesion	1.26	3.42	1.71	0.12	4.80	3.09	010
41006		A	Drainage of mouth lesion	3.25	4.87	3.13	0.35	8.47	6.73	090
41007		A	Drainage of mouth lesion	3.11	5.08	2.98	0.31	8.50	6.40	090
41008		A	Drainage of mouth lesion	3.37	4.79	3.16	0.42	8.58	6.95	090
41009		A	Drainage of mouth lesion	3.59	5.09	3.53	0.47	9.15	7.59	090
41010		A	Incision of tongue fold	1.06	3.43	1.65	0.07	4.56	2.78	010
41015		A	Drainage of mouth lesion	3.96	5.52	4.14	0.46	9.93	8.56	090
41016		A	Drainage of mouth lesion	4.07	5.70	4.22	0.53	10.30	8.82	090
41017		A	Drainage of mouth lesion	4.07	5.72	4.29	0.53	10.32	8.89	090
41018		A	Drainage of mouth lesion	5.10	6.20	4.53	0.68	11.98	10.31	090
41100		A	Biopsy of tongue	1.63	2.45	1.40	0.15	4.24	3.18	010
41105		A	Biopsy of tongue	1.42	2.34	1.30	0.13	3.89	2.85	010
41108		A	Biopsy of floor of mouth	1.05	2.11	1.11	0.10	3.26	2.27	010
41110		A	Excision of tongue lesion	1.51	3.04	1.63	0.13	4.68	3.27	010
41112		A	Excision of tongue lesion	2.74	4.56	3.19	0.28	7.57	6.21	090
41113		A	Excision of tongue lesion	3.20	4.84	3.44	0.34	8.38	6.97	090
41114		A	Excision of tongue lesion	8.48	NA	7.11	0.83	NA	16.41	090
41115		A	Excision of tongue fold	1.74	3.40	1.83	0.18	5.33	3.75	010
41116		A	Excision of mouth lesion	2.44	4.49	2.78	0.23	7.16	5.45	090
41120		A	Partial removal of tongue	9.78	NA	15.03	0.79	NA	25.60	090
41130		A	Partial removal of tongue	11.15	NA	15.86	0.93	NA	27.94	090
41135		A	Tongue and neck surgery	23.11	NA	22.62	1.88	NA	47.60	090
41140		A	Removal of tongue	25.51	NA	25.94	2.26	NA	53.71	090
41145		A	Tongue removal, neck surgery	30.07	NA	29.85	2.54	NA	62.46	090
41150		A	Tongue, mouth, jaw surgery	23.06	NA	24.08	1.94	NA	49.08	090
41153		A	Tongue, mouth, neck surgery	23.78	NA	24.40	2.00	NA	50.17	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
41155		A	Tongue, jaw, & neck surgery	27.74	NA	26.14	2.33	NA	56.21	090
41250		A	Repair tongue laceration	1.91	2.94	1.24	0.18	5.03	3.33	010
41251		A	Repair tongue laceration	2.27	3.33	1.61	0.22	5.83	4.10	010
41252		A	Repair tongue laceration	2.98	3.98	2.22	0.29	7.25	5.49	010
41500		A	Fixation of tongue	3.71	NA	7.33	0.30	NA	11.34	090
41510		A	Tongue to lip surgery	3.42	NA	7.57	0.20	NA	11.18	090
41520		A	Reconstruction, tongue fold	2.74	4.77	3.55	0.27	7.78	6.56	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	2.92	1.40	0.12	4.21	2.69	010
41805		A	Removal foreign body, gum	1.24	3.00	2.30	0.13	4.37	3.68	010
41806		A	Removal foreign body,jawbone	2.70	3.96	3.09	0.37	7.03	6.16	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	3.99	1.90	0.31	6.62	4.53	010
41823		R	Excision of gum lesion	3.31	5.68	3.99	0.47	9.46	7.77	090
41825		A	Excision of gum lesion	1.31	3.12	2.11	0.15	4.59	3.57	010
41826		A	Excision of gum lesion	2.31	2.95	2.19	0.30	5.56	4.81	010
41827		A	Excision of gum lesion	3.42	5.67	3.61	0.35	9.44	7.38	090
41828		R	Excision of gum lesion	3.10	3.86	2.82	0.44	7.40	6.35	010
41830		R	Removal of gum tissue	3.35	5.14	3.57	0.44	8.93	7.35	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	2.60	5.14	3.43	0.30	8.03	6.33	090
41874		R	Repair tooth socket	3.10	4.96	3.14	0.45	8.51	6.69	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	2.52	1.25	0.12	3.87	2.60	010
42100		A	Biopsy roof of mouth	1.31	2.09	1.34	0.13	3.53	2.78	010
42104		A	Excision lesion, mouth roof	1.64	2.69	1.56	0.16	4.49	3.37	010
42106		A	Excision lesion, mouth roof	2.10	3.41	2.38	0.25	5.76	4.73	010
42107		A	Excision lesion, mouth roof	4.44	5.85	3.92	0.44	10.73	8.80	090
42120		A	Remove palate/lesion	6.17	NA	11.56	0.52	NA	18.25	090
42140		A	Excision of uvula	1.62	3.76	2.07	0.13	5.52	3.82	090
42145		A	Repair palate, pharynx/uvula	8.06	NA	7.39	0.65	NA	16.10	090
42160		A	Treatment mouth roof lesion	1.80	4.16	2.20	0.17	6.13	4.17	010
42180		A	Repair palate	2.51	3.11	2.06	0.21	5.82	4.78	010
42182		A	Repair palate	3.83	3.90	2.95	0.40	8.13	7.18	010
42200		A	Reconstruct cleft palate	12.00	NA	9.92	1.27	NA	23.20	090
42205		A	Reconstruct cleft palate	13.30	NA	9.82	1.58	NA	24.70	090
42210		A	Reconstruct cleft palate	14.51	NA	11.21	2.16	NA	27.88	090
42215		A	Reconstruct cleft palate	8.83	NA	8.74	1.31	NA	18.88	090
42220		A	Reconstruct cleft palate	7.02	NA	6.92	0.73	NA	14.67	090
42225		A	Reconstruct cleft palate	9.55	NA	16.15	0.86	NA	26.56	090
42226		A	Lengthening of palate	10.01	NA	14.14	1.01	NA	25.16	090
42227		A	Lengthening of palate	9.53	NA	14.78	0.98	NA	25.29	090
42235		A	Repair palate	7.88	NA	11.93	0.72	NA	20.52	090
42260		A	Repair nose to lip fistula	9.81	10.14	6.90	1.26	21.21	17.97	090
42280		A	Preparation, palate mold	1.54	1.98	1.11	0.19	3.71	2.85	010
42281		A	Insertion, palate prosthesis	1.93	2.69	1.84	0.17	4.79	3.94	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	2.83	1.80	0.16	4.92	3.89	010
42305		A	Drainage of salivary gland	6.07	NA	4.62	0.51	NA	11.21	090
42310		A	Drainage of salivary gland	1.56	2.33	1.52	0.13	4.02	3.21	010
42320		A	Drainage of salivary gland	2.35	3.31	2.06	0.21	5.88	4.62	010
42325		A	Create salivary cyst drain	2.76	4.68	2.36	0.27	7.71	5.38	090
42326		A	Create salivary cyst drain	3.78	6.24	3.09	0.29	10.31	7.16	090
42330		A	Removal of salivary stone	2.21	3.15	1.81	0.19	5.56	4.21	010
42335		A	Removal of salivary stone	3.32	4.98	3.10	0.29	8.59	6.71	090
42340		A	Removal of salivary stone	4.60	6.10	3.86	0.42	11.12	8.88	090
42400		A	Biopsy of salivary gland	0.78	1.68	0.72	0.06	2.52	1.56	000
42405		A	Biopsy of salivary gland	3.30	3.98	2.40	0.28	7.56	5.98	010
42408		A	Excision of salivary cyst	4.54	5.96	3.55	0.45	10.95	8.54	090
42409		A	Drainage of salivary cyst	2.82	4.58	2.72	0.27	7.67	5.80	090
42410		A	Excise parotid gland/lesion	9.35	NA	6.08	0.91	NA	16.34	090
42415		A	Excise parotid gland/lesion	16.89	NA	10.54	1.43	NA	28.87	090
42420		A	Excise parotid gland/lesion	19.60	NA	11.99	1.65	NA	33.24	090
42425		A	Excise parotid gland/lesion	13.03	NA	8.37	1.05	NA	22.45	090
42426		A	Excise parotid gland/lesion	21.27	NA	12.61	1.80	NA	35.68	090
42440		A	Excise submaxillary gland	6.97	NA	4.67	0.59	NA	12.23	090
42450		A	Excise sublingual gland	4.62	5.96	4.22	0.42	11.00	9.26	090
42500		A	Repair salivary duct	4.30	5.74	4.11	0.41	10.45	8.82	090
42505		A	Repair salivary duct	6.18	7.14	5.27	0.55	13.87	12.00	090
42507		A	Parotid duct diversion	6.11	NA	6.45	0.49	NA	13.05	090
42508		A	Parotid duct diversion	9.11	NA	8.25	1.04	NA	18.40	090
42509		A	Parotid duct diversion	11.54	NA	9.97	0.93	NA	22.44	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
42510		A	Parotid duct diversion	8.16	NA	7.61	0.66	NA	16.43	090
42550		A	Injection for salivary x-ray	1.25	3.10	0.43	0.07	4.43	1.75	000
42600		A	Closure of salivary fistula	4.82	6.55	4.03	0.43	11.80	9.28	090
42650		A	Dilation of salivary duct	0.77	1.11	0.71	0.07	1.96	1.55	000
42660		A	Dilation of salivary duct	1.13	1.37	0.88	0.09	2.60	2.10	000
42665		A	Ligation of salivary duct	2.54	4.27	2.55	0.23	7.03	5.31	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	2.65	1.68	0.13	4.40	3.43	010
42720		A	Drainage of throat abscess	5.42	4.79	3.69	0.44	10.65	9.55	010
42725		A	Drainage of throat abscess	10.72	NA	8.03	0.91	NA	19.66	090
42800		A	Biopsy of throat	1.39	2.19	1.38	0.11	3.69	2.88	010
42802		A	Biopsy of throat	1.54	4.59	1.99	0.12	6.26	3.65	010
42804		A	Biopsy of upper nose/throat	1.24	3.65	1.68	0.10	4.99	3.02	010
42806		A	Biopsy of upper nose/throat	1.58	3.97	1.87	0.13	5.68	3.58	010
42808		A	Excise pharynx lesion	2.30	3.08	1.88	0.19	5.58	4.38	010
42809		A	Remove pharynx foreign body	1.81	2.30	1.30	0.16	4.27	3.27	010
42810		A	Excision of neck cyst	3.26	5.63	3.51	0.29	9.18	7.06	090
42815		A	Excision of neck cyst	7.07	NA	6.34	0.61	NA	14.02	090
42820		A	Remove tonsils and adenoids	3.91	NA	3.22	0.31	NA	7.44	090
42821		A	Remove tonsils and adenoids	4.29	NA	3.43	0.35	NA	8.07	090
42825		A	Removal of tonsils	3.42	NA	3.12	0.25	NA	6.78	090
42826		A	Removal of tonsils	3.38	NA	2.97	0.27	NA	6.62	090
42830		A	Removal of adenoids	2.58	NA	2.52	0.20	NA	5.30	090
42831		A	Removal of adenoids	2.72	NA	2.80	0.22	NA	5.73	090
42835		A	Removal of adenoids	2.30	NA	2.42	0.21	NA	4.93	090
42836		A	Removal of adenoids	3.19	NA	2.91	0.26	NA	6.35	090
42842		A	Extensive surgery of throat	8.77	NA	10.81	0.71	NA	20.29	090
42844		A	Extensive surgery of throat	14.32	NA	15.91	1.16	NA	31.39	090
42845		A	Extensive surgery of throat	24.30	NA	22.66	1.98	NA	48.94	090
42860		A	Excision of tonsil tags	2.22	NA	2.37	0.18	NA	4.78	090
42870		A	Excision of lingual tonsil	5.40	NA	8.48	0.44	NA	14.32	090
42890		A	Partial removal of pharynx	12.95	NA	13.90	1.05	NA	27.90	090
42892		A	Revision of pharyngeal walls	15.84	NA	16.83	1.28	NA	33.95	090
42894		A	Revision of pharyngeal walls	22.90	NA	21.54	1.86	NA	46.30	090
42900		A	Repair throat wound	5.25	NA	3.57	0.50	NA	9.32	010
42950		A	Reconstruction of throat	8.11	NA	11.60	0.72	NA	20.42	090
42953		A	Repair throat, esophagus	8.97	NA	16.55	0.88	NA	26.40	090
42955		A	Surgical opening of throat	7.39	NA	10.46	0.80	NA	18.66	090
42960		A	Control throat bleeding	2.33	NA	1.93	0.19	NA	4.46	010
42961		A	Control throat bleeding	5.59	NA	4.89	0.45	NA	10.93	090
42962		A	Control throat bleeding	7.14	NA	5.80	0.58	NA	13.52	090
42970		A	Control nose/throat bleeding	5.43	NA	4.09	0.39	NA	9.91	090
42971		A	Control nose/throat bleeding	6.21	NA	5.02	0.51	NA	11.74	090
42972		A	Control nose/throat bleeding	7.20	NA	5.58	0.62	NA	13.41	090
42999		C	Throat surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43020		A	Incision of esophagus	8.10	NA	5.31	0.87	NA	14.27	090
43030		A	Throat muscle surgery	7.70	NA	5.34	0.70	NA	13.74	090
43045		A	Incision of esophagus	20.13	NA	10.51	2.58	NA	33.22	090
43100		A	Excision of esophagus lesion	9.20	NA	6.06	0.93	NA	16.19	090
43101		A	Excision of esophagus lesion	16.25	NA	7.77	2.31	NA	26.33	090
43107		A	Removal of esophagus	40.02	NA	17.70	5.22	NA	62.94	090
43108		A	Removal of esophagus	34.21	NA	13.87	4.07	NA	52.14	090
43112		A	Removal of esophagus	43.52	NA	18.73	5.79	NA	68.04	090
43113		A	Removal of esophagus	35.29	NA	14.88	4.42	NA	54.59	090
43116		A	Partial removal of esophagus	31.23	NA	16.17	3.05	NA	50.45	090
43117		A	Partial removal of esophagus	40.02	NA	16.75	5.17	NA	61.94	090
43118		A	Partial removal of esophagus	33.22	NA	13.41	4.10	NA	50.73	090
43121		A	Partial removal of esophagus	29.21	NA	13.19	3.90	NA	46.30	090
43122		A	Partial removal of esophagus	40.02	NA	16.93	5.40	NA	62.35	090
43123		A	Partial removal of esophagus	33.22	NA	13.85	4.15	NA	51.22	090
43124		A	Removal of esophagus	27.33	NA	12.85	3.73	NA	43.92	090
43130		A	Removal of esophagus pouch	11.75	NA	7.35	1.16	NA	20.27	090
43135		A	Removal of esophagus pouch	16.11	NA	7.95	2.33	NA	26.39	090
43200		A	Esophagus endoscopy	1.59	4.08	1.08	0.13	5.80	2.80	000
43201		A	Esoph scope w/submucous inj	2.09	4.71	1.14	0.15	6.95	3.39	000
43202		A	Esophagus endoscopy, biopsy	1.89	5.75	0.98	0.15	7.79	3.03	000
43204		A	Esoph scope w/sclerosis inj	3.77	NA	1.66	0.30	NA	5.73	000
43205		A	Esophagus endoscopy/ligation	3.79	NA	1.66	0.28	NA	5.73	000
43215		A	Esophagus endoscopy	2.61	NA	1.25	0.22	NA	4.08	000
43216		A	Esophagus endoscopy/lesion	2.40	0.00	1.13	0.20	2.60	3.73	000
43217		A	Esophagus endoscopy	2.91	7.19	1.27	0.26	10.35	4.43	000
43219		A	Esophagus endoscopy	2.81	NA	1.45	0.24	NA	4.50	000
43220		A	Esoph endoscopy, dilation	2.10	NA	1.04	0.17	NA	3.32	000
43226		A	Esoph endoscopy, dilation	2.34	NA	1.13	0.19	NA	3.66	000

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
43227		A	Esoph endoscopy, repair	3.60	NA	1.57	0.28	NA	5.45	000
43228		A	Esoph endoscopy, ablation	3.77	NA	1.64	0.34	NA	5.75	000
43231		A	Esoph endoscopy w/us exam	3.20	NA	1.42	0.23	NA	4.85	000
43232		A	Esoph endoscopy w/us fn bx	4.48	NA	1.92	0.34	NA	6.74	000
43234		A	Upper GI endoscopy, exam	2.01	5.49	0.92	0.17	7.67	3.11	000
43235		A	Uppr gi endoscopy, diagnosis	2.39	5.55	1.11	0.19	8.13	3.70	000
43236		A	Uppr gi scope w/submuc inj	2.93	6.89	1.34	0.21	10.02	4.48	000
43237		A	Endoscopic us exam, esoph	3.99	NA	1.75	0.43	NA	6.17	000
43238		A	Uppr gi endoscopy w/us fn bx	5.03	NA	2.14	0.43	NA	7.60	000
43239		A	Upper GI endoscopy, biopsy	2.88	6.18	1.30	0.22	9.28	4.39	000
43240		A	Esoph endoscope w/drain cyst	6.86	NA	2.83	0.56	NA	10.25	000
43241		A	Upper GI endoscopy with tube	2.60	NA	1.19	0.21	NA	4.00	000
43242		A	Uppr gi endoscopy w/us fn bx	7.31	NA	2.93	0.53	NA	10.78	000
43243		A	Upper gi endoscopy & inject	4.57	NA	1.95	0.33	NA	6.85	000
43244		A	Upper GI endoscopy/ligation	5.05	NA	2.14	0.37	NA	7.56	000
43245		A	Uppr gi scope dilate strict	3.19	NA	1.40	0.26	NA	4.85	000
43246		A	Place gastrostomy tube	4.33	NA	1.81	0.34	NA	6.48	000
43247		A	Operative upper GI endoscopy	3.39	NA	1.49	0.27	NA	5.14	000
43248		A	Uppr gi endoscopy/guide wire	3.16	NA	1.45	0.23	NA	4.83	000
43249		A	Esoph endoscopy, dilation	2.91	NA	1.33	0.22	NA	4.46	000
43250		A	Upper GI endoscopy/tumor	3.21	NA	1.42	0.26	NA	4.89	000
43251		A	Operative upper GI endoscopy	3.70	NA	1.61	0.29	NA	5.59	000
43255		A	Operative upper GI endoscopy	4.82	NA	2.05	0.35	NA	7.22	000
43256		A	Uppr gi endoscopy w/stent	4.35	NA	1.85	0.32	NA	6.52	000
43257		A	Uppr gi scope w/thrml txmnt	5.51	NA	2.27	0.36	NA	8.14	000
43258		A	Operative upper GI endoscopy	4.55	NA	1.93	0.33	NA	6.81	000
43259		A	Endoscopic ultrasound exam	5.20	NA	2.15	0.35	NA	7.70	000
43260		A	Endo cholangiopancreatograph	5.96	NA	2.48	0.43	NA	8.87	000
43261		A	Endo cholangiopancreatograph	6.27	NA	2.60	0.46	NA	9.33	000
43262		A	Endo cholangiopancreatograph	7.39	NA	3.02	0.54	NA	10.96	000
43263		A	Endo cholangiopancreatograph	7.29	NA	3.02	0.54	NA	10.85	000
43264		A	Endo cholangiopancreatograph	8.91	NA	3.59	0.65	NA	13.15	000
43265		A	Endo cholangiopancreatograph	10.02	NA	4.00	0.73	NA	14.75	000
43267		A	Endo cholangiopancreatograph	7.39	NA	3.00	0.54	NA	10.94	000
43268		A	Endo cholangiopancreatograph	7.39	NA	3.15	0.54	NA	11.08	000
43269		A	Endo cholangiopancreatograph	8.22	NA	3.33	0.60	NA	12.15	000
43271		A	Endo cholangiopancreatograph	7.39	NA	3.01	0.54	NA	10.94	000
43272		A	Endo cholangiopancreatograph	7.39	NA	3.01	0.54	NA	10.94	000
43280		A	Laparoscopy, fundoplasty	17.25	NA	7.17	2.27	NA	26.69	090
43289		C	Laparoscope proc, esoph	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43300		A	Repair of esophagus	9.15	NA	6.22	1.12	NA	16.49	090
43305		A	Repair esophagus and fistula	17.39	NA	10.37	1.54	NA	29.30	090
43310		A	Repair of esophagus	25.40	NA	10.89	3.60	NA	39.89	090
43312		A	Repair esophagus and fistula	28.44	NA	11.55	4.00	NA	43.99	090
43313		A	Esophagoplasty congenital	45.30	NA	18.40	5.45	NA	69.15	090
43314		A	Tracheo-esophagoplasty cong	50.29	NA	18.88	6.63	NA	75.80	090
43320		A	Fuse esophagus & stomach	19.94	NA	9.05	2.73	NA	31.72	090
43324		A	Revise esophagus & stomach	20.58	NA	8.62	2.75	NA	31.95	090
43325		A	Revise esophagus & stomach	20.07	NA	8.66	2.59	NA	31.32	090
43326		A	Revise esophagus & stomach	19.75	NA	9.17	2.84	NA	31.76	090
43330		A	Repair of esophagus	19.78	NA	8.46	2.62	NA	30.86	090
43331		A	Repair of esophagus	20.14	NA	9.83	2.93	NA	32.90	090
43340		A	Fuse esophagus & intestine	19.62	NA	8.81	2.45	NA	30.87	090
43341		A	Fuse esophagus & intestine	20.86	NA	10.35	2.91	NA	34.12	090
43350		A	Surgical opening, esophagus	15.79	NA	8.31	1.42	NA	25.52	090
43351		A	Surgical opening, esophagus	18.36	NA	9.70	2.46	NA	30.51	090
43352		A	Surgical opening, esophagus	15.27	NA	8.27	2.05	NA	25.59	090
43360		A	Gastrointestinal repair	35.72	NA	14.98	4.96	NA	55.66	090
43361		A	Gastrointestinal repair	40.52	NA	16.63	4.49	NA	61.64	090
43400		A	Ligate esophagus veins	21.21	NA	10.06	1.95	NA	33.22	090
43401		A	Esophagus surgery for veins	22.10	NA	9.26	3.04	NA	34.40	090
43405		A	Ligate/staple esophagus	20.02	NA	9.60	2.83	NA	32.45	090
43410		A	Repair esophagus wound	13.48	NA	7.54	1.71	NA	22.72	090
43415		A	Repair esophagus wound	25.01	NA	11.61	3.52	NA	40.14	090
43420		A	Repair esophagus opening	14.36	NA	7.24	1.43	NA	23.03	090
43425		A	Repair esophagus opening	21.04	NA	9.84	3.02	NA	33.90	090
43450		A	Dilate esophagus	1.38	2.83	0.77	0.11	4.32	2.26	000
43453		A	Dilate esophagus	1.51	6.53	0.82	0.11	8.15	2.44	000
43456		A	Dilate esophagus	2.58	14.11	1.21	0.20	16.89	3.99	000
43458		A	Dilate esophagus	3.07	7.20	1.40	0.24	10.51	4.70	000
43460		A	Pressure treatment esophagus	3.80	NA	1.57	0.31	NA	5.68	000
43496		C	Free jejunum flap, microvasc	0.00	0.00	0.00	0.00	0.00	0.00	090
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	4.93	1.45	NA	17.43	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
43501		A	Surgical repair of stomach	20.05	NA	8.20	2.64	NA	30.89	090
43502		A	Surgical repair of stomach	23.15	NA	9.34	3.09	NA	35.57	090
43510		A	Surgical opening of stomach	13.09	NA	6.97	1.48	NA	21.54	090
43520		A	Incision of pyloric muscle	10.00	NA	5.09	1.36	NA	16.45	090
43600		A	Biopsy of stomach	1.91	NA	0.69	0.14	NA	2.74	000
43605		A	Biopsy of stomach	11.98	NA	5.22	1.58	NA	18.79	090
43610		A	Excision of stomach lesion	14.61	NA	6.07	1.93	NA	22.61	090
43611		A	Excision of stomach lesion	17.85	NA	7.47	2.35	NA	27.67	090
43620		A	Removal of stomach	30.05	NA	11.60	3.95	NA	45.60	090
43621		A	Removal of stomach	30.74	NA	11.77	4.03	NA	46.54	090
43622		A	Removal of stomach	32.54	NA	12.36	4.29	NA	49.20	090
43631		A	Removal of stomach, partial	22.61	NA	9.03	2.98	NA	34.61	090
43632		A	Removal of stomach, partial	22.61	NA	9.03	2.98	NA	34.61	090
43633		A	Removal of stomach, partial	23.12	NA	9.19	3.05	NA	35.35	090
43634		A	Removal of stomach, partial	25.13	NA	9.90	3.32	NA	38.35	090
43635		A	Removal of stomach, partial	2.06	NA	0.68	0.27	NA	3.02	ZZZ
43638		A	Removal of stomach, partial	29.02	NA	11.70	3.80	NA	44.52	090
43639		A	Removal of stomach, partial	29.67	NA	11.47	3.90	NA	45.04	090
43640		A	Vagotomy & pylorus repair	17.02	NA	7.17	2.25	NA	26.44	090
43641		A	Vagotomy & pylorus repair	17.27	NA	7.28	2.24	NA	26.79	090
43644		A	Lap gastric bypass/roux-en-y	27.89	NA	11.14	3.15	NA	42.18	090
43645		A	Lap gastr bypass incl small i	30.02	NA	12.02	3.53	NA	45.57	090
43651		A	Laparoscopy, vagus nerve	10.15	NA	4.71	1.33	NA	16.19	090
43652		A	Laparoscopy, vagus nerve	12.15	NA	5.63	1.55	NA	19.33	090
43653		A	Laparoscopy, gastrostomy	7.74	NA	4.16	1.01	NA	12.90	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	2.14	0.43	NA	7.06	010
43752		A	Nasal/orogastric w/stent	0.81	NA	0.27	0.02	NA	1.10	000
43760		A	Change gastrostomy tube	1.10	5.82	0.45	0.09	7.01	1.65	000
43761		A	Reposition gastrostomy tube	2.01	1.18	0.69	0.13	3.32	2.84	000
43800		A	Reconstruction of pylorus	13.70	NA	5.81	1.81	NA	21.32	090
43810		A	Fusion of stomach and bowel	14.66	NA	6.10	1.93	NA	22.69	090
43820		A	Fusion of stomach and bowel	15.38	NA	6.33	2.03	NA	23.74	090
43825		A	Fusion of stomach and bowel	19.23	NA	7.91	2.53	NA	29.67	090
43830		A	Place gastrostomy tube	9.54	NA	4.85	1.25	NA	15.64	090
43831		A	Place gastrostomy tube	7.85	NA	4.53	1.03	NA	13.41	090
43832		A	Place gastrostomy tube	15.61	NA	6.83	1.97	NA	24.41	090
43840		A	Repair of stomach lesion	15.57	NA	6.69	2.05	NA	24.31	090
43842		A	V-band gastroplasty	18.48	NA	7.69	2.44	NA	28.60	090
43843		A	Gastroplasty w/o v-band	18.66	NA	7.68	2.45	NA	28.79	090
43845		C	Gastroplasty duodenal switch	0.00	0.00	0.00	0.00	0.00	0.00	090
43846		A	Gastric bypass for obesity	24.06	NA	9.88	3.18	NA	37.12	090
43847		A	Gastric bypass incl small i	26.93	NA	10.74	3.55	NA	41.23	090
43848		A	Revision gastroplasty	29.41	NA	11.64	3.87	NA	44.92	090
43850		A	Revise stomach-bowel fusion	24.73	NA	9.69	3.27	NA	37.69	090
43855		A	Revise stomach-bowel fusion	26.17	NA	10.20	3.46	NA	39.83	090
43860		A	Revise stomach-bowel fusion	25.01	NA	9.81	3.30	NA	38.12	090
43865		A	Revise stomach-bowel fusion	26.53	NA	10.32	3.50	NA	40.35	090
43870		A	Repair stomach opening	9.70	NA	4.51	1.27	NA	15.48	090
43880		A	Repair stomach-bowel fistula	24.66	NA	9.78	3.26	NA	37.70	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	16.24	NA	6.64	2.14	NA	25.02	090
44010		A	Incision of small bowel	12.53	NA	5.39	1.64	NA	19.56	090
44015		A	Insert needle cath bowel	2.63	NA	0.87	0.35	NA	3.84	ZZZ
44020		A	Explore small intestine	14.00	NA	5.87	1.85	NA	21.72	090
44021		A	Decompress small bowel	14.09	NA	5.92	1.86	NA	21.86	090
44025		A	Incision of large bowel	14.29	NA	5.96	1.89	NA	22.14	090
44050		A	Reduce bowel obstruction	14.04	NA	5.88	1.85	NA	21.77	090
44055		A	Correct malrotation of bowel	22.01	NA	8.59	2.90	NA	33.51	090
44100		A	Biopsy of bowel	2.01	NA	0.75	0.17	NA	2.94	000
44110		A	Excise intestine lesion(s)	11.81	NA	5.18	1.55	NA	18.54	090
44111		A	Excision of bowel lesion(s)	14.30	NA	6.03	1.86	NA	22.19	090
44120		A	Removal of small intestine	17.00	NA	6.99	2.24	NA	26.23	090
44121		A	Removal of small intestine	4.45	NA	1.49	0.58	NA	6.51	ZZZ
44125		A	Removal of small intestine	17.55	NA	7.16	2.26	NA	26.97	090
44126		A	Enterectomy w/o taper, cong	35.52	NA	13.91	4.68	NA	54.11	090
44127		A	Enterectomy w/taper, cong	41.02	NA	15.47	5.75	NA	62.24	090
44128		A	Enterectomy cong, add-on	4.45	NA	1.49	0.61	NA	6.55	ZZZ
44130		A	Bowel to bowel fusion	14.50	NA	6.15	1.87	NA	22.52	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 transplnt, live	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44137		C	Remove intestinal allograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
44139		A	Mobilization of colon	2.23	NA	0.74	0.28	NA	3.26	ZZZ
44140		A	Partial removal of colon	21.01	NA	8.53	2.70	NA	32.25	090
44141		A	Partial removal of colon	19.52	NA	9.91	2.52	NA	31.95	090
44143		A	Partial removal of colon	23.01	NA	10.52	3.04	NA	36.57	090
44144		A	Partial removal of colon	21.54	NA	9.50	2.85	NA	33.89	090
44145		A	Partial removal of colon	26.43	NA	10.68	3.28	NA	40.39	090
44146		A	Partial removal of colon	27.56	NA	12.67	3.40	NA	43.62	090
44147		A	Partial removal of colon	20.72	NA	8.60	2.55	NA	31.87	090
44150		A	Removal of colon	23.96	NA	11.88	3.03	NA	38.87	090
44151		A	Removal of colon/ileostomy	26.89	NA	13.23	3.48	NA	43.60	090
44152		A	Removal of colon/ileostomy	27.85	NA	11.39	3.51	NA	42.75	090
44153		A	Removal of colon/ileostomy	30.60	NA	14.27	3.54	NA	48.41	090
44155		A	Removal of colon/ileostomy	27.88	NA	13.17	3.27	NA	44.31	090
44156		A	Removal of colon/ileostomy	30.80	NA	14.81	3.94	NA	49.56	090
44160		A	Removal of colon	18.63	NA	7.65	2.36	NA	28.64	090
44200		A	Laparoscopy, enterolysis	14.45	NA	6.12	1.89	NA	22.46	090
44201		A	Laparoscopy, jejunostomy	9.79	NA	4.60	1.30	NA	15.69	090
44202		A	Lap resect s/intestine singl	22.05	NA	8.81	2.84	NA	33.71	090
44203		A	Lap resect s/intestine, addl	4.45	NA	1.46	0.57	NA	6.48	ZZZ
44204		A	Laparo partial colectomy	25.09	NA	9.81	3.10	NA	38.00	090
44205		A	Lap colectomy part w/ileum	22.24	NA	8.72	2.74	NA	33.71	090
44206		A	Lap part colectomy w/stoma	27.01	NA	11.08	3.45	NA	41.54	090
44207		A	L colectomy/coloproctostomy	30.02	NA	11.32	3.66	NA	45.00	090
44208		A	L colectomy/coloproctostomy	32.01	NA	12.97	3.87	NA	48.85	090
44210		A	Laparo total proctocolectomy	28.02	NA	11.74	3.41	NA	43.17	090
44211		A	Laparo total proctocolectomy	35.02	NA	14.52	4.16	NA	53.70	090
44212		A	Laparo total proctocolectomy	32.51	NA	13.56	3.77	NA	49.84	090
44238		C	Laparoscope proc, intestine	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44239		C	Laparoscope proc, rectum	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44300		A	Open bowel to skin	12.11	NA	5.43	1.60	NA	19.15	090
44310		A	Ileostomy/jejunostomy	15.96	NA	6.62	1.98	NA	24.57	090
44312		A	Revision of ileostomy	8.03	NA	4.12	0.92	NA	13.06	090
44314		A	Revision of ileostomy	15.06	NA	6.65	1.74	NA	23.45	090
44316		A	Devise bowel pouch	21.10	NA	8.65	2.37	NA	32.12	090
44320		A	Colostomy	17.65	NA	7.58	2.25	NA	27.48	090
44322		A	Colostomy with biopsies	11.98	NA	8.49	1.54	NA	22.01	090
44340		A	Revision of colostomy	7.73	NA	4.26	0.99	NA	12.98	090
44345		A	Revision of colostomy	15.44	NA	6.83	1.96	NA	24.23	090
44346		A	Revision of colostomy	16.99	NA	7.34	2.12	NA	26.45	090
44360		A	Small bowel endoscopy	2.60	NA	1.21	0.19	NA	4.00	000
44361		A	Small bowel endoscopy/biopsy	2.88	NA	1.32	0.21	NA	4.40	000
44363		A	Small bowel endoscopy	3.50	NA	1.48	0.27	NA	5.25	000
44364		A	Small bowel endoscopy	3.74	NA	1.62	0.27	NA	5.63	000
44365		A	Small bowel endoscopy	3.32	NA	1.49	0.24	NA	5.05	000
44366		A	Small bowel endoscopy	4.41	NA	1.88	0.32	NA	6.61	000
44369		A	Small bowel endoscopy	4.52	NA	1.85	0.33	NA	6.70	000
44370		A	Small bowel endoscopy/stent	4.80	NA	2.16	0.37	NA	7.33	000
44372		A	Small bowel endoscopy	4.41	NA	1.85	0.35	NA	6.61	000
44373		A	Small bowel endoscopy	3.50	NA	1.53	0.27	NA	5.30	000
44376		A	Small bowel endoscopy	5.26	NA	2.17	0.42	NA	7.85	000
44377		A	Small bowel endoscopy/biopsy	5.53	NA	2.32	0.40	NA	8.25	000
44378		A	Small bowel endoscopy	7.13	NA	2.92	0.52	NA	10.58	000
44379		A	S bowel endoscope w/stent	7.47	NA	3.13	0.62	NA	11.23	000
44380		A	Small bowel endoscopy	1.05	NA	0.63	0.08	NA	1.76	000
44382		A	Small bowel endoscopy	1.27	NA	0.71	0.12	NA	2.10	000
44383		A	Ileoscopy w/stent	2.95	NA	1.42	0.21	NA	4.57	000
44385		A	Endoscopy of bowel pouch	1.82	3.53	0.83	0.15	5.51	2.80	000
44386		A	Endoscopy, bowel pouch/biop	2.12	7.02	0.93	0.20	9.34	3.26	000
44388		A	Colonoscopy	2.83	5.31	1.21	0.26	8.40	4.30	000
44389		A	Colonoscopy with biopsy	3.14	7.02	1.36	0.27	10.43	4.76	000
44390		A	Colonoscopy for foreign body	3.83	7.54	1.59	0.32	11.68	5.74	000
44391		A	Colonoscopy for bleeding	4.32	8.94	1.82	0.34	13.60	6.48	000
44392		A	Colonoscopy & polypectomy	3.82	6.91	1.57	0.34	11.06	5.73	000
44393		A	Colonoscopy, lesion removal	4.84	7.17	1.99	0.42	12.43	7.25	000
44394		A	Colonoscopy w/snare	4.43	8.31	1.82	0.38	13.12	6.63	000
44397		A	Colonoscopy w/stent	4.71	NA	1.88	0.39	NA	6.98	000
44500		A	Intro, gastrointestinal tube	0.49	NA	0.17	0.03	NA	0.69	000
44602		A	Suture, small intestine	16.04	NA	6.29	2.11	NA	24.44	090
44603		A	Suture, small intestine	18.67	NA	7.15	2.41	NA	28.23	090
44604		A	Suture, large intestine	16.04	NA	6.36	2.11	NA	24.51	090
44605		A	Repair of bowel lesion	19.54	NA	8.24	2.51	NA	30.29	090
44615		A	Intestinal stricturoplasty	15.94	NA	6.60	2.06	NA	24.60	090
44620		A	Repair bowel opening	12.20	NA	5.27	1.51	NA	18.99	090
44625		A	Repair bowel opening	15.06	NA	6.23	1.85	NA	23.14	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
44626		A	Repair bowel opening	25.37	NA	9.65	3.26	NA	38.28	090
44640		A	Repair bowel-skin fistula	21.66	NA	8.45	2.77	NA	32.89	090
44650		A	Repair bowel fistula	22.59	NA	8.78	2.92	NA	34.28	090
44660		A	Repair bowel-bladder fistula	21.37	NA	8.77	2.13	NA	32.27	090
44661		A	Repair bowel-bladder fistula	24.82	NA	9.74	2.80	NA	37.36	090
44680		A	Surgical revision, intestine	15.41	NA	6.37	1.99	NA	23.77	090
44700		A	Suspend bowel w/prosthesis	16.12	NA	6.68	1.83	NA	24.63	090
44701		A	Intraop colon lavage add-on	3.11	NA	1.03	0.37	NA	4.51	ZZZ
44715		C	Prepare donor intestine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44720		A	Prep donor intestine/venous	5.01	NA	1.67	0.37	NA	7.05	XXX
44721		A	Prep donor intestine/artery	7.01	NA	2.33	0.97	NA	10.32	XXX
44799		C	Unlisted procedure intestine	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44800		A	Excision of bowel pouch	11.23	NA	5.38	1.47	NA	18.08	090
44820		A	Excision of mesentery lesion	12.09	NA	5.44	1.59	NA	19.12	090
44850		A	Repair of mesentery	10.74	NA	4.94	1.39	NA	17.07	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	4.67	1.33	NA	16.14	090
44901		A	Drain app abscess, percut	3.38	26.78	1.15	0.22	30.37	4.74	000
44950		A	Appendectomy	10.01	NA	4.26	1.31	NA	15.58	090
44955		A	Appendectomy add-on	1.53	NA	0.53	0.20	NA	2.26	ZZZ
44960		A	Appendectomy	12.34	NA	5.27	1.63	NA	19.24	090
44970		A	Laparoscopy, appendectomy	8.71	NA	4.06	1.14	NA	13.90	090
44979		C	Laparoscope proc, app	0.00	0.00	0.00	0.00	0.00	0.00	YYY
45000		A	Drainage of pelvic abscess	4.52	NA	3.02	0.52	NA	8.06	090
45005		A	Drainage of rectal abscess	1.99	3.94	1.55	0.25	6.19	3.80	010
45020		A	Drainage of rectal abscess	4.72	NA	3.33	0.55	NA	8.60	090
45100		A	Biopsy of rectum	3.68	NA	2.40	0.44	NA	6.52	090
45108		A	Removal of anorectal lesion	4.76	NA	2.78	0.59	NA	8.13	090
45110		A	Removal of rectum	28.02	NA	12.24	3.35	NA	43.61	090
45111		A	Partial removal of rectum	16.49	NA	7.10	2.06	NA	25.65	090
45112		A	Removal of rectum	30.55	NA	11.60	3.42	NA	45.57	090
45113		A	Partial proctectomy	30.59	NA	12.48	3.48	NA	46.56	090
45114		A	Partial removal of rectum	27.33	NA	10.73	3.35	NA	41.42	090
45116		A	Partial removal of rectum	24.59	NA	9.88	2.87	NA	37.34	090
45119		A	Remove rectum w/reservoir	30.85	NA	12.33	3.35	NA	46.54	090
45120		A	Removal of rectum	24.61	NA	10.07	2.89	NA	37.57	090
45121		A	Removal of rectum and colon	27.05	NA	10.96	3.24	NA	41.26	090
45123		A	Partial proctectomy	16.71	NA	6.81	1.85	NA	25.37	090
45126		A	Pelvic exenteration	45.18	NA	19.60	4.32	NA	69.10	090
45130		A	Excision of rectal prolapse	16.45	NA	6.73	1.79	NA	24.98	090
45135		A	Excision of rectal prolapse	19.29	NA	8.34	2.35	NA	29.98	090
45136		A	Excise ileoanal reservoir	27.31	NA	12.34	2.81	NA	42.47	090
45150		A	Excision of rectal stricture	5.67	NA	3.01	0.61	NA	9.29	090
45160		A	Excision of rectal lesion	15.33	NA	6.62	1.67	NA	23.62	090
45170		A	Excision of rectal lesion	11.49	NA	5.21	1.35	NA	18.06	090
45190		A	Destruction, rectal tumor	9.75	NA	4.64	1.13	NA	15.52	090
45300		A	Proctosigmoidoscopy dx	0.38	1.56	0.29	0.04	1.98	0.71	000
45303		A	Proctosigmoidoscopy dilate	0.44	18.29	0.37	0.05	18.78	0.86	000
45305		A	Proctosigmoidoscopy w/bx	1.01	2.68	0.51	0.11	3.80	1.63	000
45307		A	Proctosigmoidoscopy fb	0.94	3.03	0.49	0.11	4.09	1.54	000
45308		A	Proctosigmoidoscopy removal	0.83	2.10	0.45	0.09	3.02	1.37	000
45309		A	Proctosigmoidoscopy removal	2.01	2.86	0.85	0.22	5.09	3.09	000
45315		A	Proctosigmoidoscopy removal	1.40	2.95	0.65	0.15	4.50	2.20	000
45317		A	Proctosigmoidoscopy bleed	1.50	2.57	0.68	0.15	4.22	2.33	000
45320		A	Proctosigmoidoscopy ablate	1.58	3.10	0.74	0.16	4.84	2.48	000
45321		A	Proctosigmoidoscopy volvul	1.17	NA	0.58	0.13	NA	1.89	000
45327		A	Proctosigmoidoscopy w/stent	1.65	NA	0.69	0.16	NA	2.51	000
45330		A	Diagnostic sigmoidoscopy	0.96	2.33	0.55	0.08	3.37	1.59	000
45331		A	Sigmoidoscopy and biopsy	1.15	3.20	0.65	0.09	4.44	1.90	000
45332		A	Sigmoidoscopy w/fb removal	1.79	5.02	0.86	0.16	6.97	2.82	000
45333		A	Sigmoidoscopy & polypectomy	1.79	5.08	0.87	0.15	7.02	2.81	000
45334		A	Sigmoidoscopy for bleeding	2.74	NA	1.24	0.20	NA	4.18	000
45335		A	Sigmoidoscopy w/submuc inj	1.46	3.34	0.75	0.11	4.91	2.33	000
45337		A	Sigmoidoscopy & decompress	2.36	NA	1.07	0.21	NA	3.65	000
45338		A	Sigmoidoscopy w/tumr remove	2.34	5.50	.09	0.19	8.04	3.62	000
45339		A	Sigmoidoscopy w/ablate tumr	3.15	3.72	1.39	0.26	7.12	4.79	000
45340		A	Sig w/balloon dilation	1.89	6.40	0.89	0.15	8.44	2.94	000
45341		A	Sigmoidoscopy w/ultrasound	2.61	NA	1.11	0.19	NA	3.90	000
45342		A	Sigmoidoscopy w/us guide bx	4.06	NA	1.61	0.30	NA	5.97	000
45345		A	Sigmoidoscopy w/stent	2.93	NA	1.21	0.23	NA	4.37	000
45355		A	Surgical colonoscopy	3.52	NA	1.41	0.36	NA	5.29	000
45378		A	Diagnostic colonoscopy	3.70	6.60	1.58	0.30	10.59	5.57	000
45378	53	A	Diagnostic colonoscopy	0.96	2.33	0.55	0.08	3.37	1.59	000
45379		A	Colonoscopy w/fb removal	4.69	7.80	1.93	0.39	12.88	7.01	000

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<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
45380		A	Colonoscopy and biopsy	4.44	7.80	1.86	0.35	12.59	6.65	000
45381		A	Colonoscopy, submucous inj	4.20	7.72	1.79	0.30	12.22	6.29	000
45382		A	Colonoscopy/control bleeding	5.69	10.76	2.36	0.41	16.86	8.47	000
45383		A	Lesion removal colonoscopy	5.87	8.55	2.37	0.48	14.91	8.72	000
45384		A	Lesion remove colonoscopy	4.70	7.38	1.96	0.38	12.46	7.04	000
45385		A	Lesion removal colonoscopy	5.31	8.44	2.18	0.42	14.17	7.91	000
45386		A	Colonoscopy dilate stricture	4.58	13.23	1.91	0.39	18.20	6.88	000
45387		A	Colonoscopy w/stent	5.91	NA	2.50	0.48	NA	8.89	000
45391		A	Colonoscopy w/endoscope us	5.10	NA	2.15	0.42	NA	7.67	000
45392		A	Colonoscopy w/endoscopic fnb	6.55	NA	2.69	0.42	NA	9.66	000
45500		A	Repair of rectum	7.29	NA	3.57	0.75	NA	11.61	090
45505		A	Repair of rectum	7.59	NA	3.91	0.86	NA	12.36	090
45520		A	Treatment of rectal prolapse	0.55	1.77	0.40	0.05	2.37	1.00	000
45540		A	Correct rectal prolapse	16.28	NA	6.73	1.84	NA	24.85	090
45541		A	Correct rectal prolapse	13.41	NA	5.92	1.55	NA	20.88	090
45550		A	Repair rectum/remove sigmoid	23.02	NA	9.11	2.61	NA	34.74	090
45560		A	Repair of rectocele	10.58	NA	5.13	1.13	NA	16.84	090
45562		A	Exploration/repair of rectum	15.39	NA	7.05	1.83	NA	24.27	090
45563		A	Exploration/repair of rectum	23.48	NA	10.44	3.10	NA	37.02	090
45800		A	Repair rect/bladder fistula	17.78	NA	7.84	1.85	NA	27.46	090
45805		A	Repair fistula w/colostomy	20.79	NA	9.62	2.02	NA	32.43	090
45820		A	Repair rectourethral fistula	18.49	NA	8.03	1.58	NA	28.09	090
45825		A	Repair fistula w/colostomy	21.26	NA	9.95	2.31	NA	33.53	090
45900		A	Reduction of rectal prolapse	2.62	NA	1.50	0.30	NA	4.41	010
45905		A	Dilation of anal sphincter	2.30	NA	1.47	0.27	NA	4.05	010
45910		A	Dilation of rectal narrowing	2.81	NA	1.76	0.30	NA	4.86	010
45915		A	Remove rectal obstruction	3.15	4.28	2.06	0.30	7.72	5.51	010
45999		C	Rectum surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
46020		A	Placement of seton	2.91	2.40	1.89	0.31	5.62	5.10	010
46030		A	Removal of rectal marker	1.23	1.41	0.72	0.14	2.78	2.09	010
46040		A	Incision of rectal abscess	4.96	5.50	3.59	0.62	11.08	9.17	090
46045		A	Incision of rectal abscess	4.32	NA	2.92	0.54	NA	7.78	090
46050		A	Incision of anal abscess	1.19	2.55	0.84	0.14	3.88	2.17	010
46060		A	Incision of rectal abscess	5.69	NA	3.28	0.67	NA	9.64	090
46070		A	Incision of anal septum	2.72	NA	1.86	0.36	NA	4.93	090
46080		A	Incision of anal sphincter	2.49	2.40	1.13	0.30	5.20	3.92	010
46083		A	Incise external hemorrhoid	1.40	2.46	0.91	0.15	4.01	2.47	010
46200		A	Removal of anal fissure	3.42	4.08	2.92	0.39	7.89	6.73	090
46210		A	Removal of anal crypt	2.68	5.04	2.65	0.31	8.02	5.64	090
46211		A	Removal of anal crypts	4.25	5.43	3.67	0.48	10.16	8.40	090
46220		A	Removal of anal tag	1.56	2.33	0.96	0.17	4.06	2.70	010
46221		A	Ligation of hemorrhoid(s)	2.04	2.71	1.77	0.23	4.98	4.05	010
46230		A	Removal of anal tags	2.58	3.06	1.29	0.30	5.94	4.17	010
46250		A	Hemorrhoidectomy	3.89	5.25	2.60	0.48	9.62	6.97	090
46255		A	Hemorrhoidectomy	4.60	5.85	2.82	0.58	11.03	8.00	090
46257		A	Remove hemorrhoids & fissure	5.40	NA	2.89	0.64	NA	8.93	090
46258		A	Remove hemorrhoids & fistula	5.73	NA	3.31	0.68	NA	9.72	090
46260		A	Hemorrhoidectomy	6.37	NA	3.20	0.76	NA	10.33	090
46261		A	Remove hemorrhoids & fissure	7.08	NA	3.64	0.79	NA	11.51	090
46262		A	Remove hemorrhoids & fistula	7.50	NA	3.77	0.83	NA	12.10	090
46270		A	Removal of anal fistula	3.72	4.97	2.85	0.46	9.15	7.02	090
46275		A	Removal of anal fistula	4.56	4.76	3.00	0.52	9.84	8.08	090
46280		A	Removal of anal fistula	5.98	NA	3.29	0.66	NA	9.94	090
46285		A	Removal of anal fistula	4.09	3.95	2.77	0.44	8.48	7.30	090
46288		A	Repair anal fistula	7.13	NA	3.69	0.79	NA	11.62	090
46320		A	Removal of hemorrhoid clot	1.61	2.12	0.84	0.18	3.91	2.63	010
46500		A	Injection into hemorrhoid(s)	1.61	2.26	1.26	0.16	4.04	3.04	010
46600		A	Diagnostic anoscopy	0.50	1.52	0.34	0.05	2.07	0.89	000
46604		A	Anoscopy and dilation	1.31	9.37	0.64	0.12	10.81	2.08	000
46606		A	Anoscopy and biopsy	0.81	3.69	0.44	0.09	4.59	1.34	000
46608		A	Anoscopy, remove for body	1.51	4.23	0.65	0.16	5.91	2.32	000
46610		A	Anoscopy, remove lesion	1.32	3.92	0.62	0.15	5.40	2.10	000
46611		A	Anoscopy	1.81	3.20	0.78	0.19	5.20	2.78	000
46612		A	Anoscopy, remove lesions	2.34	5.32	1.01	0.28	7.95	3.64	000
46614		A	Anoscopy, control bleeding	2.01	2.48	0.87	0.20	4.69	3.08	000
46615		A	Anoscopy	2.69	2.43	1.07	0.33	5.45	4.09	000
46700		A	Repair of anal stricture	9.14	NA	4.24	0.94	NA	14.32	090
46705		A	Repair of anal stricture	6.90	NA	3.77	0.91	NA	11.58	090
46706		A	Repr of anal fistula w/glue	2.39	0.00	1.27	0.28	2.67	3.94	010
46715		A	Rep perf anoper fistu	7.20	NA	3.63	0.92	NA	11.75	090
46716		A	Rep perf anoper/vestib fistu	15.08	NA	7.93	1.58	NA	24.59	090
46730		A	Construction of absent anus	26.76	NA	11.97	2.46	NA	41.19	090
46735		A	Construction of absent anus	32.18	NA	13.46	3.20	NA	48.85	090
46740		A	Construction of absent anus	30.02	NA	13.17	2.41	NA	45.60	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
46742		A	Repair of imperforated anus	35.82	NA	16.88	3.19	NA	55.89	090
46744		A	Repair of cloacal anomaly	52.66	NA	21.39	6.38	NA	80.42	090
46746		A	Repair of cloacal anomaly	58.25	NA	24.73	7.68	NA	90.65	090
46748		A	Repair of cloacal anomaly	64.24	NA	25.56	3.36	NA	93.15	090
46750		A	Repair of anal sphincter	10.25	NA	5.05	1.10	NA	16.40	090
46751		A	Repair of anal sphincter	8.78	NA	5.23	0.94	NA	14.94	090
46753		A	Reconstruction of anus	8.30	NA	3.85	0.94	NA	13.08	090
46754		A	Removal of suture from anus	2.20	3.53	1.72	0.19	5.93	4.11	010
46760		A	Repair of anal sphincter	14.44	NA	7.10	1.59	NA	23.13	090
46761		A	Repair of anal sphincter	13.85	NA	6.00	1.43	NA	21.28	090
46762		A	Implant artificial sphincter	12.72	NA	5.77	1.24	NA	19.72	090
46900		A	Destruction, anal lesion(s)	1.91	2.72	1.33	0.17	4.80	3.41	010
46910		A	Destruction, anal lesion(s)	1.86	3.04	1.07	0.19	5.09	3.13	010
46916		A	Cryosurgery, anal lesion(s)	1.86	3.30	1.52	0.11	5.27	3.49	010
46917		A	Laser surgery, anal lesions	1.86	9.15	1.15	0.21	11.23	3.22	010
46922		A	Excision of anal lesion(s)	1.86	3.33	1.08	0.22	5.42	3.16	010
46924		A	Destruction, anal lesion(s)	2.77	8.93	1.36	0.26	11.95	4.39	010
46934		A	Destruction of hemorrhoids	3.51	5.32	3.23	0.32	9.14	7.06	090
46935		A	Destruction of hemorrhoids	2.43	3.49	1.25	0.23	6.15	3.91	010
46936		A	Destruction of hemorrhoids	3.69	5.13	2.63	0.34	9.16	6.66	090
46937		A	Cryotherapy of rectal lesion	2.70	3.09	1.23	0.14	5.92	4.07	010
46938		A	Cryotherapy of rectal lesion	4.66	4.24	3.08	0.58	9.48	8.32	090
46940		A	Treatment of anal fissure	2.32	2.08	1.10	0.23	4.63	3.65	010
46942		A	Treatment of anal fissure	2.04	1.94	1.07	0.19	4.17	3.31	010
46945		A	Ligation of hemorrhoids	1.84	3.37	2.65	0.19	5.41	4.69	090
46946		A	Ligation of hemorrhoids	2.59	3.73	2.58	0.27	6.59	5.44	090
46947		A	Hemorrhoidopexy by stapling	5.21	NA	2.73	0.75	NA	8.69	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	4.66	0.66	0.12	6.69	2.69	000
47001		A	Needle biopsy, liver add-on	1.90	NA	0.64	0.25	NA	2.79	ZZZ
47010		A	Open drainage, liver lesion	16.02	NA	8.67	1.80	NA	26.49	090
47011		A	Percut drain, liver lesion	3.70	NA	1.27	0.22	NA	5.18	000
47015		A	Inject/aspirate liver cyst	15.12	NA	7.48	1.83	NA	24.43	090
47100		A	Wedge biopsy of liver	11.67	NA	5.98	1.53	NA	19.18	090
47120		A	Partial removal of liver	35.52	NA	14.87	4.65	NA	55.05	090
47122		A	Extensive removal of liver	55.16	NA	20.98	7.19	NA	83.33	090
47125		A	Partial removal of liver	49.22	NA	19.10	6.45	NA	74.76	090
47130		A	Partial removal of liver	53.38	NA	20.51	6.94	NA	80.83	090
47135		R	Transplantation of liver	81.56	NA	31.02	9.93	NA	122.51	090
47136		R	Transplantation of liver	68.64	NA	26.67	8.41	NA	103.72	090
47140		A	Partial removal, donor liver	55.03	NA	22.05	5.17	NA	82.25	090
47141		A	Partial removal, donor liver	67.53	NA	26.60	5.17	NA	99.30	090
47142		A	Partial removal, donor liver	75.04	NA	29.09	5.17	NA	109.30	090
47143		C	Prep donor liver, whole	0.00	0.00	0.00	0.00	0.00	0.00	XXX
47144		C	Prep donor liver, 3-segment	0.00	0.00	0.00	0.00	0.00	0.00	090
47145		C	Prep donor liver, lobe split	0.00	0.00	0.00	0.00	0.00	0.00	090
47146		A	Prep donor liver/venous	6.01	NA	2.00	0.83	NA	8.84	XXX
47147		A	Prep donor liver/arterial	7.01	NA	2.33	0.97	NA	10.32	XXX
47300		A	Surgery for liver lesion	15.09	NA	7.14	1.98	NA	24.21	090
47350		A	Repair liver wound	19.57	NA	8.75	2.58	NA	30.90	090
47360		A	Repair liver wound	26.93	NA	11.43	3.37	NA	41.73	090
47361		A	Repair liver wound	47.14	NA	18.17	5.85	NA	71.16	090
47362		A	Repair liver wound	18.52	NA	8.58	2.50	NA	29.60	090
47370		A	Laparo ablate liver tumor rf	19.70	NA	8.04	2.55	NA	30.29	090
47371		A	Laparo ablate liver cryosurg	19.70	NA	8.03	2.60	NA	30.33	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	23.02	NA	9.22	2.86	NA	35.10	090
47381		A	Open ablate liver tumor cryo	23.29	NA	9.55	2.84	NA	35.68	090
47382		A	Percut ablate liver rf	15.20	NA	6.19	0.96	NA	22.35	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	32.50	NA	13.33	3.07	NA	48.90	090
47420		A	Incision of bile duct	19.89	NA	8.62	2.62	NA	31.13	090
47425		A	Incision of bile duct	19.84	NA	8.70	2.61	NA	31.15	090
47460		A	Incise bile duct sphincter	18.05	NA	8.55	2.20	NA	28.80	090
47480		A	Incision of gallbladder	10.82	NA	5.85	1.42	NA	18.09	090
47490		A	Incision of gallbladder	7.23	NA	5.80	0.43	NA	13.47	090
47500		A	Injection for liver x-rays	1.96	NA	0.68	0.12	NA	2.76	000
47505		A	Injection for liver x-rays	0.76	NA	0.26	0.04	NA	1.06	000
47510		A	Insert catheter, bile duct	7.84	NA	5.27	0.46	NA	13.56	090
47511		A	Insert bile duct drain	10.50	NA	5.35	0.62	NA	16.47	090
47525		A	Change bile duct catheter	5.55	15.88	2.95	0.33	21.77	8.83	010
47530		A	Revise/reinsert bile tube	5.85	34.20	3.89	0.37	40.42	10.11	090
47550		A	Bile duct endoscopy add-on	3.03	NA	1.00	0.40	NA	4.42	ZZZ
47552		A	Biliary endoscopy thru skin	6.04	NA	2.43	0.42	NA	8.89	000

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<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
47553		A	Biliary endoscopy thru skin	6.35	NA	2.17	0.37	NA	8.89	000
47554		A	Biliary endoscopy thru skin	9.07	NA	3.38	0.96	NA	13.41	000
47555		A	Biliary endoscopy thru skin	7.57	NA	2.60	0.45	NA	10.62	000
47556		A	Biliary endoscopy thru skin	8.57	NA	2.94	0.50	NA	12.01	000
47560		A	Laparoscopy w/cholangio	4.89	NA	1.63	0.65	NA	7.17	000
47561		A	Laparo w/cholangio/biopsy	5.18	NA	1.88	0.66	NA	7.72	000
47562		A	Laparoscopic cholecystectomy	11.09	NA	4.93	1.46	NA	17.48	090
47563		A	Laparo cholecystectomy/graph	11.94	NA	5.24	1.58	NA	18.76	090
47564		A	Laparo cholecystectomy/explr	14.24	NA	5.87	1.88	NA	21.99	090
47570		A	Laparo cholecystoenterostomy	12.59	NA	5.31	1.65	NA	19.55	090
47579		C	Laparoscope proc, biliary	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47600		A	Removal of gallbladder	13.59	NA	6.04	1.79	NA	21.42	090
47605		A	Removal of gallbladder	14.70	NA	6.41	1.94	NA	23.04	090
47610		A	Removal of gallbladder	18.83	NA	7.80	2.48	NA	29.11	090
47612		A	Removal of gallbladder	18.79	NA	7.76	2.47	NA	29.01	090
47620		A	Removal of gallbladder	20.65	NA	8.37	2.73	NA	31.76	090
47630		A	Remove bile duct stone	9.12	NA	5.10	0.65	NA	14.86	090
47700		A	Exploration of bile ducts	15.63	NA	7.31	2.06	NA	25.00	090
47701		A	Bile duct revision	27.83	NA	11.28	3.67	NA	42.77	090
47711		A	Excision of bile duct tumor	23.05	NA	9.75	3.04	NA	35.84	090
47712		A	Excision of bile duct tumor	30.25	NA	12.16	3.92	NA	46.33	090
47715		A	Excision of bile duct cyst	18.81	NA	8.31	2.48	NA	29.60	090
47716		A	Fusion of bile duct cyst	16.45	NA	7.69	2.14	NA	26.29	090
47720		A	Fuse gallbladder & bowel	15.92	NA	7.37	2.10	NA	25.39	090
47721		A	Fuse upper gi structures	19.13	NA	8.43	2.52	NA	30.08	090
47740		A	Fuse gallbladder & bowel	18.49	NA	8.24	2.41	NA	29.14	090
47741		A	Fuse gallbladder & bowel	21.35	NA	9.13	2.82	NA	33.31	090
47760		A	Fuse bile ducts and bowel	25.86	NA	10.66	3.41	NA	39.93	090
47765		A	Fuse liver ducts & bowel	24.89	NA	10.59	3.29	NA	38.77	090
47780		A	Fuse bile ducts and bowel	26.51	NA	11.02	3.49	NA	41.02	090
47785		A	Fuse bile ducts and bowel	31.19	NA	12.65	4.09	NA	47.93	090
47800		A	Reconstruction of bile ducts	23.32	NA	9.89	3.07	NA	36.27	090
47801		A	Placement, bile duct support	15.18	NA	8.39	1.16	NA	24.73	090
47802		A	Fuse liver duct & intestine	21.56	NA	9.49	2.85	NA	33.90	090
47900		A	Suture bile duct injury	19.91	NA	8.73	2.64	NA	31.28	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	28.09	NA	11.45	3.47	NA	43.01	090
48001		A	Placement of drain, pancreas	35.47	NA	13.61	4.68	NA	53.77	090
48005		A	Resect/debride pancreas	42.19	NA	16.29	5.54	NA	64.02	090
48020		A	Removal of pancreatic stone	15.71	NA	7.25	2.12	NA	25.09	090
48100		A	Biopsy of pancreas, open	12.23	NA	5.54	1.62	NA	19.39	090
48102		A	Needle biopsy, pancreas	4.68	8.56	2.01	0.28	13.52	6.97	010
48120		A	Removal of pancreas lesion	15.86	NA	6.81	2.09	NA	24.76	090
48140		A	Partial removal of pancreas	22.96	NA	9.40	3.02	NA	35.37	090
48145		A	Partial removal of pancreas	24.03	NA	9.69	3.17	NA	36.88	090
48146		A	Pancreatotomy	26.41	NA	11.78	3.49	NA	41.68	090
48148		A	Removal of pancreatic duct	17.34	NA	7.48	2.29	NA	27.12	090
48150		A	Partial removal of pancreas	48.03	NA	19.10	6.30	NA	73.43	090
48152		A	Pancreatotomy	43.77	NA	17.84	5.78	NA	67.39	090
48153		A	Pancreatotomy	47.92	NA	19.14	6.29	NA	73.35	090
48154		A	Pancreatotomy	44.12	NA	17.89	5.82	NA	67.83	090
48155		A	Removal of pancreas	24.65	NA	11.47	3.26	NA	39.38	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	24.73	NA	10.02	3.27	NA	38.02	090
48400		A	Injection, intraop add-on	1.95	NA	0.67	0.15	NA	2.77	ZZZ
48500		A	Surgery of pancreatic cyst	15.29	NA	7.24	2.02	NA	24.55	090
48510		A	Drain pancreatic pseudocyst	14.32	NA	7.52	1.82	NA	23.66	090
48511		A	Drain pancreatic pseudocyst	4.00	21.86	1.37	0.24	26.10	5.61	000
48520		A	Fuse pancreas cyst and bowel	15.60	NA	6.62	2.05	NA	24.27	090
48540		A	Fuse pancreas cyst and bowel	19.73	NA	7.98	2.60	NA	30.31	090
48545		A	Pancreatorrhaphy	18.19	NA	7.86	2.37	NA	28.42	090
48547		A	Duodenal exclusion	25.84	NA	10.33	3.41	NA	39.58	090
48551		C	Prep donor pancreas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
48552		A	Prep donor pancreas/venous	4.31	NA	1.44	0.31	NA	6.06	XXX
48554		R	Transpl allograft pancreas	34.19	NA	18.44	4.18	NA	56.81	090
48556		A	Removal, allograft pancreas	15.72	NA	8.08	2.07	NA	25.87	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	5.34	1.52	NA	18.54	090
49002		A	Reopening of abdomen	10.49	NA	4.98	1.37	NA	16.85	090
49010		A	Exploration behind abdomen	12.28	NA	5.89	1.51	NA	19.68	090
49020		A	Drain abdominal abscess	22.86	NA	10.37	2.84	NA	36.07	090
49021		A	Drain abdominal abscess	3.38	21.59	1.15	0.20	25.17	4.73	000
49040		A	Drain, open, abdom abscess	13.53	NA	6.52	1.69	NA	21.74	090
49041		A	Drain, percut, abdom abscess	4.00	20.71	1.37	0.24	24.95	5.60	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
49060		A	Drain, open, retroper abscess	15.87	NA	7.69	1.74	NA	25.30	090
49061		A	Drain, percut, retroper abscess	3.70	20.47	1.27	0.22	24.39	5.18	000
49062		A	Drain to peritoneal cavity	11.36	NA	5.43	1.39	NA	18.18	090
49080		A	Puncture, peritoneal cavity	1.35	3.87	0.48	0.08	5.30	1.91	000
49081		A	Removal of abdominal fluid	1.26	2.80	0.45	0.09	4.15	1.80	000
49085		A	Remove abdomen foreign body	12.14	NA	5.45	1.62	NA	19.22	090
49180		A	Biopsy, abdominal mass	1.73	3.17	0.60	0.10	5.00	2.43	000
49200		A	Removal of abdominal lesion	10.25	NA	5.04	1.24	NA	16.53	090
49201		A	Remove abdom lesion, complex	14.85	NA	6.97	1.87	NA	23.69	090
49215		A	Excise sacral spine tumor	33.52	NA	13.82	4.37	NA	51.70	090
49220		A	Multiple surgery, abdomen	14.89	NA	6.56	1.88	NA	23.33	090
49250		A	Excision of umbilicus	8.36	NA	4.23	1.08	NA	13.67	090
49255		A	Removal of omentum	11.14	NA	5.56	1.43	NA	18.13	090
49320		A	Diag laparo separate proc	5.10	NA	2.61	0.65	NA	8.36	010
49321		A	Laparoscopy, biopsy	5.40	NA	2.62	0.70	NA	8.72	010
49322		A	Laparoscopy, aspiration	5.70	NA	2.95	0.71	NA	9.36	010
49323		A	Laparo drain lymphocele	9.49	NA	4.56	1.20	NA	15.25	090
49329		C	Laparo proc, abdom/per/oment	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49400		A	Air injection into abdomen	1.88	3.03	0.64	0.15	5.06	2.67	000
49419		A	Insrt abdom cath for chemotx	6.65	NA	3.52	0.81	NA	10.99	090
49420		A	Insert abdom drain, temp	2.22	NA	1.16	0.21	NA	3.59	000
49421		A	Insert abdom drain, perm	5.54	NA	3.12	0.74	NA	9.40	090
49422		A	Remove perm cannula/catheter	6.25	NA	2.86	0.83	NA	9.94	010
49423		A	Exchange drainage catheter	1.46	14.27	0.55	0.09	15.82	2.10	000
49424		A	Assess cyst, contrast inject	0.76	3.70	0.31	0.04	4.50	1.11	000
49425		A	Insert abdomen-venous drain	11.37	NA	5.48	1.54	NA	18.40	090
49426		A	Revise abdomen-venous shunt	9.64	NA	4.71	1.28	NA	15.63	090
49427		A	Injection, abdominal shunt	0.89	NA	0.31	0.07	NA	1.27	000
49428		A	Ligation of shunt	6.06	NA	3.73	0.80	NA	10.59	010
49429		A	Removal of shunt	7.40	NA	3.35	1.02	NA	11.77	010
49491		A	Rpr hern preemie reduc	11.13	NA	5.10	1.40	NA	17.63	090
49492		A	Rpr ing hern premie, blocked	14.04	NA	6.08	1.80	NA	21.92	090
49495		A	Rpr ing hernia baby, reduc	5.89	NA	2.97	0.74	NA	9.60	090
49496		A	Rpr ing hernia baby, blocked	8.80	NA	4.26	1.07	NA	14.13	090
49500		A	Rpr ing hernia, init, reduce	5.48	NA	3.18	0.71	NA	9.37	090
49501		A	Rpr ing hernia, init blocked	8.89	NA	4.19	1.12	NA	14.20	090
49505		A	Prp i/hern init reduc >5 yr	7.61	NA	3.73	1.03	NA	12.37	090
49507		A	Prp i/hern init block >5 yr	9.58	NA	4.42	1.27	NA	15.27	090
49520		A	Rerepair ing hernia, reduce	9.64	NA	4.40	1.28	NA	15.32	090
49521		A	Rerepair ing hernia, blocked	11.97	NA	5.18	1.59	NA	18.75	090
49525		A	Repair ing hernia, sliding	8.58	NA	4.06	1.13	NA	13.77	090
49540		A	Repair lumbar hernia	10.39	NA	4.70	1.37	NA	16.47	090
49550		A	Rpr rem hernia, init, reduce	8.64	NA	4.09	1.14	NA	13.87	090
49553		A	Rpr fem hernia, init blocked	9.45	NA	4.38	1.24	NA	15.07	090
49555		A	Rerepair fem hernia, reduce	9.04	NA	4.23	1.20	NA	14.47	090
49557		A	Rerepair fem hernia, blocked	11.15	NA	4.93	1.47	NA	17.56	090
49560		A	Rpr ventral hern init, reduc	11.57	NA	5.09	1.52	NA	18.18	090
49561		A	Rpr ventral hern init, block	14.26	NA	5.98	1.88	NA	22.12	090
49565		A	Rerepair ventrl hern, reduce	11.57	NA	5.16	1.52	NA	18.25	090
49566		A	Rerepair ventrl hern, block	14.41	NA	6.05	1.90	NA	22.36	090
49568		A	Hernia repair w/mesh	4.89	NA	1.63	0.64	NA	7.16	ZZZ
49570		A	Rpr epigastric hern, reduce	5.69	NA	3.15	0.75	NA	9.59	090
49572		A	Rpr epigastric hern, blocked	6.73	NA	3.44	0.88	NA	11.06	090
49580		A	Rpr umbil hern, reduc < 5 yr	4.11	NA	2.58	0.54	NA	7.23	090
49582		A	Rpr umbil hern, block < 5 yr	6.65	NA	3.45	0.88	NA	10.99	090
49585		A	Rpr umbil hern, reduc > 5 yr	6.23	NA	3.28	0.82	NA	10.34	090
49587		A	Rpr umbil hern, block > 5 yr	7.57	NA	3.71	0.99	NA	12.27	090
49590		A	Repair spigelian hernia	8.55	NA	4.06	1.13	NA	13.73	090
49600		A	Repair umbilical lesion	10.96	NA	5.26	1.32	NA	17.54	090
49605		A	Repair umbilical lesion	76.04	NA	27.99	9.36	NA	113.39	090
49606		A	Repair umbilical lesion	18.61	NA	7.55	2.45	NA	28.60	090
49610		A	Repair umbilical lesion	10.50	NA	5.11	1.07	NA	16.68	090
49611		A	Repair umbilical lesion	8.93	NA	6.74	0.78	NA	16.45	090
49650		A	Laparo hernia repair initial	6.27	NA	3.18	0.93	NA	10.38	090
49651		A	Laparo hernia repair recur	8.25	NA	4.03	1.14	NA	13.41	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	6.21	1.62	NA	20.12	090
49904		A	Omental flap, extra-abdom	20.01	NA	14.59	2.69	NA	37.29	090
49905		A	Omental flap, intra-abdom	6.55	NA	2.26	0.75	NA	9.57	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	5.82	0.93	NA	17.74	090
50020		A	Renal abscess, open drain	14.67	NA	8.25	1.34	NA	24.26	090
50021		A	Renal abscess, percut drain	3.38	22.82	1.16	0.20	26.39	4.74	000

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
50040		A	Drainage of kidney	14.95	NA	7.61	1.03	NA	23.59	090
50045		A	Exploration of kidney	15.47	NA	7.41	1.24	NA	24.12	090
50060		A	Removal of kidney stone	19.31	NA	9.10	1.36	NA	29.76	090
50065		A	Incision of kidney	20.80	NA	6.01	1.59	NA	28.40	090
50070		A	Incision of kidney	20.33	NA	9.43	1.44	NA	31.20	090
50075		A	Removal of kidney stone	25.35	NA	11.47	1.80	NA	38.62	090
50080		A	Removal of kidney stone	14.72	NA	7.28	1.04	NA	23.04	090
50081		A	Removal of kidney stone	21.81	NA	10.27	1.54	NA	33.62	090
50100		A	Revise kidney blood vessels	16.10	NA	7.67	2.06	NA	25.83	090
50120		A	Exploration of kidney	15.92	NA	7.79	1.21	NA	24.92	090
50125		A	Explore and drain kidney	16.53	NA	7.75	1.43	NA	25.71	090
50130		A	Removal of kidney stone	17.29	NA	8.29	1.22	NA	26.81	090
50135		A	Exploration of kidney	19.19	NA	8.99	1.33	NA	29.51	090
50200		A	Biopsy of kidney	2.64	NA	1.32	0.16	NA	4.11	000
50205		A	Biopsy of kidney	11.31	NA	5.32	1.30	NA	17.93	090
50220		A	Remove kidney, open	17.15	NA	8.12	1.35	NA	26.63	090
50225		A	Removal kidney open, complex	20.24	NA	9.34	1.50	NA	31.08	090
50230		A	Removal kidney open, radical	22.08	NA	9.88	1.55	NA	33.51	090
50234		A	Removal of kidney & ureter	22.41	NA	10.18	1.59	NA	34.19	090
50236		A	Removal of kidney & ureter	24.87	NA	11.78	1.76	NA	38.41	090
50240		A	Partial removal of kidney	22.01	NA	10.38	1.55	NA	33.94	090
50280		A	Removal of kidney lesion	15.68	NA	7.62	1.19	NA	24.49	090
50290		A	Removal of kidney lesion	14.74	NA	6.95	1.41	NA	23.10	090
50320		A	Remove kidney, living donor	22.22	NA	11.43	2.35	NA	36.00	090
50323		C	Prep cadaver renal allograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
50325		C	Prep donor renal graft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
50327		A	Prep renal graft/venous	4.01	NA	1.35	0.29	NA	5.65	XXX
50328		A	Prep renal graft/arterial	3.51	NA	1.18	0.26	NA	4.95	XXX
50329		A	Prep renal graft/ureteral	3.35	NA	1.13	0.25	NA	4.73	XXX
50340		A	Removal of kidney	12.15	NA	6.71	1.65	NA	20.51	090
50360		A	Transplantation of kidney	31.54	NA	15.94	3.81	NA	51.29	090
50365		A	Transplantation of kidney	36.82	NA	18.27	4.42	NA	59.52	090
50370		A	Remove transplanted kidney	13.73	NA	7.40	1.67	NA	22.80	090
50380		A	Reimplantation of kidney	20.77	NA	12.41	2.50	NA	35.69	090
50390		A	Drainage of kidney lesion	1.96	NA	0.68	0.12	NA	2.76	000
50391		A	Instill rx agnt into mal tub	1.96	1.68	0.74	0.14	3.79	2.85	000
50392		A	Insert kidney drain	3.38	NA	1.61	0.20	NA	5.18	000
50393		A	Insert ureteral tube	4.16	NA	1.88	0.25	NA	6.29	000
50394		A	Injection for kidney x-ray	0.76	2.72	0.70	0.05	3.53	1.51	000
50395		A	Create passage to kidney	3.38	NA	1.61	0.21	NA	5.19	000
50396		A	Measure kidney pressure	2.09	NA	1.15	0.13	NA	3.38	000
50398		A	Change kidney tube	1.46	16.40	0.55	0.09	17.95	2.10	000
50400		A	Revision of kidney/ureter	19.51	NA	9.04	1.38	NA	29.93	090
50405		A	Revision of kidney/ureter	23.94	NA	10.26	1.78	NA	35.98	090
50500		A	Repair of kidney wound	19.58	NA	8.86	2.01	NA	30.45	090
50520		A	Close kidney-skin fistula	17.23	NA	8.35	1.49	NA	27.07	090
50525		A	Repair renal-abdomen fistula	22.28	NA	9.57	1.83	NA	33.68	090
50526		A	Repair renal-abdomen fistula	24.03	NA	10.40	1.96	NA	36.38	090
50540		A	Revision of horseshoe kidney	19.94	NA	8.96	1.36	NA	30.26	090
50541		A	Laparo ablate renal cyst	16.01	NA	7.41	1.13	NA	24.55	090
50542		A	Laparo ablate renal mass	20.01	NA	9.49	1.39	NA	30.89	090
50543		A	Laparo partial nephrectomy	25.51	NA	11.90	1.80	NA	39.21	090
50544		A	Laparoscopy, pyeloplasty	22.41	NA	9.75	1.58	NA	33.74	090
50545		A	Laparo radical nephrectomy	24.01	NA	10.60	1.70	NA	36.31	090
50546		A	Laparoscopic nephrectomy	20.49	NA	9.49	1.57	NA	31.55	090
50547		A	Laparo removal donor kidney	25.51	NA	11.70	2.76	NA	39.97	090
50548		A	Laparo remove w/ureter	24.41	NA	10.57	1.72	NA	36.70	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	4.47	2.34	0.40	10.48	8.35	000
50553		A	Kidney endoscopy	5.99	4.72	2.52	0.39	11.11	8.90	000
50555		A	Kidney endoscopy & biopsy	6.53	5.03	2.69	0.45	12.01	9.67	000
50557		A	Kidney endoscopy & treatment	6.62	5.04	2.73	0.47	12.13	9.82	000
50561		A	Kidney endoscopy & treatment	7.60	5.51	3.09	0.54	13.64	11.22	000
50562		A	Renal scope w/tumor resect	10.92	NA	4.95	0.73	NA	16.60	090
50570		A	Kidney endoscopy	9.55	NA	3.81	0.68	NA	14.04	000
50572		A	Kidney endoscopy	10.35	NA	4.07	0.85	NA	15.27	000
50574		A	Kidney endoscopy & biopsy	11.02	NA	4.37	0.77	NA	16.16	000
50575		A	Kidney endoscopy	13.99	NA	5.49	0.99	NA	20.46	000
50576		A	Kidney endoscopy & treatment	10.99	NA	4.34	0.78	NA	16.11	000
50580		A	Kidney endoscopy & treatment	11.86	NA	4.69	0.83	NA	17.38	000
50590		A	Fragmenting of kidney stone	9.10	13.68	4.92	0.65	23.43	14.67	090
50600		A	Exploration of ureter	15.85	NA	7.56	1.13	NA	24.54	090
50605		A	Insert ureteral support	15.47	NA	7.37	1.45	NA	24.29	090
50610		A	Removal of ureter stone	15.93	NA	7.84	1.43	NA	25.20	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
50620		A	Removal of ureter stone	15.17	NA	7.35	1.07	NA	23.59	090
50630		A	Removal of ureter stone	14.95	NA	7.26	1.09	NA	23.30	090
50650		A	Removal of ureter	17.41	NA	8.32	1.23	NA	26.97	090
50660		A	Removal of ureter	19.56	NA	9.17	1.38	NA	30.11	090
50684		A	Injection for ureter x-ray	0.76	4.95	0.55	0.05	5.76	1.37	000
50686		A	Measure ureter pressure	1.51	3.46	0.88	0.11	5.08	2.50	000
50688		A	Change of ureter tube	1.17	NA	1.12	0.07	NA	2.37	010
50690		A	Injection for ureter x-ray	1.16	1.88	0.78	0.07	3.12	2.02	000
50700		A	Revision of ureter	15.22	NA	7.83	1.27	NA	24.32	090
50715		A	Release of ureter	18.91	NA	8.92	2.13	NA	29.96	090
50722		A	Release of ureter	16.36	NA	7.93	1.90	NA	26.19	090
50725		A	Release/revise ureter	18.50	NA	8.71	1.52	NA	28.73	090
50727		A	Revise ureter	8.19	NA	4.89	0.61	NA	13.68	090
50728		A	Revise ureter	12.02	NA	6.12	1.00	NA	19.15	090
50740		A	Fusion of ureter & kidney	18.43	NA	8.33	1.96	NA	28.72	090
50750		A	Fusion of ureter & kidney	19.52	NA	9.27	1.38	NA	30.17	090
50760		A	Fusion of ureters	18.43	NA	8.59	1.55	NA	28.56	090
50770		A	Splicing of ureters	19.52	NA	9.08	1.45	NA	30.05	090
50780		A	Reimplant ureter in bladder	18.37	NA	8.59	1.51	NA	28.47	090
50782		A	Reimplant ureter in bladder	19.55	NA	9.12	1.61	NA	30.28	090
50783		A	Reimplant ureter in bladder	20.56	NA	9.37	1.98	NA	31.91	090
50785		A	Reimplant ureter in bladder	20.53	NA	9.44	1.45	NA	31.42	090
50800		A	Implant ureter in bowel	14.53	NA	7.37	1.19	NA	23.09	090
50810		A	Fusion of ureter & bowel	20.06	NA	9.22	2.31	NA	31.59	090
50815		A	Urine shunt to intestine	19.94	NA	9.51	1.54	NA	30.99	090
50820		A	Construct bowel bladder	21.90	NA	9.64	1.89	NA	33.44	090
50825		A	Construct bowel bladder	28.20	NA	12.72	2.07	NA	42.98	090
50830		A	Revise urine flow	31.29	NA	13.62	2.37	NA	47.28	090
50840		A	Replace ureter by bowel	20.01	NA	9.67	1.47	NA	31.15	090
50845		A	Appendico-vesicostomy	20.90	NA	10.32	1.57	NA	32.79	090
50860		A	Transplant ureter to skin	15.37	NA	7.50	1.29	NA	24.16	090
50900		A	Repair of ureter	13.63	NA	6.74	1.14	NA	21.51	090
50920		A	Closure ureter/skin fistula	14.34	NA	7.23	1.01	NA	22.58	090
50930		A	Closure ureter/bowel fistula	18.73	NA	8.70	1.28	NA	28.71	090
50940		A	Release of ureter	14.52	NA	7.19	1.26	NA	22.97	090
50945		A	Laparoscopy ureterolithotomy	17.00	NA	8.00	1.36	NA	26.37	090
50947		A	Laparo new ureter/bladder	24.51	NA	11.02	2.16	NA	37.69	090
50948		A	Laparo new ureter/bladder	22.51	NA	9.77	1.70	NA	33.99	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	4.63	2.43	0.41	10.88	8.68	000
50953		A	Endoscopy of ureter	6.24	4.79	2.81	0.43	11.46	9.49	000
50955		A	Ureter endoscopy & biopsy	6.75	6.34	3.09	0.48	13.58	10.32	000
50957		A	Ureter endoscopy & treatment	6.79	4.97	2.79	0.48	12.24	10.06	000
50961		A	Ureter endoscopy & treatment	6.05	4.74	2.53	0.41	11.20	8.99	000
50970		A	Ureter endoscopy	7.14	NA	2.91	0.52	NA	10.57	000
50972		A	Ureter endoscopy & catheter	6.89	NA	2.84	0.49	NA	10.23	000
50974		A	Ureter endoscopy & biopsy	9.18	NA	3.63	0.64	NA	13.45	000
50976		A	Ureter endoscopy & treatment	9.05	NA	3.62	0.66	NA	13.33	000
50980		A	Ureter endoscopy & treatment	6.85	NA	2.80	0.48	NA	10.13	000
51000		A	Drainage of bladder	0.78	1.80	0.26	0.05	2.63	1.09	000
51005		A	Drainage of bladder	1.02	4.33	0.36	0.10	5.45	1.48	000
51010		A	Drainage of bladder	3.53	5.61	2.03	0.28	9.42	5.83	010
51020		A	Incise & treat bladder	6.71	NA	4.32	0.47	NA	11.50	090
51030		A	Incise & treat bladder	6.77	NA	4.37	0.58	NA	11.72	090
51040		A	Incise & drain bladder	4.40	NA	3.13	0.31	NA	7.84	090
51045		A	Incise bladder/drain ureter	6.77	NA	4.21	0.52	NA	11.50	090
51050		A	Removal of bladder stone	6.92	NA	4.21	0.49	NA	11.62	090
51060		A	Removal of ureter stone	8.86	NA	5.16	0.62	NA	14.64	090
51065		A	Remove ureter calculus	8.86	NA	5.01	0.63	NA	14.50	090
51080		A	Drainage of bladder abscess	5.96	NA	3.93	0.43	NA	10.32	090
51500		A	Removal of bladder cyst	10.14	NA	5.26	1.03	NA	16.43	090
51520		A	Removal of bladder lesion	9.30	NA	5.29	0.69	NA	15.28	090
51525		A	Removal of bladder lesion	13.98	NA	7.05	0.99	NA	22.01	090
51530		A	Removal of bladder lesion	12.38	NA	6.32	1.05	NA	19.76	090
51535		A	Repair of ureter lesion	12.58	NA	6.54	1.23	NA	20.35	090
51550		A	Partial removal of bladder	15.67	NA	7.46	1.31	NA	24.44	090
51555		A	Partial removal of bladder	21.24	NA	9.74	1.69	NA	32.68	090
51565		A	Revise bladder & ureter(s)	21.63	NA	10.17	1.63	NA	33.44	090
51570		A	Removal of bladder	24.25	NA	11.12	1.71	NA	37.08	090
51575		A	Removal of bladder & nodes	30.46	NA	13.75	2.16	NA	46.37	090
51580		A	Remove bladder/revise tract	31.09	NA	14.21	2.24	NA	47.54	090
51585		A	Removal of bladder & nodes	35.25	NA	15.79	2.48	NA	53.52	090
51590		A	Remove bladder/revise tract	32.68	NA	14.45	2.27	NA	49.39	090
51595		A	Remove bladder/revise tract	37.15	NA	16.33	2.59	NA	56.08	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
51596		A	Remove bladder/create pouch	39.54	NA	17.59	2.77	NA	59.90	090
51597		A	Removal of pelvic structures	38.37	NA	16.73	2.81	NA	57.90	090
51600		A	Injection for bladder x-ray	0.88	5.08	0.32	0.06	6.02	1.26	000
51605		A	Preparation for bladder xray	0.64	NA	0.39	0.04	NA	1.07	000
51610		A	Injection for bladder x-ray	1.05	2.29	0.68	0.07	3.41	1.80	000
51700		A	Irrigation of bladder	0.88	1.65	0.32	0.06	2.59	1.26	000
51701		A	Insert bladder catheter	0.50	1.55	0.20	0.04	2.09	0.74	000
51702		A	Insert temp bladder cath	0.50	2.06	0.25	0.04	2.60	0.79	000
51703		A	Insert bladder cath, complex	1.47	2.77	0.67	0.10	4.35	2.24	000
51705		A	Change of bladder tube	1.02	2.31	0.69	0.07	3.41	1.79	010
51710		A	Change of bladder tube	1.49	3.37	0.92	0.11	4.97	2.53	010
51715		A	Endoscopic injection/implant	3.74	NA	1.59	0.29	NA	5.61	000
51720		A	Treatment of bladder lesion	1.96	1.86	0.81	0.14	3.97	2.92	000
51725		A	Simple cystometrogram	1.51	5.51	NA	0.16	7.19	NA	000
51725	26	A	Simple cystometrogram	1.51	0.57	0.57	0.12	2.20	2.20	000
51725	TC	A	Simple cystometrogram	0.00	4.94	NA	0.04	4.98	NA	000
51726		A	Complex cystometrogram	1.71	7.56	NA	0.18	9.45	NA	000
51726	26	A	Complex cystometrogram	1.71	0.65	0.65	0.13	2.49	2.49	000
51726	TC	A	Complex cystometrogram	0.00	6.91	NA	0.05	6.96	NA	000
51736		A	Urine flow measurement	0.61	0.66	NA	0.06	1.33	NA	000
51736	26	A	Urine flow measurement	0.61	0.23	0.23	0.05	0.89	0.89	000
51736	TC	A	Urine flow measurement	0.00	0.43	NA	0.01	0.44	NA	000
51741		A	Electro-uflowmetry, first	1.14	0.92	NA	0.11	2.17	NA	000
51741	26	A	Electro-uflowmetry, first	1.14	0.43	0.43	0.09	1.66	1.66	000
51741	TC	A	Electro-uflowmetry, first	0.00	0.49	NA	0.02	0.51	NA	000
51772		A	Urethra pressure profile	1.61	5.53	NA	0.20	7.34	NA	000
51772	26	A	Urethra pressure profile	1.61	0.61	0.61	0.15	2.37	2.37	000
51772	TC	A	Urethra pressure profile	0.00	4.91	NA	0.05	4.96	NA	000
51784		A	Anal/urinary muscle study	1.53	4.03	NA	0.16	5.73	NA	000
51784	26	A	Anal/urinary muscle study	1.53	0.57	0.57	0.12	2.23	2.23	000
51784	TC	A	Anal/urinary muscle study	0.00	3.46	NA	0.04	3.50	NA	000
51785		A	Anal/urinary muscle study	1.53	4.52	NA	0.15	6.21	NA	000
51785	26	A	Anal/urinary muscle study	1.53	0.58	0.58	0.11	2.22	2.22	000
51785	TC	A	Anal/urinary muscle study	0.00	3.95	NA	0.04	3.99	NA	000
51792		A	Urinary reflex study	1.10	5.83	NA	0.20	7.13	NA	000
51792	26	A	Urinary reflex study	1.10	0.43	0.43	0.07	1.61	1.61	000
51792	TC	A	Urinary reflex study	0.00	5.39	NA	0.13	5.52	NA	000
51795		A	Urine voiding pressure study	1.53	7.32	NA	0.22	9.08	NA	000
51795	26	A	Urine voiding pressure study	1.53	0.58	0.58	0.12	2.23	2.23	000
51795	TC	A	Urine voiding pressure study	0.00	6.75	NA	0.10	6.85	NA	000
51797		A	Intraabdominal pressure test	1.60	5.74	NA	0.17	7.51	NA	000
51797	26	A	Intraabdominal pressure test	1.60	0.61	0.61	0.12	2.33	2.33	000
51797	TC	A	Intraabdominal pressure test	0.00	5.13	NA	0.05	5.18	NA	000
51798		A	Us urine capacity measure	0.00	0.39	NA	0.08	0.47	NA	XXX
51800		A	Revision of bladder/urethra	17.42	NA	8.48	1.32	NA	27.22	090
51820		A	Revision of urinary tract	17.90	NA	8.52	1.74	NA	28.16	090
51840		A	Attach bladder/urethra	10.71	NA	5.82	1.06	NA	17.59	090
51841		A	Attach bladder/urethra	13.04	NA	6.70	1.24	NA	20.97	090
51845		A	Repair bladder neck	9.74	NA	5.32	0.79	NA	15.85	090
51860		A	Repair of bladder wound	12.02	NA	6.15	1.16	NA	19.33	090
51865		A	Repair of bladder wound	15.05	NA	7.37	1.23	NA	23.65	090
51880		A	Repair of bladder opening	7.67	NA	4.26	0.72	NA	12.64	090
51900		A	Repair bladder/vagina lesion	12.98	NA	6.71	1.21	NA	20.90	090
51920		A	Close bladder-uterus fistula	11.81	NA	6.19	1.18	NA	19.18	090
51925		A	Hysterectomy/bladder repair	15.59	NA	8.45	2.03	NA	26.08	090
51940		A	Correction of bladder defect	28.45	NA	12.82	2.14	NA	43.40	090
51960		A	Revision of bladder & bowel	23.03	NA	11.01	1.63	NA	35.67	090
51980		A	Construct bladder opening	11.36	NA	6.10	0.86	NA	18.33	090
51990		A	Laparo urethral suspension	12.50	NA	6.34	1.39	NA	20.23	090
51992		A	Laparo sling operation	14.02	NA	6.88	1.41	NA	22.30	090
52000		A	Cystoscopy	2.01	3.39	0.90	0.14	5.55	3.06	000
52001		A	Cystoscopy, removal of clots	5.45	5.34	2.21	0.39	11.18	8.06	000
52005		A	Cystoscopy & ureter catheter	2.37	5.72	1.07	0.17	8.26	3.62	000
52007		A	Cystoscopy and biopsy	3.03	16.13	1.38	0.22	19.37	4.62	000
52010		A	Cystoscopy & duct catheter	3.03	10.59	1.37	0.21	13.83	4.61	000
52204		A	Cystoscopy	2.37	14.04	1.08	0.17	16.59	3.63	000
52214		A	Cystoscopy and treatment	3.71	36.60	1.59	0.26	40.57	5.56	000
52224		A	Cystoscopy and treatment	3.15	34.94	1.38	0.22	38.31	4.74	000
52234		A	Cystoscopy and treatment	4.63	NA	1.98	0.33	NA	6.94	000
52235		A	Cystoscopy and treatment	5.45	NA	2.31	0.39	NA	8.15	000
52240		A	Cystoscopy and treatment	9.73	NA	3.93	0.69	NA	14.34	000
52250		A	Cystoscopy and radiotracer	4.50	NA	1.98	0.32	NA	6.80	000
52260		A	Cystoscopy and treatment	3.92	NA	1.70	0.28	NA	5.89	000
52265		A	Cystoscopy and treatment	2.95	12.97	1.33	0.22	16.13	4.49	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
52270		A	Cystoscopy & revise urethra	3.37	10.79	1.49	0.24	14.40	5.10	000
52275		A	Cystoscopy & revise urethra	4.70	15.22	1.99	0.33	20.24	7.02	000
52276		A	Cystoscopy and treatment	5.00	NA	2.13	0.35	NA	7.48	000
52277		A	Cystoscopy and treatment	6.17	NA	2.59	0.44	NA	9.20	000
52281		A	Cystoscopy and treatment	2.81	7.08	1.30	0.20	10.08	4.31	000
52282		A	Cystoscopy, implant stent	6.40	NA	2.66	0.45	NA	9.51	000
52283		A	Cystoscopy and treatment	3.74	4.14	1.65	0.26	8.14	5.65	000
52285		A	Cystoscopy and treatment	3.61	4.23	1.60	0.26	8.09	5.47	000
52290		A	Cystoscopy and treatment	4.59	NA	1.97	0.32	NA	6.88	000
52300		A	Cystoscopy and treatment	5.31	NA	2.27	0.38	NA	7.97	000
52301		A	Cystoscopy and treatment	5.51	NA	2.03	0.46	NA	8.00	000
52305		A	Cystoscopy and treatment	5.31	NA	2.21	0.38	NA	7.90	000
52310		A	Cystoscopy and treatment	2.82	4.79	1.23	0.20	7.81	4.25	000
52315		A	Cystoscopy and treatment	5.21	8.76	2.18	0.37	14.34	7.76	000
52317		A	Remove bladder stone	6.72	28.18	2.71	0.48	35.38	9.91	000
52318		A	Remove bladder stone	9.20	NA	3.67	0.65	NA	13.52	000
52320		A	Cystoscopy and treatment	4.70	NA	1.94	0.33	NA	6.97	000
52325		A	Cystoscopy, stone removal	6.16	NA	2.52	0.44	NA	9.12	000
52327		A	Cystoscopy, inject material	5.19	30.65	2.14	0.37	36.21	7.70	000
52330		A	Cystoscopy and treatment	5.04	37.29	2.08	0.36	42.69	7.48	000
52332		A	Cystoscopy and treatment	2.84	5.70	1.26	0.21	8.75	4.31	000
52334		A	Create passage to kidney	4.83	NA	2.05	0.35	NA	7.23	000
52341		A	Cysto w/ureter stricture tx	6.00	NA	2.62	0.43	NA	9.05	000
52342		A	Cysto w/up stricture tx	6.50	NA	2.79	0.46	NA	9.75	000
52343		A	Cysto w/renal stricture tx	7.20	NA	3.06	0.51	NA	10.77	000
52344		A	Cysto/uretero, stricture tx	7.71	NA	3.34	0.55	NA	11.59	000
52345		A	Cysto/uretero w/up stricture	8.21	NA	3.53	0.58	NA	12.31	000
52346		A	Cystouretero w/renal strict	9.24	NA	3.92	0.65	NA	13.81	000
52351		A	Cystouretero & or pyeloscope	5.86	NA	2.56	0.41	NA	8.83	000
52352		A	Cystouretero w/stone remove	6.88	NA	2.99	0.49	NA	10.37	000
52353		A	Cystouretero w/lithotripsy	7.98	NA	3.40	0.57	NA	11.95	000
52354		A	Cystouretero w/biopsy	7.34	NA	3.16	0.52	NA	11.03	000
52355		A	Cystouretero w/excise tumor	8.83	NA	3.73	0.63	NA	13.19	000
52400		A	Cystouretero w/congen repr	9.69	NA	4.48	0.68	NA	14.85	090
52402		A	Cystourethro cut ejacul duct	5.28	NA	2.02	0.40	NA	7.70	000
52450		A	Incision of prostate	7.65	NA	4.40	0.54	NA	12.58	090
52500		A	Revision of bladder neck	8.48	NA	4.70	0.60	NA	13.78	090
52510		A	Dilation prostatic urethra	6.72	NA	3.71	0.48	NA	10.91	090
52601		A	Prostatectomy (TURP)	12.37	NA	6.08	0.87	NA	19.33	090
52606		A	Control postop bleeding	8.14	NA	4.23	0.57	NA	12.93	090
52612		A	Prostatectomy, first stage	7.99	NA	4.40	0.56	NA	12.95	090
52614		A	Prostatectomy, second stage	6.84	NA	4.00	0.48	NA	11.33	090
52620		A	Remove residual prostate	6.61	NA	3.57	0.47	NA	10.65	090
52630		A	Remove prostate regrowth	7.26	NA	3.82	0.51	NA	11.59	090
52640		A	Relieve bladder contracture	6.62	NA	3.53	0.47	NA	10.63	090
52647		A	Laser surgery of prostate	10.36	70.90	5.42	0.73	81.99	16.51	090
52648		A	Laser surgery of prostate	11.21	NA	5.70	0.79	NA	17.70	090
52700		A	Drainage of prostate abscess	6.80	NA	3.78	0.48	NA	11.06	090
53000		A	Incision of urethra	2.28	NA	1.67	0.16	NA	4.11	010
53010		A	Incision of urethra	3.64	NA	3.21	0.24	NA	7.09	090
53020		A	Incision of urethra	1.77	NA	0.80	0.13	NA	2.70	000
53025		A	Incision of urethra	1.13	NA	0.63	0.08	NA	1.84	000
53040		A	Drainage of urethra abscess	6.40	NA	3.88	0.45	NA	10.73	090
53060		A	Drainage of urethra abscess	2.64	2.08	1.50	0.28	4.99	4.42	010
53080		A	Drainage of urinary leakage	6.29	NA	6.21	0.52	NA	13.02	090
53085		A	Drainage of urinary leakage	10.27	NA	7.86	0.92	NA	19.05	090
53200		A	Biopsy of urethra	2.60	1.46	1.15	0.20	4.25	3.95	000
53210		A	Removal of urethra	12.58	NA	6.55	0.89	NA	20.01	090
53215		A	Removal of urethra	15.59	NA	7.67	1.10	NA	24.36	090
53220		A	Treatment of urethra lesion	7.00	NA	4.21	0.49	NA	11.70	090
53230		A	Removal of urethra lesion	9.59	NA	5.39	0.73	NA	15.71	090
53235		A	Removal of urethra lesion	10.14	NA	5.61	0.72	NA	16.47	090
53240		A	Surgery for urethra pouch	6.45	NA	3.96	0.52	NA	10.93	090
53250		A	Removal of urethra gland	5.89	NA	3.64	0.49	NA	10.02	090
53260		A	Treatment of urethra lesion	2.99	2.27	1.63	0.25	5.51	4.87	010
53265		A	Treatment of urethra lesion	3.13	2.83	1.67	0.24	6.19	5.04	010
53270		A	Removal of urethra gland	3.10	2.30	1.69	0.30	5.70	5.09	010
53275		A	Repair of urethra defect	4.53	NA	2.55	0.32	NA	7.39	010
53400		A	Revise urethra, stage 1	12.78	NA	6.83	0.98	NA	20.58	090
53405		A	Revise urethra, stage 2	14.49	NA	7.31	1.10	NA	22.90	090
53410		A	Reconstruction of urethra	16.45	NA	8.18	1.16	NA	25.80	090
53415		A	Reconstruction of urethra	19.42	NA	8.22	1.37	NA	29.01	090
53420		A	Reconstruct urethra, stage 1	14.09	NA	6.54	0.96	NA	21.59	090
53425		A	Reconstruct urethra, stage 2	15.99	NA	7.86	1.13	NA	24.99	090

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<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
53430		A	Reconstruction of urethra	16.35	NA	7.95	1.15	NA	25.45	090
53431		A	Reconstruct urethra/bladder	19.90	NA	9.43	1.41	NA	30.74	090
53440		A	Male sling procedure	13.63	NA	6.96	0.96	NA	21.55	090
53442		A	Remove/revise male sling	11.57	NA	6.10	0.82	NA	18.50	090
53444		A	Insert tandem cuff	13.41	NA	6.75	0.94	NA	21.10	090
53445		A	Insert uro/ves nck sphincter	14.07	NA	8.00	0.99	NA	23.06	090
53446		A	Remove uro sphincter	10.23	NA	5.98	0.72	NA	16.93	090
53447		A	Remove/replace ur sphincter	13.50	NA	7.35	0.95	NA	21.80	090
53448		A	Remov/replic ur sphinctr comp	21.16	NA	10.38	1.50	NA	33.04	090
53449		A	Repair uro sphincter	9.71	NA	5.49	0.68	NA	15.88	090
53450		A	Revision of urethra	6.14	NA	3.83	0.43	NA	10.40	090
53460		A	Revision of urethra	7.12	NA	4.26	0.50	NA	11.88	090
53500		A	Urethrllys, transvag w/ scope	12.21	NA	6.83	0.90	NA	19.95	090
53502		A	Repair of urethra injury	7.64	NA	4.47	0.62	NA	12.73	090
53505		A	Repair of urethra injury	7.64	NA	4.46	0.54	NA	12.63	090
53510		A	Repair of urethra injury	10.11	NA	5.77	0.74	NA	16.62	090
53515		A	Repair of urethra injury	13.32	NA	6.71	1.05	NA	21.08	090
53520		A	Repair of urethra defect	8.69	NA	5.13	0.61	NA	14.43	090
53600		A	Dilate urethra stricture	1.21	1.21	0.50	0.09	2.51	1.81	000
53601		A	Dilate urethra stricture	0.98	1.34	0.44	0.07	2.39	1.49	000
53605		A	Dilate urethra stricture	1.28	NA	0.48	0.09	NA	1.85	000
53620		A	Dilate urethra stricture	1.62	2.05	0.71	0.11	3.78	2.44	000
53621		A	Dilate urethra stricture	1.35	2.13	0.58	0.10	3.58	2.04	000
53660		A	Dilation of urethra	0.71	1.36	0.37	0.05	2.12	1.13	000
53661		A	Dilation of urethra	0.72	1.35	0.35	0.05	2.12	1.12	000
53665		A	Dilation of urethra	0.76	NA	0.28	0.06	NA	1.10	000
53850		A	Prostatic microwave thermotx	9.46	88.85	4.72	0.67	98.98	14.85	090
53852		A	Prostatic rf thermotx	9.89	84.87	5.22	0.70	95.46	15.81	090
53853		A	Prostatic water thermother	5.24	53.22	3.35	0.37	58.83	8.96	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	2.98	1.12	0.11	4.63	2.77	010
54001		A	Slitting of prepuce	2.19	3.29	1.32	0.15	5.63	3.66	010
54015		A	Drain penis lesion	5.32	NA	2.90	0.38	NA	8.60	010
54050		A	Destruction, penis lesion(s)	1.24	1.81	1.15	0.08	3.13	2.48	010
54055		A	Destruction, penis lesion(s)	1.22	1.72	0.92	0.08	3.02	2.22	010
54056		A	Cryosurgery, penis lesion(s)	1.24	1.88	1.23	0.06	3.18	2.53	010
54057		A	Laser surg, penis lesion(s)	1.24	2.38	1.00	0.09	3.71	2.33	010
54060		A	Excision of penis lesion(s)	1.93	3.23	1.25	0.13	5.29	3.32	010
54065		A	Destruction, penis lesion(s)	2.42	2.90	1.43	0.13	5.45	3.99	010
54100		A	Biopsy of penis	1.90	3.02	0.99	0.10	5.02	2.99	000
54105		A	Biopsy of penis	3.50	4.45	2.18	0.25	8.20	5.93	010
54110		A	Treatment of penis lesion	10.13	NA	5.51	0.72	NA	16.36	090
54111		A	Treat penis lesion, graft	13.58	NA	6.75	0.96	NA	21.29	090
54112		A	Treat penis lesion, graft	15.87	NA	7.86	1.11	NA	24.84	090
54115		A	Treatment of penis lesion	6.15	4.90	3.98	0.43	11.48	10.56	090
54120		A	Partial removal of penis	9.98	NA	5.45	0.68	NA	16.11	090
54125		A	Removal of penis	13.54	NA	6.79	0.95	NA	21.28	090
54130		A	Remove penis & nodes	20.15	NA	9.51	1.52	NA	31.18	090
54135		A	Remove penis & nodes	26.37	NA	11.79	1.87	NA	40.03	090
54150		A	Circumcision	1.81	4.16	0.70	0.16	6.13	2.67	XXX
54152		A	Circumcision	2.31	NA	1.36	0.19	NA	3.86	010
54160		A	Circumcision	2.48	4.20	1.25	0.19	6.88	3.92	010
54161		A	Circumcision	3.28	NA	1.83	0.23	NA	5.34	010
54162		A	Lysis penil circumc lesion	3.01	4.74	1.72	0.21	7.96	4.94	010
54163		A	Repair of circumcision	3.01	NA	2.30	0.21	NA	5.52	010
54164		A	Frenulotomy of penis	2.51	NA	2.10	0.18	NA	4.78	010
54200		A	Treatment of penis lesion	1.06	1.90	1.02	0.08	3.04	2.16	010
54205		A	Treatment of penis lesion	7.94	NA	5.26	0.56	NA	13.76	090
54220		A	Treatment of penis lesion	2.42	3.90	1.14	0.17	6.49	3.73	000
54230		A	Prepare penis study	1.34	1.21	0.75	0.09	2.65	2.18	000
54231		A	Dynamic cavernosometry	2.04	1.48	1.02	0.16	3.68	3.23	000
54235		A	Penile injection	1.19	1.09	0.70	0.08	2.36	1.97	000
54240		A	Penis study	1.31	1.12	NA	0.17	2.60	NA	000
54240	26	A	Penis study	1.31	0.47	0.47	0.11	1.90	1.90	000
54240	TC	A	Penis study	0.00	0.64	NA	0.06	0.70	NA	000
54250		A	Penis study	2.22	0.98	NA	0.02	3.23	NA	000
54250	26	A	Penis study	2.22	0.82	0.82	0.16	3.20	3.20	000
54250	TC	A	Penis study	0.00	0.17	NA	0.02	0.19	NA	000
54300		A	Revision of penis	10.41	NA	6.23	0.76	NA	17.40	090
54304		A	Revision of penis	12.49	NA	7.09	0.88	NA	20.47	090
54308		A	Reconstruction of urethra	11.83	NA	6.69	0.84	NA	19.36	090
54312		A	Reconstruction of urethra	13.58	NA	7.82	1.24	NA	22.63	090
54316		A	Reconstruction of urethra	16.82	NA	8.81	1.21	NA	26.84	090
54318		A	Reconstruction of urethra	11.25	NA	6.34	1.39	NA	18.98	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
54322		A	Reconstruction of urethra	13.02	NA	7.28	0.92	NA	21.22	090
54324		A	Reconstruction of urethra	16.32	NA	8.87	1.14	NA	26.34	090
54326		A	Reconstruction of urethra	15.73	NA	8.66	1.11	NA	25.51	090
54328		A	Revise penis/urethra	15.66	NA	8.24	0.98	NA	24.88	090
54332		A	Revise penis/urethra	17.08	NA	8.69	1.21	NA	26.98	090
54336		A	Revise penis/urethra	20.05	NA	11.00	2.20	NA	33.25	090
54340		A	Secondary urethral surgery	8.92	NA	5.40	0.63	NA	14.95	090
54344		A	Secondary urethral surgery	15.95	NA	8.70	1.54	NA	26.19	090
54348		A	Secondary urethral surgery	17.15	NA	9.18	1.23	NA	27.57	090
54352		A	Reconstruct urethra/penis	24.75	NA	12.36	2.24	NA	39.35	090
54360		A	Penis plastic surgery	11.93	NA	6.83	0.84	NA	19.60	090
54380		A	Repair penis	13.19	NA	7.19	0.93	NA	21.31	090
54385		A	Repair penis	15.40	NA	9.36	0.86	NA	25.62	090
54390		A	Repair penis and bladder	21.62	NA	10.88	1.54	NA	34.04	090
54400		A	Insert semi-rigid prosthesis	9.00	NA	5.00	0.64	NA	14.64	090
54401		A	Insert self-contd prosthesis	10.28	NA	6.69	0.73	NA	17.70	090
54405		A	Insert multi-comp penis pros	13.44	NA	6.85	0.95	NA	21.24	090
54406		A	Remove multi-comp penis pros	12.10	NA	6.33	0.86	NA	19.30	090
54408		A	Repair multi-comp penis pros	12.76	NA	6.73	0.90	NA	20.39	090
54410		A	Remove/replace penis prosth	15.51	NA	7.78	1.10	NA	24.39	090
54411		A	Remov/replc penis pros, comp	16.01	NA	8.24	1.13	NA	25.38	090
54415		A	Remove self-contd penis pros	8.21	NA	4.88	0.58	NA	13.66	090
54416		A	Remv/repl penis contain pros	10.87	NA	6.30	0.77	NA	17.94	090
54417		A	Remv/replc penis pros, compl	14.20	NA	7.28	1.00	NA	22.48	090
54420		A	Revision of penis	11.42	NA	6.21	0.81	NA	18.45	090
54430		A	Revision of penis	10.15	NA	5.85	0.72	NA	16.72	090
54435		A	Revision of penis	6.12	NA	4.09	0.43	NA	10.64	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	0.99	0.50	0.08	2.20	1.70	000
54500		A	Biopsy of testis	1.31	NA	0.65	0.10	NA	2.06	000
54505		A	Biopsy of testis	3.46	NA	2.15	0.27	NA	5.88	010
54512		A	Excise lesion testis	8.59	NA	4.70	0.67	NA	13.96	090
54520		A	Removal of testis	5.23	NA	3.16	0.50	NA	8.89	090
54522		A	Orchiectomy, partial	9.51	NA	5.36	0.89	NA	15.76	090
54530		A	Removal of testis	8.59	NA	4.87	0.66	NA	14.11	090
54535		A	Extensive testis surgery	12.16	NA	6.19	0.95	NA	19.30	090
54550		A	Exploration for testis	7.79	NA	4.31	0.59	NA	12.68	090
54560		A	Exploration for testis	11.13	NA	5.74	0.90	NA	17.77	090
54600		A	Reduce testis torsion	7.01	NA	4.05	0.51	NA	11.57	090
54620		A	Suspension of testis	4.90	NA	2.78	0.37	NA	8.05	010
54640		A	Suspension of testis	6.90	NA	4.20	0.62	NA	11.72	090
54650		A	Orchiopexy (Fowler-Stephens)	11.45	NA	6.03	1.16	NA	18.64	090
54660		A	Revision of testis	5.11	NA	3.39	0.44	NA	8.94	090
54670		A	Repair testis injury	6.41	NA	3.95	0.47	NA	10.83	090
54680		A	Relocation of testis(es)	12.66	NA	6.67	1.16	NA	20.48	090
54690		A	Laparoscopy, orchiectomy	10.96	NA	5.61	1.02	NA	17.59	090
54692		A	Laparoscopy, orchiopexy	12.89	NA	6.14	1.30	NA	20.33	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	NA	2.13	0.28	NA	5.84	010
54800		A	Biopsy of epididymis	2.33	NA	1.03	0.23	NA	3.60	000
54820		A	Exploration of epididymis	5.14	NA	3.32	0.40	NA	8.86	090
54830		A	Remove epididymis lesion	5.38	NA	3.45	0.41	NA	9.25	090
54840		A	Remove epididymis lesion	5.20	NA	3.19	0.37	NA	8.76	090
54860		A	Removal of epididymis	6.32	NA	3.85	0.45	NA	10.62	090
54861		A	Removal of epididymis	8.91	NA	5.03	0.63	NA	14.57	090
54900		A	Fusion of spermatic ducts	13.21	NA	6.74	0.93	NA	20.87	090
54901		A	Fusion of spermatic ducts	17.95	NA	8.13	1.82	NA	27.89	090
55000		A	Drainage of hydrocele	1.43	2.08	0.74	0.11	3.63	2.28	000
55040		A	Removal of hydrocele	5.36	NA	3.26	0.43	NA	9.05	090
55041		A	Removal of hydroceles	7.75	NA	4.52	0.60	NA	12.86	090
55060		A	Repair of hydrocele	5.52	NA	3.45	0.46	NA	9.43	090
55100		A	Drainage of scrotum abscess	2.13	3.74	1.72	0.17	6.04	4.02	010
55110		A	Explore scrotum	5.70	NA	3.58	0.43	NA	9.71	090
55120		A	Removal of scrotum lesion	5.09	NA	3.35	0.39	NA	8.83	090
55150		A	Removal of scrotum	7.22	NA	4.36	0.56	NA	12.15	090
55175		A	Revision of scrotum	5.24	NA	3.45	0.37	NA	9.06	090
55180		A	Revision of scrotum	10.72	NA	6.05	0.90	NA	17.67	090
55200		A	Incision of sperm duct	4.24	NA	2.67	0.33	16.69	7.23	090
55250		A	Removal of sperm duct(s)	3.30	11.22	2.51	0.25	14.77	6.05	090
55300		A	Prepare, sperm duct x-ray	3.51	NA	1.53	0.25	NA	5.28	000
55400		A	Repair of sperm duct	8.50	NA	4.68	0.64	NA	13.81	090
55450		A	Ligation of sperm duct	4.12	7.06	2.20	0.29	11.47	6.61	010
55500		A	Removal of hydrocele	5.59	NA	3.35	0.55	NA	9.49	090
55520		A	Removal of sperm cord lesion	6.03	NA	3.31	0.75	NA	10.09	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
55530		A	Revise spermatic cord veins	5.66	NA	3.41	0.45	NA	9.52	090
55535		A	Revise spermatic cord veins	6.56	NA	3.89	0.47	NA	10.92	090
55540		A	Revise hernia & sperm veins	7.68	NA	3.86	0.94	NA	12.47	090
55550		A	Laparo ligate spermatic vein	6.57	NA	3.59	0.57	NA	10.74	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	3.89	0.62	NA	10.89	090
55605		A	Incise sperm duct pouch	7.97	NA	4.86	0.64	NA	13.46	090
55650		A	Remove sperm duct pouch	11.80	NA	6.12	0.92	NA	18.84	090
55680		A	Remove sperm pouch lesion	5.19	NA	3.39	0.47	NA	9.05	090
55700		A	Biopsy of prostate	1.57	4.22	0.76	0.11	5.90	2.45	000
55705		A	Biopsy of prostate	4.57	NA	2.60	0.32	NA	7.49	010
55720		A	Drainage of prostate abscess	7.65	NA	4.35	0.95	NA	12.94	090
55725		A	Drainage of prostate abscess	8.69	NA	5.02	0.70	NA	14.40	090
55801		A	Removal of prostate	17.81	NA	8.72	1.34	NA	27.86	090
55810		A	Extensive prostate surgery	22.60	NA	10.31	1.60	NA	34.51	090
55812		A	Extensive prostate surgery	27.52	NA	12.47	2.04	NA	42.03	090
55815		A	Extensive prostate surgery	30.47	NA	13.65	2.16	NA	46.28	090
55821		A	Removal of prostate	14.26	NA	7.15	1.01	NA	22.42	090
55831		A	Removal of prostate	15.63	NA	7.67	1.10	NA	24.40	090
55840		A	Extensive prostate surgery	22.71	NA	10.68	1.61	NA	35.00	090
55842		A	Extensive prostate surgery	24.39	NA	11.28	1.72	NA	37.39	090
55845		A	Extensive prostate surgery	28.57	NA	12.67	2.02	NA	43.25	090
55859		A	Percut/needle insert, pros	12.53	NA	6.72	0.89	NA	20.13	090
55860		A	Surgical exposure, prostate	14.46	NA	7.23	1.02	NA	22.71	090
55862		A	Extensive prostate surgery	18.40	NA	8.62	1.49	NA	28.51	090
55865		A	Extensive prostate surgery	22.89	NA	10.64	1.63	NA	35.16	090
55866		A	Laparo radical prostatectomy	30.75	NA	13.70	2.16	NA	46.62	090
55870		A	Electroejaculation	2.59	1.83	1.25	0.16	4.57	3.99	000
55873		A	Cryoablate prostate	19.48	NA	10.16	1.38	NA	31.02	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	1.31	1.14	0.17	2.92	2.75	010
56420		A	Drainage of gland abscess	1.39	2.14	0.98	0.16	3.69	2.53	010
56440		A	Surgery for vulva lesion	2.85	NA	1.70	0.34	NA	4.88	010
56441		A	Lysis of labial lesion(s)	1.97	1.82	1.48	0.20	4.00	3.65	010
56501		A	Destroy, vulva lesions, sim	1.53	1.76	1.24	0.18	3.48	2.95	010
56515		A	Destroy vulva lesion/s compl	2.77	2.55	1.79	0.33	5.64	4.89	010
56605		A	Biopsy of vulva/perineum	1.10	1.05	0.45	0.13	2.28	1.68	000
56606		A	Biopsy of vulva/perineum	0.55	0.47	0.22	0.07	1.09	0.84	ZZZ
56620		A	Partial removal of vulva	7.47	NA	4.72	0.90	NA	13.09	090
56625		A	Complete removal of vulva	8.41	NA	5.22	1.02	NA	14.64	090
56630		A	Extensive vulva surgery	12.36	NA	6.69	1.49	NA	20.55	090
56631		A	Extensive vulva surgery	16.21	NA	8.62	1.95	NA	26.78	090
56632		A	Extensive vulva surgery	20.30	NA	9.30	2.38	NA	31.98	090
56633		A	Extensive vulva surgery	16.48	NA	8.40	1.97	NA	26.86	090
56634		A	Extensive vulva surgery	17.89	NA	9.22	2.16	NA	29.26	090
56637		A	Extensive vulva surgery	21.98	NA	10.81	2.60	NA	35.39	090
56640		A	Extensive vulva surgery	22.18	NA	10.38	2.88	NA	35.44	090
56700		A	Partial removal of hymen	2.53	NA	1.84	0.30	NA	4.67	010
56720		A	Incision of hymen	0.68	NA	0.51	0.08	NA	1.27	000
56740		A	Remove vagina gland lesion	4.57	NA	2.53	0.56	NA	7.66	010
56800		A	Repair of vagina	3.89	NA	2.21	0.44	NA	6.54	010
56805		A	Repair clitoris	18.87	NA	9.45	2.14	NA	30.46	090
56810		A	Repair of perineum	4.13	NA	2.27	0.49	NA	6.89	010
56820		A	Exam of vulva w/scope	1.50	1.30	0.66	0.18	2.98	2.34	000
56821		A	Exam/biopsy of vulva w/scope	2.05	1.72	0.89	0.25	4.03	3.20	000
57000		A	Exploration of vagina	2.98	NA	1.78	0.31	NA	5.06	010
57010		A	Drainage of pelvic abscess	6.03	NA	3.81	0.71	NA	10.55	090
57020		A	Drainage of pelvic fluid	1.50	0.92	0.58	0.18	2.60	2.26	000
57022		A	I & d vaginal hematoma, pp	2.57	NA	1.49	0.26	NA	4.32	010
57023		A	I & d vag hematoma, non-ob	4.75	NA	2.57	0.58	NA	7.90	010
57061		A	Destroy vag lesions, simple	1.25	1.63	1.13	0.15	3.03	2.53	010
57065		A	Destroy vag lesions, complex	2.62	2.26	1.66	0.31	5.19	4.58	010
57100		A	Biopsy of vagina	1.20	1.06	0.48	0.14	2.40	1.82	000
57105		A	Biopsy of vagina	1.69	1.76	1.42	0.20	3.65	3.31	010
57106		A	Remove vagina wall, partial	6.36	NA	4.16	0.73	NA	11.25	090
57107		A	Remove vagina tissue, part	23.02	NA	10.42	2.71	NA	36.14	090
57109		A	Vaginectomy partial w/nodes	27.01	NA	12.16	3.21	NA	42.39	090
57110		A	Remove vagina wall, complete	14.30	NA	7.17	1.73	NA	23.20	090
57111		A	Remove vagina tissue, compl	27.01	NA	12.41	3.17	NA	42.60	090
57112		A	Vaginectomy w/nodes, compl	29.02	NA	12.99	3.07	NA	45.08	090
57120		A	Closure of vagina	7.41	NA	4.55	0.89	NA	12.85	090
57130		A	Remove vagina lesion	2.43	2.13	1.55	0.29	4.86	4.27	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
57135		A	Remove vagina lesion	2.68	2.23	1.66	0.31	5.21	4.64	010
57150		A	Treat vagina infection	0.55	1.01	0.21	0.07	1.64	0.83	000
57155		A	Insert uteri tandems/ovoids	.27	NA	4.44	0.43	NA	11.15	090
57160		A	Insert pessary/other device	0.89	1.01	0.34	0.10	2.01	1.33	000
57170		A	Fitting of diaphragm/cap	0.91	1.33	0.32	0.11	2.35	1.34	000
57180		A	Treat vaginal bleeding	1.58	2.08	1.21	0.19	3.85	2.99	010
57200		A	Repair of vagina	3.94	NA	2.90	0.46	NA	7.30	090
57210		A	Repair vagina/perineum	5.17	NA	3.41	0.62	NA	9.20	090
57220		A	Revision of urethra	4.31	NA	3.10	0.51	NA	7.92	090
57230		A	Repair of urethral lesion	5.64	NA	3.54	0.54	NA	9.72	090
57240		A	Repair bladder & vagina	6.07	NA	3.93	0.62	NA	10.62	090
57250		A	Repair rectum & vagina	5.53	NA	3.55	0.65	NA	9.74	090
57260		A	Repair of vagina	8.28	NA	4.79	0.97	NA	14.04	090
57265		A	Extensive repair of vagina	11.34	NA	5.98	1.32	NA	18.64	090
57267		A	Insert mesh/pelvic flr addon	4.89	NA	1.93	0.64	NA	7.46	ZZZ
57268		A	Repair of bowel bulge	6.76	NA	4.19	0.79	NA	11.74	090
57270		A	Repair of bowel pouch	12.11	NA	6.22	1.42	NA	19.75	090
57280		A	Suspension of vagina	15.05	NA	7.37	1.67	NA	24.09	090
57282		A	Colpopexy, extraperitoneal	6.87	NA	4.49	1.02	NA	12.38	090
57283		A	Colpopexy, intraperitoneal	10.86	NA	5.90	1.02	NA	17.78	090
57284		A	Repair paravaginal defect	12.71	NA	7.20	1.41	NA	21.32	090
57287		A	Revise/remove sling repair	10.71	NA	6.02	0.90	NA	17.63	090
57288		A	Repair bladder defect	13.03	NA	6.58	1.12	NA	20.73	090
57289		A	Repair bladder & vagina	11.58	NA	6.31	1.21	NA	19.10	090
57291		A	Construction of vagina	7.96	NA	4.96	0.93	NA	13.85	090
57292		A	Construct vagina with graft	13.10	NA	6.94	1.58	NA	21.61	090
57300		A	Repair rectum-vagina fistula	7.62	NA	4.27	0.87	NA	12.76	090
57305		A	Repair rectum-vagina fistula	13.78	NA	6.22	1.72	NA	21.72	090
57307		A	Fistula repair & colostomy	15.94	NA	6.93	2.01	NA	24.88	090
57308		A	Fistula repair, transperine	9.95	NA	5.08	1.14	NA	16.17	090
57310		A	Repair urethrovaginal lesion	6.78	NA	4.24	0.54	NA	11.56	090
57311		A	Repair urethrovaginal lesion	7.99	NA	4.58	0.65	NA	13.22	090
57320		A	Repair bladder-vagina lesion	8.02	NA	4.75	0.69	NA	13.46	090
57330		A	Repair bladder-vagina lesion	12.35	NA	6.33	1.06	NA	19.74	090
57335		A	Repair vagina	18.74	NA	9.27	1.91	NA	29.92	090
57400		A	Dilation of vagina	2.27	NA	1.12	0.26	NA	3.65	000
57410		A	Pelvic examination	1.75	NA	0.92	0.18	NA	2.86	000
57415		A	Remove vaginal foreign body	2.17	NA	1.46	0.24	NA	3.88	010
57420		A	Exam of vagina w/scope	1.60	1.34	0.69	0.19	3.13	2.48	000
57421		A	Exam/biopsy of vag w/scope	2.20	1.81	0.94	0.27	4.28	3.42	000
57425		A	Laparoscopy, surg, colpopexy	15.76	NA	6.86	1.75	NA	24.37	090
57452		A	Exam of cervix w/scope	1.50	1.27	0.80	0.18	2.95	2.49	000
57454		A	Bx/curett of cervix w/scope	2.33	1.61	1.13	0.28	4.23	3.75	000
57455		A	Biopsy of cervix w/scope	1.99	1.69	0.85	0.24	3.93	3.09	000
57456		A	Endocerv curettage w/scope	1.85	1.63	0.81	0.22	3.70	2.88	000
57460		A	Bx of cervix w/scope, leep	2.84	5.57	1.36	0.34	8.75	4.53	000
57461		A	Conz of cervix w/scope, leep	3.44	5.84	1.44	0.41	9.69	5.29	000
57500		A	Biopsy of cervix	0.97	2.43	0.63	0.12	3.52	1.72	000
57505		A	Endocervical curettage	1.14	1.44	1.09	0.14	2.72	2.38	010
57510		A	Cauterization of cervix	1.90	1.53	1.03	0.23	3.66	3.17	010
57511		A	Cryocautery of cervix	1.90	1.79	1.36	0.23	3.92	3.49	010
57513		A	Laser surgery of cervix	1.90	1.70	1.39	0.23	3.83	3.52	010
57520		A	Conization of cervix	4.04	3.85	2.83	0.49	8.38	7.36	090
57522		A	Conization of cervix	3.36	3.09	2.42	0.41	6.85	6.19	090
57530		A	Removal of cervix	4.79	NA	3.34	0.58	NA	8.71	090
57531		A	Removal of cervix, radical	28.02	NA	13.03	3.34	NA	44.39	090
57540		A	Removal of residual cervix	12.22	NA	6.16	1.49	NA	19.88	090
57545		A	Remove cervix/repair pelvis	13.04	NA	6.60	1.52	NA	21.15	090
57550		A	Removal of residual cervix	5.53	NA	3.79	0.67	NA	9.99	090
57555		A	Remove cervix/repair vagina	8.96	NA	5.03	1.09	NA	15.08	090
57556		A	Remove cervix, repair bowel	8.38	NA	4.85	0.92	NA	14.15	090
57700		A	Revision of cervix	3.55	NA	3.14	0.41	NA	7.10	090
57720		A	Revision of cervix	4.13	NA	3.09	0.49	NA	7.71	090
57800		A	Dilation of cervical canal	0.77	0.75	0.47	0.09	1.62	1.33	000
57820		A	D & c of residual cervix	1.67	1.46	1.13	0.20	3.33	3.00	010
58100		A	Biopsy of uterus lining	1.53	1.30	0.71	0.18	3.01	2.42	000
58120		A	Dilation and curettage	3.28	2.27	1.85	0.39	5.94	5.51	010
58140		A	Myomectomy abdom method	14.61	NA	6.99	1.81	NA	23.41	090
58145		A	Myomectomy vag method	8.05	NA	4.74	0.97	NA	13.75	090
58146		A	Myomectomy abdom complex	19.01	NA	8.83	2.32	NA	30.16	090
58150		A	Total hysterectomy	15.25	NA	7.36	1.84	NA	24.45	090
58152		A	Total hysterectomy	20.61	NA	9.68	2.47	NA	32.76	090
58180		A	Partial hysterectomy	15.30	NA	7.32	1.64	NA	24.27	090
58200		A	Extensive hysterectomy	21.60	NA	9.79	2.54	NA	33.93	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
58210		A	Extensive hysterectomy	28.87	NA	12.91	3.37	NA	45.14	090
58240		A	Removal of pelvis contents	38.41	NA	17.43	4.22	NA	60.06	090
58260		A	Vaginal hysterectomy	12.99	NA	6.61	1.57	NA	21.16	090
58262		A	Vag hyst including t/o	14.78	NA	7.28	1.79	NA	23.85	090
58263		A	Vag hyst w/t/o & vag repair	16.07	NA	7.77	1.94	NA	25.78	090
58267		A	Vag hyst w/urinary repair	17.04	NA	8.25	2.06	NA	27.35	090
58270		A	Vag hyst w/enterocele repair	14.27	NA	6.96	1.73	NA	22.96	090
58275		A	Hysterectomy/revise vagina	15.77	NA	7.66	1.91	NA	25.34	090
58280		A	Hysterectomy/revise vagina	17.01	NA	8.15	2.06	NA	27.23	090
58285		A	Extensive hysterectomy	22.27	NA	9.74	2.70	NA	34.72	090
58290		A	Vag hyst complex	19.01	NA	8.96	2.29	NA	30.26	090
58291		A	Vag hyst incl t/o, complex	20.80	NA	9.69	2.52	NA	33.01	090
58292		A	Vag hyst t/o & repair, compl	22.09	NA	10.16	2.67	NA	34.93	090
58293		A	Vag hyst w/uro repair, compl	23.08	NA	10.44	2.78	NA	36.29	090
58294		A	Vag hyst w/enterocele, compl	20.29	NA	9.37	2.39	NA	32.05	090
58300		N	Insert intrauterine device	1.01	1.33	0.38	0.12	2.46	1.51	XXX
58301		A	Remove intrauterine device	1.27	1.28	0.47	0.15	2.70	1.89	000
58321		A	Artificial insemination	0.92	1.12	0.36	0.10	2.14	1.38	000
58322		A	Artificial insemination	1.10	1.18	0.41	0.13	2.41	1.64	000
58323		A	Sperm washing	0.23	0.47	0.09	0.03	0.73	0.35	000
58340		A	Catheter for hystero-graphy	0.88	3.02	0.68	0.09	3.99	1.65	000
58345		A	Reopen fallopian tube	4.66	NA	2.48	0.41	NA	7.55	010
58346		A	Insert heyman uteri capsule	6.75	NA	3.93	0.56	NA	11.24	090
58350		A	Reopen fallopian tube	1.01	1.50	0.92	0.12	2.64	2.05	010
58353		A	Endometr ablate, thermal	3.56	33.29	2.02	0.43	37.28	6.01	010
58356		A	Endometrial cryoablation	6.37	6.85	2.59	0.82	14.05	9.78	010
58400		A	Suspension of uterus	6.36	NA	3.91	0.75	NA	11.03	090
58410		A	Suspension of uterus	12.74	NA	6.33	1.45	NA	20.51	090
58520		A	Repair of ruptured uterus	11.92	NA	5.92	1.47	NA	19.31	090
58540		A	Revision of uterus	14.65	NA	6.85	1.78	NA	23.28	090
58545		A	Laparoscopic myomectomy	14.61	NA	7.06	1.77	NA	23.44	090
58546		A	Laparo-myomectomy, complex	19.01	NA	8.75	2.30	NA	30.06	090
58550		A	Laparo-asst vag hysterectomy	14.20	NA	7.18	1.72	NA	23.10	090
58552		A	Laparo-vag hyst incl t/o	16.01	NA	7.88	1.72	NA	25.62	090
58553		A	Laparo-vag hyst, complex	19.01	NA	8.78	2.30	NA	30.09	090
58554		A	Laparo-vag hyst w/t/o, compl	22.01	NA	10.24	2.27	NA	34.52	090
58555		A	Hysteroscopy, dx, sep proc	3.34	2.16	1.52	0.40	5.90	5.26	000
58558		A	Hysteroscopy, biopsy	4.75	NA	2.13	0.57	NA	7.45	000
58559		A	Hysteroscopy, lysis	6.17	NA	2.68	0.74	NA	9.60	000
58560		A	Hysteroscopy, resect septum	7.00	NA	3.02	0.84	NA	10.86	000
58561		A	Hysteroscopy, remove myoma	10.01	NA	4.19	1.21	NA	15.41	000
58562		A	Hysteroscopy, remove fb	5.21	NA	2.30	0.63	NA	8.14	000
58563		A	Hysteroscopy, ablation	6.17	52.70	2.70	0.74	59.62	9.61	000
58565		A	Hysteroscopy, sterilization	7.03	46.78	3.88	1.19	55.01	12.11	090
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	5.60	NA	3.29	0.66	NA	9.55	090
58605		A	Division of fallopian tube	5.00	NA	3.06	0.59	NA	8.65	090
58611		A	Ligate oviduct(s) add-on	1.45	NA	0.56	0.18	NA	2.19	ZZZ
58615		A	Occlude fallopian tube(s)	3.90	NA	2.62	0.47	NA	6.98	010
58660		A	Laparoscopy, lysis	11.29	NA	5.17	1.40	NA	17.87	090
58661		A	Laparoscopy, remove adnexa	11.05	NA	5.02	1.34	NA	17.41	010
58662		A	Laparoscopy, excise lesions	11.79	NA	5.68	1.43	NA	18.90	090
58670		A	Laparoscopy, tubal cautery	5.60	NA	3.23	0.67	NA	9.50	090
58671		A	Laparoscopy, tubal block	5.60	NA	3.23	0.68	NA	9.51	090
58672		A	Laparoscopy, fimbrioplasty	12.89	NA	6.06	1.60	NA	20.55	090
58673		A	Laparoscopy, salpingostomy	13.75	NA	6.45	1.69	NA	21.88	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	5.91	1.51	NA	19.48	090
58720		A	Removal of ovary/tube(s)	11.36	NA	5.69	1.39	NA	18.44	090
58740		A	Revise fallopian tube(s)	14.01	NA	7.03	1.71	NA	22.74	090
58750		A	Repair oviduct	14.85	NA	7.22	1.84	NA	23.91	090
58752		A	Revise ovarian tube(s)	14.85	NA	6.79	1.80	NA	23.44	090
58760		A	Remove tubal obstruction	13.14	NA	6.62	1.79	NA	21.54	090
58770		A	Create new tubal opening	13.98	NA	6.78	1.73	NA	22.49	090
58800		A	Drainage of ovarian cyst(s)	4.14	3.56	2.93	0.43	8.13	7.50	090
58805		A	Drainage of ovarian cyst(s)	5.88	NA	3.49	0.69	NA	10.06	090
58820		A	Drain ovary abscess, open	4.22	NA	3.35	0.52	NA	8.09	090
58822		A	Drain ovary abscess, percut	10.13	NA	5.19	1.16	NA	16.48	090
58823		A	Drain pelvic abscess, percut	3.38	21.63	1.16	0.24	25.24	4.77	000
58825		A	Transposition, ovary(s)	10.98	NA	5.69	1.32	NA	17.99	090
58900		A	Biopsy of ovary(s)	5.99	NA	3.57	0.69	NA	10.25	090
58920		A	Partial removal of ovary(s)	11.36	NA	5.49	1.43	NA	18.28	090
58925		A	Removal of ovarian cyst(s)	11.36	NA	5.62	1.41	NA	18.39	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
58940		A	Removal of ovary(s)	7.29	NA	4.08	0.91	NA	12.29	090
58943		A	Removal of ovary(s)	18.44	NA	8.48	2.22	NA	29.13	090
58950		A	Resect ovarian malignancy	16.93	NA	8.24	2.04	NA	27.22	090
58951		A	Resect ovarian malignancy	22.39	NA	10.22	2.63	NA	35.24	090
58952		A	Resect ovarian malignancy	25.02	NA	11.50	3.02	NA	39.54	090
58953		A	Tah, rad dissect for debulk	32.01	NA	14.24	3.83	NA	50.08	090
58954		A	Tah rad debulk/lymph remove	35.02	NA	15.44	4.17	NA	54.63	090
58956		A	Bso, omentectomy w/tah	20.82	NA	10.08	4.00	NA	34.90	090
58960		A	Exploration of abdomen	14.66	NA	7.21	1.79	NA	23.66	090
58970		A	Retrieval of oocyte	3.53	2.27	1.46	0.43	6.23	5.42	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	2.63	1.79	0.47	6.93	6.09	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	2.01	0.66	0.31	3.63	2.27	000
59001		A	Amniocentesis, therapeutic	3.01	NA	1.39	0.71	NA	5.10	000
59012		A	Fetal cord puncture, prenatal	3.45	NA	1.51	0.82	NA	5.77	000
59015		A	Chorion biopsy	2.20	1.54	1.02	0.52	4.26	3.75	000
59020		A	Fetal contract stress test	0.66	0.83	NA	0.26	1.76	NA	000
59020	26	A	Fetal contract stress test	0.66	0.26	0.26	0.16	1.08	1.08	000
59020	TC	A	Fetal contract stress test	0.00	0.58	NA	0.10	0.68	NA	000
59025		A	Fetal non-stress test	0.53	0.48	NA	0.15	1.16	NA	000
59025	26	A	Fetal non-stress test	0.53	0.21	0.21	0.13	0.87	0.87	000
59025	TC	A	Fetal non-stress test	0.00	0.27	NA	0.02	0.29	NA	000
59030		A	Fetal scalp blood sample	1.99	NA	0.75	0.47	NA	3.22	000
59050		A	Fetal monitor w/report	0.89	NA	0.34	0.21	NA	1.44	XXX
59051		A	Fetal monitor/interpret only	0.74	NA	0.28	0.17	NA	1.19	XXX
59070		A	Transabdom amnioinfus w/us	5.25	5.16	2.29	0.28	10.69	7.82	000
59072		A	Umbilical cord occlud w/us	9.01	NA	3.56	0.16	NA	12.73	000
59074		A	Fetal fluid drainage w/us	5.25	4.51	2.29	0.28	10.04	7.82	000
59076		A	Fetal shunt placement, w/us	9.01	NA	3.56	0.16	NA	12.73	000
59100		A	Remove uterus lesion	12.35	NA	6.36	2.94	NA	21.65	090
59120		A	Treat ectopic pregnancy	11.49	NA	6.14	2.72	NA	20.35	090
59121		A	Treat ectopic pregnancy	11.67	NA	6.21	2.78	NA	20.67	090
59130		A	Treat ectopic pregnancy	14.23	NA	4.59	3.38	NA	22.20	090
59135		A	Treat ectopic pregnancy	13.89	NA	7.09	3.30	NA	24.28	090
59136		A	Treat ectopic pregnancy	13.19	NA	6.48	3.13	NA	22.80	090
59140		A	Treat ectopic pregnancy	5.46	NA	2.49	1.29	NA	9.24	090
59150		A	Treat ectopic pregnancy	11.67	NA	5.90	2.78	NA	20.35	090
59151		A	Treat ectopic pregnancy	11.49	NA	5.95	2.73	NA	20.17	090
59160		A	D & c after delivery	2.72	3.09	1.99	0.64	6.44	5.35	010
59200		A	Insert cervical dilator	0.79	1.15	0.30	0.19	2.13	1.28	000
59300		A	Episiotomy or vaginal repair	2.41	2.34	1.02	0.57	5.33	4.01	000
59320		A	Revision of cervix	2.48	NA	1.22	0.59	NA	4.30	000
59325		A	Revision of cervix	4.07	NA	1.86	0.88	NA	6.80	000
59350		A	Repair of uterus	4.95	NA	1.84	1.17	NA	7.96	000
59400		A	Obstetrical care	23.08	NA	15.13	5.48	NA	43.68	MMM
59409		A	Obstetrical care	13.51	NA	5.17	3.21	NA	21.89	MMM
59410		A	Obstetrical care	14.79	NA	6.16	3.51	NA	24.46	MMM
59412		A	Antepartum manipulation	1.71	NA	0.80	0.40	NA	2.91	MMM
59414		A	Deliver placenta	1.61	NA	0.62	0.38	NA	2.62	MMM
59425		A	Antepartum care only	4.81	4.16	1.80	1.14	10.11	7.75	MMM
59426		A	Antepartum care only	8.29	7.48	3.14	1.97	17.74	13.40	MMM
59430		A	Care after delivery	2.13	1.21	0.91	0.50	3.84	3.55	MMM
59510		A	Cesarean delivery	26.23	NA	17.03	6.23	NA	49.50	MMM
59514		A	Cesarean delivery only	15.98	NA	6.06	3.79	NA	25.83	MMM
59515		A	Cesarean delivery	17.37	NA	7.67	4.12	NA	29.16	MMM
59525		A	Remove uterus after cesarean	8.55	NA	3.22	1.94	NA	13.71	ZZZ
59610		A	Vbac delivery	24.63	NA	15.63	5.85	NA	46.11	MMM
59612		A	Vbac delivery only	15.07	NA	5.90	3.58	NA	24.55	MMM
59614		A	Vbac care after delivery	16.35	NA	6.77	3.88	NA	27.00	MMM
59618		A	Attempted vbac delivery	27.80	NA	17.88	6.59	NA	52.26	MMM
59620		A	Attempted vbac delivery only	17.54	NA	6.59	4.16	NA	28.28	MMM
59622		A	Attempted vbac after care	18.94	NA	8.59	4.49	NA	32.02	MMM
59812		A	Treatment of miscarriage	4.01	NA	2.50	0.95	NA	7.46	090
59820		A	Care of miscarriage	4.01	4.34	3.53	0.95	9.30	8.49	090
59821		A	Treatment of miscarriage	4.47	4.20	3.36	1.06	9.72	8.89	090
59830		A	Treat uterus infection	6.11	NA	3.91	1.44	NA	11.46	090
59840		R	Abortion	3.02	NA	2.09	0.71	NA	5.81	010
59841		R	Abortion	5.24	NA	2.93	1.24	NA	9.41	010
59850		R	Abortion	5.91	NA	3.22	1.28	NA	10.41	090
59851		R	Abortion	5.93	NA	3.70	1.28	NA	10.91	090
59852		R	Abortion	8.25	NA	4.94	1.80	NA	14.99	090
59855		R	Abortion	6.12	NA	3.48	1.45	NA	11.05	090
59856		R	Abortion	7.48	NA	4.00	1.78	NA	13.26	090

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<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
59857		R	Abortion	9.30	NA	4.63	2.01	NA	15.94	090
59866		R	Abortion (mpr)	4.00	NA	1.86	0.87	NA	6.73	000
59870		A	Evacuate mole of uterus	6.01	NA	4.43	1.42	NA	11.87	090
59871		A	Remove cerclage suture	2.13	NA	1.11	0.50	NA	3.75	000
59897		C	Fetal invas px w/us	0.00	0.00	0.00	0.00	0.00	0.00	YYY
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	1.94	1.73	0.15	3.85	3.64	010
60001		A	Aspirate/inject thyriod cyst	0.97	1.57	0.33	0.07	2.61	1.38	000
60100		A	Biopsy of thyroid	1.56	1.38	0.55	0.10	3.05	2.21	000
60200		A	Remove thyroid lesion	9.56	NA	5.87	1.01	NA	16.44	090
60210		A	Partial thyroid excision	10.88	NA	5.53	1.23	NA	17.65	090
60212		A	Partial thyroid excision	16.04	NA	7.54	1.94	NA	25.52	090
60220		A	Partial removal of thyroid	11.90	NA	6.03	1.32	NA	19.25	090
60225		A	Partial removal of thyroid	14.20	NA	7.28	1.64	NA	23.12	090
60240		A	Removal of thyroid	16.07	NA	7.41	1.85	NA	25.33	090
60252		A	Removal of thyroid	20.58	NA	9.87	2.29	NA	32.75	090
60254		A	Extensive thyroid surgery	27.00	NA	13.74	2.60	NA	43.35	090
60260		A	Repeat thyroid surgery	17.47	NA	8.44	1.93	NA	27.84	090
60270		A	Removal of thyroid	20.28	NA	10.12	2.32	NA	32.72	090
60271		A	Removal of thyroid	16.83	NA	8.36	1.74	NA	26.93	090
60280		A	Remove thyroid duct lesion	5.87	NA	4.59	0.54	NA	11.00	090
60281		A	Remove thyroid duct lesion	8.54	NA	5.72	0.73	NA	14.98	090
60500		A	Explore parathyroid glands	16.24	NA	7.28	2.00	NA	25.52	090
60502		A	Re-explore parathyroids	20.36	NA	9.19	2.53	NA	32.08	090
60505		A	Explore parathyroid glands	21.50	NA	10.63	2.64	NA	34.77	090
60512		A	Autotransplant parathyroid	4.45	NA	1.58	0.53	NA	6.55	ZZZ
60520		A	Removal of thymus gland	16.81	NA	8.03	2.19	NA	27.04	090
60521		A	Removal of thymus gland	18.88	NA	9.28	2.81	NA	30.97	090
60522		A	Removal of thymus gland	23.11	NA	11.00	3.26	NA	37.37	090
60540		A	Explore adrenal gland	17.03	NA	7.94	1.74	NA	26.71	090
60545		A	Explore adrenal gland	19.89	NA	8.85	2.07	NA	30.81	090
60600		A	Remove carotid body lesion	17.94	NA	10.62	2.19	NA	30.75	090
60605		A	Remove carotid body lesion	20.25	NA	11.93	2.49	NA	34.67	090
60650		A	Laparoscopy adrenalectomy	20.01	NA	8.14	2.28	NA	30.43	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	0.00	0.98	0.13	1.71	2.70	000
61001		A	Remove cranial cavity fluid	1.49	0.00	1.03	0.16	1.65	2.68	000
61020		A	Remove brain cavity fluid	1.51	0.00	1.33	0.34	1.85	3.18	000
61026		A	Injection into brain canal	1.69	0.00	1.38	0.33	2.02	3.40	000
61050		A	Remove brain canal fluid	1.51	NA	1.31	0.11	NA	2.94	000
61055		A	Injection into brain canal	2.10	NA	1.48	0.17	NA	3.75	000
61070		A	Brain canal shunt procedure	0.89	0.00	1.02	0.17	1.06	2.08	000
61105		A	Twist drill hole	5.14	NA	3.87	1.32	NA	10.33	090
61107		A	Drill skull for implantation	5.00	NA	2.46	1.29	NA	8.75	000
61108		A	Drill skull for drainage	10.19	NA	7.02	2.63	NA	19.84	090
61120		A	Burr hole for puncture	8.77	NA	5.88	2.09	NA	16.74	090
61140		A	Pierce skull for biopsy	15.91	NA	9.69	4.11	NA	29.71	090
61150		A	Pierce skull for drainage	17.58	NA	10.16	4.31	NA	32.05	090
61151		A	Pierce skull for drainage	12.42	NA	7.65	3.00	NA	23.08	090
61154		A	Pierce skull & remove clot	15.00	NA	9.30	4.20	NA	28.50	090
61156		A	Pierce skull for drainage	16.33	NA	9.63	4.22	NA	30.18	090
61210		A	Pierce skull, implant device	5.84	NA	2.84	1.50	NA	10.18	000
61215		A	Insert brain-fluid device	4.89	NA	3.95	1.26	NA	10.10	090
61250		A	Pierce skull & explore	10.42	NA	6.72	2.76	NA	19.90	090
61253		A	Pierce skull & explore	12.36	NA	7.56	2.61	NA	22.54	090
61304		A	Open skull for exploration	21.97	NA	12.56	5.61	NA	40.14	090
61305		A	Open skull for exploration	26.62	NA	14.98	6.07	NA	47.67	090
61312		A	Open skull for drainage	24.58	NA	14.74	6.34	NA	45.66	090
61313		A	Open skull for drainage	24.94	NA	14.50	6.43	NA	45.87	090
61314		A	Open skull for drainage	24.24	NA	12.75	6.26	NA	43.25	090
61315		A	Open skull for drainage	27.70	NA	15.67	7.14	NA	50.51	090
61316		A	Implt cran bone flap to abdo	1.39	NA	0.59	0.35	NA	2.33	ZZZ
61320		A	Open skull for drainage	25.63	NA	14.43	6.60	NA	46.66	090
61321		A	Open skull for drainage	28.52	NA	15.77	7.12	NA	51.41	090
61322		A	Decompressive craniotomy	29.52	NA	15.34	7.61	NA	52.46	090
61323		A	Decompressive lobectomy	31.01	NA	15.73	8.01	NA	54.76	090
61330		A	Decompress eye socket	23.34	NA	13.39	2.31	NA	39.03	090
61332		A	Explore/biopsy eye socket	27.29	NA	15.22	4.82	NA	47.33	090
61333		A	Explore orbit/remove lesion	27.97	NA	15.20	3.91	NA	47.07	090
61334		A	Explore orbit/remove object	18.28	NA	10.39	1.74	NA	30.41	090
61340		A	Subtemporal decompression	18.67	NA	10.90	4.83	NA	34.40	090
61343		A	Incise skull (press relief)	29.79	NA	16.44	7.62	NA	53.84	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
61345		A	Relieve cranial pressure	27.21	NA	15.07	7.02	NA	49.30	090
61440		A	Incise skull for surgery	26.64	NA	13.94	6.88	NA	47.46	090
61450		A	Incise skull for surgery	25.96	NA	13.98	5.77	NA	45.71	090
61458		A	Incise skull for brain wound	27.30	NA	15.18	7.01	NA	49.49	090
61460		A	Incise skull for surgery	28.41	NA	16.01	6.02	NA	50.43	090
61470		A	Incise skull for surgery	26.07	NA	13.55	5.88	NA	45.51	090
61480		A	Incise skull for surgery	26.50	NA	14.94	6.71	NA	48.16	090
61490		A	Incise skull for surgery	25.67	NA	14.02	6.90	NA	46.59	090
61500		A	Removal of skull lesion	17.93	NA	10.58	4.10	NA	32.60	090
61501		A	Remove infected skull bone	14.85	NA	9.06	3.21	NA	27.12	090
61510		A	Removal of brain lesion	28.47	NA	16.35	7.33	NA	52.15	090
61512		A	Remove brain lining lesion	35.11	NA	19.25	9.05	NA	63.41	090
61514		A	Removal of brain abscess	25.27	NA	14.13	6.52	NA	45.92	090
61516		A	Removal of brain lesion	24.62	NA	13.97	6.33	NA	44.91	090
61517		A	Implt brain chemotx add-on	1.38	NA	0.62	0.35	NA	2.36	ZZZ
61518		A	Removal of brain lesion	37.33	NA	20.64	9.62	NA	67.60	090
61519		A	Remove brain lining lesion	41.41	NA	22.14	10.60	NA	74.15	090
61520		A	Removal of brain lesion	54.87	NA	29.56	11.18	NA	95.61	090
61521		A	Removal of brain lesion	44.50	NA	23.66	11.36	NA	79.52	090
61522		A	Removal of brain abscess	29.47	NA	16.06	7.60	NA	53.13	090
61524		A	Removal of brain lesion	27.88	NA	15.32	7.14	NA	50.34	090
61526		A	Removal of brain lesion	52.19	NA	28.57	7.05	NA	87.82	090
61530		A	Removal of brain lesion	43.88	NA	24.30	6.13	NA	74.31	090
61531		A	Implant brain electrodes	14.64	NA	8.96	3.78	NA	27.37	090
61533		A	Implant brain electrodes	19.72	NA	11.30	5.10	NA	36.12	090
61534		A	Removal of brain lesion	20.98	NA	11.83	5.42	NA	38.24	090
61535		A	Remove brain electrodes	11.63	NA	7.29	3.01	NA	21.93	090
61536		A	Removal of brain lesion	35.54	NA	19.34	9.18	NA	64.06	090
61537		A	Removal of brain tissue	25.01	NA	14.46	6.92	NA	46.39	090
61538		A	Removal of brain tissue	26.82	NA	14.99	6.92	NA	48.73	090
61539		A	Removal of brain tissue	32.09	NA	17.37	8.30	NA	57.76	090
61540		A	Removal of brain tissue	30.02	NA	16.93	8.30	NA	55.25	090
61541		A	Incision of brain tissue	28.87	NA	15.84	6.58	NA	51.29	090
61542		A	Removal of brain tissue	31.03	NA	17.43	8.01	NA	56.47	090
61543		A	Removal of brain tissue	29.24	NA	16.02	7.54	NA	52.80	090
61544		A	Remove & treat brain lesion	25.51	NA	13.50	5.95	NA	44.96	090
61545		A	Excision of brain tumor	43.82	NA	23.67	10.60	NA	78.09	090
61546		A	Removal of pituitary gland	31.31	NA	17.12	7.65	NA	56.08	090
61548		A	Removal of pituitary gland	21.54	NA	12.46	3.42	NA	37.43	090
61550		A	Release of skull seams	14.66	NA	6.92	0.98	NA	22.56	090
61552		A	Release of skull seams	19.57	NA	9.46	1.06	NA	30.09	090
61556		A	Incise skull/sutures	22.27	NA	11.14	4.64	NA	38.05	090
61557		A	Incise skull/sutures	22.39	NA	13.35	5.78	NA	41.52	090
61558		A	Excision of skull/sutures	25.59	NA	13.91	1.36	NA	40.86	090
61559		A	Excision of skull/sutures	32.81	NA	18.91	8.48	NA	60.19	090
61563		A	Excision of skull tumor	26.84	NA	14.87	5.15	NA	46.87	090
61564		A	Excision of skull tumor	33.85	NA	17.88	8.75	NA	60.48	090
61566		A	Removal of brain tissue	31.01	NA	17.43	6.92	NA	55.36	090
61567		A	Incision of brain tissue	35.52	NA	20.22	6.52	NA	62.26	090
61570		A	Remove foreign body, brain	24.61	NA	13.62	5.86	NA	44.09	090
61571		A	Incise skull for brain wound	26.40	NA	14.81	6.77	NA	47.98	090
61575		A	Skull base/brainstem surgery	34.38	NA	19.10	5.32	NA	58.80	090
61576		A	Skull base/brainstem surgery	52.45	NA	33.91	5.56	NA	91.92	090
61580		A	Craniofacial approach, skull	30.36	NA	24.92	3.36	NA	58.65	090
61581		A	Craniofacial approach, skull	34.62	NA	22.74	3.91	NA	61.27	090
61582		A	Craniofacial approach, skull	31.67	NA	26.53	7.19	NA	65.39	090
61583		A	Craniofacial approach, skull	36.23	NA	24.49	9.18	NA	69.90	090
61584		A	Orbitocranial approach/skull	34.67	NA	23.90	8.16	NA	66.72	090
61585		A	Orbitocranial approach/skull	38.63	NA	25.74	7.01	NA	71.37	090
61586		A	Resect nasopharynx, skull	25.11	NA	21.90	4.36	NA	51.37	090
61590		A	Infratemporal approach/skull	41.80	NA	27.92	5.29	NA	75.01	090
61591		A	Infratemporal approach/skull	43.70	NA	28.74	5.64	NA	78.08	090
61592		A	Orbitocranial approach/skull	39.66	NA	25.87	10.04	NA	75.57	090
61595		A	Transtemporal approach/skull	29.59	NA	21.85	3.97	NA	55.41	090
61596		A	Transcochlear approach/skull	35.65	NA	23.83	3.39	NA	62.87	090
61597		A	Transcondylar approach/skull	37.98	NA	22.44	8.81	NA	69.23	090
61598		A	Transpetrosal approach/skull	33.43	NA	22.65	5.68	NA	61.75	090
61600		A	Resect/excise cranial lesion	25.86	NA	19.34	3.78	NA	48.98	090
61601		A	Resect/excise cranial lesion	27.91	NA	19.99	6.61	NA	54.51	090
61605		A	Resect/excise cranial lesion	29.35	NA	21.48	2.85	NA	53.68	090
61606		A	Resect/excise cranial lesion	38.85	NA	24.52	8.94	NA	72.31	090
61607		A	Resect/excise cranial lesion	36.29	NA	23.18	6.88	NA	66.35	090
61608		A	Resect/excise cranial lesion	42.12	NA	25.94	10.72	NA	78.79	090
61609		A	Transect artery, sinus	9.90	NA	4.72	2.55	NA	17.17	ZZZ

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<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
61610		A	Transect artery, sinus	29.69	NA	12.81	7.66	NA	50.15	ZZZ
61611		A	Transect artery, sinus	7.42	NA	3.72	1.88	NA	13.03	ZZZ
61612		A	Transect artery, sinus	27.90	NA	12.98	4.30	NA	45.18	ZZZ
61613		A	Remove aneurysm, sinus	40.88	NA	25.62	8.42	NA	74.92	090
61615		A	Resect/excise lesion, skull	32.08	NA	22.18	4.72	NA	58.98	090
61616		A	Resect/excise lesion, skull	43.36	NA	27.92	8.24	NA	79.52	090
61618		A	Repair dura	16.99	NA	10.21	3.71	NA	30.92	090
61619		A	Repair dura	20.72	NA	11.95	3.94	NA	36.62	090
61623		A	Endovasc temporary vessel occl	9.97	NA	4.07	1.05	NA	15.09	000
61624		A	Transcath occlusion, cns	20.16	NA	7.17	1.95	NA	29.28	000
61626		A	Transcath occlusion, non-cns	16.63	NA	5.79	1.24	NA	23.66	000
61680		A	Intracranial vessel surgery	30.72	NA	17.06	7.93	NA	55.71	090
61682		A	Intracranial vessel surgery	61.60	NA	31.45	15.85	NA	108.90	090
61684		A	Intracranial vessel surgery	39.83	NA	21.58	10.28	NA	71.69	090
61686		A	Intracranial vessel surgery	64.52	NA	33.92	16.66	NA	115.09	090
61690		A	Intracranial vessel surgery	29.33	NA	16.37	6.92	NA	52.62	090
61692		A	Intracranial vessel surgery	51.89	NA	26.84	13.39	NA	92.12	090
61697		A	Brain aneurysm repr, complx	50.54	NA	27.39	12.81	NA	90.74	090
61698		A	Brain aneurysm repr, complx	48.44	NA	26.12	12.50	NA	87.06	090
61700		A	Brain aneurysm repr, simple	50.54	NA	27.19	12.98	NA	90.72	090
61702		A	Inner skull vessel surgery	48.44	NA	25.43	10.76	NA	84.63	090
61703		A	Clamp neck artery	17.47	NA	10.25	4.05	NA	31.78	090
61705		A	Revise circulation to head	36.22	NA	18.95	8.84	NA	64.01	090
61708		A	Revise circulation to head	35.32	NA	15.74	2.50	NA	53.56	090
61710		A	Revise circulation to head	29.69	NA	13.97	4.51	NA	48.16	090
61711		A	Fusion of skull arteries	36.35	NA	19.36	9.39	NA	65.10	090
61720		A	Incise skull/brain surgery	16.77	NA	9.79	2.78	NA	29.34	090
61735		A	Incise skull/brain surgery	20.44	NA	11.91	2.72	NA	35.07	090
61750		A	Incise skull/brain biopsy	18.21	NA	10.39	4.71	NA	33.31	090
61751		A	Brain biopsy w/ct/mr guide	17.63	NA	10.61	4.55	NA	32.79	090
61760		A	Implant brain electrodes	22.28	NA	8.51	5.40	NA	36.19	090
61770		A	Incise skull for treatment	21.45	NA	12.04	3.54	NA	37.03	090
61790		A	Treat trigeminal nerve	10.86	NA	5.79	2.81	NA	19.47	090
61791		A	Treat trigeminal tract	14.62	NA	8.74	3.39	NA	26.75	090
61793		A	Focus radiation beam	17.24	NA	9.91	4.45	NA	31.61	090
61795		A	Brain surgery using computer	4.04	NA	1.98	0.79	NA	6.80	ZZZ
61850		A	Implant neuroelectrodes	12.39	NA	7.61	3.21	NA	23.22	090
61860		A	Implant neuroelectrodes	20.88	NA	11.78	4.94	NA	37.61	090
61863		A	Implant neuroelectrode	19.01	NA	11.56	5.41	NA	35.98	090
61864		A	Implant neuroelectrde, add'l	4.50	NA	2.23	5.41	NA	12.14	ZZZ
61867		A	Implant neuroelectrode	31.35	NA	17.66	5.41	NA	54.42	090
61868		A	Implant neuroelectrde, add'l	7.93	NA	3.92	5.41	NA	17.25	ZZZ
61870		A	Implant neuroelectrodes	14.95	NA	9.43	3.86	NA	28.24	090
61875		A	Implant neuroelectrodes	15.07	NA	8.60	2.94	NA	26.61	090
61880		A	Revise/remove neuroelectrode	6.29	NA	4.50	1.66	NA	12.45	090
61885		A	Insrt/redo neurostim 1 array	5.85	NA	5.25	1.59	NA	12.69	090
61886		A	Implant neurostim arrays	8.01	NA	6.26	1.96	NA	16.22	090
61888		A	Revise/remove neuroreceiver	5.07	NA	3.56	1.33	NA	9.96	010
62000		A	Treat skull fracture	12.54	NA	6.22	1.06	NA	19.82	090
62005		A	Treat skull fracture	16.18	NA	8.90	3.86	NA	28.94	090
62010		A	Treatment of head injury	19.82	NA	11.47	5.12	NA	36.41	090
62100		A	Repair brain fluid leakage	22.04	NA	12.49	4.83	NA	39.37	090
62115		A	Reduction of skull defect	21.67	NA	11.50	5.49	NA	38.67	090
62116		A	Reduction of skull defect	23.60	NA	13.10	6.09	NA	42.78	090
62117		A	Reduction of skull defect	26.61	NA	15.04	4.52	NA	46.17	090
62120		A	Repair skull cavity lesion	23.36	NA	18.07	2.99	NA	44.42	090
62121		A	Incise skull repair	21.59	NA	15.08	4.16	NA	40.83	090
62140		A	Repair of skull defect	13.52	NA	8.16	3.46	NA	25.14	090
62141		A	Repair of skull defect	14.92	NA	8.86	3.75	NA	27.53	090
62142		A	Remove skull plate/flap	10.79	NA	6.86	2.72	NA	20.37	090
62143		A	Replace skull plate/flap	13.06	NA	7.89	3.36	NA	24.30	090
62145		A	Repair of skull & brain	18.83	NA	10.66	4.49	NA	33.98	090
62146		A	Repair of skull with graft	16.13	NA	9.43	3.61	NA	29.17	090
62147		A	Repair of skull with graft	19.35	NA	11.05	4.31	NA	34.71	090
62148		A	Retr bone flap to fix skull	2.00	NA	0.84	0.48	NA	3.32	ZZZ
62160		A	Neuroendoscopy add-on	3.01	NA	1.49	0.77	NA	5.27	ZZZ
62161		A	Dissect brain w/scope	20.01	NA	11.85	5.17	NA	37.03	090
62162		A	Remove colloid cyst w/scope	25.26	NA	14.54	5.89	NA	45.69	090
62163		A	Neuroendoscopy w/fb removal	15.51	NA	9.73	4.00	NA	29.24	090
62164		A	Remove brain tumor w/scope	27.51	NA	14.65	5.36	NA	47.53	090
62165		A	Remove pituit tumor w/scope	22.01	NA	13.05	3.00	NA	38.07	090
62180		A	Establish brain cavity shunt	21.07	NA	12.03	4.97	NA	38.07	090
62190		A	Establish brain cavity shunt	11.07	NA	6.95	2.79	NA	20.81	090
62192		A	Establish brain cavity shunt	12.25	NA	7.48	3.01	NA	22.74	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
62194		A	Replace/irrigate catheter	5.03	NA	2.47	0.92	NA	8.42	010
62200		A	Establish brain cavity shunt	18.33	NA	10.62	4.64	NA	33.59	090
62201		A	Brain cavity shunt w/scope	14.87	NA	9.26	3.67	NA	27.80	090
62220		A	Establish brain cavity shunt	13.01	NA	7.83	3.34	NA	24.18	090
62223		A	Establish brain cavity shunt	12.88	NA	8.10	3.13	NA	24.11	090
62225		A	Replace/irrigate catheter	5.41	NA	4.03	1.39	NA	10.83	090
62230		A	Replace/revise brain shunt	10.54	NA	6.36	2.70	NA	19.60	090
62252		A	Csf shunt reprogram	0.74	1.35	NA	0.21	2.30	NA	XXX
62252	26	A	Csf shunt reprogram	0.74	0.36	0.36	0.19	1.29	1.29	XXX
62252	TC	A	Csf shunt reprogram	0.00	0.99	NA	0.02	1.01	NA	XXX
62256		A	Remove brain cavity shunt	6.60	NA	4.62	1.71	NA	12.93	090
62258		A	Replace brain cavity shunt	14.55	NA	8.54	3.73	NA	26.82	090
62263		A	Epidural lysis mult sessions	6.14	12.01	3.10	0.41	18.56	9.65	010
62264		A	Epidural lysis on single day	4.43	7.34	1.38	0.27	12.04	6.08	010
62268		A	Drain spinal cord cyst	4.74	10.84	2.19	0.43	16.01	7.36	000
62269		A	Needle biopsy, spinal cord	5.02	13.60	2.02	0.37	18.99	7.41	000
62270		A	Spinal fluid tap, diagnostic	1.13	2.88	0.56	0.08	4.09	1.78	000
62272		A	Drain cerebro spinal fluid	1.35	3.51	0.71	0.18	5.05	2.24	000
62273		A	Inject epidural patch	2.15	2.60	0.69	0.13	4.88	2.98	000
62280		A	Treat spinal cord lesion	2.64	6.38	0.99	0.30	9.32	3.93	010
62281		A	Treat spinal cord lesion	2.67	5.32	0.87	0.19	8.18	3.72	010
62282		A	Treat spinal canal lesion	2.33	7.60	0.90	0.17	10.10	3.40	010
62284		A	Injection for myelogram	1.54	4.79	0.69	0.13	6.46	2.36	000
62287		A	Percutaneous diskectomy	8.09	NA	5.57	0.58	NA	14.23	090
62290		A	Inject for spine disk x-ray	3.01	6.76	1.38	0.23	9.99	4.61	000
62291		A	Inject for spine disk x-ray	2.92	5.66	1.23	0.26	8.83	4.41	000
62292		A	Injection into disk lesion	7.87	NA	4.34	0.82	NA	13.03	090
62294		A	Injection into spinal artery	11.83	NA	5.73	1.24	NA	18.80	090
62310		A	Inject spine c/t	1.91	4.51	0.63	0.12	6.55	2.67	000
62311		A	Inject spine l/s (cd)	1.54	4.58	0.58	0.09	6.21	2.21	000
62318		A	Inject spine w/cath, c/t	2.04	5.36	0.63	0.12	7.53	2.80	000
62319		A	Inject spine w/cath l/s (cd)	1.87	4.65	0.59	0.11	6.64	2.58	000
62350		A	Implant spinal canal cath	6.87	NA	3.85	1.02	NA	11.74	090
62351		A	Implant spinal canal cath	10.01	NA	6.96	2.24	NA	19.21	090
62355		A	Remove spinal canal catheter	5.45	NA	3.09	0.71	NA	9.25	090
62360		A	Insert spine infusion device	2.63	NA	2.63	0.34	NA	5.59	090
62361		A	Implant spine infusion pump	5.42	NA	3.82	0.80	NA	10.04	090
62362		A	Implant spine infusion pump	7.04	NA	4.27	1.18	NA	12.50	090
62365		A	Remove spine infusion device	5.42	NA	3.50	0.86	NA	9.79	090
62367		A	Analyze spine infusion pump	0.48	0.22	0.12	0.00	0.70	0.60	XXX
62368		A	Analyze spine infusion pump	0.75	0.29	0.18	0.00	1.04	0.93	XXX
63001		A	Removal of spinal lamina	15.83	NA	9.30	3.76	NA	28.90	090
63003		A	Removal of spinal lamina	15.96	NA	9.63	3.72	NA	29.31	090
63005		A	Removal of spinal lamina	14.93	NA	9.73	3.34	NA	28.00	090
63011		A	Removal of spinal lamina	14.53	NA	8.08	3.37	NA	25.98	090
63012		A	Removal of spinal lamina	15.41	NA	9.87	3.48	NA	28.76	090
63015		A	Removal of spinal lamina	19.36	NA	11.62	4.75	NA	35.73	090
63016		A	Removal of spinal lamina	19.21	NA	11.52	4.58	NA	35.30	090
63017		A	Removal of spinal lamina	15.95	NA	10.15	3.63	NA	29.73	090
63020		A	Neck spine disk surgery	14.82	NA	9.47	3.71	NA	28.00	090
63030		A	Low back disk surgery	12.00	NA	8.23	3.00	NA	23.24	090
63035		A	Spinal disk surgery add-on	3.16	NA	1.55	0.79	NA	5.49	ZZZ
63040		A	Laminotomy, single cervical	18.82	NA	11.23	4.67	NA	34.72	090
63042		A	Laminotomy, single lumbar	17.47	NA	11.06	4.25	NA	32.78	090
63043		C	Laminotomy, add'l cervical	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
63044		C	Laminotomy, add'l lumbar	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
63045		A	Removal of spinal lamina	16.51	NA	10.13	3.98	NA	30.62	090
63046		A	Removal of spinal lamina	15.81	NA	9.94	3.55	NA	29.30	090
63047		A	Removal of spinal lamina	14.62	NA	9.65	3.23	NA	27.50	090
63048		A	Remove spinal lamina add-on	3.27	NA	1.62	0.72	NA	5.60	ZZZ
63050		A	Cervical laminoplasty	20.79	NA	11.41	4.66	NA	36.86	090
63051		A	C-laminoplasty w/graft/plate	24.30	NA	12.97	4.66	NA	41.93	090
63055		A	Decompress spinal cord	22.00	NA	12.84	5.27	NA	40.11	090
63056		A	Decompress spinal cord	20.37	NA	12.25	4.75	NA	37.37	090
63057		A	Decompress spine cord add-on	5.26	NA	2.56	1.22	NA	9.04	ZZZ
63064		A	Decompress spinal cord	24.62	NA	14.08	5.69	NA	44.39	090
63066		A	Decompress spine cord add-on	3.27	NA	1.62	0.69	NA	5.57	ZZZ
63075		A	Neck spine disk surgery	19.42	NA	11.81	4.62	NA	35.85	090
63076		A	Neck spine disk surgery	4.05	NA	2.00	0.96	NA	7.00	ZZZ
63077		A	Spine disk surgery, thorax	21.45	NA	12.43	3.98	NA	37.87	090
63078		A	Spine disk surgery, thorax	3.29	NA	1.59	0.66	NA	5.54	ZZZ
63081		A	Removal of vertebral body	23.74	NA	13.98	5.54	NA	43.26	090
63082		A	Remove vertebral body add-on	4.37	NA	2.16	1.02	NA	7.55	ZZZ
63085		A	Removal of vertebral body	26.93	NA	15.05	4.48	NA	46.47	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
63086		A	Remove vertebral body add-on	3.20	NA	1.55	0.59	NA	5.33	ZZZ
63087		A	Removal of vertebral body	35.59	NA	18.93	6.20	NA	60.72	090
63088		A	Remove vertebral body add-on	4.33	NA	2.11	0.82	NA	7.26	ZZZ
63090		A	Removal of vertebral body	28.18	NA	15.60	4.21	NA	47.99	090
63091		A	Remove vertebral body add-on	3.04	NA	1.42	0.48	NA	4.93	ZZZ
63101		A	Removal of vertebral body	32.01	NA	18.84	5.69	NA	56.54	090
63102		A	Removal of vertebral body	32.01	NA	18.78	5.69	NA	56.48	090
63103		A	Remove vertebral body add-on	4.83	NA	2.41	0.69	NA	7.93	ZZZ
63170		A	Incise spinal cord tract(s)	19.84	NA	11.62	4.86	NA	36.32	090
63172		A	Drainage of spinal cyst	17.67	NA	10.42	4.48	NA	32.57	090
63173		A	Drainage of spinal cyst	22.00	NA	12.54	5.68	NA	40.22	090
63180		A	Revise spinal cord ligaments	18.28	NA	10.77	3.95	NA	33.00	090
63182		A	Revise spinal cord ligaments	20.51	NA	10.76	5.30	NA	36.57	090
63185		A	Incise spinal column/nerves	15.05	NA	7.93	2.79	NA	25.77	090
63190		A	Incise spinal column/nerves	17.45	NA	9.90	3.24	NA	30.59	090
63191		A	Incise spinal column/nerves	17.55	NA	10.21	6.34	NA	34.10	090
63194		A	Incise spinal column & cord	19.20	NA	11.48	3.26	NA	33.94	090
63195		A	Incise spinal column & cord	18.85	NA	10.81	4.87	NA	34.53	090
63196		A	Incise spinal column & cord	22.31	NA	13.11	5.76	NA	41.18	090
63197		A	Incise spinal column & cord	21.12	NA	11.95	5.36	NA	38.44	090
63198		A	Incise spinal column & cord	25.39	NA	8.28	6.43	NA	40.10	090
63199		A	Incise spinal column & cord	26.90	NA	14.73	1.40	NA	43.04	090
63200		A	Release of spinal cord	19.19	NA	11.10	4.96	NA	35.25	090
63250		A	Revise spinal cord vessels	40.78	NA	19.47	9.01	NA	69.26	090
63251		A	Revise spinal cord vessels	41.22	NA	22.08	10.41	NA	73.72	090
63252		A	Revise spinal cord vessels	41.21	NA	21.75	10.64	NA	73.60	090
63265		A	Excise intraspinal lesion	21.57	NA	12.49	5.43	NA	39.49	090
63266		A	Excise intraspinal lesion	22.31	NA	12.89	5.54	NA	40.74	090
63267		A	Excise intraspinal lesion	17.96	NA	10.83	4.37	NA	33.16	090
63268		A	Excise intraspinal lesion	18.53	NA	10.13	3.69	NA	32.35	090
63270		A	Excise intraspinal lesion	26.81	NA	15.13	6.82	NA	48.76	090
63271		A	Excise intraspinal lesion	26.93	NA	15.23	6.90	NA	49.06	090
63272		A	Excise intraspinal lesion	25.33	NA	14.36	6.18	NA	45.87	090
63273		A	Excise intraspinal lesion	24.30	NA	14.03	5.74	NA	44.06	090
63275		A	Biopsy/excise spinal tumor	23.69	NA	13.47	5.80	NA	42.95	090
63276		A	Biopsy/excise spinal tumor	23.46	NA	13.38	5.83	NA	42.66	090
63277		A	Biopsy/excise spinal tumor	20.84	NA	12.24	5.01	NA	38.09	090
63278		A	Biopsy/excise spinal tumor	20.57	NA	12.10	4.55	NA	37.22	090
63280		A	Biopsy/excise spinal tumor	28.37	NA	15.96	7.27	NA	51.59	090
63281		A	Biopsy/excise spinal tumor	28.07	NA	15.82	7.17	NA	51.06	090
63282		A	Biopsy/excise spinal tumor	26.40	NA	15.00	6.76	NA	48.17	090
63283		A	Biopsy/excise spinal tumor	25.01	NA	14.34	6.26	NA	45.61	090
63285		A	Biopsy/excise spinal tumor	36.02	NA	19.49	9.18	NA	64.69	090
63286		A	Biopsy/excise spinal tumor	35.65	NA	19.46	9.21	NA	64.32	090
63287		A	Biopsy/excise spinal tumor	36.71	NA	19.96	9.39	NA	66.06	090
63290		A	Biopsy/excise spinal tumor	37.39	NA	20.12	9.02	NA	66.54	090
63295		A	Repair of laminectomy defect	5.26	NA	2.07	1.03	NA	8.36	ZZZ
63300		A	Removal of vertebral body	24.44	NA	13.97	5.97	NA	44.37	090
63301		A	Removal of vertebral body	27.62	NA	15.16	5.39	NA	48.17	090
63302		A	Removal of vertebral body	27.83	NA	15.47	5.53	NA	48.82	090
63303		A	Removal of vertebral body	30.51	NA	16.47	4.68	NA	51.66	090
63304		A	Removal of vertebral body	30.34	NA	16.88	6.41	NA	53.63	090
63305		A	Removal of vertebral body	32.04	NA	17.60	5.71	NA	55.35	090
63306		A	Removal of vertebral body	32.23	NA	17.37	8.33	NA	57.93	090
63307		A	Removal of vertebral body	31.64	NA	16.65	4.46	NA	52.75	090
63308		A	Remove vertebral body add-on	5.25	NA	2.53	1.29	NA	9.07	ZZZ
63600		A	Remove spinal cord lesion	14.03	NA	5.29	1.52	NA	20.83	090
63610		A	Stimulation of spinal cord	8.74	53.74	2.21	0.86	63.34	11.80	000
63615		A	Remove lesion of spinal cord	16.29	NA	9.07	2.84	NA	28.20	090
63650		A	Implant neuroelectrodes	6.74	NA	3.09	0.53	NA	10.36	090
63655		A	Implant neuroelectrodes	10.29	NA	6.75	2.43	NA	19.47	090
63660		A	Revise/remove neuroelectrode	6.16	NA	3.53	0.78	NA	10.47	090
63685		A	Insrt/redo spine n generator	7.04	NA	4.05	1.05	NA	12.14	090
63688		A	Revise/remove neuroreceiver	5.39	NA	3.47	0.89	NA	9.76	090
63700		A	Repair of spinal herniation	16.54	NA	10.06	3.52	NA	30.12	090
63702		A	Repair of spinal herniation	18.49	NA	10.87	4.12	NA	33.48	090
63704		A	Repair of spinal herniation	21.19	NA	12.61	4.57	NA	38.37	090
63706		A	Repair of spinal herniation	24.12	NA	13.24	6.23	NA	43.58	090
63707		A	Repair spinal fluid leakage	11.26	NA	7.53	2.51	NA	21.30	090
63709		A	Repair spinal fluid leakage	14.33	NA	9.16	3.09	NA	26.58	090
63710		A	Graft repair of spine defect	14.08	NA	8.84	3.40	NA	26.32	090
63740		A	Install spinal shunt	11.36	NA	7.22	2.93	NA	21.51	090
63741		A	Install spinal shunt	8.26	NA	4.68	1.66	NA	14.60	090
63744		A	Revision of spinal shunt	8.11	NA	5.16	1.89	NA	15.16	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
63746		A	Removal of spinal shunt	6.43	NA	3.70	1.53	NA	11.66	090
64400		A	N block inj, trigeminal	1.11	1.83	0.42	0.07	3.01	1.60	000
64402		A	N block inj, facial	1.25	1.59	0.59	0.09	2.93	1.93	000
64405		A	N block inj, occipital	1.32	1.42	0.45	0.08	2.82	1.85	000
64408		A	N block inj, vagus	1.41	1.57	0.83	0.10	3.08	2.34	000
64410		A	N block inj, phrenic	1.43	2.36	0.45	0.09	3.89	1.97	000
64412		A	N block inj, spinal accessor	1.18	2.49	0.42	0.08	3.75	1.68	000
64413		A	N block inj, cervical plexus	1.40	1.77	0.49	0.08	3.25	1.97	000
64415		A	N block inj, brachial plexus	1.48	2.66	0.45	0.09	4.23	2.02	000
64416		A	N block cont infuse, b plex	3.50	NA	0.77	0.31	NA	4.58	010
64417		A	N block inj, axillary	1.44	2.84	0.48	0.11	4.40	2.03	000
64418		A	N block inj, suprascapular	1.32	2.49	0.43	0.07	3.89	1.82	000
64420		A	N block inj, intercost, sng	1.18	3.62	0.41	0.08	4.89	1.67	000
64421		A	N block inj, intercost, mlt	1.68	5.65	0.51	0.11	7.44	2.30	000
64425		A	N block inj, ilio-ing/hypogi	1.75	1.62	0.53	0.13	3.51	2.41	000
64430		A	N block inj, pudendal	1.46	2.47	0.56	0.10	4.03	2.12	000
64435		A	N block inj, paracervical	1.45	2.42	0.68	0.16	4.03	2.29	000
64445		A	N block inj, sciatic, sng	1.48	2.52	0.49	0.10	4.11	2.07	000
64446		A	N blk inj, sciatic, cont inf	3.26	NA	0.97	0.20	NA	4.43	010
64447		A	N block inj fem, single	1.50	NA	0.42	0.09	NA	2.01	000
64448		A	N block inj fem, cont inf	3.01	NA	0.79	0.18	NA	3.98	010
64449		A	N block inj, lumbar plexus	3.01	NA	0.91	0.15	NA	4.07	010
64450		A	N block, other peripheral	1.27	1.25	0.47	0.13	2.65	1.87	000
64470		A	Inj paravertebral c/t	1.85	6.70	0.69	0.11	8.66	2.66	000
64472		A	Inj paravertebral c/t add-on	1.29	2.16	0.33	0.08	3.53	1.71	ZZZ
64475		A	Inj paravertebral l/s	1.41	6.37	0.62	0.10	7.89	2.13	000
64476		A	Inj paravertebral l/s add-on	0.98	1.95	0.24	0.07	3.00	1.29	ZZZ
64479		A	Inj foramen epidural c/t	2.20	6.90	0.87	0.12	9.22	3.19	000
64480		A	Inj foramen epidural add-on	1.54	2.62	0.46	0.10	4.26	2.10	ZZZ
64483		A	Inj foramen epidural l/s	1.90	7.23	0.81	0.11	9.25	2.82	000
64484		A	Inj foramen epidural add-on	1.33	3.01	0.36	0.08	4.42	1.77	ZZZ
64505		A	N block, sphenopalatine gangl	1.36	1.21	0.64	0.10	2.68	2.10	000
64508		A	N block, carotid sinus s/p	1.12	3.15	0.76	0.07	4.35	1.95	000
64510		A	N block, stellate ganglion	1.22	3.19	0.50	0.07	4.49	1.79	000
64517		A	N block inj, hypogas plxs	2.20	2.65	0.87	0.11	4.96	3.19	000
64520		A	N block, lumbar/thoracic	1.35	4.76	0.54	0.08	6.19	1.97	000
64530		A	N block inj, celiac pelus	1.58	4.14	0.64	0.10	5.82	2.32	000
64550		A	Apply neurostimulator	0.18	0.27	0.05	0.01	0.46	0.24	000
64553		A	Implant neuroelectrodes	2.31	2.70	1.81	0.18	5.20	4.31	010
64555		A	Implant neuroelectrodes	2.27	2.98	1.26	0.19	5.44	3.73	010
64560		A	Implant neuroelectrodes	2.36	2.54	1.25	0.22	5.12	3.84	010
64561		A	Implant neuroelectrodes	6.74	29.47	3.21	0.51	36.73	10.46	010
64565		A	Implant neuroelectrodes	1.76	3.12	1.24	0.13	5.01	3.14	010
64573		A	Implant neuroelectrodes	7.50	NA	5.15	1.60	NA	14.25	090
64575		A	Implant neuroelectrodes	4.35	NA	2.84	0.61	NA	7.80	090
64577		A	Implant neuroelectrodes	4.62	NA	3.20	1.04	NA	8.86	090
64580		A	Implant neuroelectrodes	4.12	NA	3.44	0.36	NA	7.92	090
64581		A	Implant neuroelectrodes	13.51	NA	6.11	1.05	NA	20.67	090
64585		A	Revise/remove neuroelectrode	2.06	10.39	2.13	0.20	12.65	4.39	010
64590		A	Instr/redo perph n generator	2.40	6.92	2.33	0.19	9.51	4.92	010
64595		A	Revise/remove neuroreceiver	1.73	9.61	1.90	0.19	11.54	3.83	010
64600		A	Injection treatment of nerve	3.45	8.75	1.62	0.34	12.54	5.40	010
64605		A	Injection treatment of nerve	5.61	8.92	2.13	0.79	15.32	8.53	010
64610		A	Injection treatment of nerve	7.16	8.48	3.64	1.58	17.22	12.38	010
64612		A	Destroy nerve, face muscle	1.96	2.41	1.30	0.11	4.48	3.38	010
64613		A	Destroy nerve, spine muscle	1.96	2.86	1.20	0.11	4.93	3.28	010
64614		A	Destroy nerve, extrem musc	2.20	3.07	1.28	0.10	5.37	3.58	010
64620		A	Injection treatment of nerve	2.85	4.75	1.29	0.20	7.80	4.33	010
64622		A	Destr paravertebrl nerve l/s	3.01	7.17	1.33	0.18	10.35	4.52	010
64623		A	Destr paravertebrl n add-on	0.99	2.74	0.22	0.06	3.79	1.27	ZZZ
64626		A	Destr paravertebrl nerve c/t	3.29	7.26	1.90	0.20	10.75	5.39	010
64627		A	Destr paravertebrl n add-on	1.16	4.18	0.26	0.07	5.41	1.50	ZZZ
64630		A	Injection treatment of nerve	3.01	2.69	1.42	0.22	5.92	4.65	010
64640		A	Injection treatment of nerve	2.77	3.94	1.78	0.29	7.00	4.84	010
64680		A	Injection treatment of nerve	2.63	6.22	1.40	0.18	9.03	4.20	010
64681		A	Injection treatment of nerve	3.55	8.67	2.01	0.28	12.50	5.84	010
64702		A	Revise finger/toe nerve	4.23	NA	3.76	0.61	NA	8.60	090
64704		A	Revise hand/foot nerve	4.57	NA	3.29	0.61	NA	8.47	090
64708		A	Revise arm/leg nerve	6.12	NA	4.73	0.96	NA	11.81	090
64712		A	Revision of sciatic nerve	7.76	NA	4.79	0.95	NA	13.49	090
64713		A	Revision of arm nerve(s)	11.00	NA	5.70	1.82	NA	18.52	090
64714		A	Revise low back nerve(s)	10.33	NA	4.09	1.19	NA	15.61	090
64716		A	Revision of cranial nerve	6.31	NA	5.84	0.63	NA	12.78	090
64718		A	Revise ulnar nerve at elbow	5.99	NA	5.84	1.05	NA	12.88	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
64719		A	Revise ulnar nerve at wrist	4.85	NA	4.39	0.77	NA	10.01	090
64721		A	Carpal tunnel surgery	4.29	0.00	5.17	0.73	5.02	10.19	090
64722		A	Relieve pressure on nerve(s)	4.70	NA	2.96	0.48	NA	8.14	090
64726		A	Release foot/toe nerve	4.18	NA	2.77	0.54	NA	7.49	090
64727		A	Internal nerve revision	3.11	NA	1.46	0.48	NA	5.04	ZZZ
64732		A	Incision of brow nerve	4.41	NA	3.45	0.98	NA	8.84	090
64734		A	Incision of cheek nerve	4.92	NA	3.99	0.89	NA	9.80	090
64736		A	Incision of chin nerve	4.60	NA	3.98	0.52	NA	9.10	090
64738		A	Incision of jaw nerve	5.73	NA	4.54	1.08	NA	11.36	090
64740		A	Incision of tongue nerve	5.59	NA	5.06	0.69	NA	11.34	090
64742		A	Incision of facial nerve	6.22	NA	4.61	0.73	NA	11.56	090
64744		A	Incise nerve, back of head	5.24	NA	3.71	1.16	NA	10.11	090
64746		A	Incise diaphragm nerve	5.93	NA	4.29	0.82	NA	11.04	090
64752		A	Incision of vagus nerve	7.06	NA	4.18	0.93	NA	12.17	090
64755		A	Incision of stomach nerves	13.53	NA	5.57	1.83	NA	20.93	090
64760		A	Incision of vagus nerve	6.96	NA	3.41	0.81	NA	11.19	090
64761		A	Incision of pelvis nerve	6.41	NA	3.50	0.53	NA	10.44	090
64763		A	Incise hip/thigh nerve	6.93	NA	5.06	0.94	NA	12.93	090
64766		A	Incise hip/thigh nerve	8.68	NA	5.25	1.06	NA	14.99	090
64771		A	Sever cranial nerve	7.35	NA	5.45	1.23	NA	14.03	090
64772		A	Incision of spinal nerve	7.21	NA	4.83	1.40	NA	13.45	090
64774		A	Remove skin nerve lesion	5.17	NA	3.77	0.74	NA	9.68	090
64776		A	Remove digit nerve lesion	5.12	NA	3.61	0.76	NA	9.49	090
64778		A	Digit nerve surgery add-on	3.12	NA	1.46	0.46	NA	5.03	ZZZ
64782		A	Remove limb nerve lesion	6.23	NA	3.76	0.86	NA	10.85	090
64783		A	Limb nerve surgery add-on	3.72	NA	1.78	0.51	NA	6.01	ZZZ
64784		A	Remove nerve lesion	9.83	NA	6.43	1.38	NA	17.64	090
64786		A	Remove sciatic nerve lesion	15.47	NA	9.57	2.60	NA	27.64	090
64787		A	Implant nerve end	4.30	NA	2.06	0.58	NA	6.94	ZZZ
64788		A	Remove skin nerve lesion	4.61	NA	3.43	0.73	NA	8.77	090
64790		A	Removal of nerve lesion	11.31	NA	7.05	2.10	NA	20.46	090
64792		A	Removal of nerve lesion	14.93	NA	8.63	2.48	NA	26.04	090
64795		A	Biopsy of nerve	3.02	NA	1.53	0.52	NA	5.07	000
64802		A	Remove sympathetic nerves	9.16	NA	4.96	1.29	NA	15.41	090
64804		A	Remove sympathetic nerves	14.65	NA	6.92	2.14	NA	23.71	090
64809		A	Remove sympathetic nerves	13.68	NA	5.58	1.50	NA	20.76	090
64818		A	Remove sympathetic nerves	10.30	NA	5.10	1.33	NA	16.73	090
64820		A	Remove sympathetic nerves	10.37	NA	6.92	1.49	NA	18.78	090
64821		A	Remove sympathetic nerves	8.76	NA	7.13	1.24	NA	17.13	090
64822		A	Remove sympathetic nerves	8.76	NA	7.03	1.30	NA	17.09	090
64823		A	Remove sympathetic nerves	10.37	NA	7.91	1.57	NA	19.85	090
64831		A	Repair of digit nerve	9.45	NA	6.88	1.41	NA	17.74	090
64832		A	Repair nerve add-on	5.66	NA	2.85	0.85	NA	9.36	ZZZ
64834		A	Repair of hand or foot nerve	10.19	NA	6.90	1.54	NA	18.63	090
64835		A	Repair of hand or foot nerve	10.94	NA	7.48	1.73	NA	20.15	090
64836		A	Repair of hand or foot nerve	10.94	NA	7.45	1.67	NA	20.07	090
64837		A	Repair nerve add-on	6.26	NA	3.14	0.97	NA	10.37	ZZZ
64840		A	Repair of leg nerve	13.03	NA	8.05	1.37	NA	22.44	090
64856		A	Repair/transpose nerve	13.81	NA	8.93	2.12	NA	24.86	090
64857		A	Repair arm/leg nerve	14.50	NA	9.37	2.21	NA	26.08	090
64858		A	Repair sciatic nerve	16.50	NA	10.48	3.33	NA	30.31	090
64859		A	Nerve surgery	4.26	NA	2.13	0.67	NA	7.06	ZZZ
64861		A	Repair of arm nerves	19.25	NA	11.42	4.08	NA	34.75	090
64862		A	Repair of low back nerves	19.45	NA	11.75	4.31	NA	35.50	090
64864		A	Repair of facial nerve	12.56	NA	8.49	1.26	NA	22.31	090
64865		A	Repair of facial nerve	15.25	NA	13.11	1.50	NA	29.86	090
64866		A	Fusion of facial/other nerve	15.75	NA	12.78	2.04	NA	30.57	090
64868		A	Fusion of facial/other nerve	14.05	NA	11.16	1.43	NA	26.64	090
64870		A	Fusion of facial/other nerve	16.00	NA	8.55	1.30	NA	25.85	090
64872		A	Subsequent repair of nerve	1.99	NA	1.05	0.29	NA	3.33	ZZZ
64874		A	Repair & revise nerve add-on	2.99	NA	1.48	0.42	NA	4.89	ZZZ
64876		A	Repair nerve/shorten bone	3.38	NA	1.70	0.47	NA	5.54	ZZZ
64885		A	Nerve graft, head or neck	17.54	NA	11.26	1.63	NA	30.42	090
64886		A	Nerve graft, head or neck	20.76	NA	13.11	2.08	NA	35.96	090
64890		A	Nerve graft, hand or foot	15.16	NA	9.71	2.29	NA	27.16	090
64891		A	Nerve graft, hand or foot	16.15	NA	7.41	1.63	NA	25.19	090
64892		A	Nerve graft, arm or leg	14.66	NA	8.65	2.47	NA	25.78	090
64893		A	Nerve graft, arm or leg	15.61	NA	9.60	2.61	NA	27.82	090
64895		A	Nerve graft, hand or foot	19.26	NA	9.45	2.57	NA	31.27	090
64896		A	Nerve graft, hand or foot	20.50	NA	10.93	3.16	NA	34.59	090
64897		A	Nerve graft, arm or leg	18.25	NA	10.41	2.54	NA	31.20	090
64898		A	Nerve graft, arm or leg	19.51	NA	11.53	2.77	NA	33.80	090
64901		A	Nerve graft add-on	10.22	NA	5.09	1.37	NA	16.68	ZZZ
64902		A	Nerve graft add-on	11.83	NA	5.76	1.55	NA	19.15	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
64905		A	Nerve pedicle transfer	14.03	NA	8.29	2.00	NA	24.32	090
64907		A	Nerve pedicle transfer	18.84	NA	12.19	3.16	NA	34.19	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	8.01	0.32	NA	14.79	090
65093		A	Revise eye with implant	6.87	NA	8.36	0.34	NA	15.57	090
65101		A	Removal of eye	7.03	NA	9.15	0.35	NA	16.53	090
65103		A	Remove eye/insert implant	7.58	NA	9.37	0.37	NA	17.31	090
65105		A	Remove eye/attach implant	8.50	NA	10.07	0.42	NA	18.99	090
65110		A	Removal of eye	13.96	NA	13.20	0.81	NA	27.96	090
65112		A	Remove eye/revise socket	16.39	NA	15.51	1.30	NA	33.20	090
65114		A	Remove eye/revise socket	17.54	NA	15.76	1.02	NA	34.31	090
65125		A	Revise ocular implant	3.13	8.39	3.52	0.19	11.71	6.83	090
65130		A	Insert ocular implant	7.15	NA	8.82	0.35	NA	16.32	090
65135		A	Insert ocular implant	7.33	NA	8.96	0.36	NA	16.65	090
65140		A	Attach ocular implant	8.03	NA	9.51	0.40	NA	17.93	090
65150		A	Revise ocular implant	6.26	NA	7.66	0.31	NA	14.23	090
65155		A	Reinsert ocular implant	8.67	NA	10.07	0.50	NA	19.24	090
65175		A	Removal of ocular implant	6.28	NA	8.16	0.31	NA	14.75	090
65205		A	Remove foreign body from eye	0.71	0.63	0.28	0.03	1.37	1.02	000
65210		A	Remove foreign body from eye	0.84	0.80	0.37	0.04	1.68	1.25	000
65220		A	Remove foreign body from eye	0.71	0.63	0.27	0.05	1.39	1.03	000
65222		A	Remove foreign body from eye	0.93	0.87	0.37	0.04	1.85	1.34	000
65235		A	Remove foreign body from eye	7.58	NA	6.60	0.37	NA	14.55	090
65260		A	Remove foreign body from eye	10.96	NA	9.39	0.57	NA	20.92	090
65265		A	Remove foreign body from eye	12.60	NA	10.34	0.62	NA	23.56	090
65270		A	Repair of eye wound	1.90	4.94	1.36	0.09	6.93	3.35	010
65272		A	Repair of eye wound	3.82	7.38	3.21	0.19	11.38	7.22	090
65273		A	Repair of eye wound	4.36	NA	3.49	0.22	NA	8.07	090
65275		A	Repair of eye wound	5.34	6.16	3.85	0.26	11.76	9.45	090
65280		A	Repair of eye wound	7.67	NA	6.08	0.38	NA	14.13	090
65285		A	Repair of eye wound	12.91	NA	8.99	0.64	NA	22.54	090
65286		A	Repair of eye wound	5.51	10.63	4.51	0.27	16.41	10.30	090
65290		A	Repair of eye socket wound	5.41	NA	4.61	0.31	NA	10.33	090
65400		A	Removal of eye lesion	6.06	8.08	5.99	0.30	14.45	12.35	090
65410		A	Biopsy of cornea	1.47	2.03	0.95	0.07	3.57	2.49	000
65420		A	Removal of eye lesion	4.17	8.48	4.35	0.21	12.86	8.73	090
65426		A	Removal of eye lesion	5.25	9.74	4.82	0.25	15.24	10.32	090
65430		A	Corneal smear	1.47	1.26	0.96	0.07	2.80	2.50	000
65435		A	Curette/treat cornea	0.92	0.98	0.70	0.04	1.94	1.66	000
65436		A	Curette/treat cornea	4.19	4.00	3.60	0.21	8.40	8.00	090
65450		A	Treatment of corneal lesion	3.28	3.98	3.86	0.16	7.42	7.30	090
65600		A	Revision of cornea	3.40	4.85	3.28	0.17	8.42	6.85	090
65710		A	Corneal transplant	12.35	NA	10.92	0.61	NA	23.89	090
65730		A	Corneal transplant	14.26	NA	11.73	0.70	NA	26.69	090
65750		A	Corneal transplant	15.01	NA	11.67	0.74	NA	27.42	090
65755		A	Corneal transplant	14.90	NA	11.59	0.73	NA	27.22	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	17.57	NA	12.88	0.87	NA	31.31	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	5.36	4.05	0.21	9.86	8.55	090
65775		A	Correction of astigmatism	5.79	NA	5.80	0.28	NA	11.88	090
65780		A	Ocular reconst, transplant	10.25	NA	10.04	0.44	NA	20.73	090
65781		A	Ocular reconst, transplant	17.68	NA	13.35	0.44	NA	31.46	090
65782		A	Ocular reconst, transplant	15.01	NA	11.71	0.44	NA	27.16	090
65800		A	Drainage of eye	1.91	1.73	1.16	0.09	3.73	3.16	000
65805		A	Drainage of eye	1.91	2.09	1.17	0.09	4.10	3.17	000
65810		A	Drainage of eye	4.87	NA	4.60	0.24	NA	9.71	090
65815		A	Drainage of eye	5.05	9.56	4.71	0.25	14.86	10.01	090
65820		A	Relieve inner eye pressure	8.14	NA	8.75	0.40	NA	17.29	090
65850		A	Incision of eye	10.52	NA	8.21	0.52	NA	19.25	090
65855		A	Laser surgery of eye	3.85	4.18	3.03	0.19	8.21	7.07	010
65860		A	Incise inner eye adhesions	3.55	3.92	2.45	0.18	7.64	6.17	090
65865		A	Incise inner eye adhesions	5.60	NA	5.47	0.28	NA	11.35	090
65870		A	Incise inner eye adhesions	6.27	NA	6.24	0.31	NA	12.82	090
65875		A	Incise inner eye adhesions	6.54	NA	6.61	0.32	NA	13.48	090
65880		A	Incise inner eye adhesions	7.09	NA	6.85	0.35	NA	14.29	090
65900		A	Remove eye lesion	10.93	NA	9.95	0.54	NA	21.42	090
65920		A	Remove implant of eye	8.41	NA	7.96	0.41	NA	16.78	090
65930		A	Remove blood clot from eye	7.44	NA	6.64	0.37	NA	14.45	090
66020		A	Injection treatment of eye	1.59	2.99	1.41	0.08	4.66	3.08	010
66030		A	Injection treatment of eye	1.25	2.84	1.26	0.06	4.15	2.57	010
66130		A	Remove eye lesion	7.70	9.24	5.49	0.38	17.31	13.56	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
66150		A	Glaucoma surgery	8.31	NA	9.16	0.46	NA	17.93	090
66155		A	Glaucoma surgery	8.30	NA	9.11	0.41	NA	17.81	090
66160		A	Glaucoma surgery	10.17	NA	9.93	0.50	NA	20.60	090
66165		A	Glaucoma surgery	8.02	NA	9.01	0.40	NA	17.42	090
66170		A	Glaucoma surgery	12.16	NA	11.92	0.60	NA	24.68	090
66172		A	Incision of eye	15.05	NA	14.84	0.74	NA	30.63	090
66180		A	Implant eye shunt	14.56	NA	10.51	0.71	NA	25.78	090
66185		A	Revise eye shunt	8.15	NA	7.20	0.40	NA	15.75	090
66220		A	Repair eye lesion	7.78	NA	6.93	0.40	NA	15.11	090
66225		A	Repair/graft eye lesion	11.05	NA	8.54	0.55	NA	20.14	090
66250		A	Follow-up surgery of eye	5.98	11.17	5.37	0.30	17.45	11.65	090
66500		A	Incision of iris	3.71	NA	4.49	0.18	NA	8.38	090
66505		A	Incision of iris	4.08	NA	4.84	0.20	NA	9.12	090
66600		A	Remove iris and lesion	8.69	NA	8.01	0.43	NA	17.12	090
66605		A	Removal of iris	12.80	NA	9.77	0.77	NA	23.34	090
66625		A	Removal of iris	5.13	NA	4.63	0.26	NA	10.02	090
66630		A	Removal of iris	6.16	NA	5.59	0.31	NA	12.06	090
66635		A	Removal of iris	6.25	NA	5.62	0.31	NA	12.18	090
66680		A	Repair iris & ciliary body	5.44	NA	5.15	0.27	NA	10.86	090
66682		A	Repair iris & ciliary body	6.21	NA	6.42	0.31	NA	12.95	090
66700		A	Destruction, ciliary body	4.78	5.20	3.87	0.24	10.21	8.88	090
66710		A	Ciliary transscleral therapy	4.78	5.03	3.77	0.23	10.04	8.78	090
66711		A	Ciliary endoscopic ablation	6.61	NA	6.35	0.30	NA	13.26	090
66720		A	Destruction, ciliary body	4.78	5.65	4.63	0.26	10.69	9.67	090
66740		A	Destruction, ciliary body	4.78	4.96	3.89	0.23	9.97	8.90	090
6761		A	Revision of iris	4.07	5.44	4.23	0.20	9.70	8.49	090
66762		A	Revision of iris	4.58	5.49	4.20	0.23	10.30	9.01	090
66770		A	Removal of inner eye lesion	5.18	5.91	4.70	0.26	11.35	10.14	090
66820		A	Incision, secondary cataract	3.89	NA	5.58	0.19	NA	9.66	090
66821		A	After cataract laser surgery	2.35	3.97	3.52	0.11	6.44	5.98	090
66825		A	Reposition intraocular lens	8.24	NA	8.76	0.40	NA	17.40	090
66830		A	Removal of lens lesion	8.21	NA	6.80	0.36	NA	15.36	090
66840		A	Removal of lens material	7.92	NA	6.71	0.39	NA	15.01	090
66850		A	Removal of lens material	9.12	NA	7.47	0.45	NA	17.04	090
66852		A	Removal of lens material	9.98	NA	7.92	0.49	NA	18.39	090
66920		A	Extraction of lens	8.87	NA	7.13	0.44	NA	16.44	090
66930		A	Extraction of lens	10.18	NA	7.96	0.49	NA	18.63	090
66940		A	Extraction of lens	8.94	NA	7.43	0.43	NA	16.80	090
66982		A	Cataract surgery, complex	13.51	NA	9.65	0.63	NA	23.79	090
66983		A	Cataract surg w/iol, 1 stage	9.00	NA	6.09	0.14	NA	15.23	090
66984		A	Cataract surg w/iol, 1 stage	10.23	NA	7.27	0.39	NA	17.89	090
66985		A	Insert lens prosthesis	8.40	NA	7.30	0.36	NA	16.06	090
66986		A	Exchange lens prosthesis	12.28	NA	8.98	0.60	NA	21.86	090
66990		A	Ophthalmic endoscope add-on	1.51	NA	0.67	0.07	NA	2.26	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	4.77	0.28	NA	10.75	090
67010		A	Partial removal of eye fluid	6.87	NA	5.30	0.34	NA	12.52	090
67015		A	Release of eye fluid	6.92	NA	6.29	0.34	NA	13.55	090
67025		A	Replace eye fluid	6.84	8.89	6.09	0.34	16.08	13.27	090
67027		A	Implant eye drug system	10.85	NA	7.82	0.54	NA	19.21	090
67028		A	Injection eye drug	2.53	2.60	1.43	0.12	5.25	4.08	000
67030		A	Incise inner eye strands	4.84	NA	5.70	0.24	NA	10.78	090
67031		A	Laser surgery, eye strands	3.67	4.46	3.56	0.18	8.31	7.41	090
67036		A	Removal of inner eye fluid	11.89	NA	8.91	0.58	NA	21.38	090
67038		A	Strip retinal membrane	21.25	NA	15.11	1.04	NA	37.40	090
67039		A	Laser treatment of retina	14.53	NA	11.87	0.71	NA	27.11	090
67040		A	Laser treatment of retina	17.23	NA	13.34	0.85	NA	31.43	090
67101		A	Repair detached retina	7.54	8.91	6.39	0.37	16.81	14.30	090
67105		A	Repair detached retina	7.41	7.88	6.02	0.37	15.67	13.80	090
67107		A	Repair detached retina	14.85	NA	11.06	0.73	NA	26.64	090
67108		A	Repair detached retina	20.83	NA	14.10	1.02	NA	35.95	090
67110		A	Repair detached retina	8.82	9.91	7.23	0.44	19.16	16.49	090
67112		A	Rerepair detached retina	16.86	NA	11.54	0.83	NA	29.24	090
67115		A	Release encircling material	4.99	NA	4.97	0.25	NA	10.21	090
67120		A	Remove eye implant material	5.98	8.27	5.42	0.29	14.54	11.69	090
67121		A	Remove eye implant material	10.67	NA	8.34	0.53	NA	19.54	090
67141		A	Treatment of retina	5.20	5.70	4.76	0.26	11.16	10.22	090
67145		A	Treatment of retina	5.37	5.58	4.83	0.27	11.22	10.47	090
67208		A	Treatment of retinal lesion	6.70	5.98	5.40	0.33	13.01	12.43	090
67210		A	Treatment of retinal lesion	8.83	6.41	5.75	0.44	15.68	15.02	090
67218		A	Treatment of retinal lesion	18.54	NA	11.83	0.92	NA	31.29	090
67220		A	Treatment of choroid lesion	13.14	10.16	8.81	0.65	23.94	22.60	090
67221		R	Ocular photodynamic ther	4.01	4.15	1.79	0.20	8.35	6.00	000
67225		A	Eye photodynamic ther add-on	0.47	0.25	0.21	0.02	0.74	0.70	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
67227		A	Treatment of retinal lesion	6.58	6.42	5.40	0.33	13.33	12.32	090
67228		A	Treatment of retinal lesion	12.75	11.17	8.35	0.63	24.54	21.73	090
67250		A	Reinforce eye wall	8.67	NA	8.85	0.47	NA	17.98	090
67255		A	Reinforce/graft eye wall	8.91	NA	9.54	0.44	NA	18.89	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	5.88	0.37	NA	12.91	090
67312		A	Revise two eye muscles	8.55	NA	6.60	0.43	NA	15.58	090
67314		A	Revise eye muscle	7.53	NA	6.41	0.39	NA	14.32	090
67316		A	Revise two eye muscles	9.67	NA	7.33	0.49	NA	17.49	090
67318		A	Revise eye muscle(s)	7.86	NA	6.78	0.41	NA	15.05	090
67320		A	Revise eye muscle(s) add-on	4.33	NA	1.90	0.22	NA	6.45	ZZZ
67331		A	Eye surgery follow-up add-on	4.06	NA	1.79	0.21	NA	6.05	ZZZ
67332		A	Rerevise eye muscles add-on	4.49	NA	1.97	0.23	NA	6.69	ZZZ
67334		A	Revise eye muscle w/suture	3.98	NA	1.75	0.20	NA	5.93	ZZZ
67335		A	Eye suture during surgery	2.49	NA	1.09	0.13	NA	3.72	ZZZ
67340		A	Revise eye muscle add-on	4.93	NA	2.15	0.25	NA	7.33	ZZZ
67343		A	Release eye tissue	7.35	NA	6.37	0.37	NA	14.09	090
67345		A	Destroy nerve of eye muscle	2.97	2.52	1.97	0.17	5.65	5.10	010
67350		A	Biopsy eye muscle	2.88	NA	1.84	0.15	NA	4.86	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	9.77	NA	10.83	0.56	NA	21.16	090
67405		A	Explore/drain eye socket	7.94	NA	9.42	0.44	NA	17.80	090
67412		A	Explore/treat eye socket	9.51	NA	10.47	0.48	NA	20.46	090
67413		A	Explore/treat eye socket	10.01	NA	10.36	0.50	NA	20.87	090
67414		A	Explr/decompress eye socket	11.13	NA	11.56	0.65	NA	23.34	090
67415		A	Aspiration, orbital contents	1.76	NA	0.74	0.09	NA	2.60	000
67420		A	Explore/treat eye socket	20.07	NA	16.76	1.15	NA	37.98	090
67430		A	Explore/treat eye socket	13.40	NA	14.29	0.86	NA	28.55	090
67440		A	Explore/drain eye socket	13.10	NA	13.73	0.70	NA	27.52	090
67445		A	Explr/decompress eye socket	14.43	NA	13.40	0.90	NA	28.73	090
67450		A	Explore/biopsy eye socket	13.52	NA	14.17	0.68	NA	28.36	090
67500		A	Inject/treat eye socket	0.79	0.65	0.28	0.05	1.49	1.12	000
67505		A	Inject/treat eye socket	0.82	0.67	0.30	0.05	1.54	1.17	000
67515		A	Inject/treat eye socket	0.61	0.57	0.37	0.03	1.21	1.01	000
67550		A	Insert eye socket implant	10.19	NA	10.89	0.72	NA	21.80	090
67560		A	Revise eye socket implant	10.60	NA	10.97	0.60	NA	22.17	090
67570		A	Decompress optic nerve	13.59	NA	13.08	0.68	NA	27.35	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	5.70	1.24	0.07	7.12	2.66	010
67710		A	Incision of eyelid	1.02	5.07	1.18	0.05	6.14	2.25	010
67715		A	Incision of eyelid fold	1.22	5.09	1.26	0.06	6.37	2.54	010
67800		A	Remove eyelid lesion	1.38	1.58	1.02	0.07	3.03	2.47	010
67801		A	Remove eyelid lesions	1.88	1.91	1.23	0.09	3.89	3.21	010
67805		A	Remove eyelid lesions	2.22	2.46	1.61	0.11	4.79	3.95	010
67808		A	Remove eyelid lesion(s)	3.80	NA	3.69	0.19	NA	7.68	090
67810		A	Biopsy of eyelid	1.48	3.44	0.67	0.06	4.98	2.22	000
67820		A	Revise eyelashes	0.89	0.59	0.56	0.04	1.52	1.49	000
67825		A	Revise eyelashes	1.38	1.67	1.38	0.07	3.13	2.84	010
67830		A	Revise eyelashes	1.70	5.26	1.47	0.08	7.04	3.25	010
67835		A	Revise eyelashes	5.56	NA	4.52	0.28	NA	10.36	090
67840		A	Remove eyelid lesion	2.04	5.22	1.62	0.10	7.37	3.76	010
67850		A	Treat eyelid lesion	1.69	3.41	1.45	0.07	5.17	3.21	010
67875		A	Closure of eyelid by suture	1.35	3.13	0.92	0.07	4.56	2.35	000
67880		A	Revision of eyelid	3.80	6.35	3.71	0.19	10.34	7.70	090
67882		A	Revision of eyelid	5.07	7.35	4.70	0.25	12.67	10.02	090
67900		A	Repair brow defect	6.14	8.72	5.11	0.38	15.24	11.63	090
67901		A	Repair eyelid defect	6.97	NA	5.26	0.51	NA	12.74	090
67902		A	Repair eyelid defect	7.03	NA	5.32	0.45	NA	12.80	090
67903		A	Repair eyelid defect	6.37	9.07	5.33	0.47	15.92	12.17	090
67904		A	Repair eyelid defect	6.26	9.25	5.11	0.41	15.92	11.78	090
67906		A	Repair eyelid defect	6.79	NA	4.92	0.46	NA	12.17	090
67908		A	Repair eyelid defect	5.13	6.41	5.19	0.28	11.82	10.60	090
67909		A	Revise eyelid defect	5.40	7.70	4.82	0.31	13.41	10.53	090
67911		A	Revise eyelid defect	5.27	NA	4.66	0.31	NA	10.24	090
67912		A	Correction eyelid w/implant	5.68	17.75	5.37	0.28	23.71	11.33	090
67914		A	Repair eyelid defect	3.68	6.06	2.99	0.19	9.92	6.85	090
67915		A	Repair eyelid defect	3.19	5.70	2.74	0.16	9.05	6.09	090
67916		A	Repair eyelid defect	5.31	7.74	4.65	0.28	13.33	10.24	090
67917		A	Repair eyelid defect	6.02	8.14	4.95	0.36	14.52	11.33	090
67921		A	Repair eyelid defect	3.40	5.91	2.83	0.17	9.48	6.40	090
67922		A	Repair eyelid defect	3.07	5.63	2.70	0.15	8.84	5.91	090
67923		A	Repair eyelid defect	5.88	7.82	4.86	0.30	14.00	11.04	090
67924		A	Repair eyelid defect	5.79	8.56	4.58	0.30	14.65	10.67	090
67930		A	Repair eyelid wound	3.61	5.47	2.12	0.19	9.26	5.91	010

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
67935		A	Repair eyelid wound	6.22	8.21	4.28	0.39	14.82	10.89	090
67938		A	Remove eyelid foreign body	1.33	5.11	1.24	0.06	6.50	2.63	010
67950		A	Revision of eyelid	5.82	8.28	5.07	0.36	14.46	11.25	090
67961		A	Revision of eyelid	5.69	8.35	4.90	0.33	14.37	10.92	090
67966		A	Revision of eyelid	6.57	8.78	5.41	0.37	15.72	12.35	090
67971		A	Reconstruction of eyelid	9.80	NA	7.11	0.53	NA	17.44	090
67973		A	Reconstruction of eyelid	12.88	NA	9.07	0.75	NA	22.69	090
67974		A	Reconstruction of eyelid	12.85	NA	9.00	0.75	NA	22.59	090
67975		A	Reconstruction of eyelid	9.14	NA	6.79	0.50	NA	16.43	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	1.38	1.18	0.06	2.81	2.62	010
68040		A	Treatment of eyelid lesions	0.85	0.69	0.42	0.04	1.59	1.31	000
68100		A	Biopsy of eyelid lining	1.35	3.09	0.93	0.07	4.51	2.36	000
68110		A	Remove eyelid lining lesion	1.77	3.91	1.62	0.09	5.78	3.48	010
68115		A	Remove eyelid lining lesion	2.36	5.67	1.87	0.12	8.15	4.36	010
68130		A	Remove eyelid lining lesion	4.93	8.34	4.50	0.24	13.51	9.67	090
68135		A	Remove eyelid lining lesion	1.84	1.77	1.62	0.09	3.70	3.55	010
68200		A	Treat eyelid by injection	0.49	0.52	0.32	0.02	1.03	0.83	000
68320		A	Revise/graft eyelid lining	5.37	10.81	5.41	0.27	16.45	11.05	090
68325		A	Revise/graft eyelid lining	7.36	NA	6.39	0.44	NA	14.19	090
68326		A	Revise/graft eyelid lining	7.15	NA	6.27	0.35	NA	13.77	090
68328		A	Revise/graft eyelid lining	8.19	NA	7.08	0.54	NA	15.81	090
68330		A	Revise eyelid lining	4.83	9.00	4.62	0.24	14.07	9.69	090
68335		A	Revise/graft eyelid lining	7.19	NA	6.24	0.36	NA	13.80	090
68340		A	Separate eyelid adhesions	4.17	8.47	4.02	0.21	12.85	8.39	090
68360		A	Revise eyelid lining	4.37	7.70	4.10	0.22	12.29	8.68	090
68362		A	Revise eyelid lining	7.34	NA	6.27	0.36	NA	13.97	090
68371		A	Harvest eye tissue, alograft	4.90	NA	4.61	0.44	NA	9.95	010
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	5.61	1.72	0.08	7.38	3.49	010
68420		A	Incise/drain tear sac	2.30	5.90	1.99	0.11	8.31	4.40	010
68440		A	Incise tear duct opening	0.94	1.93	1.24	0.05	2.92	2.23	010
68500		A	Removal of tear gland	11.02	NA	9.45	0.55	NA	21.02	090
68505		A	Partial removal, tear gland	10.94	NA	10.29	0.55	NA	21.78	090
68510		A	Biopsy of tear gland	4.61	6.97	2.13	0.23	11.81	6.97	000
68520		A	Removal of tear sac	7.52	NA	7.21	0.37	NA	15.09	090
68525		A	Biopsy of tear sac	4.43	NA	1.97	0.22	NA	6.62	000
68530		A	Clearance of tear duct	3.66	7.71	2.55	0.18	11.55	6.39	010
68540		A	Remove tear gland lesion	10.60	NA	9.14	0.52	NA	20.26	090
68550		A	Remove tear gland lesion	13.27	NA	11.03	0.80	NA	25.09	090
68700		A	Repair tear ducts	6.60	NA	5.84	0.32	NA	12.76	090
68705		A	Revise tear duct opening	2.06	3.97	1.75	0.10	6.13	3.92	010
68720		A	Create tear sac drain	8.97	NA	7.65	0.44	NA	17.05	090
68745		A	Create tear duct drain	8.64	NA	7.65	0.52	NA	16.80	090
68750		A	Create tear duct drain	8.67	NA	8.04	0.43	NA	17.14	090
68760		A	Close tear duct opening	1.73	3.37	1.60	0.09	5.19	3.42	010
68761		A	Close tear duct opening	1.36	2.19	1.31	0.06	3.62	2.73	010
68770		A	Close tear system fistula	7.02	NA	3.78	0.35	NA	11.15	090
68801		A	Dilate tear duct opening	0.94	1.90	1.46	0.05	2.89	2.45	010
68810		A	Probe nasolacrimal duct	1.90	3.55	2.62	0.10	5.56	4.62	010
68811		A	Probe nasolacrimal duct	2.35	NA	2.35	0.13	NA	4.84	010
68815		A	Probe nasolacrimal duct	3.21	7.87	2.75	0.17	11.25	6.12	010
68840		A	Explore/irrigate tear ducts	1.25	1.55	1.11	0.06	2.86	2.42	010
68850		A	Injection for tear sac x-ray	0.80	0.87	0.71	0.04	1.71	1.55	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	2.83	1.32	0.12	4.41	2.90	010
69005		A	Drain external ear lesion	2.11	2.90	1.79	0.17	5.18	4.07	010
69020		A	Drain outer ear canal lesion	1.48	3.93	2.00	0.12	5.54	3.60	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	1.76	0.41	0.03	2.61	1.25	000
69105		A	Biopsy of external ear canal	0.85	2.35	0.76	0.07	3.27	1.68	000
69110		A	Remove external ear, partial	3.44	7.01	4.35	0.30	10.75	8.09	090
69120		A	Removal of external ear	4.05	NA	5.99	0.38	NA	10.42	090
69140		A	Remove ear canal lesion(s)	7.98	NA	13.09	0.65	NA	21.72	090
69145		A	Remove ear canal lesion(s)	2.63	5.85	3.28	0.21	8.68	6.11	090
69150		A	Extensive ear canal surgery	13.44	NA	13.05	1.22	NA	27.71	090
69155		A	Extensive ear/neck surgery	20.81	NA	19.00	1.92	NA	41.73	090
69200		A	Clear outer ear canal	0.77	2.30	0.54	0.06	3.13	1.37	000
69205		A	Clear outer ear canal	1.20	NA	1.34	0.10	NA	2.64	010
69210		A	Remove impacted ear wax	0.61	0.62	0.22	0.05	1.28	0.88	000
69220		A	Clean out mastoid cavity	0.83	2.34	0.72	0.07	3.24	1.62	000
69222		A	Clean out mastoid cavity	1.40	3.80	2.01	0.12	5.32	3.53	010
69300		R	Revise external ear	6.36	0.00	4.43	0.72	7.08	11.51	YYY
69310		A	Rebuild outer ear canal	10.79	NA	15.97	0.85	NA	27.61	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
69320		A	Rebuild outer ear canal	16.96	NA	21.39	1.37	NA	39.72	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	2.20	0.67	0.07	3.11	1.57	000
69401		A	Inflate middle ear canal	0.63	1.27	0.64	0.05	1.95	1.32	000
69405		A	Catheterize middle ear canal	2.64	3.49	2.26	0.21	6.33	5.10	010
69410		A	Inset middle ear (baffle)	0.33	2.06	0.48	0.03	2.42	0.84	000
69420		A	Incision of eardrum	1.33	3.12	1.57	0.11	4.56	3.01	010
69421		A	Incision of eardrum	1.73	NA	2.10	0.15	NA	3.98	010
69424		A	Remove ventilating tube	0.85	2.16	0.67	0.07	3.09	1.60	000
69433		A	Create eardrum opening	1.52	3.07	1.62	0.13	4.72	3.27	010
69436		A	Create eardrum opening	1.96	NA	2.22	0.19	NA	4.37	010
69440		A	Exploration of middle ear	7.58	NA	8.74	0.61	NA	16.93	090
69450		A	Eardrum revision	5.57	NA	7.04	0.45	NA	13.06	090
69501		A	Mastoidectomy	9.08	NA	8.89	0.73	NA	18.70	090
69502		A	Mastoidectomy	12.38	NA	11.46	1.00	NA	24.85	090
69505		A	Remove mastoid structures	13.00	NA	16.86	1.05	NA	30.90	090
69511		A	Extensive mastoid surgery	13.53	NA	17.13	1.09	NA	31.75	090
69530		A	Extensive mastoid surgery	19.20	NA	21.15	1.54	NA	41.89	090
69535		A	Remove part of temporal bone	36.16	NA	31.12	2.92	NA	70.20	090
69540		A	Remove ear lesion	1.20	3.69	1.93	0.10	4.99	3.23	010
69550		A	Remove ear lesion	10.99	NA	14.61	0.89	NA	26.49	090
69552		A	Remove ear lesion	19.47	NA	20.18	1.59	NA	41.23	090
69554		A	Remove ear lesion	33.18	NA	29.40	2.91	NA	65.48	090
69601		A	Mastoid surgery revision	13.25	NA	12.52	1.07	NA	26.84	090
69602		A	Mastoid surgery revision	13.59	NA	13.10	1.10	NA	27.79	090
69603		A	Mastoid surgery revision	14.03	NA	17.92	1.14	NA	33.08	090
69604		A	Mastoid surgery revision	14.03	NA	13.49	1.14	NA	28.66	090
69605		A	Mastoid surgery revision	18.50	NA	20.72	1.50	NA	40.71	090
69610		A	Repair of eardrum	4.43	5.43	3.19	0.36	10.22	7.98	010
69620		A	Repair of eardrum	5.89	10.93	6.17	0.48	17.30	12.54	090
69631		A	Repair eardrum structures	9.87	NA	11.14	0.80	NA	21.81	090
69632		A	Rebuild eardrum structures	12.76	NA	13.35	1.03	NA	27.14	090
69633		A	Rebuild eardrum structures	12.10	NA	12.97	0.98	NA	26.05	090
69635		A	Repair eardrum structures	13.34	NA	16.44	1.08	NA	30.86	090
69636		A	Rebuild eardrum structures	15.23	NA	18.98	1.23	NA	35.44	090
69637		A	Rebuild eardrum structures	15.12	NA	18.91	1.22	NA	35.25	090
69641		A	Revise middle ear & mastoid	12.72	NA	12.67	1.03	NA	26.41	090
69642		A	Revise middle ear & mastoid	16.84	NA	16.10	1.36	NA	34.30	090
69643		A	Revise middle ear & mastoid	15.33	NA	14.66	1.24	NA	31.23	090
69644		A	Revise middle ear & mastoid	16.97	NA	20.00	1.37	NA	38.35	090
69645		A	Revise middle ear & mastoid	16.39	NA	19.64	1.33	NA	37.36	090
69646		A	Revise middle ear & mastoid	18.00	NA	20.38	1.46	NA	39.83	090
69650		A	Release middle ear bone	9.67	NA	9.84	0.78	NA	20.29	090
69660		A	Revise middle ear bone	11.90	NA	11.04	0.96	NA	23.91	090
69661		A	Revise middle ear bone	15.75	NA	14.47	1.27	NA	31.49	090
69662		A	Revise middle ear bone	15.45	NA	13.54	1.25	NA	30.24	090
69666		A	Repair middle ear structures	9.76	NA	9.90	0.79	NA	20.45	090
69667		A	Repair middle ear structures	9.77	NA	9.90	0.79	NA	20.46	090
69670		A	Remove mastoid air cells	11.51	NA	11.57	0.93	NA	24.01	090
69676		A	Remove middle ear nerve	9.53	NA	10.65	0.81	NA	20.99	090
69700		A	Close mastoid fistula	8.24	NA	9.06	0.67	NA	17.97	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	10.65	0.83	NA	21.92	090
69714		A	Implant temple bone w/stimul	14.01	NA	12.46	1.13	NA	27.60	090
69715		A	Temple bne implnt w/stimulat	18.26	NA	14.75	1.48	NA	34.49	090
69717		A	Temple bone implant revision	14.99	NA	14.01	0.90	NA	29.90	090
69718		A	Revise temple bone implant	18.51	NA	14.97	3.21	NA	36.69	090
69720		A	Release facial nerve	14.39	NA	14.34	1.16	NA	29.89	090
69725		A	Release facial nerve	25.39	NA	19.77	2.44	NA	47.60	090
69740		A	Repair facial nerve	15.97	NA	13.13	1.27	NA	30.37	090
69745		A	Repair facial nerve	16.69	NA	14.67	1.14	NA	32.50	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	8.57	NA	9.41	0.69	NA	18.67	090
69802		A	Incise inner ear	13.11	NA	12.21	1.06	NA	26.37	090
69805		A	Explore inner ear	13.83	NA	11.70	1.12	NA	26.64	090
69806		A	Explore inner ear	12.35	NA	10.92	1.00	NA	24.27	090
69820		A	Establish inner ear window	10.34	NA	11.04	0.90	NA	22.28	090
69840		A	Revise inner ear window	10.26	NA	12.73	0.79	NA	23.78	090
69905		A	Remove inner ear	11.10	NA	11.23	0.90	NA	23.23	090
69910		A	Remove inner ear & mastoid	13.64	NA	11.72	1.07	NA	26.42	090
69915		A	Incise inner ear nerve	21.24	NA	16.16	1.69	NA	39.09	090
69930		A	Implant cochlear device	16.81	NA	14.44	1.36	NA	32.61	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	25.65	NA	18.47	2.28	NA	46.40	090

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
69955		A	Release facial nerve	27.05	NA	20.91	2.48	NA	50.45	090
69960		A	Release inner ear canal	27.05	NA	19.59	2.17	NA	48.81	090
69970		A	Remove inner ear lesion	30.05	NA	22.69	2.41	NA	55.15	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	1.74	0.89	NA	6.09	ZZZ
70010		A	Contrast x-ray of brain	1.19	4.33	NA	0.27	5.79	NA	XXX
70010	26	A	Contrast x-ray of brain	1.19	0.41	0.41	0.05	1.65	1.65	XXX
70010	TC	A	Contrast x-ray of brain	0.00	3.92	NA	0.22	4.14	NA	XXX
70015		A	Contrast x-ray of brain	1.19	2.34	NA	0.16	3.70	NA	XXX
70015	26	A	Contrast x-ray of brain	1.19	0.41	0.41	0.08	1.68	1.68	XXX
70015	TC	A	Contrast x-ray of brain	0.00	1.94	NA	0.08	2.02	NA	XXX
70030		A	X-ray eye for foreign body	0.17	0.53	NA	0.03	0.73	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	0.47	NA	0.02	0.49	NA	XXX
70100		A	X-ray exam of jaw	0.18	0.62	NA	0.03	0.83	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	0.56	NA	0.02	0.58	NA	XXX
70110		A	X-ray exam of jaw	0.25	0.74	NA	0.05	1.04	NA	XXX
70110	26	A	X-ray exam of jaw	0.25	0.09	0.09	0.01	0.35	0.35	XXX
70110	TC	A	X-ray exam of jaw	0.00	0.66	NA	0.04	0.70	NA	XXX
70120		A	X-ray exam of mastoids	0.18	0.72	NA	0.05	0.95	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	0.66	NA	0.04	0.70	NA	XXX
70130		A	X-ray exam of mastoids	0.34	1.03	NA	0.07	1.44	NA	XXX
70130	26	A	X-ray exam of mastoids	0.34	0.12	0.12	0.02	0.48	0.48	XXX
70130	TC	A	X-ray exam of mastoids	0.00	0.91	NA	0.05	0.96	NA	XXX
70134		A	X-ray exam of middle ear	0.34	0.93	NA	0.07	1.34	NA	XXX
70134	26	A	X-ray exam of middle ear	0.34	0.12	0.12	0.02	0.48	0.48	XXX
70134	TC	A	X-ray exam of middle ear	0.00	0.81	NA	0.05	0.86	NA	XXX
70140		A	X-ray exam of facial bones	0.19	0.66	NA	0.05	0.90	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	0.60	NA	0.04	0.64	NA	XXX
70150		A	X-ray exam of facial bones	0.26	0.87	NA	0.06	1.19	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	0.05	0.83	NA	XXX
70160		A	X-ray exam of nasal bones	0.17	0.61	NA	0.03	0.81	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	0.55	NA	0.02	0.57	NA	XXX
70170		A	X-ray exam of tear duct	0.30	NA	NA	0.07	NA	NA	XXX
70170	26	A	X-ray exam of tear duct	0.30	0.11	0.11	0.01	0.42	0.42	XXX
70170	TC	A	X-ray exam of tear duct	0.00	NA	NA	0.06	NA	NA	XXX
70190		A	X-ray exam of eye sockets	0.21	0.71	NA	0.05	0.97	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	0.64	NA	0.04	0.68	NA	XXX
70200		A	X-ray exam of eye sockets	0.28	0.89	NA	0.06	1.23	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	0.80	NA	0.05	0.85	NA	XXX
70210		A	X-ray exam of sinuses	0.17	0.68	NA	0.05	0.90	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	0.04	0.66	NA	XXX
70220		A	X-ray exam of sinuses	0.25	0.85	NA	0.06	1.16	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	0.77	NA	0.05	0.82	NA	XXX
70240		A	X-ray exam, pituitary saddle	0.19	0.53	NA	0.03	0.75	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	0.47	NA	0.02	0.49	NA	XXX
70250		A	X-ray exam of skull	0.24	0.71	NA	0.05	1.00	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	0.63	NA	0.04	0.67	NA	XXX
70260		A	X-ray exam of skull	0.34	0.99	NA	0.08	1.41	NA	XXX
70260	26	A	X-ray exam of skull	0.34	0.12	0.12	0.02	0.48	0.48	XXX
70260	TC	A	X-ray exam of skull	0.00	0.87	NA	0.06	0.93	NA	XXX
70300		A	X-ray exam of teeth	0.10	0.29	NA	0.03	0.42	NA	XXX
70300	26	A	X-ray exam of teeth	0.10	0.05	0.05	0.01	0.16	0.16	XXX
70300	TC	A	X-ray exam of teeth	0.00	0.24	NA	0.02	0.26	NA	XXX
70310		A	X-ray exam of teeth	0.16	0.54	NA	0.03	0.73	NA	XXX
70310	26	A	X-ray exam of teeth	0.16	0.08	0.08	0.01	0.25	0.25	XXX
70310	TC	A	X-ray exam of teeth	0.00	0.46	NA	0.02	0.48	NA	XXX
70320		A	Full mouth x-ray of teeth	0.22	0.88	NA	0.06	1.16	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	0.80	NA	0.05	0.85	NA	XXX
70328		A	X-ray exam of jaw joint	0.18	0.58	NA	0.03	0.79	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	0.52	NA	0.02	0.54	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
70330		A	X-ray exam of jaw joints	0.24	0.98	NA	0.06	1.28	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	0.89	NA	0.05	0.94	NA	XXX
70332		A	X-ray exam of jaw joint	0.54	2.14	NA	0.14	2.83	NA	XXX
70332	26	A	X-ray exam of jaw joint	0.54	0.21	0.21	0.02	0.77	0.77	XXX
70332	TC	A	X-ray exam of jaw joint	0.00	1.94	NA	0.12	2.06	NA	XXX
70336		A	Magnetic image, jaw joint	1.48	11.68	NA	0.66	13.82	NA	XXX
70336	26	A	Magnetic image, jaw joint	1.48	0.51	0.51	0.07	2.07	2.07	XXX
70336	TC	A	Magnetic image, jaw joint	0.00	11.16	NA	0.59	11.75	NA	XXX
70350		A	X-ray head for orthodontia	0.17	0.42	NA	0.03	0.62	NA	XXX
70350	26	A	X-ray head for orthodontia	0.17	0.07	0.07	0.01	0.25	0.25	XXX
70350	TC	A	X-ray head for orthodontia	0.00	0.35	NA	0.02	0.37	NA	XXX
70355		A	Panoramic x-ray of jaws	0.20	0.56	NA	0.05	0.81	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	0.48	NA	0.04	0.52	NA	XXX
70360		A	X-ray exam of neck	0.17	0.50	NA	0.03	0.70	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	0.44	NA	0.02	0.46	NA	XXX
70370		A	Throat x-ray & fluoroscopy	0.32	1.52	NA	0.08	1.92	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	1.42	NA	0.07	1.49	NA	XXX
70371		A	Speech evaluation, complex	0.84	2.22	NA	0.16	3.22	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	1.93	NA	0.12	2.05	NA	XXX
70373		A	Contrast x-ray of larynx	0.44	1.86	NA	0.13	2.43	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	1.71	NA	0.11	1.82	NA	XXX
70380		A	X-ray exam of salivary gland	0.17	0.77	NA	0.05	0.99	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	0.71	NA	0.04	0.75	NA	XXX
70390		A	X-ray exam of salivary duct	0.38	2.07	NA	0.13	2.58	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	1.94	NA	0.11	2.05	NA	XXX
70450		A	Ct head/brain w/o dye	0.85	4.94	NA	0.29	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	4.65	NA	0.25	4.90	NA	XXX
70460		A	Ct head/brain w/dye	1.13	6.12	NA	0.35	7.61	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	5.74	NA	0.30	6.04	NA	XXX
70470		A	Ct head/brain w/o & w/dye	1.27	7.58	NA	0.43	9.28	NA	XXX
70470	26	A	Ct head/brain w/o & w/dye	1.27	0.44	0.44	0.06	1.77	1.77	XXX
70470	TC	A	Ct head/brain w/o & w/dye	0.00	7.14	NA	0.37	7.51	NA	XXX
70480		A	Ct orbit/ear/fossa w/o dye	1.28	5.94	NA	0.31	7.53	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	5.50	NA	0.25	5.75	NA	XXX
70481		A	Ct orbit/ear/fossa w/dye	1.38	7.04	NA	0.36	8.78	NA	XXX
70481	26	A	Ct orbit/ear/fossa w/dye	1.38	0.47	0.47	0.06	1.92	1.92	XXX
70481	TC	A	Ct orbit/ear/fossa w/dye	0.00	6.57	NA	0.30	6.87	NA	XXX
70482		A	Ct orbit/ear/fossa w/o&w/dye	1.45	8.49	NA	0.43	10.38	NA	XXX
70482	26	A	Ct orbit/ear/fossa w/o&w/dye	1.45	0.50	0.50	0.06	2.02	2.02	XXX
70482	TC	A	Ct orbit/ear/fossa w/o&w/dye	0.00	7.99	NA	0.37	8.36	NA	XXX
70486		A	Ct maxillofacial w/o dye	1.14	5.48	NA	0.30	6.93	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	5.09	NA	0.25	5.34	NA	XXX
70487		A	Ct maxillofacial w/dye	1.30	6.63	NA	0.36	8.30	NA	XXX
70487	26	A	Ct maxillofacial w/dye	1.30	0.45	0.45	0.06	1.81	1.81	XXX
70487	TC	A	Ct maxillofacial w/dye	0.00	6.18	NA	0.30	6.48	NA	XXX
70488		A	Ct maxillofacial w/o & w/dye	1.42	8.20	NA	0.43	10.06	NA	XXX
70488	26	A	Ct maxillofacial w/o & w/dye	1.42	0.49	0.49	0.06	1.97	1.97	XXX
70488	TC	A	Ct maxillofacial w/o & w/dye	0.00	7.72	NA	0.37	8.09	NA	XXX
70490		A	Ct soft tissue neck w/o dye	1.28	5.44	NA	0.31	7.03	NA	XXX
70490	26	A	Ct soft tissue neck w/o dye	1.28	0.44	0.44	0.06	1.78	1.78	XXX
70490	TC	A	Ct soft tissue neck w/o dye	0.00	4.99	NA	0.25	5.24	NA	XXX
70491		A	Ct soft tissue neck w/dye	1.38	6.59	NA	0.36	8.33	NA	XXX
70491	26	A	Ct soft tissue neck w/dye	1.38	0.47	0.47	0.06	1.92	1.92	XXX
70491	TC	A	Ct soft tissue neck w/dye	0.00	6.12	NA	0.30	6.42	NA	XXX
70492		A	Ct sft tsue nck w/o & w/dye	1.45	8.14	NA	0.43	10.02	NA	XXX
70492	26	A	Ct sft tsue nck w/o & w/dye	1.45	0.50	0.50	0.06	2.01	2.01	XXX
70492	TC	A	Ct sft tsue nck w/o & w/dye	0.00	7.64	NA	0.37	8.01	NA	XXX
70496		A	Ct angiography, head	1.75	12.21	NA	0.66	14.63	NA	XXX
70496	26	A	Ct angiography, head	1.75	0.60	0.60	0.08	2.43	2.43	XXX
70496	TC	A	Ct angiography, head	0.00	11.62	NA	0.58	12.20	NA	XXX
70498		A	Ct angiography, neck	1.75	12.31	NA	0.66	14.73	NA	XXX
70498	26	A	Ct angiography, neck	1.75	0.60	0.60	0.08	2.43	2.43	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
70498	TC	A	Ct angiography, neck	0.00	11.71	NA	0.58	12.29	NA	XXX
70540		A	Mri orbit/face/neck w/o dye	1.35	12.19	NA	0.45	13.99	NA	XXX
70540	26	A	Mri orbit/face/neck w/o dye	1.35	0.46	0.46	0.06	1.88	1.88	XXX
70540	TC	A	Mri orbit/face/neck w/o dye	0.00	11.73	NA	0.39	12.12	NA	XXX
70542		A	Mri orbit/face/neck w/dye	1.62	14.04	NA	0.54	16.20	NA	XXX
70542	26	A	Mri orbit/face/neck w/dye	1.62	0.56	0.56	0.07	2.25	2.25	XXX
70542	TC	A	Mri orbit/face/neck w/dye	0.00	13.48	NA	0.47	13.95	NA	XXX
70543		A	Mri orbit/fac/nck w/o & w/dye	2.15	23.46	NA	0.94	26.55	NA	XXX
70543	26	A	Mri orbit/fac/nck w/o & w/dye	2.15	0.74	0.74	0.10	3.00	3.00	XXX
70543	TC	A	Mri orbit/fac/nck w/o & w/dye	0.00	22.71	NA	0.84	23.55	NA	XXX
70544		A	Mr angiography head w/o dye	1.20	12.25	NA	0.64	14.09	NA	XXX
70544	26	A	Mr angiography head w/o dye	1.20	0.42	0.42	0.05	1.67	1.67	XXX
70544	TC	A	Mr angiography head w/o dye	0.00	11.83	NA	0.59	12.42	NA	XXX
70545		A	Mr angiography head w/dye	1.20	12.22	NA	0.64	14.06	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	11.81	NA	0.59	12.40	NA	XXX
70546		A	Mr angiograph head w/o&w/dye	1.80	22.67	NA	0.67	25.14	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	22.05	NA	0.59	22.64	NA	XXX
70547		A	Mr angiography neck w/o dye	1.20	12.23	NA	0.64	14.08	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	11.82	NA	0.59	12.41	NA	XXX
70548		A	Mr angiography neck w/dye	1.20	12.55	NA	0.64	14.39	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	12.13	NA	0.59	12.72	NA	XXX
70549		A	Mr angiograph neck w/o&w/dye	1.80	22.83	NA	0.67	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	22.21	NA	0.59	22.80	NA	XXX
70551		A	Mri brain w/o dye	1.48	12.02	NA	0.66	14.16	NA	XXX
70551	26	A	Mri brain w/o dye	1.48	0.51	0.51	0.07	2.07	2.07	XXX
70551	TC	A	Mri brain w/o dye	0.00	11.51	NA	0.59	12.10	NA	XXX
70552		A	Mri brain w/dye	1.78	14.21	NA	0.78	16.77	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	13.59	NA	0.70	14.29	NA	XXX
70553		A	Mri brain w/o & w/dye	2.36	23.54	NA	1.41	27.31	NA	XXX
70553	26	A	Mri brain w/o & w/dye	2.36	0.82	0.82	0.10	3.28	3.28	XXX
70553	TC	A	Mri brain w/o & w/dye	0.00	22.72	NA	1.31	24.03	NA	XXX
70557		C	Mri brain w/o dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
70557	26	A	Mri brain w/o dye	2.91	1.16	1.16	0.08	4.15	4.15	XXX
70557	TC	C	Mri brain w/o dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
70558		C	Mri brain w/dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
70558	26	A	Mri brain w/dye	3.21	1.28	1.28	0.10	4.58	4.58	XXX
70558	TC	C	Mri brain w/dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
70559		C	Mri brain w/o & w/dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
70559	26	A	Mri brain w/o & w/dye	3.21	1.27	1.27	0.12	4.60	4.60	XXX
70559	TC	C	Mri brain w/o & w/dye	0.00	0.00	0.00	0.00	0.00	0.00	XXX
71010		A	Chest x-ray	0.18	0.50	NA	0.03	0.71	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	0.44	NA	0.02	0.46	NA	XXX
71015		A	Chest x-ray	0.21	0.55	NA	0.03	0.79	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	0.48	NA	0.02	0.50	NA	XXX
71020		A	Chest x-ray	0.22	0.68	NA	0.05	0.95	NA	XXX
71020	26	A	Chest x-ray	0.22	0.08	0.08	0.01	0.31	0.31	XXX
71020	TC	A	Chest x-ray	0.00	0.60	NA	0.04	0.64	NA	XXX
71021		A	Chest x-ray	0.27	0.81	NA	0.06	1.14	NA	XXX
71021	26	A	Chest x-ray	0.27	0.10	0.10	0.01	0.38	0.38	XXX
71021	TC	A	Chest x-ray	0.00	0.72	NA	0.05	0.77	NA	XXX
71022		A	Chest x-ray	0.31	0.83	NA	0.06	1.20	NA	XXX
71022	26	A	Chest x-ray	0.31	0.11	0.11	0.01	0.43	0.43	XXX
71022	TC	A	Chest x-ray	0.00	0.73	NA	0.05	0.78	NA	XXX
71023		A	Chest x-ray and fluoroscopy	0.38	1.08	NA	0.06	1.52	NA	XXX
71023	26	A	Chest x-ray and fluoroscopy	0.38	0.14	0.14	0.01	0.53	0.53	XXX
71023	TC	A	Chest x-ray and fluoroscopy	0.00	0.94	NA	0.05	0.99	NA	XXX
71030		A	Chest x-ray	0.31	0.92	NA	0.06	1.29	NA	XXX
71030	26	A	Chest x-ray	0.31	0.11	0.11	0.01	0.43	0.43	XXX
71030	TC	A	Chest x-ray	0.00	0.82	NA	0.05	0.87	NA	XXX
71034		A	Chest x-ray and fluoroscopy	0.46	1.72	NA	0.10	2.28	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	1.55	NA	0.08	1.63	NA	XXX
71035		A	Chest x-ray	0.18	0.66	NA	0.03	0.87	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	0.59	NA	0.02	0.61	NA	XXX
71040		A	Contrast x-ray of bronchi	0.58	1.86	NA	0.11	2.55	NA	XXX

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CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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	1.66	NA	0.08	1.74	NA	XXX
71060		A	Contrast x-ray of bronchi	0.74	2.68	NA	0.16	3.58	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	2.42	NA	0.13	2.55	NA	XXX
71090		A	X-ray & pacemaker insertion	0.54	NA	NA	0.13	NA	NA	XXX
71090	26	A	X-ray & pacemaker insertion	0.54	0.22	0.22	0.02	0.78	0.78	XXX
71090	TC	A	X-ray & pacemaker insertion	0.00	NA	NA	0.11	NA	NA	XXX
71100		A	X-ray exam of ribs	0.22	0.65	NA	0.05	0.92	NA	XXX
71100	26	A	X-ray exam of ribs	0.22	0.08	0.08	0.01	0.31	0.31	XXX
71100	TC	A	X-ray exam of ribs	0.00	0.58	NA	0.04	0.62	NA	XXX
71101		A	X-ray exam of ribs/chest	0.27	0.78	NA	0.05	1.10	NA	XXX
71101	26	A	X-ray exam of ribs/chest	0.27	0.10	0.10	0.01	0.38	0.38	XXX
71101	TC	A	X-ray exam of ribs/chest	0.00	0.68	NA	0.04	0.72	NA	XXX
71110		A	X-ray exam of ribs	0.27	0.87	NA	0.06	1.20	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	0.77	NA	0.05	0.82	NA	XXX
71111		A	X-ray exam of ribs/chest	0.32	1.03	NA	0.07	1.43	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	0.93	NA	0.06	0.99	NA	XXX
71120		A	X-ray exam of breastbone	0.20	0.72	NA	0.05	0.97	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	0.64	NA	0.04	0.68	NA	XXX
71130		A	X-ray exam of breastbone	0.22	0.79	NA	0.05	1.06	NA	XXX
71130	26	A	X-ray exam of breastbone	0.22	0.08	0.08	0.01	0.31	0.31	XXX
71130	TC	A	X-ray exam of breastbone	0.00	0.72	NA	0.04	0.76	NA	XXX
71250		A	Ct thorax w/o dye	1.16	6.29	NA	0.36	7.81	NA	XXX
71250	26	A	Ct thorax w/o dye	1.16	0.40	0.40	0.05	1.61	1.61	XXX
71250	TC	A	Ct thorax w/o dye	0.00	5.89	NA	0.31	6.20	NA	XXX
71260		A	Ct thorax w/dye	1.24	7.63	NA	0.42	9.30	NA	XXX
71260	26	A	Ct thorax w/dye	1.24	0.43	0.43	0.05	1.72	1.72	XXX
71260	TC	A	Ct thorax w/dye	0.00	7.20	NA	0.37	7.57	NA	XXX
71270		A	Ct thorax w/o & w/dye	1.38	9.45	NA	0.52	11.35	NA	XXX
71270	26	A	Ct thorax w/o & w/dye	1.38	0.47	0.47	0.06	1.92	1.92	XXX
71270	TC	A	Ct thorax w/o & w/dye	0.00	8.98	NA	0.46	9.44	NA	XXX
71275		A	Ct angiography, chest	1.92	12.83	NA	0.48	15.23	NA	XXX
71275	26	A	Ct angiography, chest	1.92	0.66	0.66	0.09	2.68	2.68	XXX
71275	TC	A	Ct angiography, chest	0.00	12.17	NA	0.39	12.56	NA	XXX
71550		A	Mri chest w/o dye	1.46	12.57	NA	0.51	14.55	NA	XXX
71550	26	A	Mri chest w/o dye	1.46	0.50	0.50	0.06	2.03	2.03	XXX
71550	TC	A	Mri chest w/o dye	0.00	12.07	NA	0.45	12.52	NA	XXX
71551		A	Mri chest w/dye	1.73	14.97	NA	0.60	17.30	NA	XXX
71551	26	A	Mri chest w/dye	1.73	0.60	0.60	0.08	2.41	2.41	XXX
71551	TC	A	Mri chest w/dye	0.00	14.37	NA	0.52	14.89	NA	XXX
71552		A	Mri chest w/o & w/dye	2.26	24.34	NA	0.78	27.38	NA	XXX
71552	26	A	Mri chest w/o & w/dye	2.26	0.78	0.78	0.10	3.14	3.14	XXX
71552	TC	A	Mri chest w/o & w/dye	0.00	23.56	NA	0.68	24.24	NA	XXX
71555		R	Mri angio chest w or w/o dye	1.81	12.49	NA	0.67	14.97	NA	XXX
71555	26	R	Mri angio chest w or w/o dye	1.81	0.63	0.63	0.08	2.52	2.52	XXX
71555	TC	R	Mri angio chest w or w/o dye	0.00	11.86	NA	0.59	12.45	NA	XXX
72010		A	X-ray exam of spine	0.45	1.29	NA	0.08	1.82	NA	XXX
72010	26	A	X-ray exam of spine	0.45	0.16	0.16	0.02	0.63	0.63	XXX
72010	TC	A	X-ray exam of spine	0.00	1.13	NA	0.06	1.19	NA	XXX
72020		A	X-ray exam of spine	0.15	0.48	NA	0.03	0.66	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	0.43	NA	0.02	0.45	NA	XXX
72040		A	X-ray exam of neck spine	0.22	0.71	NA	0.05	0.98	NA	XXX
72040	26	A	X-ray exam of neck spine	0.22	0.08	0.08	0.01	0.31	0.31	XXX
72040	TC	A	X-ray exam of neck spine	0.00	0.63	NA	0.04	0.67	NA	XXX
72050		A	X-ray exam of neck spine	0.31	1.04	NA	0.07	1.42	NA	XXX
72050	26	A	X-ray exam of neck spine	0.31	0.11	0.11	0.01	0.43	0.43	XXX
72050	TC	A	X-ray exam of neck spine	0.00	0.93	NA	0.06	0.99	NA	XXX
72052		A	X-ray exam of neck spine	0.36	1.32	NA	0.08	1.76	NA	XXX
72052	26	A	X-ray exam of neck spine	0.36	0.13	0.13	0.02	0.51	0.51	XXX
72052	TC	A	X-ray exam of neck spine	0.00	1.20	NA	0.06	1.26	NA	XXX
72069		A	X-ray exam of trunk spine	0.22	0.64	NA	0.03	0.89	NA	XXX
72069	26	A	X-ray exam of trunk spine	0.22	0.08	0.08	0.01	0.31	0.31	XXX
72069	TC	A	X-ray exam of trunk spine	0.00	0.56	NA	0.02	0.58	NA	XXX
72070		A	X-ray exam of thoracic spine	0.22	0.72	NA	0.05	0.99	NA	XXX
72070	26	A	X-ray exam of thoracic spine	0.22	0.08	0.08	0.01	0.31	0.31	XXX
72070	TC	A	X-ray exam of thoracic spine	0.00	0.65	NA	0.04	0.69	NA	XXX
72072		A	X-ray exam of thoracic spine	0.22	0.82	NA	0.06	1.10	NA	XXX
72072	26	A	X-ray exam of thoracic spine	0.22	0.08	0.08	0.01	0.31	0.31	XXX
72072	TC	A	X-ray exam of thoracic spine	0.00	0.75	NA	0.05	0.80	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
72074		A	X-ray exam of thoracic spine	0.22	1.00	NA	0.07	1.29	NA	XXX
72074	26	A	X-ray exam of thoracic spine	0.22	0.08	0.08	0.01	0.31	0.31	XXX
72074	TC	A	X-ray exam of thoracic spine	0.00	0.93	NA	0.06	0.99	NA	XXX
72080		A	X-ray exam of trunk spine	0.22	0.74	NA	0.05	1.01	NA	XXX
72080	26	A	X-ray exam of trunk spine	0.22	0.08	0.08	0.01	0.31	0.31	XXX
72080	TC	A	X-ray exam of trunk spine	0.00	0.67	NA	0.04	0.71	NA	XXX
72090		A	X-ray exam of trunk spine	0.28	0.85	NA	0.05	1.18	NA	XXX
72090	26	A	X-ray exam of trunk spine	0.28	0.10	0.10	0.01	0.39	0.39	XXX
72090	TC	A	X-ray exam of trunk spine	0.00	0.76	NA	0.04	0.80	NA	XXX
72100		A	X-ray exam of lower spine	0.22	0.77	NA	0.05	1.04	NA	XXX
72100	26	A	X-ray exam of lower spine	0.22	0.08	0.08	0.01	0.31	0.31	XXX
72100	TC	A	X-ray exam of lower spine	0.00	0.70	NA	0.04	0.74	NA	XXX
72110		A	X-ray exam of lower spine	0.31	1.08	NA	0.07	1.46	NA	XXX
72110	26	A	X-ray exam of lower spine	0.31	0.11	0.11	0.01	0.43	0.43	XXX
72110	TC	A	X-ray exam of lower spine	0.00	0.97	NA	0.06	1.03	NA	XXX
72114		A	X-ray exam of lower spine	0.36	1.41	NA	0.08	1.85	NA	XXX
72114	26	A	X-ray exam of lower spine	0.36	0.13	0.13	0.02	0.51	0.51	XXX
72114	TC	A	X-ray exam of lower spine	0.00	1.29	NA	0.06	1.35	NA	XXX
72120		A	X-ray exam of lower spine	0.22	1.00	NA	0.07	1.29	NA	XXX
72120	26	A	X-ray exam of lower spine	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72120	TC	A	X-ray exam of lower spine	0.00	0.93	NA	0.06	0.99	NA	XXX
72125		A	Ct neck spine w/o dye	1.16	6.29	NA	0.36	7.81	NA	XXX
72125	26	A	Ct neck spine w/o dye	1.16	0.40	0.40	0.05	1.61	1.61	XXX
72125	TC	A	Ct neck spine w/o dye	0.00	5.89	NA	0.31	6.20	NA	XXX
72126		A	Ct neck spine w/dye	1.22	7.60	NA	0.42	9.25	NA	XXX
72126	26	A	Ct neck spine w/dye	1.22	0.42	0.42	0.05	1.69	1.69	XXX
72126	TC	A	Ct neck spine w/dye	0.00	7.18	NA	0.37	7.55	NA	XXX
72127		A	Ct neck spine w/o & w/dye	1.27	9.40	NA	0.52	11.19	NA	XXX
72127	26	A	Ct neck spine w/o & w/dye	1.27	0.44	0.44	0.06	1.77	1.77	XXX
72127	TC	A	Ct neck spine w/o & w/dye	0.00	8.96	NA	0.46	9.42	NA	XXX
72128		A	Ct chest spine w/o dye	1.16	6.29	NA	0.36	7.81	NA	XXX
72128	26	A	Ct chest spine w/o dye	1.16	0.40	0.40	0.05	1.61	1.61	XXX
72128	TC	A	Ct chest spine w/o dye	0.00	5.89	NA	0.31	6.20	NA	XXX
72129		A	Ct chest spine w/dye	1.22	7.58	NA	0.42	9.22	NA	XXX
72129	26	A	Ct chest spine w/dye	1.22	0.42	0.42	0.05	1.69	1.69	XXX
72129	TC	A	Ct chest spine w/dye	0.00	7.15	NA	0.37	7.52	NA	XXX
72130		A	Ct chest spine w/o & w/dye	1.27	9.44	NA	0.52	11.23	NA	XXX
72130	26	A	Ct chest spine w/o & w/dye	1.27	0.44	0.44	0.06	1.77	1.77	XXX
72130	TC	A	Ct chest spine w/o & w/dye	0.00	9.00	NA	0.46	9.46	NA	XXX
72131		A	Ct lumbar spine w/o dye	1.16	6.30	NA	0.36	7.82	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	5.90	NA	0.31	6.21	NA	XXX
72132		A	Ct lumbar spine w/dye	1.22	7.57	NA	0.42	9.22	NA	XXX
72132	26	A	Ct lumbar spine w/dye	1.22	0.42	0.42	0.05	1.69	1.69	XXX
72132	TC	A	Ct lumbar spine w/dye	0.00	7.15	NA	0.37	7.52	NA	XXX
72133		A	Ct lumbar spine w/o & w/dye	1.27	9.42	NA	0.52	11.22	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	8.98	NA	0.46	9.44	NA	XXX
72141		A	Mri neck spine w/o dye	1.60	11.72	NA	0.66	13.99	NA	XXX
72141	26	A	Mri neck spine w/o dye	1.60	0.56	0.56	0.07	2.23	2.23	XXX
72141	TC	A	Mri neck spine w/o dye	0.00	11.17	NA	0.59	11.76	NA	XXX
72142		A	Mri neck spine w/dye	1.92	14.23	NA	0.79	16.94	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	13.56	NA	0.70	14.26	NA	XXX
72146		A	Mri chest spine w/o dye	1.60	12.68	NA	0.71	14.99	NA	XXX
72146	26	A	Mri chest spine w/o dye	1.60	0.56	0.56	0.07	2.23	2.23	XXX
72146	TC	A	Mri chest spine w/o dye	0.00	12.12	NA	0.64	12.76	NA	XXX
72147		A	Mri chest spine w/dye	1.92	13.76	NA	0.79	16.48	NA	XXX
72147	26	A	Mri chest spine w/dye	1.92	0.66	0.66	0.09	2.68	2.68	XXX
72147	TC	A	Mri chest spine w/dye	0.00	13.10	NA	0.70	13.80	NA	XXX
72148		A	Mri lumbar spine w/o dye	1.48	12.61	NA	0.71	14.80	NA	XXX
72148	26	A	Mri lumbar spine w/o dye	1.48	0.51	0.51	0.07	2.07	2.07	XXX
72148	TC	A	Mri lumbar spine w/o dye	0.00	12.10	NA	0.64	12.74	NA	XXX
72149		A	Mri lumbar spine w/dye	1.78	14.26	NA	0.78	16.82	NA	XXX
72149	26	A	Mri lumbar spine w/dye	1.78	0.63	0.63	0.08	2.49	2.49	XXX
72149	TC	A	Mri lumbar spine w/dye	0.00	13.63	NA	0.70	14.33	NA	XXX
72156		A	Mri neck spine w/o & w/dye	2.58	23.52	NA	1.42	27.52	NA	XXX
72156	26	A	Mri neck spine w/o & w/dye	2.58	0.89	0.89	0.11	3.57	3.57	XXX
72156	TC	A	Mri neck spine w/o & w/dye	0.00	22.63	NA	1.31	23.94	NA	XXX
72157		A	Mri chest spine w/o & w/dye	2.58	23.15	NA	1.42	27.15	NA	XXX
72157	26	A	Mri chest spine w/o & w/dye	2.58	0.88	0.88	0.11	3.57	3.57	XXX
72157	TC	A	Mri chest spine w/o & w/dye	0.00	22.27	NA	1.31	23.58	NA	XXX
72158		A	Mri lumbar spine w/o & w/dye	2.36	23.45	NA	1.41	27.22	NA	XXX
72158	26	A	Mri lumbar spine w/o & w/dye	2.36	0.82	0.82	0.10	3.28	3.28	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
72158	TC	A	Mri lumbar spine w/o & w/dye	0.00	22.63	NA	1.31	23.94	NA	XXX
72159		N	Mr angio spine w/o&w/dye	1.80	13.69	NA	0.74	16.23	NA	XXX
72159	26	N	Mr angio spine w/o&w/dye	1.80	0.69	0.69	0.10	2.59	2.59	XXX
72159	TC	N	Mr angio spine w/o&w/dye	0.00	13.00	NA	0.64	13.64	NA	XXX
72170		A	X-ray exam of pelvis	0.17	0.57	NA	0.03	0.77	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	0.51	NA	0.02	0.53	NA	XXX
72190		A	X-ray exam of pelvis	0.21	0.78	NA	0.05	1.04	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	0.71	NA	0.04	0.75	NA	XXX
72191		A	Ct angiograph pelv w/o&w/dye	1.81	12.28	NA	0.47	14.56	NA	XXX
72191	26	A	Ct angiograph pelv w/o&w/dye	1.81	0.62	0.62	0.08	2.52	2.52	XXX
72191	TC	A	Ct angiograph pelv w/o&w/dye	0.00	11.66	NA	0.39	12.05	NA	XXX
72192		A	Ct pelvis w/o dye	1.09	6.18	NA	0.36	7.63	NA	XXX
72192	26	A	Ct pelvis w/o dye	1.09	0.38	0.38	0.05	1.52	1.52	XXX
72192	TC	A	Ct pelvis w/o dye	0.00	5.80	NA	0.31	6.11	NA	XXX
72193		A	Ct pelvis w/dye	1.16	7.32	NA	0.41	8.89	NA	XXX
72193	26	A	Ct pelvis w/dye	1.16	0.40	0.40	0.05	1.61	1.61	XXX
72193	TC	A	Ct pelvis w/dye	0.00	6.92	NA	0.36	7.28	NA	XXX
72194		A	Ct pelvis w/o & w/dye	1.22	9.11	NA	0.48	10.81	NA	XXX
72194	26	A	Ct pelvis w/o & w/dye	1.22	0.42	0.42	0.05	1.69	1.69	XXX
72194	TC	A	Ct pelvis w/o & w/dye	0.00	8.69	NA	0.43	9.12	NA	XXX
72195		A	Mri pelvis w/o dye	1.46	12.01	NA	0.51	13.98	NA	XXX
72195	26	A	Mri pelvis w/o dye	1.46	0.50	0.50	0.06	2.03	2.03	XXX
72195	TC	A	Mri pelvis w/o dye	0.00	11.50	NA	0.45	11.95	NA	XXX
72196		A	Mri pelvis w/dye	1.73	14.11	NA	0.60	16.44	NA	XXX
72196	26	A	Mri pelvis w/dye	1.73	0.60	0.60	0.08	2.41	2.41	XXX
72196	TC	A	Mri pelvis w/dye	0.00	13.51	NA	0.52	14.03	NA	XXX
72197		A	Mri pelvis w/o & w/dye	2.26	23.58	NA	1.02	26.87	NA	XXX
72197	26	A	Mri pelvis w/o & w/dye	2.26	0.78	0.78	0.10	3.14	3.14	XXX
72197	TC	A	Mri pelvis w/o & w/dye	0.00	22.81	NA	0.92	23.73	NA	XXX
72198		A	Mr angio pelvis w/o & w/dye	1.80	12.37	NA	0.67	14.85	NA	XXX
72198	26	A	Mr angio pelvis w/o & w/dye	1.80	0.62	0.62	0.08	2.50	2.50	XXX
72198	TC	A	Mr angio pelvis w/o & w/dye	0.00	11.75	NA	0.59	12.34	NA	XXX
72200		A	X-ray exam sacroiliac joints	0.17	0.61	NA	0.03	0.81	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	0.54	NA	0.02	0.56	NA	XXX
72202		A	X-ray exam sacroiliac joints	0.19	0.72	NA	0.05	0.96	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	0.66	NA	0.04	0.70	NA	XXX
72220		A	X-ray exam of tailbone	0.17	0.63	NA	0.05	0.85	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	0.04	0.61	NA	XXX
72240		A	Contrast x-ray of neck spine	0.91	4.45	NA	0.29	5.66	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	4.15	NA	0.25	4.40	NA	XXX
72255		A	Contrast x-ray, thorax spine	0.91	4.03	NA	0.26	5.20	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	3.74	NA	0.22	3.96	NA	XXX
72265		A	Contrast x-ray, lower spine	0.83	3.91	NA	0.26	5.00	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	3.65	NA	0.22	3.87	NA	XXX
72270		A	Contrast x-ray, spine	1.33	5.96	NA	0.39	7.68	NA	XXX
72270	26	A	Contrast x-ray, spine	1.33	0.44	0.44	0.06	1.83	1.83	XXX
72270	TC	A	Contrast x-ray, spine	0.00	5.52	NA	0.33	5.85	NA	XXX
72275		A	Epidurography	0.76	2.22	NA	0.26	3.25	NA	XXX
72275	26	A	Epidurography	0.76	0.20	0.20	0.04	1.00	1.00	XXX
72275	TC	A	Epidurography	0.00	2.03	NA	0.22	2.25	NA	XXX
72285		A	X-ray c/t spine disk	1.16	7.10	NA	0.50	8.76	NA	XXX
72285	26	A	X-ray c/t spine disk	1.16	0.37	0.37	0.07	1.60	1.60	XXX
72285	TC	A	X-ray c/t spine disk	0.00	6.73	NA	0.43	7.16	NA	XXX
72295		A	X-ray of lower spine disk	0.83	6.61	NA	0.46	7.90	NA	XXX
72295	26	A	X-ray of lower spine disk	0.83	0.28	0.28	0.06	1.17	1.17	XXX
72295	TC	A	X-ray of lower spine disk	0.00	6.34	NA	0.40	6.74	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	0.59	NA	0.03	0.79	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	0.51	NA	0.03	0.69	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	0.45	NA	0.02	0.47	NA	XXX
73030		A	X-ray exam of shoulder	0.18	0.62	NA	0.05	0.85	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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	0.56	NA	0.04	0.60	NA	XXX
73040		A	Contrast x-ray of shoulder	0.54	2.30	NA	0.14	2.99	NA	XXX
73040	26	A	Contrast x-ray of shoulder	0.54	0.19	0.19	0.02	0.75	0.75	XXX
73040	TC	A	Contrast x-ray of shoulder	0.00	2.11	NA	0.12	2.23	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	0.01	0.28	0.28	XXX
73050	TC	A	X-ray exam of shoulders	0.00	0.67	NA	0.04	0.71	NA	XXX
73060		A	X-ray exam of humerus	0.17	0.63	NA	0.05	0.85	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	0.04	0.61	NA	XXX
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	0.67	NA	0.05	0.89	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	0.61	NA	0.04	0.65	NA	XXX
73085		A	Contrast x-ray of elbow	0.54	2.20	NA	0.14	2.88	NA	XXX
73085	26	A	Contrast x-ray of elbow	0.54	0.19	0.19	0.02	0.75	0.75	XXX
73085	TC	A	Contrast x-ray of elbow	0.00	2.01	NA	0.12	2.13	NA	XXX
73090		A	X-ray exam of forearm	0.16	0.58	NA	0.03	0.77	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	0.53	NA	0.02	0.55	NA	XXX
73092		A	X-ray exam of arm, infant	0.16	0.56	NA	0.03	0.75	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	0.51	NA	0.02	0.53	NA	XXX
73100		A	X-ray exam of wrist	0.16	0.55	NA	0.03	0.74	NA	XXX
73100	26	A	X-ray exam of wrist	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73100	TC	A	X-ray exam of wrist	0.00	0.50	NA	0.02	0.52	NA	XXX
73110		A	X-ray exam of wrist	0.17	0.65	NA	0.03	0.85	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	0.59	NA	0.02	0.61	NA	XXX
73115		A	Contrast x-ray of wrist	0.54	1.95	NA	0.12	2.61	NA	XXX
73115	26	A	Contrast x-ray of wrist	0.54	0.19	0.19	0.02	0.75	0.75	XXX
73115	TC	A	Contrast x-ray of wrist	0.00	1.76	NA	0.10	1.86	NA	XXX
73120		A	X-ray exam of hand	0.16	0.56	NA	0.03	0.75	NA	XXX
73120	26	A	X-ray exam of hand	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73120	TC	A	X-ray exam of hand	0.00	0.51	NA	0.02	0.53	NA	XXX
73130		A	X-ray exam of hand	0.17	0.62	NA	0.03	0.82	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	0.56	NA	0.02	0.58	NA	XXX
73140		A	X-ray exam of finger(s)	0.13	0.52	NA	0.03	0.68	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	0.47	NA	0.02	0.49	NA	XXX
73200		A	Ct upper extremity w/o dye	1.09	5.54	NA	0.30	6.93	NA	XXX
73200	26	A	Ct upper extremity w/o dye	1.09	0.38	0.38	0.05	1.52	1.52	XXX
73200	TC	A	Ct upper extremity w/o dye	0.00	5.16	NA	0.25	5.41	NA	XXX
73201		A	Ct upper extremity w/dye	1.16	6.72	NA	0.36	8.24	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	6.32	NA	0.31	6.63	NA	XXX
73202		A	Ct uppr extremity w/o&w/dye	1.22	8.51	NA	0.44	10.17	NA	XXX
73202	26	A	Ct uppr extremity w/o&w/dye	1.22	0.42	0.42	0.05	1.69	1.69	XXX
73202	TC	A	Ct uppr extremity w/o&w/dye	0.00	8.09	NA	0.39	8.48	NA	XXX
73206		A	Ct angio upr extrm w/o&w/dye	1.81	11.18	NA	0.47	13.47	NA	XXX
73206	26	A	Ct angio upr extrm w/o&w/dye	1.81	0.62	0.62	0.08	2.51	2.51	XXX
73206	TC	A	Ct angio upr extrm w/o&w/dye	0.00	10.56	NA	0.39	10.95	NA	XXX
73218		A	Mri upper extremity w/o dye	1.35	11.98	NA	0.45	13.78	NA	XXX
73218	26	A	Mri upper extremity w/o dye	1.35	0.46	0.46	0.06	1.88	1.88	XXX
73218	TC	A	Mri upper extremity w/o dye	0.00	11.52	NA	0.39	11.91	NA	XXX
73219		A	Mri upper extremity w/dye	1.62	14.47	NA	0.54	16.63	NA	XXX
73219	26	A	Mri upper extremity w/dye	1.62	0.56	0.56	0.07	2.26	2.26	XXX
73219	TC	A	Mri upper extremity w/dye	0.00	13.90	NA	0.47	14.37	NA	XXX
73220		A	Mri uppr extremity w/o&w/dye	2.15	23.76	NA	0.94	26.86	NA	XXX
73220	26	A	Mri uppr extremity w/o&w/dye	2.15	0.75	0.75	0.10	3.00	3.00	XXX
73220	TC	A	Mri uppr extremity w/o&w/dye	0.00	23.02	NA	0.84	23.86	NA	XXX
73221		A	Mri joint upr extrem w/o dye	1.35	11.84	NA	0.45	13.64	NA	XXX
73221	26	A	Mri joint upr extrem w/o dye	1.35	0.46	0.46	0.06	1.88	1.88	XXX
73221	TC	A	Mri joint upr extrem w/o dye	0.00	11.38	NA	0.39	11.77	NA	XXX
73222		A	Mri joint upr extrem w/dye	1.62	13.74	NA	0.54	15.91	NA	XXX
73222	26	A	Mri joint upr extrem w/dye	1.62	0.56	0.56	0.07	2.25	2.25	XXX
73222	TC	A	Mri joint upr extrem w/dye	0.00	13.18	NA	0.47	13.65	NA	XXX
73223		A	Mri joint upr extr w/o&w/dye	2.15	23.20	NA	0.94	26.30	NA	XXX
73223	26	A	Mri joint upr extr w/o&w/dye	2.15	0.74	0.74	0.10	3.00	3.00	XXX
73223	TC	A	Mri joint upr extr w/o&w/dye	0.00	22.46	NA	0.84	23.30	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
73225		N	Mr angio upr extr w/o&w/dye	1.73	12.75	NA	0.69	15.17	NA	XXX
73225	26	N	Mr angio upr extr w/o&w/dye	1.73	0.66	0.66	0.10	2.50	2.50	XXX
73225	TC	N	Mr angio upr extr w/o&w/dye	0.00	12.09	NA	0.59	12.68	NA	XXX
73500		A	X-ray exam of hip	0.17	0.52	NA	0.03	0.72	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	0.46	NA	0.02	0.48	NA	XXX
73510		A	X-ray exam of hip	0.21	0.69	NA	0.05	0.95	NA	XXX
73510	26	A	X-ray exam of hip	0.21	0.07	0.07	0.01	0.29	0.29	XXX
73510	TC	A	X-ray exam of hip	0.00	0.61	NA	0.04	0.65	NA	XXX
73520		A	X-ray exam of hips	0.26	0.78	NA	0.05	1.09	NA	XXX
73520	26	A	X-ray exam of hips	0.26	0.09	0.09	0.01	0.36	0.36	XXX
73520	TC	A	X-ray exam of hips	0.00	0.69	NA	0.04	0.73	NA	XXX
73525		A	Contrast x-ray of hip	0.54	2.24	NA	0.15	2.94	NA	XXX
73525	26	A	Contrast x-ray of hip	0.54	0.19	0.19	0.03	0.76	0.76	XXX
73525	TC	A	Contrast x-ray of hip	0.00	2.06	NA	0.12	2.18	NA	XXX
73530		A	X-ray exam of hip	0.29	NA	NA	0.03	NA	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	NA	NA	0.02	NA	NA	XXX
73540		A	X-ray exam of pelvis & hips	0.20	0.67	NA	0.05	0.92	NA	XXX
73540	26	A	X-ray exam of pelvis & hips	0.20	0.07	0.07	0.01	0.28	0.28	XXX
73540	TC	A	X-ray exam of pelvis & hips	0.00	0.60	NA	0.04	0.64	NA	XXX
73542		A	X-ray exam, sacroiliac joint	0.59	2.05	NA	0.15	2.79	NA	XXX
73542	26	A	X-ray exam, sacroiliac joint	0.59	0.16	0.16	0.03	0.78	0.78	XXX
73542	TC	A	X-ray exam, sacroiliac joint	0.00	1.89	NA	0.12	2.01	NA	XXX
73550		A	X-ray exam of thigh	0.17	0.62	NA	0.05	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	0.56	NA	0.04	0.60	NA	XXX
73560		A	X-ray exam of knee, 1 or 2	0.17	0.59	NA	0.03	0.79	NA	XXX
73560	26	A	X-ray exam of knee, 1 or 2	0.17	0.06	0.06	0.01	0.24	0.24	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	0.66	NA	0.05	0.89	NA	XXX
73562	26	A	X-ray exam of knee, 3	0.18	0.06	0.06	0.01	0.25	0.25	XXX
73562	TC	A	X-ray exam of knee, 3	0.00	0.59	NA	0.04	0.63	NA	XXX
73564		A	X-ray exam, knee, 4 or more	0.22	0.74	NA	0.05	1.01	NA	XXX
73564	26	A	X-ray exam, knee, 4 or more	0.22	0.08	0.08	0.01	0.31	0.31	XXX
73564	TC	A	X-ray exam, knee, 4 or more	0.00	0.67	NA	0.04	0.71	NA	XXX
73565		A	X-ray exam of knees	0.17	0.57	NA	0.03	0.77	NA	XXX
73565	26	A	X-ray exam of knees	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73565	TC	A	X-ray exam of knees	0.00	0.50	NA	0.02	0.52	NA	XXX
73580		A	Contrast x-ray of knee joint	0.54	2.71	NA	0.17	3.42	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	2.53	NA	0.14	2.67	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	0.56	NA	0.03	0.75	NA	XXX
73592	26	A	X-ray exam of leg, infant	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73592	TC	A	X-ray exam of leg, infant	0.00	0.51	NA	0.02	0.53	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	0.05	0.05	0.01	0.22	0.22	XXX
73600	TC	A	X-ray exam of ankle	0.00	0.50	NA	0.02	0.52	NA	XXX
73610		A	X-ray exam of ankle	0.17	0.62	NA	0.03	0.82	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	0.56	NA	0.02	0.58	NA	XXX
73615		A	Contrast x-ray of ankle	0.54	2.19	NA	0.15	2.89	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	2.01	NA	0.12	2.13	NA	XXX
73620		A	X-ray exam of foot	0.16	0.53	NA	0.03	0.72	NA	XXX
73620	26	A	X-ray exam of foot	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73620	TC	A	X-ray exam of foot	0.00	0.48	NA	0.02	0.50	NA	XXX
73630		A	X-ray exam of foot	0.17	0.61	NA	0.03	0.81	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	0.54	NA	0.02	0.56	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	0.05	0.05	0.01	0.22	0.22	XXX
73650	TC	A	X-ray exam of heel	0.00	0.48	NA	0.02	0.50	NA	XXX
73660		A	X-ray exam of toe(s)	0.13	0.51	NA	0.03	0.67	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	0.47	NA	0.02	0.49	NA	XXX
73700		A	Ct lower extremity w/o dye	1.09	5.54	NA	0.30	6.93	NA	XXX
73700	26	A	Ct lower extremity w/o dye	1.09	0.38	0.38	0.05	1.52	1.52	XXX
73700	TC	A	Ct lower extremity w/o dye	0.00	5.16	NA	0.25	5.41	NA	XXX
73701		A	Ct lower extremity w/dye	1.16	6.68	NA	0.36	8.20	NA	XXX
73701	26	A	Ct lower extremity w/dye	1.16	0.40	0.40	0.05	1.61	1.61	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
73701	TC	A	Ct lower extremity w/dye	0.00	6.28	NA	0.31	6.59	NA	XXX
73702		A	Ct lwr extremity w/o&w/dye	1.22	8.40	NA	0.44	10.06	NA	XXX
73702	26	A	Ct lwr extremity w/o&w/dye	1.22	0.42	0.42	0.05	1.69	1.69	XXX
73702	TC	A	Ct lwr extremity w/o&w/dye	0.00	7.98	NA	0.39	8.37	NA	XXX
73706		A	Ct angio lwr extr w/o&w/dye	1.90	11.68	NA	0.47	14.06	NA	XXX
73706	26	A	Ct angio lwr extr w/o&w/dye	1.90	0.65	0.65	0.08	2.64	2.64	XXX
73706	TC	A	Ct angio lwr extr w/o&w/dye	0.00	11.03	NA	0.39	11.42	NA	XXX
73718		A	Mri lower extremity w/o dye	1.35	11.94	NA	0.45	13.74	NA	XXX
73718	26	A	Mri lower extremity w/o dye	1.35	0.46	0.46	0.06	1.88	1.88	XXX
73718	TC	A	Mri lower extremity w/o dye	0.00	11.48	NA	0.39	11.87	NA	XXX
73719		A	Mri lower extremity w/dye	1.62	13.98	NA	0.54	16.15	NA	XXX
73719	26	A	Mri lower extremity w/dye	1.62	0.56	0.56	0.07	2.25	2.25	XXX
73719	TC	A	Mri lower extremity w/dye	0.00	13.43	NA	0.47	13.90	NA	XXX
73720		A	Mri lwr extremity w/o&w/dye	2.15	23.69	NA	0.94	26.79	NA	XXX
73720	26	A	Mri lwr extremity w/o&w/dye	2.15	0.74	0.74	0.10	2.99	2.99	XXX
73720	TC	A	Mri lwr extremity w/o&w/dye	0.00	22.96	NA	0.84	23.80	NA	XXX
73721		A	Mri jnt of lwr extre w/o dye	1.35	11.94	NA	0.45	13.75	NA	XXX
73721	26	A	Mri jnt of lwr extre w/o dye	1.35	0.46	0.46	0.06	1.88	1.88	XXX
73721	TC	A	Mri jnt of lwr extre w/o dye	0.00	11.48	NA	0.39	11.87	NA	XXX
73722		A	Mri joint of lwr extr w/dye	1.62	13.75	NA	0.54	15.92	NA	XXX
73722	26	A	Mri joint of lwr extr w/dye	1.62	0.56	0.56	0.07	2.25	2.25	XXX
73722	TC	A	Mri joint of lwr extr w/dye	0.00	13.19	NA	0.47	13.66	NA	XXX
73723		A	Mri joint lwr extr w/o&w/dye	2.15	23.23	NA	0.94	26.32	NA	XXX
73723	26	A	Mri joint lwr extr w/o&w/dye	2.15	0.74	0.74	0.10	3.00	3.00	XXX
73723	TC	A	Mri joint lwr extr w/o&w/dye	0.00	22.48	NA	0.84	23.32	NA	XXX
73725		R	Mr ang lwr ext w or w/o dye	1.82	12.54	NA	0.67	15.03	NA	XXX
73725	26	R	Mr ang lwr ext w or w/o dye	1.82	0.63	0.63	0.08	2.53	2.53	XXX
73725	TC	R	Mr ang lwr ext w or w/o dye	0.00	11.91	NA	0.59	12.50	NA	XXX
74000		A	X-ray exam of abdomen	0.18	0.57	NA	0.03	0.78	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	0.50	NA	0.02	0.52	NA	XXX
74010		A	X-ray exam of abdomen	0.23	0.71	NA	0.05	0.99	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	0.63	NA	0.04	0.67	NA	XXX
74020		A	X-ray exam of abdomen	0.27	0.75	NA	0.05	1.07	NA	XXX
74020	26	A	X-ray exam of abdomen	0.27	0.10	0.10	0.01	0.38	0.38	XXX
74020	TC	A	X-ray exam of abdomen	0.00	0.65	NA	0.04	0.69	NA	XXX
74022		A	X-ray exam series, abdomen	0.32	0.89	NA	0.06	1.27	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	0.78	NA	0.05	0.83	NA	XXX
74150		A	Ct abdomen w/o dye	1.19	6.02	NA	0.35	7.57	NA	XXX
74150	26	A	Ct abdomen w/o dye	1.19	0.41	0.41	0.05	1.65	1.65	XXX
74150	TC	A	Ct abdomen w/o dye	0.00	5.61	NA	0.30	5.91	NA	XXX
74160		A	Ct abdomen w/dye	1.27	7.66	NA	0.42	9.36	NA	XXX
74160	26	A	Ct abdomen w/dye	1.27	0.44	0.44	0.06	1.77	1.77	XXX
74160	TC	A	Ct abdomen w/dye	0.00	7.22	NA	0.36	7.58	NA	XXX
74170		A	Ct abdomen w/o & w/dye	1.40	9.77	NA	0.49	11.66	NA	XXX
74170	26	A	Ct abdomen w/o & w/dye	1.40	0.48	0.48	0.06	1.95	1.95	XXX
74170	TC	A	Ct abdomen w/o & w/dye	0.00	9.29	NA	0.43	9.72	NA	XXX
74175		A	Ct angio abdom w/o & w/dye	1.90	12.48	NA	0.47	14.86	NA	XXX
74175	26	A	Ct angio abdom w/o & w/dye	1.90	0.65	0.65	0.08	2.64	2.64	XXX
74175	TC	A	Ct angio abdom w/o & w/dye	0.00	11.83	NA	0.39	12.22	NA	XXX
74181		A	Mri abdomen w/o dye	1.46	11.66	NA	0.51	13.63	NA	XXX
74181	26	A	Mri abdomen w/o dye	1.46	0.50	0.50	0.06	2.03	2.03	XXX
74181	TC	A	Mri abdomen w/o dye	0.00	11.15	NA	0.45	11.60	NA	XXX
74182		A	Mri abdomen w/dye	1.73	14.55	NA	0.60	16.89	NA	XXX
74182	26	A	Mri abdomen w/dye	1.73	0.60	0.60	0.08	2.41	2.41	XXX
74182	TC	A	Mri abdomen w/dye	0.00	13.96	NA	0.52	14.48	NA	XXX
74183		A	Mri abdomen w/o & w/dye	2.26	23.60	NA	1.02	26.88	NA	XXX
74183	26	A	Mri abdomen w/o & w/dye	2.26	0.78	0.78	0.10	3.14	3.14	XXX
74183	TC	A	Mri abdomen w/o & w/dye	0.00	22.82	NA	0.92	23.74	NA	XXX
74185		R	Mri angio, abdom w orw/o dye	1.80	12.41	NA	0.67	14.88	NA	XXX
74185	26	R	Mri angio, abdom w orw/o dye	1.80	0.62	0.62	0.08	2.50	2.50	XXX
74185	TC	R	Mri angio, abdom w orw/o dye	0.00	11.79	NA	0.59	12.38	NA	XXX
74190		A	X-ray exam of peritoneum	0.48	NA	NA	0.09	NA	NA	XXX
74190	26	A	X-ray exam of peritoneum	0.48	0.17	0.17	0.02	0.67	0.67	XXX
74190	TC	A	X-ray exam of peritoneum	0.00	NA	NA	0.07	NA	NA	XXX
74210		A	Contrst x-ray exam of throat	0.36	1.45	NA	0.08	1.89	NA	XXX
74210	26	A	Contrst x-ray exam of throat	0.36	0.13	0.13	0.02	0.51	0.51	XXX
74210	TC	A	Contrst x-ray exam of throat	0.00	1.33	NA	0.06	1.39	NA	XXX
74220		A	Contrast x-ray, esophagus	0.46	1.57	NA	0.08	2.11	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	1.41	NA	0.06	1.47	NA	XXX
74230		A	Cine/vid x-ray, throat/esoph	0.53	1.63	NA	0.09	2.25	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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	1.45	NA	0.07	1.52	NA	XXX
74235		A	Remove esophagus obstruction	1.19	NA	NA	0.19	NA	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	NA	NA	0.14	NA	NA	XXX
74240		A	X-ray exam, upper gi tract	0.69	1.89	NA	0.11	2.69	NA	XXX
74240	26	A	X-ray exam, upper gi tract	0.69	0.24	0.24	0.03	0.96	0.96	XXX
74240	TC	A	X-ray exam, upper gi tract	0.00	1.65	NA	0.08	1.73	NA	XXX
74241		A	X-ray exam, upper gi tract	0.69	1.98	NA	0.11	2.78	NA	XXX
74241	26	A	X-ray exam, upper gi tract	0.69	0.24	0.24	0.03	0.96	0.96	XXX
74241	TC	A	X-ray exam, upper gi tract	0.00	1.74	NA	0.08	1.82	NA	XXX
74245		A	X-ray exam, upper gi tract	0.91	3.16	NA	0.17	4.24	NA	XXX
74245	26	A	X-ray exam, upper gi tract	0.91	0.32	0.32	0.04	1.27	1.27	XXX
74245	TC	A	X-ray exam, upper gi tract	0.00	2.85	NA	0.13	2.98	NA	XXX
74246		A	Contrst x-ray uppr gi tract	0.69	2.16	NA	0.13	2.98	NA	XXX
74246	26	A	Contrst x-ray uppr gi tract	0.69	0.24	0.24	0.03	0.96	0.96	XXX
74246	TC	A	Contrst x-ray uppr gi tract	0.00	1.92	NA	0.10	2.02	NA	XXX
74247		A	Contrst x-ray uppr gi tract	0.69	2.30	NA	0.14	3.13	NA	XXX
74247	26	A	Contrst x-ray uppr gi tract	0.69	0.24	0.24	0.03	0.96	0.96	XXX
74247	TC	A	Contrst x-ray uppr gi tract	0.00	2.06	NA	0.11	2.17	NA	XXX
74249		A	Contrst x-ray uppr gi tract	0.91	3.38	NA	0.18	4.47	NA	XXX
74249	26	A	Contrst x-ray uppr gi tract	0.91	0.32	0.32	0.04	1.27	1.27	XXX
74249	TC	A	Contrst x-ray uppr gi tract	0.00	3.06	NA	0.14	3.20	NA	XXX
74250		A	X-ray exam of small bowel	0.47	1.83	NA	0.09	2.39	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	1.67	NA	0.07	1.74	NA	XXX
74251		A	X-ray exam of small bowel	0.69	4.38	NA	0.10	5.17	NA	XXX
74251	26	A	X-ray exam of small bowel	0.69	0.24	0.24	0.03	0.96	0.96	XXX
74251	TC	A	X-ray exam of small bowel	0.00	4.14	NA	0.07	4.21	NA	XXX
74260		A	X-ray exam of small bowel	0.50	3.97	NA	0.10	4.57	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	3.81	NA	0.08	3.89	NA	XXX
74270		A	Contrast x-ray exam of colon	0.69	2.44	NA	0.14	3.27	NA	XXX
74270	26	A	Contrast x-ray exam of colon	0.69	0.24	0.24	0.03	0.96	0.96	XXX
74270	TC	A	Contrast x-ray exam of colon	0.00	2.20	NA	0.11	2.31	NA	XXX
74280		A	Contrast x-ray exam of colon	0.99	3.35	NA	0.17	4.51	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	3.02	NA	0.13	3.15	NA	XXX
74283		A	Contrast x-ray exam of colon	2.02	3.31	NA	0.23	5.57	NA	XXX
74283	26	A	Contrast x-ray exam of colon	2.02	0.69	0.69	0.09	2.81	2.81	XXX
74283	TC	A	Contrast x-ray exam of colon	0.00	2.62	NA	0.14	2.76	NA	XXX
74290		A	Contrast x-ray, gallbladder	0.32	1.08	NA	0.06	1.47	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	0.98	NA	0.05	1.03	NA	XXX
74291		A	Contrast x-rays, gallbladder	0.20	0.83	NA	0.03	1.06	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	0.76	NA	0.02	0.78	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	0.13	0.13	0.02	0.51	0.51	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	NA	NA	0.07	NA	NA	XXX
74305	26	A	X-ray bile ducts/pancreas	0.42	0.15	0.15	0.02	0.59	0.59	XXX
74305	TC	A	X-ray bile ducts/pancreas	0.00	NA	NA	0.05	NA	NA	XXX
74320		A	Contrast x-ray of bile ducts	0.54	3.15	NA	0.19	3.88	NA	XXX
74320	26	A	Contrast x-ray of bile ducts	0.54	0.19	0.19	0.02	0.75	0.75	XXX
74320	TC	A	Contrast x-ray of bile ducts	0.00	2.96	NA	0.17	3.13	NA	XXX
74327		A	X-ray bile stone removal	0.70	2.28	NA	0.14	3.12	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	2.03	NA	0.11	2.14	NA	XXX
74328		A	X-ray bile duct endoscopy	0.70	NA	NA	0.20	NA	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	NA	NA	0.17	NA	NA	XXX
74329		A	X-ray for pancreas endoscopy	0.70	NA	NA	0.20	NA	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	NA	NA	0.17	NA	NA	XXX
74330		A	X-ray bile/panc endoscopy	0.90	NA	NA	0.21	NA	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	NA	NA	0.17	NA	NA	XXX
74340		A	X-ray guide for GI tube	0.54	NA	NA	0.16	NA	NA	XXX
74340	26	A	X-ray guide for GI tube	0.54	0.19	0.19	0.02	0.75	0.75	XXX
74340	TC	A	X-ray guide for GI tube	0.00	NA	NA	0.14	NA	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
74350		A	X-ray guide, stomach tube	0.76	3.17	NA	0.20	4.13	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	2.90	NA	0.17	3.07	NA	XXX
74355		A	X-ray guide, intestinal tube	0.76	NA	NA	0.17	NA	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	NA	NA	0.14	NA	NA	XXX
74360		A	X-ray guide, GI dilation	0.54	NA	NA	0.19	NA	NA	XXX
74360	26	A	X-ray guide, GI dilation	0.54	0.20	0.20	0.02	0.76	0.76	XXX
74360	TC	A	X-ray guide, GI dilation	0.00	NA	NA	0.17	NA	NA	XXX
74363		A	X-ray, bile duct dilation	0.88	NA	NA	0.37	NA	NA	XXX
74363	26	A	X-ray, bile duct dilation	0.88	0.31	0.31	0.04	1.23	1.23	XXX
74363	TC	A	X-ray, bile duct dilation	0.00	NA	NA	0.33	NA	NA	XXX
74400		A	Contrst x-ray, urinary tract	0.49	2.16	NA	0.13	2.79	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	2.00	NA	0.11	2.11	NA	XXX
74410		A	Contrst x-ray, urinary tract	0.49	2.39	NA	0.13	3.01	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	2.22	NA	0.11	2.33	NA	XXX
74415		A	Contrst x-ray, urinary tract	0.49	2.73	NA	0.14	3.36	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	2.56	NA	0.12	2.68	NA	XXX
74420		A	Contrst x-ray, urinary tract	0.36	NA	NA	0.16	NA	NA	XXX
74420	26	A	Contrst x-ray, urinary tract	0.36	0.13	0.13	0.02	0.51	0.51	XXX
74420	TC	A	Contrst x-ray, urinary tract	0.00	NA	NA	0.14	NA	NA	XXX
74425		A	Contrst x-ray, urinary tract	0.36	NA	NA	0.09	NA	NA	XXX
74425	26	A	Contrst x-ray, urinary tract	0.36	0.13	0.13	0.02	0.51	0.51	XXX
74425	TC	A	Contrst x-ray, urinary tract	0.00	NA	NA	0.07	NA	NA	XXX
74430		A	Contrast x-ray, bladder	0.32	1.46	NA	0.08	1.86	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	1.35	NA	0.06	1.41	NA	XXX
74440		A	X-ray, male genital tract	0.38	1.37	NA	0.08	1.83	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	1.24	NA	0.06	1.30	NA	XXX
74445		A	X-ray exam of penis	1.14	NA	NA	0.13	NA	NA	XXX
74445	26	A	X-ray exam of penis	1.14	0.41	0.41	0.07	1.62	1.62	XXX
74445	TC	A	X-ray exam of penis	0.00	NA	NA	0.06	NA	NA	XXX
74450		A	X-ray, urethra/bladder	0.33	NA	NA	0.10	NA	NA	XXX
74450	26	A	X-ray, urethra/bladder	0.33	0.12	0.12	0.02	0.47	0.47	XXX
74450	TC	A	X-ray, urethra/bladder	0.00	NA	NA	0.08	NA	NA	XXX
74455		A	X-ray, urethra/bladder	0.33	1.87	NA	0.12	2.32	NA	XXX
74455	26	A	X-ray, urethra/bladder	0.33	0.12	0.12	0.02	0.47	0.47	XXX
74455	TC	A	X-ray, urethra/bladder	0.00	1.76	NA	0.10	1.86	NA	XXX
74470		A	X-ray exam of kidney lesion	0.54	NA	NA	0.09	NA	NA	XXX
74470	26	A	X-ray exam of kidney lesion	0.54	0.19	0.19	0.02	0.75	0.75	XXX
74470	TC	A	X-ray exam of kidney lesion	0.00	NA	NA	0.07	NA	NA	XXX
74475		A	X-ray control, cath insert	0.54	3.97	NA	0.24	4.75	NA	XXX
74475	26	A	X-ray control, cath insert	0.54	0.19	0.19	0.02	0.75	0.75	XXX
74475	TC	A	X-ray control, cath insert	0.00	3.78	NA	0.22	4.00	NA	XXX
74480		A	X-ray control, cath insert	0.54	3.72	NA	0.24	4.51	NA	XXX
74480	26	A	X-ray control, cath insert	0.54	0.19	0.19	0.02	0.75	0.75	XXX
74480	TC	A	X-ray control, cath insert	0.00	3.53	NA	0.22	3.75	NA	XXX
74485		A	X-ray guide, GU dilation	0.54	3.17	NA	0.20	3.91	NA	XXX
74485	26	A	X-ray guide, GU dilation	0.54	0.19	0.19	0.03	0.76	0.76	XXX
74485	TC	A	X-ray guide, GU dilation	0.00	2.98	NA	0.17	3.15	NA	XXX
74710		A	X-ray measurement of pelvis	0.34	1.05	NA	0.08	1.47	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	0.93	NA	0.06	0.99	NA	XXX
74740		A	X-ray, female genital tract	0.38	1.55	NA	0.09	2.02	NA	XXX
74740	26	A	X-ray, female genital tract	0.38	0.14	0.14	0.02	0.54	0.54	XXX
74740	TC	A	X-ray, female genital tract	0.00	1.42	NA	0.07	1.49	NA	XXX
74742		A	X-ray, fallopian tube	0.61	NA	NA	0.20	NA	NA	XXX
74742	26	A	X-ray, fallopian tube	0.61	0.21	0.21	0.03	0.85	0.85	XXX
74742	TC	A	X-ray, fallopian tube	0.00	NA	NA	0.17	NA	NA	XXX
74775		A	X-ray exam of perineum	0.62	NA	NA	0.11	NA	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	NA	NA	0.08	NA	NA	XXX
75552		A	Heart mri for morph w/o dye	1.60	13.56	NA	0.66	15.82	NA	XXX
75552	26	A	Heart mri for morph w/o dye	1.60	0.56	0.56	0.07	2.23	2.23	XXX
75552	TC	A	Heart mri for morph w/o dye	0.00	13.00	NA	0.59	13.59	NA	XXX
75553		A	Heart mri for morph w/dye	2.00	13.77	NA	0.66	16.43	NA	XXX
75553	26	A	Heart mri for morph w/dye	2.00	0.68	0.68	0.07	2.76	2.76	XXX
75553	TC	A	Heart mri for morph w/dye	0.00	13.08	NA	0.59	13.67	NA	XXX
75554		A	Cardiac MRI/function	1.83	17.01	NA	0.66	19.50	NA	XXX
75554	26	A	Cardiac MRI/function	1.83	0.68	0.68	0.07	2.58	2.58	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
75554	TC	A	Cardiac MRI/function	0.00	16.33	NA	0.59	16.92	NA	XXX
75555		A	Cardiac MRI/limited study	1.74	15.87	NA	0.66	18.27	NA	XXX
75555	26	A	Cardiac MRI/limited study	1.74	0.67	0.67	0.07	2.49	2.49	XXX
75555	TC	A	Cardiac MRI/limited study	0.00	15.20	NA	0.59	15.79	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	11.90	NA	0.67	13.06	NA	XXX
75600	26	A	Contrast x-ray exam of aorta	0.49	0.20	0.20	0.02	0.71	0.71	XXX
75600	TC	A	Contrast x-ray exam of aorta	0.00	11.70	NA	0.65	12.35	NA	XXX
75605		A	Contrast x-ray exam of aorta	1.14	10.80	NA	0.70	12.65	NA	XXX
75605	26	A	Contrast x-ray exam of aorta	1.14	0.42	0.42	0.05	1.61	1.61	XXX
75605	TC	A	Contrast x-ray exam of aorta	0.00	10.38	NA	0.65	11.03	NA	XXX
75625		A	Contrast x-ray exam of aorta	1.14	10.87	NA	0.71	12.73	NA	XXX
75625	26	A	Contrast x-ray exam of aorta	1.14	0.40	0.40	0.06	1.60	1.60	XXX
75625	TC	A	Contrast x-ray exam of aorta	0.00	10.47	NA	0.65	11.12	NA	XXX
75630		A	X-ray aorta, leg arteries	1.79	11.50	NA	0.80	14.09	NA	XXX
75630	26	A	X-ray aorta, leg arteries	1.79	0.64	0.64	0.11	2.54	2.54	XXX
75630	TC	A	X-ray aorta, leg arteries	0.00	10.86	NA	0.69	11.55	NA	XXX
75635		A	Ct angio abdominal arteries	2.40	15.78	NA	0.50	18.68	NA	XXX
75635	26	A	Ct angio abdominal arteries	2.40	0.83	0.83	0.11	3.35	3.35	XXX
75635	TC	A	Ct angio abdominal arteries	0.00	14.94	NA	0.39	15.33	NA	XXX
75650		A	Artery x-rays, head & neck	1.49	10.92	NA	0.72	13.13	NA	XXX
75650	26	A	Artery x-rays, head & neck	1.49	0.52	0.52	0.07	2.08	2.08	XXX
75650	TC	A	Artery x-rays, head & neck	0.00	10.40	NA	0.65	11.05	NA	XXX
75658		A	Artery x-rays, arm	1.31	10.93	NA	0.72	12.96	NA	XXX
75658	26	A	Artery x-rays, arm	1.31	0.49	0.49	0.07	1.87	1.87	XXX
75658	TC	A	Artery x-rays, arm	0.00	10.44	NA	0.65	11.09	NA	XXX
75660		A	Artery x-rays, head & neck	1.31	10.89	NA	0.71	12.91	NA	XXX
75660	26	A	Artery x-rays, head & neck	1.31	0.46	0.46	0.06	1.84	1.84	XXX
75660	TC	A	Artery x-rays, head & neck	0.00	10.42	NA	0.65	11.07	NA	XXX
75662		A	Artery x-rays, head & neck	1.66	11.28	NA	0.71	13.65	NA	XXX
75662	26	A	Artery x-rays, head & neck	1.66	0.62	0.62	0.06	2.34	2.34	XXX
75662	TC	A	Artery x-rays, head & neck	0.00	10.66	NA	0.65	11.31	NA	XXX
75665		A	Artery x-rays, head & neck	1.31	10.88	NA	0.74	12.93	NA	XXX
75665	26	A	Artery x-rays, head & neck	1.31	0.46	0.46	0.09	1.86	1.86	XXX
75665	TC	A	Artery x-rays, head & neck	0.00	10.42	NA	0.65	11.07	NA	XXX
75671		A	Artery x-rays, head & neck	1.66	11.32	NA	0.72	13.70	NA	XXX
75671	26	A	Artery x-rays, head & neck	1.66	0.58	0.58	0.07	2.31	2.31	XXX
75671	TC	A	Artery x-rays, head & neck	0.00	10.74	NA	0.65	11.39	NA	XXX
75676		A	Artery x-rays, neck	1.31	11.00	NA	0.72	13.03	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	10.54	NA	0.65	11.19	NA	XXX
75680		A	Artery x-rays, neck	1.66	11.21	NA	0.72	13.60	NA	XXX
75680	26	A	Artery x-rays, neck	1.66	0.58	0.58	0.07	2.31	2.31	XXX
75680	TC	A	Artery x-rays, neck	0.00	10.63	NA	0.65	11.28	NA	XXX
75685		A	Artery x-rays, spine	1.31	10.92	NA	0.71	12.94	NA	XXX
75685	26	A	Artery x-rays, spine	1.31	0.45	0.45	0.06	1.83	1.83	XXX
75685	TC	A	Artery x-rays, spine	0.00	10.47	NA	0.65	11.12	NA	XXX
75705		A	Artery x-rays, spine	2.18	11.26	NA	0.78	14.22	NA	XXX
75705	26	A	Artery x-rays, spine	2.18	0.77	0.77	0.13	3.08	3.08	XXX
75705	TC	A	Artery x-rays, spine	0.00	10.49	NA	0.65	11.14	NA	XXX
75710		A	Artery x-rays, arm/leg	1.14	10.90	NA	0.72	12.76	NA	XXX
75710	26	A	Artery x-rays, arm/leg	1.14	0.41	0.41	0.07	1.62	1.62	XXX
75710	TC	A	Artery x-rays, arm/leg	0.00	10.49	NA	0.65	11.14	NA	XXX
75716		A	Artery x-rays, arms/legs	1.31	11.30	NA	0.72	13.33	NA	XXX
75716	26	A	Artery x-rays, arms/legs	1.31	0.46	0.46	0.07	1.84	1.84	XXX
75716	TC	A	Artery x-rays, arms/legs	0.00	10.84	NA	0.65	11.49	NA	XXX
75722		A	Artery x-rays, kidney	1.14	10.99	NA	0.70	12.84	NA	XXX
75722	26	A	Artery x-rays, kidney	1.14	0.42	0.42	0.05	1.61	1.61	XXX
75722	TC	A	Artery x-rays, kidney	0.00	10.57	NA	0.65	11.22	NA	XXX
75724		A	Artery x-rays, kidneys	1.49	11.60	NA	0.70	13.79	NA	XXX
75724	26	A	Artery x-rays, kidneys	1.49	0.59	0.59	0.05	2.13	2.13	XXX
75724	TC	A	Artery x-rays, kidneys	0.00	11.01	NA	0.65	11.66	NA	XXX
75726		A	Artery x-rays, abdomen	1.14	10.86	NA	0.70	12.70	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	10.47	NA	0.65	11.12	NA	XXX
75731		A	Artery x-rays, adrenal gland	1.14	10.63	NA	0.71	12.49	NA	XXX
75731	26	A	Artery x-rays, adrenal gland	1.14	0.39	0.39	0.06	1.60	1.60	XXX
75731	TC	A	Artery x-rays, adrenal gland	0.00	10.24	NA	0.65	10.89	NA	XXX
75733		A	Artery x-rays, adrenals	1.31	11.21	NA	0.71	13.24	NA	XXX
75733	26	A	Artery x-rays, adrenals	1.31	0.46	0.46	0.06	1.84	1.84	XXX
75733	TC	A	Artery x-rays, adrenals	0.00	10.75	NA	0.65	11.40	NA	XXX
75736		A	Artery x-rays, pelvis	1.14	10.89	NA	0.71	12.74	NA	XXX
75736	26	A	Artery x-rays, pelvis	1.14	0.40	0.40	0.06	1.60	1.60	XXX
75736	TC	A	Artery x-rays, pelvis	0.00	10.49	NA	0.65	11.14	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
75741		A	Artery x-rays, lung	1.31	10.77	NA	0.71	12.79	NA	XXX
75741	26	A	Artery x-rays, lung	1.31	0.46	0.46	0.06	1.83	1.83	XXX
75741	TC	A	Artery x-rays, lung	0.00	10.32	NA	0.65	10.97	NA	XXX
75743		A	Artery x-rays, lungs	1.66	10.97	NA	0.72	13.36	NA	XXX
75743	26	A	Artery x-rays, lungs	1.66	0.57	0.57	0.07	2.31	2.31	XXX
75743	TC	A	Artery x-rays, lungs	0.00	10.40	NA	0.65	11.05	NA	XXX
75746		A	Artery x-rays, lung	1.14	10.87	NA	0.70	12.72	NA	XXX
75746	26	A	Artery x-rays, lung	1.14	0.40	0.40	0.05	1.59	1.59	XXX
75746	TC	A	Artery x-rays, lung	0.00	10.47	NA	0.65	11.12	NA	XXX
75756		A	Artery x-rays, chest	1.14	11.30	NA	0.69	13.13	NA	XXX
75756	26	A	Artery x-rays, chest	1.14	0.47	0.47	0.04	1.65	1.65	XXX
75756	TC	A	Artery x-rays, chest	0.00	10.82	NA	0.65	11.47	NA	XXX
75774		A	Artery x-ray, each vessel	0.36	10.44	NA	0.67	11.47	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	10.31	NA	0.65	10.96	NA	ZZZ
75790		A	Visualize A-V shunt	1.84	2.36	NA	0.17	4.38	NA	XXX
75790	26	A	Visualize A-V shunt	1.84	0.63	0.63	0.09	2.56	2.56	XXX
75790	TC	A	Visualize A-V shunt	0.00	1.73	NA	0.08	1.81	NA	XXX
75801		A	Lymph vessel x-ray, arm/leg	0.81	NA	NA	0.37	NA	NA	XXX
75801	26	A	Lymph vessel x-ray, arm/leg	0.81	0.28	0.28	0.08	1.17	1.17	XXX
75801	TC	A	Lymph vessel x-ray, arm/leg	0.00	NA	NA	0.29	NA	NA	XXX
75803		A	Lymph vessel x-ray, arms/legs	1.17	NA	NA	0.34	NA	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	NA	NA	0.29	NA	NA	XXX
75805		A	Lymph vessel x-ray, trunk	0.81	NA	NA	0.38	NA	NA	XXX
75805	26	A	Lymph vessel x-ray, trunk	0.81	0.28	0.28	0.05	1.14	1.14	XXX
75805	TC	A	Lymph vessel x-ray, trunk	0.00	NA	NA	0.33	NA	NA	XXX
75807		A	Lymph vessel x-ray, trunk	1.17	NA	NA	0.38	NA	NA	XXX
75807	26	A	Lymph vessel x-ray, trunk	1.17	0.40	0.40	0.05	1.63	1.63	XXX
75807	TC	A	Lymph vessel x-ray, trunk	0.00	NA	NA	0.33	NA	NA	XXX
75809		A	Nonvascular shunt, x-ray	0.47	1.26	NA	0.07	1.80	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	1.10	NA	0.05	1.15	NA	XXX
75810		A	Vein x-ray, spleen/liver	1.14	NA	NA	0.70	NA	NA	XXX
75810	26	A	Vein x-ray, spleen/liver	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75810	TC	A	Vein x-ray, spleen/liver	0.00	NA	NA	0.65	NA	NA	XXX
75820		A	Vein x-ray, arm/leg	0.70	1.67	NA	0.09	2.46	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	1.43	NA	0.06	1.49	NA	XXX
75822		A	Vein x-ray, arms/legs	1.06	2.25	NA	0.13	3.44	NA	XXX
75822	26	A	Vein x-ray, arms/legs	1.06	0.37	0.37	0.05	1.48	1.48	XXX
75822	TC	A	Vein x-ray, arms/legs	0.00	1.88	NA	0.08	1.96	NA	XXX
75825		A	Vein x-ray, trunk	1.14	10.64	NA	0.72	12.50	NA	XXX
75825	26	A	Vein x-ray, trunk	1.14	0.39	0.39	0.07	1.60	1.60	XXX
75825	TC	A	Vein x-ray, trunk	0.00	10.25	NA	0.65	10.90	NA	XXX
75827		A	Vein x-ray, chest	1.14	10.67	NA	0.70	12.51	NA	XXX
75827	26	A	Vein x-ray, chest	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75827	TC	A	Vein x-ray, chest	0.00	10.28	NA	0.65	10.93	NA	XXX
75831		A	Vein x-ray, kidney	1.14	10.64	NA	0.71	12.49	NA	XXX
75831	26	A	Vein x-ray, kidney	1.14	0.39	0.39	0.06	1.59	1.59	XXX
75831	TC	A	Vein x-ray, kidney	0.00	10.25	NA	0.65	10.90	NA	XXX
75833		A	Vein x-ray, kidneys	1.49	10.96	NA	0.74	13.19	NA	XXX
75833	26	A	Vein x-ray, kidneys	1.49	0.52	0.52	0.09	2.10	2.10	XXX
75833	TC	A	Vein x-ray, kidneys	0.00	10.43	NA	0.65	11.08	NA	XXX
75840		A	Vein x-ray, adrenal gland	1.14	10.79	NA	0.72	12.66	NA	XXX
75840	26	A	Vein x-ray, adrenal gland	1.14	0.39	0.39	0.07	1.61	1.61	XXX
75840	TC	A	Vein x-ray, adrenal gland	0.00	10.40	NA	0.65	11.05	NA	XXX
75842		A	Vein x-ray, adrenal glands	1.49	10.98	NA	0.72	13.19	NA	XXX
75842	26	A	Vein x-ray, adrenal glands	1.49	0.51	0.51	0.07	2.07	2.07	XXX
75842	TC	A	Vein x-ray, adrenal glands	0.00	10.47	NA	0.65	11.12	NA	XXX
75860		A	Vein x-ray, neck	1.14	10.70	NA	0.69	12.53	NA	XXX
75860	26	A	Vein x-ray, neck	1.14	0.41	0.41	0.04	1.59	1.59	XXX
75860	TC	A	Vein x-ray, neck	0.00	10.29	NA	0.65	10.94	NA	XXX
75870		A	Vein x-ray, skull	1.14	10.60	NA	0.70	12.45	NA	XXX
75870	26	A	Vein x-ray, skull	1.14	0.41	0.41	0.05	1.60	1.60	XXX
75870	TC	A	Vein x-ray, skull	0.00	10.20	NA	0.65	10.85	NA	XXX
75872		A	Vein x-ray, skull	1.14	10.61	NA	0.79	12.54	NA	XXX
75872	26	A	Vein x-ray, skull	1.14	0.39	0.39	0.14	1.67	1.67	XXX
75872	TC	A	Vein x-ray, skull	0.00	10.22	NA	0.65	10.87	NA	XXX
75880		A	Vein x-ray, eye socket	0.70	1.65	NA	0.09	2.44	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	1.41	NA	0.06	1.47	NA	XXX
75885		A	Vein x-ray, liver	1.44	11.06	NA	0.71	13.21	NA	XXX
75885	26	A	Vein x-ray, liver	1.44	0.50	0.50	0.06	2.00	2.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
75885	TC	A	Vein x-ray, liver	0.00	10.56	NA	0.65	11.21	NA	XXX
75887		A	Vein x-ray, liver	1.44	11.75	NA	0.71	13.90	NA	XXX
75887	26	A	Vein x-ray, liver	1.44	0.50	0.50	0.06	2.00	2.00	XXX
75887	TC	A	Vein x-ray, liver	0.00	11.25	NA	0.65	11.90	NA	XXX
75889		A	Vein x-ray, liver	1.14	10.77	NA	0.70	12.61	NA	XXX
75889	26	A	Vein x-ray, liver	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75889	TC	A	Vein x-ray, liver	0.00	10.38	NA	0.65	11.03	NA	XXX
75891		A	Vein x-ray, liver	1.14	10.56	NA	0.70	12.40	NA	XXX
75891	26	A	Vein x-ray, liver	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75891	TC	A	Vein x-ray, liver	0.00	10.17	NA	0.65	10.82	NA	XXX
75893		A	Venous sampling by catheter	0.54	11.08	NA	0.67	12.30	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	10.89	NA	0.65	11.54	NA	XXX
75894		A	X-rays, transcath therapy	1.31	NA	NA	1.35	NA	NA	XXX
75894	26	A	X-rays, transcath therapy	1.31	0.45	0.45	0.08	1.85	1.85	XXX
75894	TC	A	X-rays, transcath therapy	0.00	NA	NA	1.27	NA	NA	XXX
75896		A	X-rays, transcath therapy	1.31	NA	NA	1.15	NA	NA	XXX
75896	26	A	X-rays, transcath therapy	1.31	0.47	0.47	0.05	1.84	1.84	XXX
75896	TC	A	X-rays, transcath therapy	0.00	NA	NA	1.10	NA	NA	XXX
75898		A	Follow-up angiography	1.65	NA	NA	0.13	NA	NA	XXX
75898	26	A	Follow-up angiography	1.65	0.58	0.58	0.07	2.30	2.30	XXX
75898	TC	A	Follow-up angiography	0.00	NA	NA	0.06	NA	NA	XXX
75900		A	Arterial catheter exchange	0.49	NA	NA	1.14	NA	NA	XXX
75900	26	A	Arterial catheter exchange	0.49	0.17	0.17	0.03	0.69	0.69	XXX
75900	TC	A	Arterial catheter exchange	0.00	NA	NA	1.11	NA	NA	XXX
75901		A	Remove cva device obstruct	0.49	2.30	NA	0.85	3.64	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	2.13	NA	0.83	2.96	NA	XXX
75902		A	Remove cva lumen obstruct	0.39	1.56	NA	0.85	2.80	NA	XXX
75902	26	A	Remove cva lumen obstruct	0.39	0.14	0.14	0.02	0.55	0.55	XXX
75902	TC	A	Remove cva lumen obstruct	0.00	1.43	NA	0.83	2.26	NA	XXX
75940		A	X-ray placement, vein filter	0.54	NA	NA	0.69	NA	NA	XXX
75940	26	A	X-ray placement, vein filter	0.54	0.19	0.19	0.04	0.77	0.77	XXX
75940	TC	A	X-ray placement, vein filter	0.00	NA	NA	0.65	NA	NA	XXX
75945		A	Intravascular us	0.40	NA	NA	0.28	NA	NA	XXX
75945	26	A	Intravascular us	0.40	0.14	0.14	0.04	0.58	0.58	XXX
75945	TC	A	Intravascular us	0.00	NA	NA	0.24	NA	NA	XXX
75946		A	Intravascular us add-on	0.40	NA	NA	0.18	NA	NA	ZZZ
75946	26	A	Intravascular us add-on	0.40	0.14	0.14	0.05	0.59	0.59	ZZZ
75946	TC	A	Intravascular us add-on	0.00	NA	NA	0.13	NA	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	1.51	1.51	0.43	6.44	6.44	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	0.46	0.46	0.13	1.95	1.95	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	2.25	0.81	0.81	0.15	3.22	3.22	XXX
75954	TC	C	Iliac aneurysm endovas rpr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75960		A	Transcath iv stent rs&i	0.82	NA	NA	0.82	NA	NA	XXX
75960	26	A	Transcath iv stent rs&i	0.82	0.30	0.30	0.05	1.17	1.17	XXX
75960	TC	A	Transcath iv stent rs&i	0.00	NA	NA	0.77	NA	NA	XXX
75961		A	Retrieval, broken catheter	4.25	10.29	NA	0.73	15.27	NA	XXX
75961	26	A	Retrieval, broken catheter	4.25	1.47	1.47	0.18	5.90	5.90	XXX
75961	TC	A	Retrieval, broken catheter	0.00	8.82	NA	0.55	9.37	NA	XXX
75962		A	Repair arterial blockage	0.54	13.03	NA	0.86	14.43	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	12.84	NA	0.83	13.67	NA	XXX
75964		A	Repair artery blockage, each	0.36	7.07	NA	0.46	7.89	NA	ZZZ
75964	26	A	Repair artery blockage, each	0.36	0.13	0.13	0.03	0.52	0.52	ZZZ
75964	TC	A	Repair artery blockage, each	0.00	6.94	NA	0.43	7.37	NA	ZZZ
75966		A	Repair arterial blockage	1.31	13.24	NA	0.89	15.44	NA	XXX
75966	26	A	Repair arterial blockage	1.31	0.48	0.48	0.06	1.86	1.86	XXX
75966	TC	A	Repair arterial blockage	0.00	12.75	NA	0.83	13.58	NA	XXX
75968		A	Repair artery blockage, each	0.36	7.01	NA	0.45	7.82	NA	ZZZ
75968	26	A	Repair artery blockage, each	0.36	0.14	0.14	0.02	0.52	0.52	ZZZ
75968	TC	A	Repair artery blockage, each	0.00	6.87	NA	0.43	7.30	NA	ZZZ
75970		A	Vascular biopsy	0.83	NA	NA	0.64	NA	NA	XXX
75970	26	A	Vascular biopsy	0.83	0.30	0.30	0.04	1.17	1.17	XXX
75970	TC	A	Vascular biopsy	0.00	NA	NA	0.60	NA	NA	XXX
75978		A	Repair venous blockage	0.54	13.02	NA	0.85	14.41	NA	XXX
75978	26	A	Repair venous blockage	0.54	0.19	0.19	0.02	0.75	0.75	XXX
75978	TC	A	Repair venous blockage	0.00	12.83	NA	0.83	13.66	NA	XXX
75980		A	Contrast xray exam bile duct	1.44	NA	NA	0.35	NA	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
75980	26	A	Contrast xray exam bile duct	1.44	0.50	0.50	0.06	2.00	2.00	XXX
75980	TC	A	Contrast xray exam bile duct	0.00	NA	NA	0.29	NA	NA	XXX
75982		A	Contrast xray exam bile duct	1.44	NA	NA	0.39	NA	NA	XXX
75982	26	A	Contrast xray exam bile duct	1.44	0.50	0.50	0.06	2.00	2.00	XXX
75982	TC	A	Contrast xray exam bile duct	0.00	NA	NA	0.33	NA	NA	XXX
75984		A	Xray control catheter change	0.72	2.31	NA	0.14	3.18	NA	XXX
75984	26	A	Xray control catheter change	0.72	0.25	0.25	0.03	1.00	1.00	XXX
75984	TC	A	Xray control catheter change	0.00	2.07	NA	0.11	2.18	NA	XXX
75989		A	Abscess drainage under x-ray	1.19	3.31	NA	0.22	4.72	NA	XXX
75989	26	A	Abscess drainage under x-ray	1.19	0.41	0.41	0.05	1.65	1.65	XXX
75989	TC	A	Abscess drainage under x-ray	0.00	2.90	NA	0.17	3.07	NA	XXX
75992		A	Atherectomy, x-ray exam	0.54	NA	NA	0.86	NA	NA	XXX
75992	26	A	Atherectomy, x-ray exam	0.54	0.20	0.20	0.03	0.77	0.77	XXX
75992	TC	A	Atherectomy, x-ray exam	0.00	NA	NA	0.83	NA	NA	XXX
75993		A	Atherectomy, x-ray exam	0.36	NA	NA	0.45	NA	NA	ZZZ
75993	26	A	Atherectomy, x-ray exam	0.36	0.14	0.14	0.02	0.52	0.52	ZZZ
75993	TC	A	Atherectomy, x-ray exam	0.00	NA	NA	0.43	NA	NA	ZZZ
75994		A	Atherectomy, x-ray exam	1.31	NA	NA	0.90	NA	NA	XXX
75994	26	A	Atherectomy, x-ray exam	1.31	0.48	0.48	0.07	1.86	1.86	XXX
75994	TC	A	Atherectomy, x-ray exam	0.00	NA	NA	0.83	NA	NA	XXX
75995		A	Atherectomy, x-ray exam	1.31	NA	NA	0.88	NA	NA	XXX
75995	26	A	Atherectomy, x-ray exam	1.31	0.50	0.50	0.05	1.86	1.86	XXX
75995	TC	A	Atherectomy, x-ray exam	0.00	NA	NA	0.83	NA	NA	XXX
75996		A	Atherectomy, x-ray exam	0.36	NA	NA	0.45	NA	NA	ZZZ
75996	26	A	Atherectomy, x-ray exam	0.36	0.12	0.12	0.02	0.50	0.50	ZZZ
75996	TC	A	Atherectomy, x-ray exam	0.00	NA	NA	0.43	NA	NA	ZZZ
75998		A	Fluoroguide for vein device	0.38	1.88	NA	0.11	2.37	NA	ZZZ
75998	26	A	Fluoroguide for vein device	0.38	0.14	0.14	0.01	0.53	0.53	ZZZ
75998	TC	A	Fluoroguide for vein device	0.00	1.75	NA	0.10	1.85	NA	ZZZ
76000		A	Fluoroscope examination	0.17	1.78	NA	0.08	2.03	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	1.72	NA	0.07	1.79	NA	XXX
76001		A	Fluoroscope exam, extensive	0.67	NA	NA	0.19	NA	NA	XXX
76001	26	A	Fluoroscope exam, extensive	0.67	0.23	0.23	0.05	0.95	0.95	XXX
76001	TC	A	Fluoroscope exam, extensive	0.00	NA	NA	0.14	NA	NA	XXX
76003		A	Needle localization by x-ray	0.54	1.47	NA	0.09	2.10	NA	XXX
76003	26	A	Needle localization by x-ray	0.54	0.18	0.18	0.02	0.74	0.74	XXX
76003	TC	A	Needle localization by x-ray	0.00	1.30	NA	0.07	1.37	NA	XXX
76005		A	Fluoroguide for spine inject	0.60	1.34	NA	0.10	2.04	NA	XXX
76005	26	A	Fluoroguide for spine inject	0.60	0.15	0.15	0.03	0.78	0.78	XXX
76005	TC	A	Fluoroguide for spine inject	0.00	1.19	NA	0.07	1.26	NA	XXX
76006		A	X-ray stress view	0.41	0.32	0.17	0.06	0.79	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	0.49	0.49	0.10	1.90	1.90	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	0.50	0.50	0.07	1.96	1.96	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	0.55	NA	0.03	0.77	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	0.49	NA	0.02	0.51	NA	XXX
76040		A	X-rays, bone evaluation	0.27	0.82	NA	0.06	1.15	NA	XXX
76040	26	A	X-rays, bone evaluation	0.27	0.09	0.09	0.01	0.37	0.37	XXX
76040	TC	A	X-rays, bone evaluation	0.00	0.73	NA	0.05	0.78	NA	XXX
76061		A	X-rays, bone survey	0.45	1.31	NA	0.08	1.84	NA	XXX
76061	26	A	X-rays, bone survey	0.45	0.16	0.16	0.02	0.63	0.63	XXX
76061	TC	A	X-rays, bone survey	0.00	1.15	NA	0.06	1.21	NA	XXX
76062		A	X-rays, bone survey	0.54	1.93	NA	0.10	2.57	NA	XXX
76062	26	A	X-rays, bone survey	0.54	0.19	0.19	0.02	0.75	0.75	XXX
76062	TC	A	X-rays, bone survey	0.00	1.74	NA	0.08	1.82	NA	XXX
76065		A	X-rays, bone evaluation	0.70	1.27	NA	0.08	2.05	NA	XXX
76065	26	A	X-rays, bone evaluation	0.70	0.24	0.24	0.03	0.97	0.97	XXX
76065	TC	A	X-rays, bone evaluation	0.00	1.03	NA	0.05	1.08	NA	XXX
76066		A	Joint survey, single view	0.31	1.06	NA	0.08	1.45	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	0.96	NA	0.06	1.02	NA	XXX
76070		A	Ct bone density, axial	0.25	3.37	NA	0.17	3.79	NA	XXX
76070	26	A	Ct bone density, axial	0.25	0.09	0.09	0.01	0.35	0.35	XXX
76070	TC	A	Ct bone density, axial	0.00	3.29	NA	0.16	3.45	NA	XXX
76071		A	Ct bone density, peripheral	0.22	2.43	NA	0.06	2.71	NA	XXX
76071	26	A	Ct bone density, peripheral	0.22	0.07	0.07	0.01	0.30	0.30	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
76071	TC	A	Ct bone density, peripheral	0.00	2.36	NA	0.05	2.41	NA	XXX
76075		A	Dxa bone density, axial	0.30	2.58	NA	0.18	3.06	NA	XXX
76075	26	A	Dxa bone density, axial	0.30	0.11	0.11	0.01	0.42	0.42	XXX
76075	TC	A	Dxa bone density, axial	0.00	2.47	NA	0.17	2.64	NA	XXX
76076		A	Dxa bone density/peripheral	0.22	0.75	NA	0.06	1.03	NA	XXX
76076	26	A	Dxa bone density/peripheral	0.22	0.08	0.08	0.01	0.31	0.31	XXX
76076	TC	A	Dxa bone density/peripheral	0.00	0.67	NA	0.05	0.72	NA	XXX
76077		A	Dxa bone density/v-fracture	0.17	0.71	NA	0.06	0.94	NA	XXX
76077	26	A	Dxa bone density/v-fracture	0.17	0.06	0.06	0.01	0.24	0.24	XXX
76077	TC	A	Dxa bone density/v-fracture	0.00	0.65	NA	0.05	0.70	NA	XXX
76078		A	Radiographic absorptiometry	0.20	0.70	NA	0.06	0.96	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	0.63	NA	0.05	0.68	NA	XXX
76080		A	X-ray exam of fistula	0.54	1.23	NA	0.08	1.86	NA	XXX
76080	26	A	X-ray exam of fistula	0.54	0.19	0.19	0.02	0.75	0.75	XXX
76080	TC	A	X-ray exam of fistula	0.00	1.05	NA	0.06	1.11	NA	XXX
76082		A	Computer mammogram add-on	0.06	0.39	NA	0.02	0.47	NA	ZZZ
76082	26	A	Computer mammogram add-on	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
76082	TC	A	Computer mammogram add-on	0.00	0.37	NA	0.01	0.38	NA	ZZZ
76083		A	Computer mammogram add-on	0.06	0.39	NA	0.02	0.47	NA	ZZZ
76083	26	A	Computer mammogram add-on	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
76083	TC	A	Computer mammogram add-on	0.00	0.37	NA	0.01	0.38	NA	ZZZ
76086		A	X-ray of mammary duct	0.36	2.40	NA	0.16	2.92	NA	XXX
76086	26	A	X-ray of mammary duct	0.36	0.13	0.13	0.02	0.51	0.51	XXX
76086	TC	A	X-ray of mammary duct	0.00	2.28	NA	0.14	2.42	NA	XXX
76088		A	X-ray of mammary ducts	0.45	3.32	NA	0.21	3.99	NA	XXX
76088	26	A	X-ray of mammary ducts	0.45	0.16	0.16	0.02	0.63	0.63	XXX
76088	TC	A	X-ray of mammary ducts	0.00	3.17	NA	0.19	3.36	NA	XXX
76090		A	Mammogram, one breast	0.70	1.44	NA	0.09	2.23	NA	XXX
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	1.20	NA	0.06	1.26	NA	XXX
76091		A	Mammogram, both breasts	0.87	1.82	NA	0.11	2.80	NA	XXX
76091	26	A	Mammogram, both breasts	0.87	0.30	0.30	0.04	1.21	1.21	XXX
76091	TC	A	Mammogram, both breasts	0.00	1.52	NA	0.07	1.59	NA	XXX
76092		A	Mammogram, screening	0.70	1.51	NA	0.10	2.31	NA	XXX
76092	26	A	Mammogram, screening	0.70	0.24	0.24	0.03	0.97	0.97	XXX
76092	TC	A	Mammogram, screening	0.00	1.27	NA	0.07	1.34	NA	XXX
76093		A	Magnetic image, breast	1.63	18.79	NA	0.99	21.41	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	18.23	NA	0.92	19.15	NA	XXX
76094		A	Magnetic image, both breasts	1.63	23.36	NA	1.31	26.31	NA	XXX
76094	26	A	Magnetic image, both breasts	1.63	0.56	0.56	0.07	2.26	2.26	XXX
76094	TC	A	Magnetic image, both breasts	0.00	22.81	NA	1.24	24.05	NA	XXX
76095		A	Stereotactic breast biopsy	1.59	6.38	NA	0.46	8.43	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	5.84	NA	0.37	6.21	NA	XXX
76096		A	X-ray of needle wire, breast	0.56	1.37	NA	0.09	2.02	NA	XXX
76096	26	A	X-ray of needle wire, breast	0.56	0.19	0.19	0.02	0.77	0.77	XXX
76096	TC	A	X-ray of needle wire, breast	0.00	1.17	NA	0.07	1.24	NA	XXX
76098		A	X-ray exam, breast specimen	0.16	0.46	NA	0.03	0.65	NA	XXX
76098	26	A	X-ray exam, breast specimen	0.16	0.05	0.05	0.01	0.22	0.22	XXX
76098	TC	A	X-ray exam, breast specimen	0.00	0.40	NA	0.02	0.42	NA	XXX
76100		A	X-ray exam of body section	0.58	2.02	NA	0.10	2.70	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	1.82	NA	0.07	1.89	NA	XXX
76101		A	Complex body section x-ray	0.58	2.53	NA	0.11	3.22	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	2.32	NA	0.08	2.40	NA	XXX
76102		A	Complex body section x-rays	0.58	3.39	NA	0.14	4.11	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	3.19	NA	0.11	3.30	NA	XXX
76120		A	Cine/video x-rays	0.38	1.78	NA	0.08	2.24	NA	XXX
76120	26	A	Cine/video x-rays	0.38	0.14	0.14	0.02	0.54	0.54	XXX
76120	TC	A	Cine/video x-rays	0.00	1.65	NA	0.06	1.71	NA	XXX
76125		A	Cine/video x-rays add-on	0.27	NA	NA	0.06	NA	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	NA	NA	0.05	NA	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	0.45	NA	0.02	0.47	NA	XXX
76350		C	Special x-ray contrast study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76355		A	Ct scan for localization	1.21	12.79	NA	0.47	14.47	NA	XXX
76355	26	A	Ct scan for localization	1.21	0.42	0.42	0.05	1.68	1.68	XXX
76355	TC	A	Ct scan for localization	0.00	12.37	NA	0.42	12.79	NA	XXX
76360		A	Ct scan for needle biopsy	1.16	7.23	NA	0.47	8.86	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
76360	26	A	Ct scan for needle biopsy	1.16	0.40	0.40	0.05	1.61	1.61	XXX
76360	TC	A	Ct scan for needle biopsy	0.00	6.83	NA	0.42	7.25	NA	XXX
76362		A	Ct guide for tissue ablation	4.00	NA	NA	1.65	NA	NA	XXX
76362	26	A	Ct guide for tissue ablation	4.00	1.37	1.37	0.18	5.55	5.55	XXX
76362	TC	A	Ct guide for tissue ablation	0.00	NA	NA	1.46	NA	NA	XXX
76370		A	Ct scan for therapy guide	0.85	3.57	NA	0.20	4.63	NA	XXX
76370	26	A	Ct scan for therapy guide	0.85	0.29	0.29	0.04	1.18	1.18	XXX
76370	TC	A	Ct scan for therapy guide	0.00	3.28	NA	0.16	3.44	NA	XXX
76375		A	3d/holograph reconstr add-on	0.16	2.92	NA	0.19	3.27	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	2.87	NA	0.18	3.05	NA	XXX
76380		A	CAT scan follow-up study	0.98	4.06	NA	0.22	5.27	NA	XXX
76380	26	A	CAT scan follow-up study	0.98	0.34	0.34	0.04	1.36	1.36	XXX
76380	TC	A	CAT scan follow-up study	0.00	3.73	NA	0.18	3.91	NA	XXX
76390		N	Mr spectroscopy	1.40	10.86	NA	0.66	12.92	NA	XXX
76390	26	N	Mr spectroscopy	1.40	0.49	0.49	0.07	1.96	1.96	XXX
76390	TC	N	Mr spectroscopy	0.00	10.37	NA	0.59	10.96	NA	XXX
76393		A	Mr guidance for needle place	1.50	11.11	NA	0.64	13.25	NA	XXX
76393	26	A	Mr guidance for needle place	1.50	0.52	0.52	0.09	2.11	2.11	XXX
76393	TC	A	Mr guidance for needle place	0.00	10.59	NA	0.55	11.14	NA	XXX
76394		A	Mri for tissue ablation	4.25	NA	NA	1.81	NA	NA	XXX
76394	26	A	Mri for tissue ablation	4.25	1.45	1.45	0.24	5.94	5.94	XXX
76394	TC	A	Mri for tissue ablation	0.00	NA	NA	1.57	NA	NA	XXX
76400		A	Magnetic image, bone marrow	1.60	12.18	NA	0.66	14.45	NA	XXX
76400	26	A	Magnetic image, bone marrow	1.60	0.55	0.55	0.07	2.22	2.22	XXX
76400	TC	A	Magnetic image, bone marrow	0.00	11.63	NA	0.59	12.22	NA	XXX
76496		C	Fluoroscopic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
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	1.95	NA	0.14	2.72	NA	XXX
76506	26	A	Echo exam of head	0.63	0.24	0.24	0.06	0.93	0.93	XXX
76506	TC	A	Echo exam of head	0.00	1.71	NA	0.08	1.79	NA	XXX
76510		A	Ophth us, b & quant a	1.55	2.73	NA	0.10	4.38	NA	XXX
76510	26	A	Ophth us, b & quant a	1.55	0.67	0.67	0.03	2.25	2.25	XXX
76510	TC	A	Ophth us, b & quant a	0.00	2.06	NA	0.07	2.13	NA	XXX
76511		A	Ophth us, quant a only	0.94	2.24	NA	0.10	3.28	NA	XXX
76511	26	A	Ophth us, quant a only	0.94	0.40	0.40	0.03	1.37	1.37	XXX
76511	TC	A	Ophth us, quant a only	0.00	1.85	NA	0.07	1.92	NA	XXX
76512		A	Ophth us, b w/non-quant a	0.94	2.05	NA	0.12	3.11	NA	XXX
76512	26	A	Ophth us, b w/non-quant a	0.94	0.41	0.41	0.02	1.37	1.37	XXX
76512	TC	A	Ophth us, b w/non-quant a	0.00	1.64	NA	0.10	1.74	NA	XXX
76513		A	Echo exam of eye, water bath	0.66	1.73	NA	0.12	2.51	NA	XXX
76513	26	A	Echo exam of eye, water bath	0.66	0.28	0.28	0.02	0.96	0.96	XXX
76513	TC	A	Echo exam of eye, water bath	0.00	1.45	NA	0.10	1.55	NA	XXX
76514		A	Echo exam of eye, thickness	0.17	0.13	NA	0.02	0.32	NA	XXX
76514	26	A	Echo exam of eye, thickness	0.17	0.08	0.08	0.01	0.26	0.26	XXX
76514	TC	A	Echo exam of eye, thickness	0.00	0.05	NA	0.01	0.06	NA	XXX
76516		A	Echo exam of eye	0.54	1.39	NA	0.08	2.01	NA	XXX
76516	26	A	Echo exam of eye	0.54	0.24	0.24	0.01	0.79	0.79	XXX
76516	TC	A	Echo exam of eye	0.00	1.16	NA	0.07	1.23	NA	XXX
76519		A	Echo exam of eye	0.54	1.48	NA	0.08	2.10	NA	XXX
76519	26	A	Echo exam of eye	0.54	0.24	0.24	0.01	0.79	0.79	XXX
76519	TC	A	Echo exam of eye	0.00	1.25	NA	0.07	1.32	NA	XXX
76529		A	Echo exam of eye	0.57	1.33	NA	0.10	2.00	NA	XXX
76529	26	A	Echo exam of eye	0.57	0.24	0.24	0.02	0.83	0.83	XXX
76529	TC	A	Echo exam of eye	0.00	1.09	NA	0.08	1.17	NA	XXX
76536		A	Us exam of head and neck	0.56	1.90	NA	0.10	2.56	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	1.71	NA	0.08	1.79	NA	XXX
76604		A	Us exam, chest, b-scan	0.55	1.66	NA	0.09	2.30	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	1.47	NA	0.07	1.54	NA	XXX
76645		A	Us exam, breast(s)	0.54	1.47	NA	0.08	2.09	NA	XXX
76645	26	A	Us exam, breast(s)	0.54	0.19	0.19	0.02	0.75	0.75	XXX
76645	TC	A	Us exam, breast(s)	0.00	1.29	NA	0.06	1.35	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
76700		A	Us exam, abdom, complete	0.81	2.52	NA	0.15	3.48	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	2.24	NA	0.11	2.35	NA	XXX
76705		A	Echo exam of abdomen	0.59	1.91	NA	0.11	2.61	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	1.71	NA	0.08	1.79	NA	XXX
76770		A	Us exam abdo back wall, comp	0.74	2.52	NA	0.14	3.40	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	2.27	NA	0.11	2.38	NA	XXX
76775		A	Us exam abdo back wall, lim	0.58	1.89	NA	0.11	2.58	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	1.69	NA	0.08	1.77	NA	XXX
76778		A	Us exam kidney transplant	0.74	2.52	NA	0.14	3.40	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	2.27	NA	0.11	2.38	NA	XXX
76800		A	Us exam, spinal canal	1.13	1.98	NA	0.13	3.24	NA	XXX
76800	26	A	Us exam, spinal canal	1.13	0.34	0.34	0.05	1.52	1.52	XXX
76800	TC	A	Us exam, spinal canal	0.00	1.64	NA	0.08	1.72	NA	XXX
76801		A	Ob us < 14 wks, single fetus	0.99	2.44	NA	0.16	3.59	NA	XXX
76801	26	A	Ob us < 14 wks, single fetus	0.99	0.35	0.35	0.04	1.38	1.38	XXX
76801	TC	A	Ob us < 14 wks, single fetus	0.00	2.09	NA	0.12	2.21	NA	XXX
76802		A	Ob us < 14 wks, add'l fetus	0.83	1.26	NA	0.16	2.25	NA	ZZZ
76802	26	A	Ob us < 14 wks, add'l fetus	0.83	0.30	0.30	0.04	1.17	1.17	ZZZ
76802	TC	A	Ob us < 14 wks, add'l fetus	0.00	0.96	NA	0.12	1.08	NA	ZZZ
76805		A	Ob us >= 14 wks, snl fetus	0.99	2.57	NA	0.16	3.72	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	2.22	NA	0.12	2.34	NA	XXX
76810		A	Ob us >= 14 wks, addl fetus	0.98	1.46	NA	0.26	2.70	NA	ZZZ
76810	26	A	Ob us >= 14 wks, addl fetus	0.98	0.35	0.35	0.04	1.37	1.37	ZZZ
76810	TC	A	Ob us >= 14 wks, addl fetus	0.00	1.11	NA	0.22	1.33	NA	ZZZ
76811		A	Ob us, detailed, snl fetus	1.90	3.92	NA	0.52	6.34	NA	XXX
76811	26	A	Ob us, detailed, snl fetus	1.90	0.71	0.71	0.09	2.71	2.71	XXX
76811	TC	A	Ob us, detailed, snl fetus	0.00	3.21	NA	0.43	3.64	NA	XXX
76812		A	Ob us, detailed, addl fetus	1.78	2.26	NA	0.49	4.54	NA	ZZZ
76812	26	A	Ob us, detailed, addl fetus	1.78	0.66	0.66	0.08	2.53	2.53	ZZZ
76812	TC	A	Ob us, detailed, addl fetus	0.00	1.60	NA	0.41	2.01	NA	ZZZ
76815		A	Ob us, limited, fetus(s)	0.65	1.67	NA	0.11	2.43	NA	XXX
76815	26	A	Ob us, limited, fetus(s)	0.65	0.23	0.23	0.03	0.91	0.91	XXX
76815	TC	A	Ob us, limited, fetus(s)	0.00	1.44	NA	0.08	1.52	NA	XXX
76816		A	Ob us, follow-up, per fetus	0.85	1.64	NA	0.10	2.59	NA	XXX
76816	26	A	Ob us, follow-up, per fetus	0.85	0.32	0.32	0.04	1.21	1.21	XXX
76816	TC	A	Ob us, follow-up, per fetus	0.00	1.32	NA	0.06	1.38	NA	XXX
76817		A	Transvaginal us, obstetric	0.75	1.83	NA	0.09	2.67	NA	XXX
76817	26	A	Transvaginal us, obstetric	0.75	0.27	0.27	0.03	1.05	1.05	XXX
76817	TC	A	Transvaginal us, obstetric	0.00	1.56	NA	0.06	1.62	NA	XXX
76818		A	Fetal biophys profile w/nst	1.05	2.03	NA	0.15	3.24	NA	XXX
76818	26	A	Fetal biophys profile w/nst	1.05	0.39	0.39	0.05	1.49	1.49	XXX
76818	TC	A	Fetal biophys profile w/nst	0.00	1.64	NA	0.10	1.74	NA	XXX
76819		A	Fetal biophys profil w/o nst	0.77	1.82	NA	0.13	2.73	NA	XXX
76819	26	A	Fetal biophys profil w/o nst	0.77	0.28	0.28	0.03	1.08	1.08	XXX
76819	TC	A	Fetal biophys profil w/o nst	0.00	1.54	NA	0.10	1.64	NA	XXX
76820		A	Umbilical artery echo	0.50	1.50	NA	0.15	2.15	NA	XXX
76820	26	A	Umbilical artery echo	0.50	0.19	0.19	0.03	0.72	0.72	XXX
76820	TC	A	Umbilical artery echo	0.00	1.32	NA	0.12	1.44	NA	XXX
76821		A	Middle cerebral artery echo	0.70	1.88	NA	0.15	2.73	NA	XXX
76821	26	A	Middle cerebral artery echo	0.70	0.26	0.26	0.03	0.99	0.99	XXX
76821	TC	A	Middle cerebral artery echo	0.00	1.61	NA	0.12	1.73	NA	XXX
76825		A	Echo exam of fetal heart	1.67	3.06	NA	0.18	4.91	NA	XXX
76825	26	A	Echo exam of fetal heart	1.67	0.60	0.60	0.07	2.34	2.34	XXX
76825	TC	A	Echo exam of fetal heart	0.00	2.46	NA	0.11	2.57	NA	XXX
76826		A	Echo exam of fetal heart	0.83	1.47	NA	0.08	2.38	NA	XXX
76826	26	A	Echo exam of fetal heart	0.83	0.29	0.29	0.03	1.15	1.15	XXX
76826	TC	A	Echo exam of fetal heart	0.00	1.17	NA	0.05	1.22	NA	XXX
76827		A	Echo exam of fetal heart	0.58	1.73	NA	0.14	2.45	NA	XXX
76827	26	A	Echo exam of fetal heart	0.58	0.21	0.21	0.02	0.81	0.81	XXX
76827	TC	A	Echo exam of fetal heart	0.00	1.52	NA	0.12	1.64	NA	XXX
76828		A	Echo exam of fetal heart	0.56	1.16	NA	0.11	1.84	NA	XXX
76828	26	A	Echo exam of fetal heart	0.56	0.22	0.22	0.03	0.81	0.81	XXX
76828	TC	A	Echo exam of fetal heart	0.00	0.95	NA	0.08	1.03	NA	XXX
76830		A	Transvaginal us, non-ob	0.69	2.01	NA	0.13	2.83	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	1.77	NA	0.10	1.87	NA	XXX
76831		A	Echo exam, uterus	0.72	1.98	NA	0.13	2.84	NA	XXX
76831	26	A	Echo exam, uterus	0.72	0.26	0.26	0.03	1.01	1.01	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
76831	TC	A	Echo exam, uterus	0.00	1.73	NA	0.10	1.83	NA	XXX
76856		A	Us exam, pelvic, complete	0.69	2.10	NA	0.13	2.92	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	1.86	NA	0.10	1.96	NA	XXX
76857		A	Us exam, pelvic, limited	0.38	2.08	NA	0.08	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	1.95	NA	0.06	2.01	NA	XXX
76870		A	Us exam, scrotum	0.64	2.12	NA	0.13	2.89	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	1.90	NA	0.10	2.00	NA	XXX
76872		A	Us, transrectal	0.69	2.59	NA	0.14	3.42	NA	XXX
76872	26	A	Us, transrectal	0.69	0.25	0.25	0.04	0.98	0.98	XXX
76872	TC	A	Us, transrectal	0.00	2.35	NA	0.10	2.45	NA	XXX
76873		A	Echograp trans r, pros study	1.55	3.05	NA	0.25	4.85	NA	XXX
76873	26	A	Echograp trans r, pros study	1.55	0.55	0.55	0.09	2.19	2.19	XXX
76873	TC	A	Echograp trans r, pros study	0.00	2.50	NA	0.16	2.66	NA	XXX
76880		A	Us exam, extremity	0.59	2.06	NA	0.11	2.77	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	1.86	NA	0.08	1.94	NA	XXX
76885		A	Us exam infant hips, dynamic	0.74	2.21	NA	0.13	3.09	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	1.96	NA	0.10	2.06	NA	XXX
76886		A	Us exam infant hips, static	0.62	1.82	NA	0.11	2.55	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	1.61	NA	0.08	1.69	NA	XXX
76930		A	Echo guide, cardiocentesis	0.67	1.69	NA	0.12	2.48	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	1.43	NA	0.10	1.53	NA	XXX
76932		A	Echo guide for heart biopsy	0.67	NA	NA	0.12	NA	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	NA	NA	0.10	NA	NA	XXX
76936		A	Echo guide for artery repair	1.99	6.80	NA	0.47	9.26	NA	XXX
76936	26	A	Echo guide for artery repair	1.99	0.68	0.68	0.13	2.81	2.81	XXX
76936	TC	A	Echo guide for artery repair	0.00	6.11	NA	0.34	6.45	NA	XXX
76937		A	Us guide, vascular access	0.30	0.58	NA	0.13	1.01	NA	ZZZ
76937	26	A	Us guide, vascular access	0.30	0.11	0.11	0.03	0.44	0.44	ZZZ
76937	TC	A	Us guide, vascular access	0.00	0.47	NA	0.10	0.57	NA	ZZZ
76940		A	Us guide, tissue ablation	2.00	NA	NA	0.60	NA	NA	XXX
76940	26	A	Us guide, tissue ablation	2.00	0.67	0.67	0.31	2.98	2.98	XXX
76940	TC	A	Us guide, tissue ablation	0.00	NA	NA	0.29	NA	NA	XXX
76941		A	Echo guide for transfusion	1.34	NA	NA	0.15	NA	NA	XXX
76941	26	A	Echo guide for transfusion	1.34	0.48	0.48	0.07	1.90	1.90	XXX
76941	TC	A	Echo guide for transfusion	0.00	NA	NA	0.08	NA	NA	XXX
76942		A	Echo guide for biopsy	0.67	3.73	NA	0.13	4.53	NA	XXX
76942	26	A	Echo guide for biopsy	0.67	0.24	0.24	0.03	0.94	0.94	XXX
76942	TC	A	Echo guide for biopsy	0.00	3.49	NA	0.10	3.59	NA	XXX
76945		A	Echo guide, villus sampling	0.67	NA	NA	0.11	NA	NA	XXX
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	NA	NA	0.08	NA	NA	XXX
76946		A	Echo guide for amniocentesis	0.38	1.36	NA	0.12	1.86	NA	XXX
76946	26	A	Echo guide for amniocentesis	0.38	0.14	0.14	0.02	0.54	0.54	XXX
76946	TC	A	Echo guide for amniocentesis	0.00	1.21	NA	0.10	1.31	NA	XXX
76948		A	Echo guide, ova aspiration	0.38	1.39	NA	0.12	1.89	NA	XXX
76948	26	A	Echo guide, ova aspiration	0.38	0.14	0.14	0.02	0.54	0.54	XXX
76948	TC	A	Echo guide, ova aspiration	0.00	1.25	NA	0.10	1.35	NA	XXX
76950		A	Echo guidance radiotherapy	0.58	1.55	NA	0.10	2.23	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	1.35	NA	0.07	1.42	NA	XXX
76965		A	Echo guidance radiotherapy	1.34	4.86	NA	0.37	6.57	NA	XXX
76965	26	A	Echo guidance radiotherapy	1.34	0.49	0.49	0.08	1.91	1.91	XXX
76965	TC	A	Echo guidance radiotherapy	0.00	4.38	NA	0.29	4.67	NA	XXX
76970		A	Ultrasound exam follow-up	0.40	1.43	NA	0.08	1.91	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	1.29	NA	0.06	1.35	NA	XXX
76975		A	GI endoscopic ultrasound	0.81	3.41	NA	0.14	4.37	NA	XXX
76975	26	A	GI endoscopic ultrasound	0.81	0.30	0.30	0.04	1.15	1.15	XXX
76975	TC	A	GI endoscopic ultrasound	0.00	3.12	NA	0.10	3.22	NA	XXX
76977		A	Us bone density measure	0.05	0.65	NA	0.06	0.76	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	0.63	NA	0.05	0.68	NA	XXX
76986		A	Ultrasound guide intraoper	1.20	NA	NA	0.27	NA	NA	XXX
76986	26	A	Ultrasound guide intraoper	1.20	0.41	0.41	0.13	1.75	1.75	XXX
76986	TC	A	Ultrasound guide intraoper	0.00	NA	NA	0.14	NA	NA	XXX
76999		C	Echo examination procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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	0.53	0.52	0.07	1.99	1.98	XXX
77262		A	Radiation therapy planning	2.11	0.77	0.76	0.11	2.99	2.99	XXX
77263		A	Radiation therapy planning	3.15	1.12	1.12	0.16	4.43	4.43	XXX
77280		A	Set radiation therapy field	0.70	3.85	NA	0.22	4.77	NA	XXX
77280	26	A	Set radiation therapy field	0.70	0.23	0.23	0.04	0.97	0.97	XXX
77280	TC	A	Set radiation therapy field	0.00	3.62	NA	0.18	3.80	NA	XXX
77285		A	Set radiation therapy field	1.05	6.38	NA	0.35	7.78	NA	XXX
77285	26	A	Set radiation therapy field	1.05	0.35	0.35	0.05	1.45	1.45	XXX
77285	TC	A	Set radiation therapy field	0.00	6.03	NA	0.30	6.33	NA	XXX
77290		A	Set radiation therapy field	1.56	8.57	NA	0.43	10.56	NA	XXX
77290	26	A	Set radiation therapy field	1.56	0.52	0.52	0.08	2.16	2.16	XXX
77290	TC	A	Set radiation therapy field	0.00	8.05	NA	0.35	8.40	NA	XXX
77295		A	Set radiation therapy field	4.57	24.31	NA	1.72	30.60	NA	XXX
77295	26	A	Set radiation therapy field	4.57	1.51	1.51	0.23	6.30	6.30	XXX
77295	TC	A	Set radiation therapy field	0.00	22.80	NA	1.48	24.28	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	1.49	NA	0.10	2.21	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	1.28	NA	0.07	1.35	NA	XXX
77301		A	Radiotherapy dose plan, imrt	8.01	38.62	NA	1.89	48.51	NA	XXX
77301	26	A	Radiotherapy dose plan, imrt	8.01	2.66	2.66	0.40	11.06	11.06	XXX
77301	TC	A	Radiotherapy dose plan, imrt	0.00	35.96	NA	1.48	37.44	NA	XXX
77305		A	Teletx isodose plan simple	0.70	1.83	NA	0.15	2.68	NA	XXX
77305	26	A	Teletx isodose plan simple	0.70	0.24	0.24	0.04	0.98	0.98	XXX
77305	TC	A	Teletx isodose plan simple	0.00	1.59	NA	0.11	1.70	NA	XXX
77310		A	Teletx isodose plan intermed	1.05	2.36	NA	0.18	3.59	NA	XXX
77310	26	A	Teletx isodose plan intermed	1.05	0.35	0.35	0.05	1.45	1.45	XXX
77310	TC	A	Teletx isodose plan intermed	0.00	2.01	NA	0.13	2.14	NA	XXX
77315		A	Teletx isodose plan complex	1.56	2.97	NA	0.22	4.75	NA	XXX
77315	26	A	Teletx isodose plan complex	1.56	0.52	0.52	0.08	2.16	2.16	XXX
77315	TC	A	Teletx isodose plan complex	0.00	2.45	NA	0.14	2.59	NA	XXX
7321		A	Special teletx port plan	0.95	3.68	NA	0.26	4.89	NA	XXX
77321	26	A	Special teletx port plan	0.95	0.31	0.31	0.05	1.31	1.31	XXX
77321	TC	A	Special teletx port plan	0.00	3.37	NA	0.21	3.58	NA	XXX
77326		A	Brachytx isodose calc simp	0.93	2.90	NA	0.18	4.01	NA	XXX
77326	26	A	Brachytx isodose calc simp	0.93	0.31	0.31	0.05	1.29	1.29	XXX
77326	TC	A	Brachytx isodose calc simp	0.00	2.59	NA	0.13	2.72	NA	XXX
77327		A	Brachytx isodose calc interm	1.39	4.19	NA	0.25	5.83	NA	XXX
77327	26	A	Brachytx isodose calc interm	1.39	0.46	0.46	0.07	1.92	1.92	XXX
77327	TC	A	Brachytx isodose calc interm	0.00	3.73	NA	0.18	3.91	NA	XXX
77328		A	Brachytx isodose plan compl	2.09	5.81	NA	0.36	8.27	NA	XXX
77328	26	A	Brachytx isodose plan compl	2.09	0.69	0.69	0.11	2.90	2.90	XXX
77328	TC	A	Brachytx isodose plan compl	0.00	5.12	NA	0.25	5.37	NA	XXX
77331		A	Special radiation dosimetry	0.87	0.81	NA	0.06	1.74	NA	XXX
77331	26	A	Special radiation dosimetry	0.87	0.29	0.29	0.04	1.20	1.20	XXX
77331	TC	A	Special radiation dosimetry	0.00	0.52	NA	0.02	0.54	NA	XXX
77332		A	Radiation treatment aid(s)	0.54	1.59	NA	0.10	2.23	NA	XXX
77332	26	A	Radiation treatment aid(s)	0.54	0.18	0.18	0.03	0.75	0.75	XXX
77332	TC	A	Radiation treatment aid(s)	0.00	1.41	NA	0.07	1.48	NA	XXX
77333		A	Radiation treatment aid(s)	0.84	1.79	NA	0.15	2.78	NA	XXX
77333	26	A	Radiation treatment aid(s)	0.84	0.28	0.28	0.04	1.16	1.16	XXX
77333	TC	A	Radiation treatment aid(s)	0.00	1.51	NA	0.11	1.62	NA	XXX
77334		A	Radiation treatment aid(s)	1.24	3.55	NA	0.23	5.02	NA	XXX
77334	26	A	Radiation treatment aid(s)	1.24	0.41	0.41	0.06	1.71	1.71	XXX
77334	TC	A	Radiation treatment aid(s)	0.00	3.14	NA	0.17	3.31	NA	XXX
77336		A	Radiation physics consult	0.00	2.57	NA	0.16	2.73	NA	XXX
77370		A	Radiation physics consult	0.00	3.45	NA	0.18	3.63	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	1.53	NA	0.11	1.64	NA	XXX
77402		A	Radiation treatment delivery	0.00	2.26	NA	0.11	2.37	NA	XXX
77403		A	Radiation treatment delivery	0.00	2.14	NA	0.11	2.25	NA	XXX
77404		A	Radiation treatment delivery	0.00	2.26	NA	0.11	2.37	NA	XXX
77406		A	Radiation treatment delivery	0.00	2.24	NA	0.11	2.35	NA	XXX
77407		A	Radiation treatment delivery	0.00	2.84	NA	0.12	2.96	NA	XXX
77408		A	Radiation treatment delivery	0.00	2.69	NA	0.12	2.81	NA	XXX
77409		A	Radiation treatment delivery	0.00	2.81	NA	0.12	2.93	NA	XXX
77411		A	Radiation treatment delivery	0.00	2.79	NA	0.12	2.91	NA	XXX
77412		A	Radiation treatment delivery	0.00	3.24	NA	0.13	3.37	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
77413		A	Radiation treatment delivery	0.00	3.22	NA	0.13	3.35	NA	XXX
77414		A	Radiation treatment delivery	0.00	3.39	NA	0.13	3.52	NA	XXX
77416		A	Radiation treatment delivery	0.00	3.36	NA	0.13	3.49	NA	XXX
77417		A	Radiology port film(s)	0.00	0.56	NA	0.04	0.60	NA	XXX
77418		A	Radiation tx delivery, imrt	0.00	16.71	NA	0.13	16.84	NA	XXX
77427		A	Radiation tx management, x5	3.32	1.16	1.09	0.17	4.65	4.58	XXX
77431		A	Radiation therapy management	1.81	0.79	0.68	0.09	2.70	2.58	XXX
77432		A	Stereotactic radiation trmt	7.94	2.92	2.92	0.41	11.27	11.27	XXX
77470		A	Special radiation treatment	2.09	9.53	NA	0.70	12.32	NA	XXX
77470	26	A	Special radiation treatment	2.09	0.69	0.69	0.11	2.90	2.90	XXX
77470	TC	A	Special radiation treatment	0.00	8.84	NA	0.59	9.43	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	5.57	NA	0.24	7.38	NA	XXX
77600	26	R	Hyperthermia treatment	1.56	0.52	0.52	0.08	2.16	2.16	XXX
77600	TC	R	Hyperthermia treatment	0.00	5.06	NA	0.16	5.22	NA	XXX
77605		R	Hyperthermia treatment	2.09	8.40	NA	0.38	10.87	NA	XXX
77605	26	R	Hyperthermia treatment	2.09	0.68	0.68	0.16	2.94	2.94	XXX
77605	TC	R	Hyperthermia treatment	0.00	7.71	NA	0.22	7.93	NA	XXX
77610		R	Hyperthermia treatment	1.56	7.34	NA	0.24	9.14	NA	XXX
77610	26	R	Hyperthermia treatment	1.56	0.53	0.53	0.08	2.17	2.17	XXX
77610	TC	R	Hyperthermia treatment	0.00	6.81	NA	0.16	6.97	NA	XXX
77615		R	Hyperthermia treatment	2.09	11.06	NA	0.33	13.49	NA	XXX
77615	26	R	Hyperthermia treatment	2.09	0.69	0.69	0.11	2.89	2.89	XXX
77615	TC	R	Hyperthermia treatment	0.00	10.37	NA	0.22	10.59	NA	XXX
77620		R	Hyperthermia treatment	1.56	4.94	NA	0.36	6.87	NA	XXX
77620	26	R	Hyperthermia treatment	1.56	0.54	0.54	0.20	2.30	2.30	XXX
77620	TC	R	Hyperthermia treatment	0.00	4.40	NA	0.16	4.56	NA	XXX
77750		A	Infuse radioactive materials	4.91	3.28	NA	0.32	8.51	NA	090
77750	26	A	Infuse radioactive materials	4.91	1.63	1.63	0.25	6.79	6.79	090
77750	TC	A	Infuse radioactive materials	0.00	1.65	NA	0.07	1.72	NA	090
77761		A	Apply intrcav radiat simple	3.81	4.43	NA	0.33	8.57	NA	090
77761	26	A	Apply intrcav radiat simple	3.81	1.10	1.10	0.19	5.10	5.10	090
77761	TC	A	Apply intrcav radiat simple	0.00	3.32	NA	0.14	3.46	NA	090
77762		A	Apply intrcav radiat interm	5.72	6.33	NA	0.48	12.53	NA	090
77762	26	A	Apply intrcav radiat interm	5.72	1.86	1.86	0.29	7.88	7.88	090
77762	TC	A	Apply intrcav radiat interm	0.00	4.47	NA	0.19	4.66	NA	090
77763		A	Apply intrcav radiat compl	8.58	8.26	NA	0.66	17.50	NA	090
77763	26	A	Apply intrcav radiat compl	8.58	2.80	2.80	0.43	11.81	11.81	090
77763	TC	A	Apply intrcav radiat compl	0.00	5.46	NA	0.23	5.69	NA	090
77776		A	Apply interstit radiat simpl	4.66	4.34	NA	0.57	9.57	NA	090
77776	26	A	Apply interstit radiat simpl	4.66	0.94	0.94	0.44	6.04	6.04	090
77776	TC	A	Apply interstit radiat simpl	0.00	3.40	NA	0.13	3.53	NA	090
77777		A	Apply interstit radiat inter	7.48	6.94	NA	0.61	15.04	NA	090
77777	26	A	Apply interstit radiat inter	7.48	2.48	2.48	0.39	10.36	10.36	090
77777	TC	A	Apply interstit radiat inter	0.00	4.45	NA	0.22	4.67	NA	090
77778		A	Apply interstit radiat compl	11.19	9.63	NA	0.84	21.67	NA	090
77778	26	A	Apply interstit radiat compl	11.19	3.71	3.71	0.57	15.47	15.47	090
77778	TC	A	Apply interstit radiat compl	0.00	5.92	NA	0.27	6.19	NA	090
77781		A	High intensity brachytherapy	1.66	16.99	NA	1.14	19.79	NA	090
77781	26	A	High intensity brachytherapy	1.66	0.54	0.54	0.08	2.29	2.29	090
77781	TC	A	High intensity brachytherapy	0.00	16.45	NA	1.06	17.51	NA	090
77782		A	High intensity brachytherapy	2.49	19.56	NA	1.19	23.24	NA	090
77782	26	A	High intensity brachytherapy	2.49	0.82	0.82	0.13	3.45	3.45	090
77782	TC	A	High intensity brachytherapy	0.00	18.73	NA	1.06	19.79	NA	090
77783		A	High intensity brachytherapy	3.73	23.47	NA	1.25	28.45	NA	090
77783	26	A	High intensity brachytherapy	3.73	1.23	1.23	0.19	5.14	5.14	090
77783	TC	A	High intensity brachytherapy	0.00	22.24	NA	1.06	23.30	NA	090
77784		A	High intensity brachytherapy	5.61	29.75	NA	1.35	36.71	NA	090
77784	26	A	High intensity brachytherapy	5.61	1.85	1.85	0.29	7.75	7.75	090
77784	TC	A	High intensity brachytherapy	0.00	27.90	NA	1.06	28.96	NA	090
77789		A	Apply surface radiation	1.12	1.18	NA	0.08	2.38	NA	000
77789	26	A	Apply surface radiation	1.12	0.38	0.38	0.06	1.56	1.56	000
77789	TC	A	Apply surface radiation	0.00	0.80	NA	0.02	0.82	NA	000
77790		A	Radiation handling	1.05	1.02	NA	0.07	2.14	NA	XXX
77790	26	A	Radiation handling	1.05	0.35	0.35	0.05	1.45	1.45	XXX
77790	TC	A	Radiation handling	0.00	0.67	NA	0.02	0.69	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

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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	1.18	NA	0.07	1.44	NA	XXX
78000	26	A	Thyroid, single uptake	0.19	0.06	0.06	0.01	0.26	0.26	XXX
78000	TC	A	Thyroid, single uptake	0.00	1.12	NA	0.06	1.18	NA	XXX
78001		A	Thyroid, multiple uptakes	0.26	1.60	NA	0.08	1.94	NA	XXX
78001	26	A	Thyroid, multiple uptakes	0.26	0.09	0.09	0.01	0.36	0.36	XXX
001	TC	A	Thyroid, multiple uptakes	0.00	1.51	NA	0.07	1.58	NA	XXX
78003		A	Thyroid suppress/stimul	0.33	1.31	NA	0.07	1.71	NA	XXX
78003	26	A	Thyroid suppress/stimul	0.33	0.12	0.12	0.01	0.46	0.46	XXX
78003	TC	A	Thyroid suppress/stimul	0.00	1.19	NA	0.06	1.25	NA	XXX
78006		A	Thyroid imaging with uptake	0.49	3.24	NA	0.15	3.88	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	3.07	NA	0.13	3.20	NA	XXX
78007		A	Thyroid image, mult uptakes	0.50	2.88	NA	0.16	3.54	NA	XXX
78007	26	A	Thyroid image, mult uptakes	0.50	0.18	0.18	0.02	0.70	0.70	XXX
78007	TC	A	Thyroid image, mult uptakes	0.00	2.70	NA	0.14	2.84	NA	XXX
78010		A	Thyroid imaging	0.39	2.41	NA	0.13	2.93	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	2.27	NA	0.11	2.38	NA	XXX
78011		A	Thyroid imaging with flow	0.45	2.97	NA	0.15	3.57	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	2.81	NA	0.13	2.94	NA	XXX
78015		A	Thyroid met imaging	0.67	3.19	NA	0.17	4.04	NA	XXX
78015	26	A	Thyroid met imaging	0.67	0.24	0.24	0.03	0.94	0.94	XXX
78015	TC	A	Thyroid met imaging	0.00	2.95	NA	0.14	3.09	NA	XXX
78016		A	Thyroid met imaging/studies	0.82	4.61	NA	0.21	5.64	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	4.32	NA	0.18	4.50	NA	XXX
78018		A	Thyroid met imaging, body	0.86	5.95	NA	0.33	7.14	NA	XXX
78018	26	A	Thyroid met imaging, body	0.86	0.31	0.31	0.04	1.21	1.21	XXX
78018	TC	A	Thyroid met imaging, body	0.00	5.64	NA	0.29	5.93	NA	XXX
78020		A	Thyroid met uptake	0.60	1.61	NA	0.16	2.37	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	1.39	NA	0.14	1.53	NA	ZZZ
78070		A	Parathyroid nuclear imaging	0.82	4.32	NA	0.15	5.30	NA	XXX
78070	26	A	Parathyroid nuclear imaging	0.82	0.29	0.29	0.04	1.15	1.15	XXX
78070	TC	A	Parathyroid nuclear imaging	0.00	4.03	NA	0.11	4.14	NA	XXX
78075		A	Adrenal nuclear imaging	0.74	6.80	NA	0.32	7.87	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	6.53	NA	0.29	6.82	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	2.64	NA	0.14	3.33	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	2.43	NA	0.12	2.55	NA	XXX
78103		A	Bone marrow imaging, mult	0.75	3.81	NA	0.20	4.76	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	3.54	NA	0.17	3.71	NA	XXX
78104		A	Bone marrow imaging, body	0.80	4.58	NA	0.25	5.63	NA	XXX
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	4.29	NA	0.22	4.51	NA	XXX
78110		A	Plasma volume, single	0.19	1.22	NA	0.07	1.48	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	1.15	NA	0.06	1.21	NA	XXX
78111		A	Plasma volume, multiple	0.22	2.38	NA	0.15	2.75	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	2.30	NA	0.14	2.44	NA	XXX
78120		A	Red cell mass, single	0.23	1.74	NA	0.12	2.09	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	1.65	NA	0.11	1.76	NA	XXX
78121		A	Red cell mass, multiple	0.32	2.69	NA	0.15	3.16	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	2.58	NA	0.14	2.72	NA	XXX
78122		A	Blood volume	0.45	4.15	NA	0.26	4.86	NA	XXX
78122	26	A	Blood volume	0.45	0.17	0.17	0.02	0.64	0.64	XXX
78122	TC	A	Blood volume	0.00	3.98	NA	0.24	4.22	NA	XXX
78130		A	Red cell survival study	0.61	2.95	NA	0.17	3.73	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	2.73	NA	0.14	2.87	NA	XXX
78135		A	Red cell survival kinetics	0.64	5.59	NA	0.28	6.51	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	5.36	NA	0.25	5.61	NA	XXX
78140		A	Red cell sequestration	0.61	3.79	NA	0.24	4.64	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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	3.58	NA	0.21	3.79	NA	XXX
78160		A	Plasma iron turnover	0.33	3.04	NA	0.23	3.60	NA	XXX
78160	26	A	Plasma iron turnover	0.33	0.12	0.12	0.04	0.49	0.49	XXX
78160	TC	A	Plasma iron turnover	0.00	2.92	NA	0.19	3.11	NA	XXX
78162		A	Radioiron absorption exam	0.45	2.73	NA	0.19	3.37	NA	XXX
78162	26	A	Radioiron absorption exam	0.45	0.19	0.19	0.02	0.66	0.66	XXX
78162	TC	A	Radioiron absorption exam	0.00	2.54	NA	0.17	2.71	NA	XXX
78170		A	Red cell iron utilization	0.41	4.36	NA	0.30	5.07	NA	XXX
78170	26	A	Red cell iron utilization	0.41	0.15	0.15	0.02	0.58	0.58	XXX
78170	TC	A	Red cell iron utilization	0.00	4.22	NA	0.28	4.50	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	2.96	NA	0.15	3.51	NA	XXX
78185	26	A	Spleen imaging	0.40	0.15	0.15	0.02	0.57	0.57	XXX
78185	TC	A	Spleen imaging	0.00	2.81	NA	0.13	2.94	NA	XXX
78190		A	Platelet survival, kinetics	1.09	6.43	NA	0.38	7.90	NA	XXX
78190	26	A	Platelet survival, kinetics	1.09	0.41	0.41	0.08	1.58	1.58	XXX
78190	TC	A	Platelet survival, kinetics	0.00	6.02	NA	0.30	6.32	NA	XXX
78191		A	Platelet survival	0.61	6.53	NA	0.40	7.54	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	6.32	NA	0.37	6.69	NA	XXX
78195		A	Lymph system imaging	1.20	5.19	NA	0.28	6.68	NA	XXX
78195	26	A	Lymph system imaging	1.20	0.43	0.43	0.06	1.69	1.69	XXX
78195	TC	A	Lymph system imaging	0.00	4.76	NA	0.22	4.98	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	2.96	NA	0.15	3.55	NA	XXX
78201	26	A	Liver imaging	0.44	0.16	0.16	0.02	0.62	0.62	XXX
78201	TC	A	Liver imaging	0.00	2.80	NA	0.13	2.93	NA	XXX
78202		A	Liver imaging with flow	0.51	3.44	NA	0.16	4.11	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	3.26	NA	0.14	3.40	NA	XXX
78205		A	Liver imaging (3D)	0.71	5.87	NA	0.34	6.92	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	5.61	NA	0.31	5.92	NA	XXX
78206		A	Liver image (3d) with flow	0.96	8.15	NA	0.15	9.26	NA	XXX
78206	26	A	Liver image (3d) with flow	0.96	0.34	0.34	0.04	1.35	1.35	XXX
78206	TC	A	Liver image (3d) with flow	0.00	7.80	NA	0.11	7.91	NA	XXX
78215		A	Liver and spleen imaging	0.49	3.48	NA	0.16	4.13	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	3.31	NA	0.14	3.45	NA	XXX
78216		A	Liver & spleen image/flow	0.57	3.49	NA	0.20	4.26	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	3.29	NA	0.18	3.47	NA	XXX
78220		A	Liver function study	0.49	3.67	NA	0.21	4.37	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	3.50	NA	0.19	3.69	NA	XXX
78223		A	Hepatobiliary imaging	0.84	4.79	NA	0.23	5.86	NA	XXX
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	4.49	NA	0.19	4.68	NA	XXX
78230		A	Salivary gland imaging	0.45	2.74	NA	0.15	3.34	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	2.58	NA	0.13	2.71	NA	XXX
78231		A	Serial salivary imaging	0.52	3.14	NA	0.19	3.85	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	2.96	NA	0.17	3.13	NA	XXX
78232		A	Salivary gland function exam	0.47	3.47	NA	0.20	4.14	NA	XXX
78232	26	A	Salivary gland function exam	0.47	0.17	0.17	0.02	0.66	0.66	XXX
78232	TC	A	Salivary gland function exam	0.00	3.30	NA	0.18	3.48	NA	XXX
78258		A	Esophageal motility study	0.74	3.70	NA	0.17	4.61	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	3.44	NA	0.14	3.58	NA	XXX
78261		A	Gastric mucosa imaging	0.69	4.56	NA	0.25	5.51	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	4.31	NA	0.22	4.53	NA	XXX
78262		A	Gastroesophageal reflux exam	0.68	4.57	NA	0.25	5.50	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	4.33	NA	0.22	4.55	NA	XXX
78264		A	Gastric emptying study	0.78	4.86	NA	0.25	5.89	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	4.59	NA	0.22	4.81	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
78270		A	Vit B-12 absorption exam	0.20	1.55	NA	0.11	1.86	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	1.48	NA	0.10	1.58	NA	XXX
78271		A	Vit b-12 absrp exam, int fac	0.20	1.64	NA	0.11	1.95	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	1.56	NA	0.10	1.66	NA	XXX
78272		A	Vit B-12 absorp, combined	0.27	2.15	NA	0.14	2.56	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	2.06	NA	0.13	2.19	NA	XXX
78278		A	Acute GI blood loss imaging	0.99	6.10	NA	0.29	7.38	NA	XXX
78278	26	A	Acute GI blood loss imaging	0.99	0.35	0.35	0.04	1.38	1.38	XXX
78278	TC	A	Acute GI blood loss imaging	0.00	5.75	NA	0.25	6.00	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	4.32	NA	0.19	5.19	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	4.08	NA	0.16	4.24	NA	XXX
78291		A	Leveen/shunt patency exam	0.88	4.00	NA	0.20	5.08	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	3.68	NA	0.16	3.84	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	2.97	NA	0.17	3.76	NA	XXX
78300	26	A	Bone imaging, limited area	0.62	0.22	0.22	0.03	0.87	0.87	XXX
78300	TC	A	Bone imaging, limited area	0.00	2.75	NA	0.14	2.89	NA	XXX
78305		A	Bone imaging, multiple areas	0.83	4.16	NA	0.23	5.22	NA	XXX
78305	26	A	Bone imaging, multiple areas	0.83	0.29	0.29	0.04	1.16	1.16	XXX
78305	TC	A	Bone imaging, multiple areas	0.00	3.87	NA	0.19	4.06	NA	XXX
78306		A	Bone imaging, whole body	0.86	4.77	NA	0.26	5.89	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	4.47	NA	0.22	4.69	NA	XXX
78315		A	Bone imaging, 3 phase	1.02	5.69	NA	0.29	7.00	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	5.33	NA	0.25	5.58	NA	XXX
78320		A	Bone imaging (3D)	1.04	5.89	NA	0.35	7.28	NA	XXX
78320	26	A	Bone imaging (3D)	1.04	0.38	0.38	0.04	1.46	1.46	XXX
78320	TC	A	Bone imaging (3D)	0.00	5.51	NA	0.31	5.82	NA	XXX
78350		A	Bone mineral, single photon	0.22	1.00	NA	0.06	1.28	NA	XXX
78350	26	A	Bone mineral, single photon	0.22	0.07	0.07	0.01	0.30	0.30	XXX
78350	TC	A	Bone mineral, single photon	0.00	0.93	NA	0.05	0.98	NA	XXX
78351		N	Bone mineral, dual photon	0.30	1.86	0.12	0.01	2.17	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	0.17	0.17	0.02	0.64	0.64	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	3.31	NA	0.16	4.25	NA	XXX
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	3.00	NA	0.13	3.13	NA	XXX
78445		A	Vascular flow imaging	0.49	2.74	NA	0.13	3.36	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	2.57	NA	0.11	2.68	NA	XXX
78455		A	Venous thrombosis study	0.73	4.31	NA	0.24	5.28	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	4.05	NA	0.21	4.26	NA	XXX
78456		A	Acute venous thrombus image	1.00	5.25	NA	0.33	6.58	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	4.89	NA	0.29	5.18	NA	XXX
78457		A	Venous thrombosis imaging	0.77	3.11	NA	0.17	4.06	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	2.85	NA	0.14	2.99	NA	XXX
78458		A	Ven thrombosis images, bilat	0.90	4.31	NA	0.25	5.46	NA	XXX
78458	26	A	Ven thrombosis images, bilat	0.90	0.33	0.33	0.04	1.27	1.27	XXX
78458	TC	A	Ven thrombosis images, bilat	0.00	3.98	NA	0.21	4.19	NA	XXX
78459		C	Heart muscle imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78459	26	A	Heart muscle imaging (PET)	1.50	0.59	0.59	0.05	2.15	2.15	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	3.23	NA	0.17	4.27	NA	XXX
78460	26	A	Heart muscle blood, single	0.86	0.30	0.30	0.04	1.20	1.20	XXX
78460	TC	A	Heart muscle blood, single	0.00	2.93	NA	0.13	3.06	NA	XXX
78461		A	Heart muscle blood, multiple	1.23	5.17	NA	0.30	6.70	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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	4.72	NA	0.25	4.97	NA	XXX
78464		A	Heart image (3d), single	1.09	7.18	NA	0.41	8.68	NA	XXX
78464	26	A	Heart image (3d), single	1.09	0.40	0.40	0.04	1.53	1.53	XXX
78464	TC	A	Heart image (3d), single	0.00	6.78	NA	0.37	7.15	NA	XXX
78465		A	Heart image (3d), multiple	1.46	12.23	NA	0.67	14.37	NA	XXX
78465	26	A	Heart image (3d), multiple	1.46	0.54	0.54	0.05	2.06	2.06	XXX
78465	TC	A	Heart image (3d), multiple	0.00	11.69	NA	0.62	12.31	NA	XXX
78466		A	Heart infarct image	0.69	3.35	NA	0.17	4.22	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	3.10	NA	0.14	3.24	NA	XXX
78468		A	Heart infarct image (ef)	0.80	4.53	NA	0.22	5.55	NA	XXX
78468	26	A	Heart infarct image (ef)	0.80	0.29	0.29	0.03	1.12	1.12	XXX
78468	TC	A	Heart infarct image (ef)	0.00	4.25	NA	0.19	4.44	NA	XXX
78469		A	Heart infarct image (3D)	0.92	5.38	NA	0.31	6.61	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	5.06	NA	0.28	5.34	NA	XXX
78472		A	Gated heart, planar, single	0.98	5.73	NA	0.34	7.06	NA	XXX
78472	26	A	Gated heart, planar, single	0.98	0.36	0.36	0.04	1.38	1.38	XXX
78472	TC	A	Gated heart, planar, single	0.00	5.38	NA	0.30	5.68	NA	XXX
78473		A	Gated heart, multiple	1.47	7.69	NA	0.48	9.64	NA	XXX
78473	26	A	Gated heart, multiple	1.47	0.53	0.53	0.06	2.07	2.07	XXX
78473	TC	A	Gated heart, multiple	0.00	7.15	NA	0.42	7.57	NA	XXX
78478		A	Heart wall motion add-on	0.62	1.58	NA	0.12	2.32	NA	XXX
78478	26	A	Heart wall motion add-on	0.62	0.24	0.24	0.02	0.88	0.88	XXX
78478	TC	A	Heart wall motion add-on	0.00	1.34	NA	0.10	1.44	NA	XXX
78480		A	Heart function add-on	0.62	1.57	NA	0.12	2.31	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	1.34	NA	0.10	1.44	NA	XXX
78481		A	Heart first pass, single	0.98	4.47	NA	0.31	5.76	NA	XXX
78481	26	A	Heart first pass, single	0.98	0.38	0.38	0.03	1.39	1.39	XXX
78481	TC	A	Heart first pass, single	0.00	4.10	NA	0.28	4.38	NA	XXX
78483		A	Heart first pass, multiple	1.47	6.69	NA	0.46	8.62	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	6.13	NA	0.41	6.54	NA	XXX
78491		C	Heart image (pet), single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78491	26	A	Heart image (pet), single	1.50	0.00	0.00	0.06	1.56	1.56	XXX
78491	TC	C	Heart image (pet), single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78492		C	Heart image (pet), multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78492	26	A	Heart image (pet), multiple	1.87	0.00	0.00	0.07	1.94	1.94	XXX
78492	TC	C	Heart image (pet), multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78494		A	Heart image, spect	1.19	7.24	NA	0.35	8.78	NA	XXX
78494	26	A	Heart image, spect	1.19	0.44	0.44	0.05	1.68	1.68	XXX
78494	TC	A	Heart image, spect	0.00	6.80	NA	0.30	7.10	NA	XXX
78496		A	Heart first pass add-on	0.50	5.71	NA	0.32	6.53	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	5.52	NA	0.30	5.82	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	4.07	NA	0.21	5.02	NA	XXX
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	3.81	NA	0.18	3.99	NA	XXX
78584		A	Lung V/Q image single breath	0.99	3.50	NA	0.21	4.70	NA	XXX
78584	26	A	Lung V/Q image single breath	0.99	0.35	0.35	0.04	1.38	1.38	XXX
78584	TC	A	Lung V/Q image single breath	0.00	3.15	NA	0.17	3.32	NA	XXX
78585		A	Lung V/Q imaging	1.09	6.36	NA	0.35	7.80	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	5.98	NA	0.30	6.28	NA	XXX
78586		A	Aerosol lung image, single	0.40	3.04	NA	0.16	3.60	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	2.90	NA	0.14	3.04	NA	XXX
78587		A	Aerosol lung image, multiple	0.49	3.41	NA	0.16	4.06	NA	XXX
78587	26	A	Aerosol lung image, multiple	0.49	0.18	0.18	0.02	0.69	0.69	XXX
78587	TC	A	Aerosol lung image, multiple	0.00	3.23	NA	0.14	3.37	NA	XXX
78588		A	Perfusion lung image	1.09	4.60	NA	0.23	5.93	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	4.23	NA	0.18	4.41	NA	XXX
78591		A	Vent image, 1 breath, 1 proj	0.40	3.12	NA	0.16	3.68	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	2.98	NA	0.14	3.12	NA	XXX
78593		A	Vent image, 1 proj, gas	0.49	3.76	NA	0.20	4.45	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	3.59	NA	0.18	3.77	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
78594		A	Vent image, mult proj, gas	0.53	5.09	NA	0.27	5.89	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	4.90	NA	0.25	5.15	NA	XXX
78596		A	Lung differential function	1.27	7.35	NA	0.42	9.05	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	6.92	NA	0.37	7.29	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	3.50	NA	0.16	4.11	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	3.35	NA	0.14	3.49	NA	XXX
78601		A	Brain imaging, ltd w/flow	0.51	3.91	NA	0.20	4.62	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	3.73	NA	0.18	3.91	NA	XXX
78605		A	Brain imaging, complete	0.53	3.77	NA	0.20	4.50	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	3.58	NA	0.18	3.76	NA	XXX
78606		A	Brain imaging, compl w/flow	0.64	4.79	NA	0.24	5.67	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	4.57	NA	0.21	4.78	NA	XXX
78607		A	Brain imaging (3D)	1.23	8.26	NA	0.40	9.90	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	7.82	NA	0.35	8.17	NA	XXX
78608		C	Brain imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78608	26	A	Brain imaging (PET)	1.50	0.00	0.00	0.06	1.56	1.56	XXX
78608	TC	C	Brain imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78609		C	Brain imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78609	26	A	Brain imaging (PET)	1.50	0.00	0.00	0.06	1.56	1.56	XXX
78609	TC	C	Brain imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78610		A	Brain flow imaging only	0.30	2.15	NA	0.11	2.56	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	2.03	NA	0.10	2.13	NA	XXX
78615		A	Cerebral vascular flow image	0.42	4.07	NA	0.23	4.72	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	3.91	NA	0.21	4.12	NA	XXX
78630		A	Cerebrospinal fluid scan	0.68	5.67	NA	0.30	6.65	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	5.43	NA	0.27	5.70	NA	XXX
78635		A	CSF ventriculography	0.61	3.91	NA	0.16	4.68	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	3.66	NA	0.14	3.80	NA	XXX
78645		A	CSF shunt evaluation	0.57	4.91	NA	0.20	5.68	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	4.71	NA	0.18	4.89	NA	XXX
78647		A	Cerebrospinal fluid scan	0.90	8.47	NA	0.35	9.73	NA	XXX
78647	26	A	Cerebrospinal fluid scan	0.90	0.32	0.32	0.04	1.26	1.26	XXX
78647	TC	A	Cerebrospinal fluid scan	0.00	8.15	NA	0.31	8.46	NA	XXX
78650		A	CSF leakage imaging	0.61	5.35	NA	0.27	6.23	NA	XXX
78650	26	A	CSF leakage imaging	0.61	0.22	0.22	0.03	0.86	0.86	XXX
78650	TC	A	CSF leakage imaging	0.00	5.13	NA	0.24	5.37	NA	XXX
78660		A	Nuclear exam of tear flow	0.53	2.68	NA	0.14	3.35	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	2.49	NA	0.12	2.61	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
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	3.42	NA	0.18	4.05	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	3.26	NA	0.16	3.42	NA	XXX
78701		A	Kidney imaging with flow	0.49	3.93	NA	0.20	4.62	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	3.76	NA	0.18	3.94	NA	XXX
78704		A	Imaging renogram	0.74	4.35	NA	0.24	5.34	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	4.09	NA	0.21	4.30	NA	XXX
78707		A	Kidney flow/function image	0.96	4.89	NA	0.27	6.12	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	4.56	NA	0.23	4.79	NA	XXX
78708		A	Kidney flow/function image	1.21	4.63	NA	0.28	6.12	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	4.20	NA	0.23	4.43	NA	XXX
78709		A	Kidney flow/function image	1.41	5.73	NA	0.29	7.43	NA	XXX
78709	26	A	Kidney flow/function image	1.41	0.49	0.49	0.06	1.97	1.97	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
78709	TC	A	Kidney flow/function image	0.00	5.24	NA	0.23	5.47	NA	XXX
78710		A	Kidney imaging (3D)	0.66	5.79	NA	0.34	6.79	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	5.55	NA	0.31	5.86	NA	XXX
78715		A	Renal vascular flow exam	0.30	2.36	NA	0.11	2.78	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	2.25	NA	0.10	2.35	NA	XXX
78725		A	Kidney function study	0.38	1.93	NA	0.13	2.44	NA	XXX
78725	26	A	Kidney function study	0.38	0.14	0.14	0.02	0.54	0.54	XXX
78725	TC	A	Kidney function study	0.00	1.79	NA	0.11	1.90	NA	XXX
78730		A	Urinary bladder retention	0.36	2.27	NA	0.10	2.73	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	2.13	NA	0.08	2.21	NA	XXX
78740		A	Ureteral reflux study	0.57	2.79	NA	0.15	3.51	NA	XXX
78740	26	A	Ureteral reflux study	0.57	0.20	0.20	0.03	0.80	0.80	XXX
78740	TC	A	Ureteral reflux study	0.00	2.59	NA	0.12	2.71	NA	XXX
78760		A	Testicular imaging	0.66	3.08	NA	0.17	3.91	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	2.85	NA	0.14	2.99	NA	XXX
78761		A	Testicular imaging/flow	0.71	3.69	NA	0.20	4.60	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	3.44	NA	0.17	3.61	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	3.68	NA	0.22	4.56	NA	XXX
78800	26	A	Tumor imaging, limited area	0.66	0.23	0.23	0.04	0.93	0.93	XXX
78800	TC	A	Tumor imaging, limited area	0.00	3.45	NA	0.18	3.63	NA	XXX
78801		A	Tumor imaging, mult areas	0.79	4.81	NA	0.27	5.87	NA	XXX
78801	26	A	Tumor imaging, mult areas	0.79	0.28	0.28	0.05	1.12	1.12	XXX
78801	TC	A	Tumor imaging, mult areas	0.00	4.53	NA	0.22	4.75	NA	XXX
78802		A	Tumor imaging, whole body	0.86	6.11	NA	0.34	7.31	NA	XXX
78802	26	A	Tumor imaging, whole body	0.86	0.30	0.30	0.04	1.20	1.20	XXX
78802	TC	A	Tumor imaging, whole body	0.00	5.81	NA	0.30	6.11	NA	XXX
78803		A	Tumor imaging (3D)	1.09	8.16	NA	0.40	9.65	NA	XXX
78803	26	A	Tumor imaging (3D)	1.09	0.40	0.40	0.05	1.54	1.54	XXX
78803	TC	A	Tumor imaging (3D)	0.00	7.77	NA	0.35	8.12	NA	XXX
78804		A	Tumor imaging, whole body	1.07	11.45	NA	0.34	12.87	NA	XXX
78804	26	A	Tumor imaging, whole body	1.07	0.39	0.39	0.04	1.50	1.50	XXX
78804	TC	A	Tumor imaging, whole body	0.00	11.06	NA	0.30	11.36	NA	XXX
78805		A	Abscess imaging, ltd area	0.73	3.72	NA	0.21	4.66	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	3.46	NA	0.18	3.64	NA	XXX
78806		A	Abscess imaging, whole body	0.86	6.80	NA	0.39	8.05	NA	XXX
78806	26	A	Abscess imaging, whole body	0.86	0.30	0.30	0.04	1.20	1.20	XXX
78806	TC	A	Abscess imaging, whole body	0.00	6.49	NA	0.35	6.84	NA	XXX
78807		A	Nuclear localization/abscess	1.09	7.96	NA	0.39	9.44	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	7.56	NA	0.35	7.91	NA	XXX
78811		C	Tumor imaging (pet), limited	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78811	26	A	Tumor imaging (pet), limited	1.54	0.00	0.00	0.11	1.65	1.65	XXX
78811	TC	C	Tumor imaging (pet), limited	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78812		C	Tumor image (pet)/skul-thigh	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78812	26	A	Tumor image (pet)/skul-thigh	1.93	0.00	0.00	0.11	2.04	2.04	XXX
78812	TC	C	Tumor image (pet)/skul-thigh	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78813		C	Tumor image (pet) full body	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78813	26	A	Tumor image (pet) full body	2.00	0.00	0.00	0.11	2.11	2.11	XXX
78813	TC	C	Tumor image (pet) full body	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78814		C	Tumor image pet/ct, limited	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78814	26	A	Tumor image pet/ct, limited	2.20	0.00	0.00	0.11	2.31	2.31	XXX
78814	TC	C	Tumor image pet/ct, limited	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78815		C	Tumorimage pet/ct skul-thigh	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78815	26	A	Tumorimage pet/ct skul-thigh	2.44	0.00	0.00	0.11	2.55	2.55	XXX
78815	TC	C	Tumorimage pet/ct skul-thigh	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78816		C	Tumor image pet/ct full body	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78816	26	A	Tumor image pet/ct full body	2.50	0.00	0.00	0.11	2.61	2.61	XXX
78816	TC	C	Tumor image pet/ct full body	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78890		B	Nuclear medicine data proc	0.05	1.08	NA	0.07	1.20	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	1.06	NA	0.06	1.12	NA	XXX
78891		B	Nuclear med data proc	0.10	2.15	NA	0.14	2.39	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	2.11	NA	0.13	2.24	NA	XXX
78999		C	Nuclear diagnostic exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	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
79005		A	Nuclear rx, oral admin	1.80	2.82	NA	0.22	4.85	NA	XXX
79005	26	A	Nuclear rx, oral admin	1.80	0.62	0.62	0.08	2.51	2.51	XXX
79005	TC	A	Nuclear rx, oral admin	0.00	2.20	NA	0.14	2.34	NA	XXX
79101		A	Nuclear rx, iv admin	1.96	2.98	NA	0.22	5.16	NA	XXX
79101	26	A	Nuclear rx, iv admin	1.96	0.70	0.70	0.08	2.75	2.75	XXX
79101	TC	A	Nuclear rx, iv admin	0.00	2.28	NA	0.14	2.42	NA	XXX
79200		A	Nuclear rx, intracav admin	1.99	3.18	NA	0.23	5.41	NA	XXX
79200	26	A	Nuclear rx, intracav admin	1.99	0.71	0.71	0.09	2.79	2.79	XXX
79200	TC	A	Nuclear rx, intracav admin	0.00	2.47	NA	0.14	2.61	NA	XXX
79300		C	Nuclr rx, interstit colloid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79300	26	A	Nuclr rx, interstit colloid	1.60	0.59	0.59	0.13	2.32	2.32	XXX
79300	TC	C	Nuclr rx, interstit colloid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79403		A	Hematopoietic nuclear tx	2.25	5.17	NA	0.24	7.66	NA	XXX
79403	26	A	Hematopoietic nuclear tx	2.25	0.92	0.92	0.10	3.28	3.28	XXX
79403	TC	A	Hematopoietic nuclear tx	0.00	4.25	NA	0.14	4.39	NA	XXX
79440		A	Nuclear rx, intra-articular	1.99	2.95	NA	0.22	5.16	NA	XXX
79440	26	A	Nuclear rx, intra-articular	1.99	0.75	0.75	0.08	2.82	2.82	XXX
79440	TC	A	Nuclear rx, intra-articular	0.00	2.20	NA	0.14	2.34	NA	XXX
79445		A	Nuclear rx, intra-arterial	2.40	NA	NA	0.28	NA	NA	XXX
79445	26	A	Nuclear rx, intra-arterial	2.40	0.86	0.86	0.12	3.39	3.39	XXX
79445	TC	A	Nuclear rx, intra-arterial	0.00	NA	NA	0.16	NA	NA	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	0.20	0.16	0.01	0.58	0.54	XXX
80502		A	Lab pathology consultation	1.33	0.53	0.53	0.04	1.90	1.90	XXX
83020	26	A	Hemoglobin electrophoresis	0.37	0.15	0.15	0.01	0.53	0.53	XXX
83912	26	A	Genetic examination	0.37	0.12	0.12	0.01	0.50	0.50	XXX
84165	26	A	Protein e-phoresis, serum	0.37	0.14	0.14	0.01	0.52	0.52	XXX
84166	26	A	Protein e-phoresis/urine/csf	0.37	0.14	0.14	0.01	0.52	0.52	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	0.16	0.16	0.02	0.55	0.55	XXX
85060		A	Blood smear interpretation	0.45	0.18	0.18	0.02	0.65	0.65	XXX
85097		A	Bone marrow interpretation	0.94	1.82	0.40	0.04	2.80	1.38	XXX
85390	26	A	Fibrinolytics screen	0.37	0.13	0.13	0.01	0.51	0.51	XXX
85396		A	Clotting assay, whole blood	0.37	NA	0.16	0.04	NA	0.57	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	0.38	0.38	0.03	1.35	1.35	XXX
86078		A	Physician blood bank service	0.94	0.45	0.39	0.03	1.42	1.36	XXX
86079		A	Physician blood bank service	0.94	0.44	0.40	0.03	1.41	1.37	XXX
86255	26	A	Fluorescent antibody, screen	0.37	0.15	0.15	0.01	0.53	0.53	XXX
86256	26	A	Fluorescent antibody, titer	0.37	0.15	0.15	0.01	0.53	0.53	XXX
86320	26	A	Serum immunoelectrophoresis	0.37	0.15	0.15	0.01	0.53	0.53	XXX
86325	26	A	Other immunoelectrophoresis	0.37	0.13	0.13	0.01	0.51	0.51	XXX
86327	26	A	Immunoelectrophoresis assay	0.42	0.18	0.18	0.02	0.62	0.62	XXX
86334	26	A	Immunofix e-phoresis, serum	0.37	0.15	0.15	0.01	0.53	0.53	XXX
86335	26	A	Immunifx e-phorsis/urine/csf	0.37	0.14	0.14	0.01	0.52	0.52	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	0.28	NA	0.02	0.30	NA	XXX
86510		A	Histoplasmosis skin test	0.00	0.30	NA	0.02	0.32	NA	XXX
86580		A	TB intradermal test	0.00	0.22	NA	0.02	0.24	NA	XXX
86585		A	TB tine test	0.00	0.21	NA	0.01	0.22	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	0.16	0.01	0.55	0.54	XXX
88104		A	Cytopathology, fluids	0.56	0.87	NA	0.04	1.47	NA	XXX
88104	26	A	Cytopathology, fluids	0.56	0.23	0.23	0.02	0.81	0.81	XXX
88104	TC	A	Cytopathology, fluids	0.00	0.64	NA	0.02	0.66	NA	XXX
88106		A	Cytopathology, fluids	0.56	1.35	NA	0.04	1.95	NA	XXX
88106	26	A	Cytopathology, fluids	0.56	0.23	0.23	0.02	0.81	0.81	XXX
88106	TC	A	Cytopathology, fluids	0.00	1.11	NA	0.02	1.13	NA	XXX
88107		A	Cytopathology, fluids	0.76	1.54	NA	0.05	2.35	NA	XXX
88107	26	A	Cytopathology, fluids	0.76	0.32	0.32	0.03	1.11	1.11	XXX
88107	TC	A	Cytopathology, fluids	0.00	1.21	NA	0.02	1.23	NA	XXX
88108		A	Cytopath, concentrate tech	0.56	1.22	NA	0.04	1.82	NA	XXX
88108	26	A	Cytopath, concentrate tech	0.56	0.23	0.23	0.02	0.81	0.81	XXX
88108	TC	A	Cytopath, concentrate tech	0.00	0.99	NA	0.02	1.01	NA	XXX
88112		A	Cytopath, cell enhance tech	1.18	1.91	NA	0.04	3.14	NA	XXX
88112	26	A	Cytopath, cell enhance tech	1.18	0.50	0.50	0.02	1.70	1.70	XXX
88112	TC	A	Cytopath, cell enhance tech	0.00	1.42	NA	0.02	1.44	NA	XXX
88125		A	Forensic cytopathology	0.26	0.25	NA	0.02	0.53	NA	XXX
88125	26	A	Forensic cytopathology	0.26	0.11	0.11	0.01	0.38	0.38	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
88125	TC	A	Forensic cytopathology	0.00	0.14	NA	0.01	0.15	NA	XXX
88141		A	Cytopath, c/v, interpret	0.42	0.23	0.15	0.02	0.67	0.59	XXX
88160		A	Cytopath smear, other source	0.50	0.83	NA	0.04	1.38	NA	XXX
88160	26	A	Cytopath smear, other source	0.50	0.21	0.21	0.02	0.73	0.73	XXX
88160	TC	A	Cytopath smear, other source	0.00	0.63	NA	0.02	0.65	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	0.21	0.21	0.02	0.73	0.73	XXX
88161	TC	A	Cytopath smear, other source	0.00	0.73	NA	0.02	0.75	NA	XXX
88162		A	Cytopath smear, other source	0.76	1.03	NA	0.05	1.84	NA	XXX
88162	26	A	Cytopath smear, other source	0.76	0.32	0.32	0.03	1.11	1.11	XXX
88162	TC	A	Cytopath smear, other source	0.00	0.71	NA	0.02	0.73	NA	XXX
88172		A	Cytopathology eval of fna	0.60	0.73	NA	0.04	1.37	NA	XXX
88172	26	A	Cytopathology eval of fna	0.60	0.25	0.25	0.02	0.87	0.87	XXX
88172	TC	A	Cytopathology eval of fna	0.00	0.47	NA	0.02	0.49	NA	XXX
88173		A	Cytopath eval, fna, report	1.39	2.11	NA	0.07	3.57	NA	XXX
88173	26	A	Cytopath eval, fna, report	1.39	0.58	0.58	0.05	2.02	2.02	XXX
88173	TC	A	Cytopath eval, fna, report	0.00	1.53	NA	0.02	1.55	NA	XXX
88182		A	Cell marker study	0.77	2.00	NA	0.07	2.84	NA	XXX
88182	26	A	Cell marker study	0.77	0.32	0.32	0.03	1.12	1.12	XXX
88182	TC	A	Cell marker study	0.00	1.67	NA	0.04	1.71	NA	XXX
88184		A	Flowcytometry/ tc, 1 marker	0.00	1.62	NA	0.02	1.64	NA	XXX
88185		A	Flowcytometry/tc, add-on	0.00	0.86	NA	0.02	0.88	NA	ZZZ
88187		A	Flowcytometry/read, 2-8	1.36	0.42	0.42	0.01	1.79	1.79	XXX
88188		A	Flowcytometry/read, 9-15	1.69	0.53	0.53	0.01	2.23	2.23	XXX
88189		A	Flowcytometry/read, 16 & >	2.23	0.69	0.69	0.01	2.94	2.94	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	0.21	0.18	0.02	0.75	0.72	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	0.45	NA	0.02	0.55	NA	XXX
88300	26	A	Surgical path, gross	0.08	0.03	0.03	0.01	0.12	0.12	XXX
88300	TC	A	Surgical path, gross	0.00	0.42	NA	0.01	0.43	NA	XXX
88302		A	Tissue exam by pathologist	0.13	1.03	NA	0.03	1.19	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	0.98	NA	0.02	1.00	NA	XXX
88304		A	Tissue exam by pathologist	0.22	1.43	NA	0.03	1.68	NA	XXX
88304	26	A	Tissue exam by pathologist	0.22	0.09	0.09	0.01	0.32	0.32	XXX
88304	TC	A	Tissue exam by pathologist	0.00	1.34	NA	0.02	1.36	NA	XXX
88305		A	Tissue exam by pathologist	0.75	2.09	NA	0.07	2.91	NA	XXX
88305	26	A	Tissue exam by pathologist	0.75	0.33	0.33	0.03	1.11	1.11	XXX
88305	TC	A	Tissue exam by pathologist	0.00	1.76	NA	0.04	1.80	NA	XXX
88307		A	Tissue exam by pathologist	1.59	3.27	NA	0.12	4.98	NA	XXX
88307	26	A	Tissue exam by pathologist	1.59	0.66	0.66	0.06	2.32	2.32	XXX
88307	TC	A	Tissue exam by pathologist	0.00	2.60	NA	0.06	2.66	NA	XXX
88309		A	Tissue exam by pathologist	2.28	4.52	NA	0.14	6.95	NA	XXX
88309	26	A	Tissue exam by pathologist	2.28	0.95	0.95	0.08	3.31	3.31	XXX
88309	TC	A	Tissue exam by pathologist	0.00	3.57	NA	0.06	3.63	NA	XXX
88311		A	Decalcify tissue	0.24	0.23	NA	0.02	0.49	NA	XXX
88311	26	A	Decalcify tissue	0.24	0.10	0.10	0.01	0.35	0.35	XXX
88311	TC	A	Decalcify tissue	0.00	0.13	NA	0.01	0.14	NA	XXX
88312		A	Special stains	0.54	1.66	NA	0.03	2.23	NA	XXX
88312	26	A	Special stains	0.54	0.23	0.23	0.02	0.79	0.79	XXX
88312	TC	A	Special stains	0.00	1.44	NA	0.01	1.45	NA	XXX
88313		A	Special stains	0.24	1.35	NA	0.02	1.61	NA	XXX
88313	26	A	Special stains	0.24	0.10	0.10	0.01	0.35	0.35	XXX
88313	TC	A	Special stains	0.00	1.25	NA	0.01	1.26	NA	XXX
88314		A	Histochemical stain	0.45	2.06	NA	0.04	2.55	NA	XXX
88314	26	A	Histochemical stain	0.45	0.19	0.19	0.02	0.66	0.66	XXX
88314	TC	A	Histochemical stain	0.00	1.88	NA	0.02	1.90	NA	XXX
88318		A	Chemical histochemistry	0.42	1.77	NA	0.03	2.22	NA	XXX
88318	26	A	Chemical histochemistry	0.42	0.18	0.18	0.02	0.62	0.62	XXX
88318	TC	A	Chemical histochemistry	0.00	1.60	NA	0.01	1.61	NA	XXX
88319		A	Enzyme histochemistry	0.53	3.39	NA	0.04	3.96	NA	XXX
88319	26	A	Enzyme histochemistry	0.53	0.22	0.22	0.02	0.77	0.77	XXX
88319	TC	A	Enzyme histochemistry	0.00	3.17	NA	0.02	3.19	NA	XXX
88321		A	Microslide consultation	1.30	0.80	0.55	0.05	2.15	1.90	XXX
88323		A	Microslide consultation	1.35	1.84	NA	0.07	3.26	NA	XXX
88323	26	A	Microslide consultation	1.35	0.56	0.56	0.05	1.96	1.96	XXX
88323	TC	A	Microslide consultation	0.00	1.28	NA	0.02	1.30	NA	XXX
88325		A	Comprehensive review of data	2.22	2.87	0.93	0.07	5.16	3.22	XXX
88329		A	Path consult introp	0.67	0.64	0.28	0.02	1.34	0.97	XXX
88331		A	Path consult intraop, 1 bloc	1.19	1.12	NA	0.08	2.40	NA	XXX
88331	26	A	Path consult intraop, 1 bloc	1.19	0.50	0.50	0.04	1.73	1.73	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
88331	TC	A	Path consult intraop, 1 bloc	0.00	0.63	NA	0.04	0.67	NA	XXX
88332		A	Path consult intraop, add'l	0.59	0.46	NA	0.04	1.09	NA	XXX
88332	26	A	Path consult intraop, add'l	0.59	0.24	0.24	0.02	0.85	0.85	XXX
88332	TC	A	Path consult intraop, add'l	0.00	0.21	NA	0.02	0.23	NA	XXX
88342		A	Immunohistochemistry	0.85	1.52	NA	0.05	2.42	NA	XXX
88342	26	A	Immunohistochemistry	0.85	0.35	0.35	0.03	1.23	1.23	XXX
88342	TC	A	Immunohistochemistry	0.00	1.16	NA	0.02	1.18	NA	XXX
88346		A	Immunofluorescent study	0.86	1.65	NA	0.05	2.56	NA	XXX
88346	26	A	Immunofluorescent study	0.86	0.36	0.36	0.03	1.25	1.25	XXX
88346	TC	A	Immunofluorescent study	0.00	1.29	NA	0.02	1.31	NA	XXX
88347		A	Immunofluorescent study	0.86	1.31	NA	0.05	2.22	NA	XXX
88347	26	A	Immunofluorescent study	0.86	0.34	0.34	0.03	1.23	1.23	XXX
88347	TC	A	Immunofluorescent study	0.00	0.97	NA	0.02	0.99	NA	XXX
88348		A	Electron microscopy	1.51	10.48	NA	0.13	12.12	NA	XXX
88348	26	A	Electron microscopy	1.51	0.62	0.62	0.06	2.20	2.20	XXX
88348	TC	A	Electron microscopy	0.00	9.85	NA	0.07	9.92	NA	XXX
88349		A	Scanning electron microscopy	0.76	4.10	NA	0.09	4.95	NA	XXX
88349	26	A	Scanning electron microscopy	0.76	0.32	0.32	0.03	1.11	1.11	XXX
88349	TC	A	Scanning electron microscopy	0.00	3.78	NA	0.06	3.84	NA	XXX
88355		A	Analysis, skeletal muscle	1.85	8.06	NA	0.13	10.04	NA	XXX
88355	26	A	Analysis, skeletal muscle	1.85	0.77	0.77	0.07	2.70	2.70	XXX
88355	TC	A	Analysis, skeletal muscle	0.00	7.29	NA	0.06	7.35	NA	XXX
88356		A	Analysis, nerve	3.03	4.70	NA	0.19	7.91	NA	XXX
88356	26	A	Analysis, nerve	3.03	1.23	1.23	0.12	4.37	4.37	XXX
88356	TC	A	Analysis, nerve	0.00	3.47	NA	0.07	3.54	NA	XXX
88358		A	Analysis, tumor	0.95	0.92	NA	0.17	2.04	NA	XXX
88358	26	A	Analysis, tumor	0.95	0.39	0.39	0.10	1.44	1.44	XXX
88358	TC	A	Analysis, tumor	0.00	0.53	NA	0.07	0.60	NA	XXX
88360		A	Tumor immunohistochem/manual	1.10	1.81	NA	0.08	2.99	NA	XXX
88360	26	A	Tumor immunohistochem/manual	1.10	0.46	0.46	0.06	1.62	1.62	XXX
88360	TC	A	Tumor immunohistochem/manual	0.00	1.35	NA	0.02	1.37	NA	XXX
88361		A	Tumor immunohistochem/comput	1.18	3.07	NA	0.17	4.42	NA	XXX
88361	26	A	Tumor immunohistochem/comput	1.18	0.48	0.48	0.10	1.76	1.76	XXX
88361	TC	A	Tumor immunohistochem/comput	0.00	2.59	NA	0.07	2.66	NA	XXX
88362		A	Nerve teasing preparations	2.17	4.63	NA	0.15	6.95	NA	XXX
88362	26	A	Nerve teasing preparations	2.17	0.89	0.89	0.09	3.16	3.16	XXX
88362	TC	A	Nerve teasing preparations	0.00	3.73	NA	0.06	3.79	NA	XXX
88365		A	Insitu hybridization (fish)	1.20	2.32	NA	0.05	3.58	NA	XXX
88365	26	A	Insitu hybridization (fish)	1.20	0.50	0.50	0.03	1.73	1.73	XXX
88365	TC	A	Insitu hybridization (fish)	0.00	1.83	NA	0.02	1.85	NA	XXX
88367		A	Insitu hybridization, auto	1.30	4.76	NA	0.12	6.18	NA	XXX
88367	26	A	Insitu hybridization, auto	1.30	0.53	0.53	0.06	1.89	1.89	XXX
88367	TC	A	Insitu hybridization, auto	0.00	4.23	NA	0.06	4.29	NA	XXX
88368		A	Insitu hybridization, manual	1.40	3.95	NA	0.12	5.47	NA	XXX
88368	26	A	Insitu hybridization, manual	1.40	0.58	0.58	0.06	2.05	2.05	XXX
88368	TC	A	Insitu hybridization, manual	0.00	3.37	NA	0.06	3.43	NA	XXX
88371	26	A	Protein, western blot tissue	0.37	0.13	0.13	0.01	0.51	0.51	XXX
88372	26	A	Protein analysis w/probe	0.37	0.16	0.16	0.01	0.54	0.54	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	26	A	Exam, synovial fluid crystals	0.37	0.16	0.16	0.01	0.54	0.54	XXX
89100		A	Sample intestinal contents	0.60	3.64	0.32	0.03	4.27	0.95	XXX
89105		A	Sample intestinal contents	0.50	3.28	0.28	0.02	3.80	0.80	XXX
89130		A	Sample stomach contents	0.45	3.07	0.19	0.02	3.54	0.66	XXX
89132		A	Sample stomach contents	0.19	2.84	0.16	0.01	3.04	0.36	XXX
89135		A	Sample stomach contents	0.79	3.96	0.32	0.04	4.79	1.15	XXX
89136		A	Sample stomach contents	0.21	2.93	0.15	0.01	3.15	0.37	XXX
89140		A	Sample stomach contents	0.94	3.28	0.36	0.04	4.26	1.35	XXX
89141		A	Sample stomach contents	0.85	3.72	0.40	0.03	4.60	1.29	XXX
89220		A	Sputum specimen collection	0.00	0.39	NA	0.02	0.41	NA	XXX
89230		A	Collect sweat for test	0.00	0.11	NA	0.02	0.13	NA	XXX
89240		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

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
90376		E	Rabies ig, heat treated	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
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
90465		A	Immune admin 1 inj, < 8 yrs	0.17	0.31	0.27	0.01	0.49	0.45	XXX
90466		A	Immune admin addl inj, < 8 y	0.15	0.13	0.12	0.01	0.29	0.28	ZZZ
90467		R	Immune admin o or n, < 8 yrs	0.17	0.31	0.00	0.01	0.49	0.18	XXX
90468		R	Immune admin o/n, addl < 8 y	0.15	0.13	0.00	0.01	0.29	0.16	ZZZ
90471		A	Immunization admin	0.17	0.31	NA	0.01	0.49	NA	XXX
90472		A	Immunization admin, each add	0.15	0.13	NA	0.01	0.29	NA	ZZZ
90473		R	Immune admin oral/nasal	0.17	0.31	0.00	0.01	0.49	0.18	XXX
90474		R	Immune admin oral/nasal addl	0.15	0.13	0.00	0.01	0.29	0.16	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
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	Rotovirus 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
90698		E	Dtap-hib-ip vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90700		E	Dtap vaccine, < 7 yrs, 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
90710		E	Mmrv 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
90715		E	Tdap vaccine >7 im	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		I	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	XX
90733		E	Meningococcal vaccine, sc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90734		E	Meningococcal vaccine, im	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
90748		I	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		I	IV infusion therapy, 1 hour	0.17	0.00	0.00	0.07	0.24	0.24	XXX
90781		I	IV infusion, additional hour	0.17	0.00	0.00	0.04	0.21	0.21	ZZZ
90782		I	Injection, sc/im	0.17	0.00	0.00	0.01	0.18	0.18	XXX
90783		A	Injection, ia	0.17	0.31	NA	0.02	0.50	NA	XXX
90784		I	Injection, iv	0.17	0.00	0.00	0.04	0.21	0.21	XXX
90788		A	Injection of antibiotic	0.17	0.26	NA	0.01	0.44	NA	XXX
90799		C	Ther/prophylactic/dx inject	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
90801		A	Psy dx interview	2.81	1.19	0.91	0.06	4.05	3.77	XXX
90802		A	Intac psy dx interview	3.02	1.23	0.96	0.07	4.32	4.05	XXX
90804		A	Psytx, office, 20-30 min	1.21	0.49	0.37	0.03	1.74	1.61	XXX
90805		A	Psytx, off, 20-30 min w/e&m	1.37	0.51	0.41	0.03	1.91	1.81	XXX
90806		A	Psytx, off, 45-50 min	1.86	0.68	0.58	0.04	2.59	2.49	XXX
90807		A	Psytx, off, 45-50 min w/e&m	2.02	0.70	0.61	0.05	2.78	2.69	XXX
90808		A	Psytx, office, 75-80 min	2.80	1.00	0.87	0.06	3.85	3.73	XXX
90809		A	Psytx, off, 75-80, w/e&m	2.96	0.99	0.90	0.07	4.02	3.92	XXX
90810		A	Intac psytx, off, 20-30 min	1.32	0.51	0.41	0.04	1.87	1.77	XXX
90811		A	Intac psytx, 20-30, w/e&m	1.48	0.58	0.45	0.04	2.10	1.97	XXX
90812		A	Intac psytx, off, 45-50 min	1.97	0.77	0.62	0.04	2.79	2.64	XXX
90813		A	Intac psytx, 45-50 min w/e&m	2.13	0.77	0.65	0.05	2.96	2.84	XXX
90814		A	Intac psytx, off, 75-80 min	2.91	1.07	0.94	0.06	4.04	3.91	XXX
90815		A	Intac psytx, 75-80 w/e&m	3.07	1.05	0.92	0.07	4.19	4.06	XXX
90816		A	Psytx, hosp, 20-30 min	1.25	NA	0.45	0.03	NA	1.73	XXX
90817		A	Psytx, hosp, 20-30 min w/e&m	1.41	NA	0.45	0.03	NA	1.90	XXX
90818		A	Psytx, hosp, 45-50 min	1.89	NA	0.67	0.04	NA	2.60	XXX
90819		A	Psytx, hosp, 45-50 min w/e&m	2.05	NA	0.64	0.05	NA	2.75	XXX
90821		A	Psytx, hosp, 75-80 min	2.84	NA	0.97	0.06	NA	3.87	XXX
90822		A	Psytx, hosp, 75-80 min w/e&m	3.00	NA	0.93	0.08	NA	4.01	XXX
90823		A	Intac psytx, hosp, 20-30 min	1.36	NA	0.47	0.03	NA	1.86	XXX
90824		A	Intac psytx, hsp 20-30 w/e&m	1.52	NA	0.48	0.04	NA	2.05	XXX
90826		A	Intac psytx, hosp, 45-50 min	2.01	NA	0.70	0.05	NA	2.76	XXX
90827		A	Intac psytx, hsp 45-50 w/e&m	2.16	NA	0.67	0.05	NA	2.89	XXX
90828		A	Intac psytx, hosp, 75-80 min	2.95	NA	1.02	0.06	NA	4.03	XXX
90829		A	Intac psytx, hsp 75-80 w/e&m	3.11	NA	0.96	0.07	NA	4.14	XXX
90845		A	Psychoanalysis	1.79	0.57	0.54	0.04	2.40	2.37	XXX
90846		R	Family psytx w/o patient	1.83	0.64	0.63	0.04	2.51	2.50	XXX
90847		R	Family psytx w/patient	2.21	0.81	0.74	0.05	3.08	3.01	XXX
90849		R	Multiple family group psytx	0.59	0.27	0.24	0.02	0.88	0.85	XXX
90853		A	Group psychotherapy	0.59	0.25	0.23	0.01	0.85	0.83	XXX
90857		A	Intac group psytx	0.63	0.29	0.25	0.01	0.93	0.89	XXX
90862		A	Medication management	0.95	0.42	0.32	0.02	1.39	1.29	XXX
90865		A	Narcosynthesis	2.85	1.35	0.89	0.12	4.31	3.86	XXX
90870		A	Electroconvulsive therapy	1.88	1.82	0.58	0.04	3.74	2.50	000
90871		N	Electroconvulsive therapy	2.73	NA	0.99	0.07	NA	3.78	000
90875		N	Psychophysiological therapy	1.20	0.85	0.46	0.04	2.09	1.70	XXX
90876		N	Psychophysiological therapy	1.90	1.11	0.72	0.05	3.06	2.68	XXX
90880		A	Hypnotherapy	2.19	0.98	0.67	0.05	3.22	2.92	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	0.37	0.37	0.02	1.36	1.36	XXX
90887		B	Consultation with family	1.48	0.82	0.56	0.04	2.34	2.08	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	0.64	0.14	0.02	1.07	0.57	000
90911		A	Biofeedback peri/uro/rectal	0.89	1.58	0.33	0.06	2.53	1.28	000
90918		I	ESRD related services, month	11.18	5.96	5.96	0.36	17.50	17.50	XXX
90919		I	ESRD related services, month	8.55	3.90	3.90	0.29	12.74	12.74	XXX
90920		I	ESRD related services, month	7.27	3.65	3.65	0.23	11.16	11.16	XXX
90921		I	ESRD related services, month	4.47	2.37	2.37	0.14	6.98	6.98	XXX
90922		I	ESRD related services, day	0.37	0.21	0.21	0.01	0.59	0.59	XXX
90923		I	Esrdr related services, day	0.28	0.13	0.13	0.01	0.42	0.42	XXX
90924		I	Esrdr related services, day	0.24	0.12	0.12	0.01	0.37	0.37	XXX
90925		I	Esrdr related services, day	0.15	0.08	0.08	0.01	0.24	0.24	XXX
90935		A	Hemodialysis, one evaluation	1.22	NA	0.65	0.04	NA	1.91	000
90937		A	Hemodialysis, repeated eval	2.11	NA	0.95	0.07	NA	3.13	000
90945		A	Dialysis, one evaluation	1.28	NA	0.67	0.04	NA	1.99	000
90947		A	Dialysis, repeated eval	2.16	NA	0.97	0.07	NA	3.20	000
90997		A	Hemoperfusion	1.84	NA	0.65	0.06	NA	2.55	000
90999		C	Dialysis procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91000		A	Esophageal intubation	0.73	0.84	NA	0.04	1.62	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	0.59	NA	0.01	0.60	NA	000
91010		A	Esophagus motility study	1.25	4.76	NA	0.12	6.14	NA	000
91010	26	A	Esophagus motility study	1.25	0.47	0.47	0.06	1.78	1.78	000
91010	TC	A	Esophagus motility study	0.00	4.30	NA	0.06	4.36	NA	000
91011		A	Esophagus motility study	1.50	5.79	NA	0.13	7.42	NA	000
91011	26	A	Esophagus motility study	1.50	0.57	0.57	0.07	2.15	2.15	000
91011	TC	A	Esophagus motility study	0.00	5.22	NA	0.06	5.28	NA	000
91012		A	Esophagus motility study	1.46	5.76	NA	0.13	7.35	NA	000
91012	26	A	Esophagus motility study	1.46	0.55	0.55	0.06	2.07	2.07	000
91012	TC	A	Esophagus motility study	0.00	5.21	NA	0.07	5.28	NA	000
91020		A	Gastric motility	1.44	4.49	NA	0.13	6.07	NA	000
91020	26	A	Gastric motility	1.44	0.51	0.51	0.07	2.02	2.02	000

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
91020	TC	A	Gastric motility	0.00	3.99	NA	0.06	4.05	NA	000
91030		A	Acid perfusion of esophagus	0.91	2.67	NA	0.06	3.64	NA	000
91030	26	A	Acid perfusion of esophagus	0.91	0.35	0.35	0.04	1.30	1.30	000
91030	TC	A	Acid perfusion of esophagus	0.00	2.32	NA	0.02	2.34	NA	000
91034		A	Gastroesophageal reflux test	0.97	5.70	NA	0.12	6.79	NA	XXX
91034	26	A	Gastroesophageal reflux test	0.97	0.36	0.36	0.06	1.40	1.40	XXX
91034	TC	A	Gastroesophageal reflux test	0.00	5.33	NA	0.06	5.39	NA	XXX
91035		A	G-esoph reflux tst w/electrod	1.59	11.65	NA	0.12	13.36	NA	XXX
91035	26	A	G-esoph reflux tst w/electrod	1.59	0.60	0.60	0.06	2.25	2.25	XXX
91035	TC	A	G-esoph reflux tst w/electrod	0.00	11.05	NA	0.06	11.11	NA	XXX
91037		A	Esoph imped function test	0.97	3.22	NA	0.12	4.32	NA	XXX
91037	26	A	Esoph imped function test	0.97	0.36	0.36	0.06	1.40	1.40	XXX
91037	TC	A	Esoph imped function test	0.00	2.86	NA	0.06	2.92	NA	XXX
91038		A	Esoph imped funct test > 1h	1.10	2.47	NA	0.12	3.69	NA	XXX
91038	26	A	Esoph imped funct test > 1h	1.10	0.42	0.42	0.06	1.58	1.58	XXX
91038	TC	A	Esoph imped funct test > 1h	0.00	2.05	NA	0.06	2.11	NA	XXX
91040		A	Esoph balloon distension tst	0.97	11.26	NA	0.12	12.35	NA	XXX
91040	26	A	Esoph balloon distension tst	0.97	0.36	0.36	0.06	1.40	1.40	XXX
91040	TC	A	Esoph balloon distension tst	0.00	10.89	NA	0.06	10.95	NA	XXX
91052		A	Gastric analysis test	0.79	2.64	NA	0.05	3.48	NA	000
91052	26	A	Gastric analysis test	0.79	0.30	0.30	0.03	1.12	1.12	000
91052	TC	A	Gastric analysis test	0.00	2.34	NA	0.02	2.36	NA	000
91055		A	Gastric intubation for smear	0.94	2.91	NA	0.07	3.92	NA	000
91055	26	A	Gastric intubation for smear	0.94	0.27	0.27	0.05	1.26	1.26	000
91055	TC	A	Gastric intubation for smear	0.00	2.64	NA	0.02	2.66	NA	000
91060		A	Gastric saline load test	0.45	1.89	NA	0.05	2.39	NA	000
91060	26	A	Gastric saline load test	0.45	0.14	0.14	0.03	0.62	0.62	000
91060	TC	A	Gastric saline load test	0.00	1.75	NA	0.02	1.77	NA	000
91065		A	Breath hydrogen test	0.20	1.62	NA	0.03	1.85	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	1.55	NA	0.02	1.57	NA	000
91100		A	Pass intestine bleeding tube	1.08	2.70	0.28	0.07	3.85	1.43	000
91105		A	Gastric intubation treatment	0.37	1.99	0.09	0.03	2.39	0.49	000
91110		A	Gi tract capsule endoscopy	3.65	24.17	NA	0.16	27.98	NA	XXX
91110	26	A	Gi tract capsule endoscopy	3.65	1.38	1.38	0.09	5.12	5.12	XXX
91110	TC	A	Gi tract capsule endoscopy	0.00	22.79	NA	0.07	22.86	NA	XXX
91120		A	Rectal sensation test	0.97	11.11	NA	0.11	12.19	NA	XXX
91120	26	A	Rectal sensation test	0.97	0.36	0.36	0.07	1.41	1.41	XXX
91120	TC	A	Rectal sensation test	0.00	10.74	NA	0.04	10.78	NA	XXX
91122		A	Anal pressure record	1.77	5.15	NA	0.21	7.13	NA	000
91122	26	A	Anal pressure record	1.77	0.62	0.62	0.13	2.52	2.52	000
91122	TC	A	Anal pressure record	0.00	4.53	NA	0.08	4.61	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	0.20	0.20	0.02	0.74	0.74	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	0.25	0.25	0.03	0.94	0.94	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	0.97	0.33	0.02	1.87	1.23	XXX
92004		A	Eye exam, new patient	1.67	1.68	0.66	0.04	3.40	2.38	XXX
92012		A	Eye exam established pat	0.67	1.01	0.28	0.02	1.70	0.97	XXX
92014		A	Eye exam & treatment	1.10	1.39	0.46	0.03	2.52	1.59	XXX
92015		N	Refraction	0.38	1.21	0.15	0.01	1.61	0.54	XXX
92018		A	New eye exam & treatment	2.51	NA	1.05	0.07	NA	3.62	XXX
92019		A	Eye exam & treatment	1.31	NA	0.55	0.03	NA	1.89	XXX
92020		A	Special eye evaluation	0.37	0.33	0.16	0.01	0.71	0.54	XXX
92060		A	Special eye evaluation	0.69	0.72	NA	0.03	1.45	NA	XXX
92060	26	A	Special eye evaluation	0.69	0.28	0.28	0.02	0.99	0.99	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	0.57	NA	0.02	0.96	NA	XXX
92065	26	A	Orthoptic/pleoptic training	0.37	0.15	0.15	0.01	0.53	0.53	XXX
92065	TC	A	Orthoptic/pleoptic training	0.00	0.43	NA	0.01	0.44	NA	XXX
92070		A	Fitting of contact lens	0.70	1.04	0.31	0.02	1.76	1.03	XXX
92081		A	Visual field examination(s)	0.36	0.93	NA	0.02	1.31	NA	XXX
92081	26	A	Visual field examination(s)	0.36	0.15	0.15	0.01	0.52	0.52	XXX
92081	TC	A	Visual field examination(s)	0.00	0.78	NA	0.01	0.79	NA	XXX
92082		A	Visual field examination(s)	0.44	1.22	NA	0.02	1.68	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	1.03	NA	0.01	1.04	NA	XXX
92083		A	Visual field examination(s)	0.50	1.41	NA	0.02	1.93	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
92083	26	A	Visual field examination(s)	0.50	0.22	0.22	0.01	0.73	0.73	XXX
92083	TC	A	Visual field examination(s)	0.00	1.19	NA	0.01	1.20	NA	XXX
92100		A	Serial tonometry exam(s)	0.92	1.34	0.35	0.02	2.28	1.30	XXX
92120		A	Tonography & eye evaluation	0.81	1.06	0.31	0.02	1.89	1.14	XXX
92130		A	Water provocation tonography	0.81	1.26	0.36	0.02	2.09	1.19	XXX
92135		A	Ophthalmic dx imaging	0.35	0.77	NA	0.02	1.14	NA	XXX
92135	26	A	Ophthalmic dx imaging	0.35	0.15	0.15	0.01	0.51	0.51	XXX
92135	TC	A	Ophthalmic dx imaging	0.00	0.63	NA	0.01	0.64	NA	XXX
92136		A	Ophthalmic biometry	0.54	1.58	NA	0.08	2.20	NA	XXX
92136	26	A	Ophthalmic biometry	0.54	0.24	0.24	0.01	0.79	0.79	XXX
92136	TC	A	Ophthalmic biometry	0.00	1.35	NA	0.07	1.42	NA	XXX
92140		A	Glaucoma provocative tests	0.50	0.98	0.21	0.01	1.49	0.72	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	0.14	0.01	0.55	0.48	XXX
92230		A	Eye exam with photos	0.60	1.39	0.20	0.02	2.01	0.82	XXX
92235		A	Eye exam with photos	0.81	2.50	NA	0.08	3.39	NA	XXX
92235	26	A	Eye exam with photos	0.81	0.36	0.36	0.02	1.19	1.19	XXX
92235	TC	A	Eye exam with photos	0.00	2.14	NA	0.06	2.20	NA	XXX
92240		A	lcg angiography	1.10	5.75	NA	0.09	6.94	NA	XXX
92240	26	A	lcg angiography	1.10	0.49	0.49	0.03	1.62	1.62	XXX
92240	TC	A	lcg angiography	0.00	5.27	NA	0.06	5.33	NA	XXX
92250		A	Eye exam with photos	0.44	1.47	NA	0.02	1.93	NA	XXX
92250	26	A	Eye exam with photos	0.44	0.19	0.19	0.01	0.64	0.64	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	0.25	0.09	0.01	0.46	0.30	XXX
92265		A	Eye muscle evaluation	0.81	1.39	NA	0.06	2.26	NA	XXX
92265	26	A	Eye muscle evaluation	0.81	0.28	0.28	0.04	1.13	1.13	XXX
92265	TC	A	Eye muscle evaluation	0.00	1.11	NA	0.02	1.13	NA	XXX
92270		A	Electro-oculography	0.81	1.49	NA	0.05	2.35	NA	XXX
92270	26	A	Electro-oculography	0.81	0.32	0.32	0.03	1.16	1.16	XXX
92270	TC	A	Electro-oculography	0.00	1.17	NA	0.02	1.19	NA	XXX
92275		A	Electroretinography	1.01	1.92	NA	0.05	2.98	NA	XXX
92275	26	A	Electroretinography	1.01	0.42	0.42	0.03	1.46	1.46	XXX
92275	TC	A	Electroretinography	0.00	1.50	NA	0.02	1.52	NA	XXX
92283		A	Color vision examination	0.17	0.84	NA	0.02	1.03	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	0.77	NA	0.01	0.78	NA	XXX
92284		A	Dark adaptation eye exam	0.24	1.74	NA	0.02	2.00	NA	XXX
92284	26	A	Dark adaptation eye exam	0.24	0.08	0.08	0.01	0.33	0.33	XXX
92284	TC	A	Dark adaptation eye exam	0.00	1.66	NA	0.01	1.67	NA	XXX
92285		A	Eye photography	0.20	0.94	NA	0.02	1.16	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	0.86	NA	0.01	0.87	NA	XXX
92286		A	Internal eye photography	0.66	2.88	NA	0.04	3.58	NA	XXX
92286	26	A	Internal eye photography	0.66	0.29	0.29	0.02	0.97	0.97	XXX
92286	TC	A	Internal eye photography	0.00	2.59	NA	0.02	2.61	NA	XXX
92287		A	Internal eye photography	0.81	2.28	0.30	0.02	3.12	1.13	XXX
92310		N	Contact lens fitting	1.17	1.13	0.45	0.04	2.34	1.66	XXX
92311		A	Contact lens fitting	1.08	1.14	0.35	0.03	2.25	1.47	XXX
92312		A	Contact lens fitting	1.26	1.17	0.49	0.03	2.47	1.78	XXX
92313		A	Contact lens fitting	0.92	1.13	0.28	0.02	2.07	1.22	XXX
92314		N	Prescription of contact lens	0.69	0.98	0.27	0.01	1.68	0.97	XXX
92315		A	Prescription of contact lens	0.45	0.95	0.16	0.01	1.41	0.62	XXX
92316		A	Prescription of contact lens	0.68	1.05	0.28	0.02	1.75	0.98	XXX
92317		A	Prescription of contact lens	0.45	1.05	0.15	0.01	1.52	0.61	XXX
92325		A	Modification of contact lens	0.00	0.49	NA	0.01	0.50	NA	XXX
92326		A	Replacement of contact lens	0.00	1.41	NA	0.06	1.47	NA	XXX
92330		A	Fitting of artificial eye	1.08	0.99	0.32	0.03	2.10	1.43	XXX
92335		A	Fitting of artificial eye	0.45	0.88	0.16	0.01	1.34	0.62	XXX
92340		N	Fitting of spectacles	0.66	0.66	NA	0.01	1.04	NA	XXX
92341		N	Fitting of spectacles	0.47	0.70	NA	0.01	1.18	NA	XXX
92342		N	Fitting of spectacles	0.53	0.72	NA	0.01	1.27	NA	XXX
92352		B	Special spectacles fitting	0.37	0.67	NA	0.01	1.05	NA	XXX
92353		B	Special spectacles fitting	0.50	0.72	NA	0.02	1.24	NA	XXX
92354		B	Special spectacles fitting	0.00	7.13	NA	0.10	7.23	NA	XXX
92355		B	Special spectacles fitting	0.00	3.53	NA	0.01	3.54	NA	XXX
92358		B	Eye prosthesis service	0.00	0.81	NA	0.05	0.86	NA	XXX
92370		N	Repair & adjust spectacles	0.32	0.53	NA	0.02	0.87	NA	XXX
92371		B	Repair & adjust spectacles	0.00	0.53	NA	0.02	0.55	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	0.00	0.00	0.02	0.02	0.02	XXX
92393		I	Supply of artificial eye	0.00	0.00	0.00	0.57	0.57	0.57	XXX
92395		I	Supply of spectacles	0.00	0.00	0.00	0.10	0.10	0.10	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
92396		I	Supply of contact lenses	0.00	0.00	0.00	0.07	0.07	0.07	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	1.08	0.05	NA	2.65	000
92504		A	Ear microscopy examination	0.18	0.50	0.09	0.01	0.69	0.28	XXX
92506		A	Speech/hearing evaluation	0.86	2.68	0.38	0.03	3.57	1.27	XXX
92507		A	Speech/hearing therapy	0.52	1.10	0.22	0.02	1.65	0.76	XXX
92508		A	Speech/hearing therapy	0.26	0.51	0.12	0.01	0.78	0.39	XXX
92510		I	Rehab for ear implant	1.50	0.00	0.00	0.07	1.57	1.57	XXX
92511		A	Nasopharyngoscopy	0.84	3.23	0.76	0.03	4.10	1.64	000
92512		A	Nasal function studies	0.55	1.13	0.18	0.02	1.70	0.75	XXX
92516		A	Facial nerve function test	0.43	1.18	0.21	0.01	1.62	0.65	XXX
92520		A	Laryngeal function studies	0.76	0.51	0.38	0.03	1.31	1.17	XXX
92526		A	Oral function therapy	0.55	1.75	0.20	0.02	2.32	0.77	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
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	1.02	NA	0.04	1.47	NA	XXX
92541	26	A	Spontaneous nystagmus test	0.40	0.18	0.18	0.02	0.60	0.60	XXX
92541	TC	A	Spontaneous nystagmus test	0.00	0.84	NA	0.02	0.86	NA	XXX
92542		A	Positional nystagmus test	0.33	1.13	NA	0.03	1.50	NA	XXX
92542	26	A	Positional nystagmus test	0.33	0.15	0.15	0.01	0.49	0.49	XXX
92542	TC	A	Positional nystagmus test	0.00	0.98	NA	0.02	1.00	NA	XXX
92543		A	Caloric vestibular test	0.10	0.57	NA	0.02	0.69	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	0.52	NA	0.01	0.53	NA	XXX
92544		A	Optokinetic nystagmus test	0.26	0.90	NA	0.03	1.19	NA	XXX
92544	26	A	Optokinetic nystagmus test	0.26	0.12	0.12	0.01	0.39	0.39	XXX
92544	TC	A	Optokinetic nystagmus test	0.00	0.78	NA	0.02	0.80	NA	XXX
92545		A	Oscillating tracking test	0.23	0.81	NA	0.03	1.07	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	0.71	NA	0.02	0.73	NA	XXX
92546		A	Sinusoidal rotational test	0.29	1.93	NA	0.03	2.25	NA	XXX
92546	26	A	Sinusoidal rotational test	0.29	0.13	0.13	0.01	0.43	0.43	XXX
92546	TC	A	Sinusoidal rotational test	0.00	1.81	NA	0.02	1.83	NA	XXX
92547		A	Supplemental electrical test	0.00	0.08	NA	0.06	0.14	NA	ZZZ
92548		A	Posturography	0.50	2.14	NA	0.15	2.79	NA	XXX
92548	26	A	Posturography	0.50	0.25	0.25	0.02	0.77	0.77	XXX
92548	TC	A	Posturography	0.00	1.89	NA	0.13	2.02	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	0.44	NA	0.04	0.48	NA	XXX
92553		A	Audiometry, air & bone	0.00	0.63	NA	0.06	0.69	NA	XXX
92555		A	Speech threshold audiometry	0.00	0.35	NA	0.04	0.39	NA	XXX
92556		A	Speech audiometry, complete	0.00	0.54	NA	0.06	0.60	NA	XXX
92557		A	Comprehensive hearing test	0.00	1.12	NA	0.12	1.24	NA	XXX
92559		N	Group audiometric testing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92560		N	Bekeasy audiometry, screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92561		A	Bekeasy audiometry, diagnosis	0.00	0.68	NA	0.06	0.74	NA	XXX
92562		A	Loudness balance test	0.00	0.42	NA	0.04	0.46	NA	XXX
92563		A	Tone decay hearing test	0.00	0.37	NA	0.04	0.41	NA	XXX
92564		A	Sisi hearing test	0.00	0.45	NA	0.05	0.50	NA	XXX
92565		A	Stenger test, pure tone	0.00	0.36	NA	0.04	0.40	NA	XXX
92567		A	Tympanometry	0.00	0.48	NA	0.06	0.54	NA	XXX
92568		A	Acoustic reflex testing	0.00	0.32	NA	0.04	0.36	NA	XXX
92569		A	Acoustic reflex decay test	0.00	0.34	NA	0.04	0.38	NA	XXX
92571		A	Filtered speech hearing test	0.00	0.36	NA	0.04	0.40	NA	XXX
92572		A	Staggered spondaic word test	0.00	0.17	NA	0.01	0.18	NA	XXX
92573		A	Lombard test	0.00	0.33	NA	0.04	0.37	NA	XXX
92575		A	Sensorineural acuity test	0.00	0.41	NA	0.02	0.43	NA	XXX
92576		A	Synthetic sentence test	0.00	0.42	NA	0.05	0.47	NA	XXX
92577		A	Stenger test, speech	0.00	0.60	NA	0.07	0.67	NA	XXX
92579		A	Visual audiometry (vra)	0.00	0.68	NA	0.06	0.74	NA	XXX
92582		A	Conditioning play audiometry	0.00	0.72	NA	0.06	0.78	NA	XXX
92583		A	Select picture audiometry	0.00	0.79	NA	0.08	0.87	NA	XXX
92584		A	Electrocochleography	0.00	2.15	NA	0.21	2.36	NA	XXX
92585		A	Auditor evoke potent, compre	0.50	1.97	NA	0.17	2.64	NA	XXX
92585	26	A	Auditor evoke potent, compre	0.50	0.21	0.21	0.03	0.74	0.74	XXX
92585	TC	A	Auditor evoke potent, compre	0.00	1.77	NA	0.14	1.91	NA	XXX
92586		A	Auditor evoke potent, limit	0.00	1.67	NA	0.14	1.81	NA	XXX
92587		A	Evoked auditory test	0.13	1.15	NA	0.12	1.40	NA	XXX
92587	26	A	Evoked auditory test	0.13	0.06	0.06	0.01	0.20	0.20	XXX
92587	TC	A	Evoked auditory test	0.00	1.09	NA	0.11	1.20	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
92588		A	Evoked auditory test	0.36	1.43	NA	0.14	1.93	NA	XXX
92588	26	A	Evoked auditory test	0.36	0.15	0.15	0.01	0.52	0.52	XXX
92588	TC	A	Evoked auditory test	0.00	1.28	NA	0.13	1.41	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	0.58	NA	0.06	0.64	NA	XXX
92597		A	Oral speech device eval	0.86	1.68	0.43	0.03	2.57	1.32	XXX
92601		A	Cochlear implt f/up exam < 7	0.00	3.54	NA	0.07	3.61	NA	XXX
92602		A	Reprogram cochlear implt < 7	0.00	2.41	NA	0.07	2.48	NA	XXX
92603		A	Cochlear implt f/up exam 7 >	0.00	2.19	NA	0.07	2.26	NA	XXX
92604		A	Reprogram cochlear implt 7 >	0.00	1.39	NA	0.07	1.46	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	3.11	NA	0.05	3.16	NA	XXX
92608		A	Ex for speech device rx addl	0.00	0.56	NA	0.05	0.61	NA	XXX
92609		A	Use of speech device service	0.00	1.61	NA	0.04	1.65	NA	XXX
92610		A	Evaluate swallowing function	0.00	2.97	NA	0.08	3.05	NA	XXX
92611		A	Motion fluoroscopy/swallow	0.00	3.09	NA	0.08	3.17	NA	XXX
92612		A	Endoscopy swallow tst (fees)	1.27	2.74	0.63	0.04	4.06	1.95	XXX
92613		A	Endoscopy swallow tst (fees)	0.71	0.38	0.38	0.05	1.14	1.14	XXX
92614		A	Laryngoscopic sensory test	1.27	2.47	0.63	0.04	3.78	1.95	XXX
92615		A	Eval laryngoscopy sense tst	0.63	0.34	0.34	0.05	1.02	1.02	XXX
92616		A	Fees w/laryngeal sense test	1.88	3.31	0.95	0.06	5.26	2.90	XXX
92617		A	Interprt fees/laryngeal test	0.79	0.42	0.42	0.05	1.26	1.26	XXX
92620		A	Auditory function, 60 min	0.00	1.18	NA	0.06	1.24	NA	XXX
92621		A	Auditory function, + 15 min	0.00	0.26	NA	0.06	0.32	NA	ZZZ
92625		A	Tinnitus assessment	0.00	1.16	NA	0.06	1.22	NA	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	3.97	0.95	0.28	8.04	5.03	000
92953		A	Temporary external pacing	0.23	NA	0.07	0.02	NA	0.32	000
92960		A	Cardioversion electric, ext	2.25	6.22	1.26	0.07	8.55	3.58	000
92961		A	Cardioversion, electric, int	4.60	NA	2.19	0.29	NA	7.08	000
92970		A	Cardioassist, internal	3.52	NA	1.06	0.16	NA	4.74	000
92971		A	Cardioassist, external	1.77	NA	0.91	0.06	NA	2.74	000
92973		A	Percut coronary thrombectomy	3.29	NA	1.35	0.23	NA	4.86	ZZZ
92974		A	Cath place, cardio brachytx	3.01	NA	1.24	0.21	NA	4.45	ZZZ
92975		A	Dissolve clot, heart vessel	7.25	NA	2.94	0.50	NA	10.69	000
92977		A	Dissolve clot, heart vessel	0.00	6.62	NA	0.46	7.08	NA	XXX
92978		A	Intravasc us, heart add-on	1.80	NA	NA	0.30	NA	NA	ZZZ
92978	26	A	Intravasc us, heart add-on	1.80	0.74	0.74	0.06	2.61	2.61	ZZZ
92978	TC	A	Intravasc us, heart add-on	0.00	NA	NA	0.24	NA	NA	ZZZ
92979		A	Intravasc us, heart add-on	1.44	NA	NA	0.19	NA	NA	ZZZ
92979	26	A	Intravasc us, heart add-on	1.44	0.59	0.59	0.06	2.09	2.09	ZZZ
92979	TC	A	Intravasc us, heart add-on	0.00	NA	NA	0.13	NA	NA	ZZZ
92980		A	Insert intracoronary stent	14.85	NA	6.36	1.03	NA	22.24	000
92981		A	Insert intracoronary stent	4.17	NA	1.71	0.29	NA	6.17	ZZZ
92982		A	Coronary artery dilation	10.98	NA	4.77	0.76	NA	16.52	000
92984		A	Coronary artery dilation	2.98	NA	1.21	0.21	NA	4.40	ZZZ
92986		A	Revision of aortic valve	21.81	NA	12.62	1.51	NA	35.94	090
92987		A	Revision of mitral valve	22.72	NA	13.01	1.59	NA	37.32	090
92990		A	Revision of pulmonary valve	17.34	NA	10.33	1.20	NA	28.87	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	5.22	0.84	NA	18.16	000
92996		A	Coronary atherectomy add-on	3.27	NA	1.33	0.10	NA	4.70	ZZZ
92997		A	Pul art balloon repr, percut	12.00	NA	5.04	0.40	NA	17.44	000
92998		A	Pul art balloon repr, percut	6.00	NA	2.24	0.28	NA	8.53	ZZZ
93000		A	Electrocardiogram, complete	0.17	0.47	NA	0.03	0.67	NA	XXX
93005		A	Electrocardiogram, tracing	0.00	0.41	NA	0.02	0.43	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	4.81	NA	0.18	4.99	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	2.11	NA	0.14	3.00	NA	XXX
93016		A	Cardiovascular stress test	0.45	0.18	0.18	0.02	0.65	0.65	XXX
93017		A	Cardiovascular stress test	0.00	1.82	NA	0.11	1.93	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	1.93	NA	0.12	3.22	NA	XXX
93024	26	A	Cardiac drug stress test	1.17	0.47	0.47	0.04	1.68	1.68	XXX
93024	TC	A	Cardiac drug stress test	0.00	1.46	NA	0.08	1.54	NA	XXX
93025		A	Microvolt t-wave assess	0.75	7.06	NA	0.14	7.95	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
93025	26	A	Microvolt t-wave assess	0.75	0.30	0.30	0.03	1.08	1.08	XXX
93025	TC	A	Microvolt t-wave assess	0.00	6.76	NA	0.11	6.87	NA	XXX
93040		A	Rhythm ECG with report	0.16	0.21	NA	0.02	0.39	NA	XXX
93041		A	Rhythm ECG, tracing	0.00	0.16	NA	0.01	0.17	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	3.30	NA	0.24	4.07	NA	XXX
93225		A	ECG monitor/record, 24 hrs	0.00	1.20	NA	0.08	1.28	NA	XXX
93226		A	ECG monitor/report, 24 hrs	0.00	1.90	NA	0.14	2.04	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	3.42	NA	0.26	4.20	NA	XXX
93231		A	Ecg monitor/record, 24 hrs	0.00	1.38	NA	0.11	1.49	NA	XXX
93232		A	ECG monitor/report, 24 hrs	0.00	1.85	NA	0.13	1.98	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	2.79	NA	0.16	3.40	NA	XXX
93236		A	ECG monitor/report, 24 hrs	0.00	2.63	NA	0.14	2.77	NA	XXX
93237		A	ECG monitor/review, 24 hrs	0.45	0.17	0.17	0.02	0.64	0.64	XXX
93268		A	ECG record/review	0.52	5.84	NA	0.28	6.65	NA	XXX
93270		A	ECG recording	0.00	1.04	NA	0.08	1.12	NA	XXX
93271		A	Ecg/monitoring and analysis	0.00	4.60	NA	0.18	4.78	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	1.10	NA	0.12	1.47	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	1.00	NA	0.11	1.11	NA	XXX
93303		A	Echo transthoracic	1.30	4.74	NA	0.27	6.32	NA	XXX
93303	26	A	Echo transthoracic	1.30	0.50	0.50	0.04	1.84	1.84	XXX
93303	TC	A	Echo transthoracic	0.00	4.25	NA	0.23	4.48	NA	XXX
93304		A	Echo transthoracic	0.75	2.71	NA	0.15	3.61	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	2.42	NA	0.13	2.55	NA	XXX
93307		A	Echo exam of heart	0.92	4.30	NA	0.26	5.48	NA	XXX
93307	26	A	Echo exam of heart	0.92	0.36	0.36	0.03	1.32	1.32	XXX
93307	TC	A	Echo exam of heart	0.00	3.94	NA	0.23	4.17	NA	XXX
93308		A	Echo exam of heart	0.53	2.39	NA	0.15	3.08	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	2.19	NA	0.13	2.32	NA	XXX
93312		A	Echo transesophageal	2.20	5.88	NA	0.37	8.45	NA	XXX
93312	26	A	Echo transesophageal	2.20	0.82	0.82	0.08	3.10	3.10	XXX
93312	TC	A	Echo transesophageal	0.00	5.06	NA	0.29	5.35	NA	XXX
93313		A	Echo transesophageal	0.95	0.00	0.21	0.06	1.01	1.22	XXX
93314		A	Echo transesophageal	1.25	5.32	NA	0.33	6.91	NA	XXX
93314	26	A	Echo transesophageal	1.25	0.49	0.49	0.04	1.78	1.78	XXX
93314	TC	A	Echo transesophageal	0.00	4.84	NA	0.29	5.13	NA	XXX
93315		C	Echo transesophageal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93315	26	A	Echo transesophageal	2.79	1.04	1.04	0.09	3.92	3.92	XXX
93315	TC	C	Echo transesophageal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93316		A	Echo transesophageal	0.95	NA	0.24	0.05	NA	1.24	XXX
93317		C	Echo transesophageal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93317	26	A	Echo transesophageal	1.83	0.69	0.69	0.08	2.60	2.60	XXX
93317	TC	C	Echo transesophageal	0.00	0.00	0.00	0.00	0.00	0.00	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	0.47	0.47	0.14	2.82	2.82	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	1.92	NA	0.13	2.43	NA	ZZZ
93320	26	A	Doppler echo exam, heart	0.38	0.16	0.16	0.01	0.55	0.55	ZZZ
93320	TC	A	Doppler echo exam, heart	0.00	1.76	NA	0.12	1.88	NA	ZZZ
93321		A	Doppler echo exam, heart	0.15	1.07	NA	0.09	1.31	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	1.01	NA	0.08	1.09	NA	ZZZ
93325		A	Doppler color flow add-on	0.07	2.41	NA	0.22	2.70	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	2.38	NA	0.21	2.59	NA	ZZZ
93350		A	Echo transthoracic	1.48	3.36	NA	0.18	5.02	NA	XXX
93350	26	A	Echo transthoracic	1.48	0.59	0.59	0.05	2.12	2.12	XXX
93350	TC	A	Echo transthoracic	0.00	2.77	NA	0.13	2.90	NA	XXX
93501		A	Right heart catheterization	3.03	21.04	NA	1.26	25.33	NA	000
93501	26	A	Right heart catheterization	3.03	1.19	1.19	0.21	4.43	4.43	000
93501	TC	A	Right heart catheterization	0.00	19.84	NA	1.05	20.89	NA	000
93503		A	Insert/place heart catheter	2.92	NA	0.67	0.20	NA	3.79	000
93505		A	Biopsy of heart lining	4.38	10.54	NA	0.46	15.38	NA	000
93505	26	A	Biopsy of heart lining	4.38	1.75	1.75	0.30	6.42	6.42	000
93505	TC	A	Biopsy of heart lining	0.00	8.79	NA	0.16	8.95	NA	000
93508		A	Cath placement, angiography	4.10	15.76	NA	0.93	20.78	NA	000
93508	26	A	Cath placement, angiography	4.10	2.23	2.23	0.28	6.61	6.61	000
93508	TC	A	Cath placement, angiography	0.00	13.52	NA	0.65	14.17	NA	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
93510		A	Left heart catheterization	4.33	35.48	NA	2.61	42.42	NA	000
93510	26	A	Left heart catheterization	4.33	2.34	2.34	0.30	6.97	6.97	000
93510	TC	A	Left heart catheterization	0.00	33.14	NA	2.31	35.45	NA	000
93511		A	Left heart catheterization	5.03	NA	NA	2.59	NA	NA	000
93511	26	A	Left heart catheterization	5.03	2.62	2.62	0.35	8.00	8.00	000
93511	TC	A	Left heart catheterization	0.00	NA	NA	2.24	NA	NA	000
93514		A	Left heart catheterization	7.05	NA	NA	2.74	NA	NA	000
93514	26	A	Left heart catheterization	7.05	3.31	3.31	0.49	10.85	10.85	000
93514	TC	A	Left heart catheterization	0.00	NA	NA	2.24	NA	NA	000
93524		A	Left heart catheterization	6.95	NA	NA	3.43	NA	NA	000
93524	26	A	Left heart catheterization	6.95	3.38	3.38	0.48	10.81	10.81	000
93524	TC	A	Left heart catheterization	0.00	NA	NA	2.95	NA	NA	000
93526		A	Rt & Lt heart catheters	5.99	49.26	NA	3.46	58.71	NA	000
93526	26	A	Rt & Lt heart catheters	5.99	3.00	3.00	0.42	9.42	9.42	000
93526	TC	A	Rt & Lt heart catheters	0.00	46.25	NA	3.04	49.29	NA	000
93527		A	Rt & Lt heart catheters	7.28	NA	NA	3.46	NA	NA	000
93527	26	A	Rt & Lt heart catheters	7.28	3.52	3.52	0.51	11.32	11.32	000
93527	TC	A	Rt & Lt heart catheters	0.00	NA	NA	2.95	NA	NA	000
93528		A	Rt & Lt heart catheters	9.01	NA	NA	3.57	NA	NA	000
93528	26	A	Rt & Lt heart catheters	9.01	4.30	4.30	0.62	13.93	13.93	000
93528	TC	A	Rt & Lt heart catheters	0.00	NA	NA	2.95	NA	NA	000
93529		A	Rt, lt heart catheterization	4.80	NA	NA	3.28	NA	NA	000
93529	26	A	Rt, lt heart catheterization	4.80	2.42	2.42	0.33	7.55	7.55	000
93529	TC	A	Rt, lt heart catheterization	0.00	NA	NA	2.95	NA	NA	000
93530		A	Rt heart cath, congenital	4.23	NA	NA	1.34	NA	NA	000
93530	26	A	Rt heart cath, congenital	4.23	2.02	2.02	0.29	6.54	6.54	000
93530	TC	A	Rt heart cath, congenital	0.00	NA	NA	1.05	NA	NA	000
93531		A	R & l heart cath, congenital	8.36	NA	NA	3.62	NA	NA	000
93531	26	A	R & l heart cath, congenital	8.36	3.74	3.74	0.58	12.68	12.68	000
93531	TC	A	R & l heart cath, congenital	0.00	NA	NA	3.04	NA	NA	000
93532		A	R & l heart cath, congenital	10.01	NA	NA	3.64	NA	NA	000
93532	26	A	R & l heart cath, congenital	10.01	4.44	4.44	0.69	15.14	15.14	000
93532	TC	A	R & l heart cath, congenital	0.00	NA	NA	2.95	NA	NA	000
93533		A	R & l heart cath, congenital	6.70	NA	NA	3.42	NA	NA	000
93533	26	A	R & l heart cath, congenital	6.70	2.87	2.87	0.47	10.04	10.04	000
93533	TC	A	R & l heart cath, congenital	0.00	NA	NA	2.95	NA	NA	000
93539		A	Injection, cardiac cath	0.40	NA	0.17	0.01	NA	0.58	000
93540		A	Injection, cardiac cath	0.43	NA	0.18	0.01	NA	0.62	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	NA	0.12	0.01	NA	0.42	000
93544		A	Injection for aortography	0.25	NA	0.10	0.01	NA	0.36	000
93545		A	Inject for coronary x-rays	0.40	NA	0.17	0.01	NA	0.58	000
93555		A	Imaging, cardiac cath	0.81	5.12	NA	0.37	6.30	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	4.79	NA	0.34	5.13	NA	XXX
93556		A	Imaging, cardiac cath	0.83	7.95	NA	0.54	9.32	NA	XXX
93556	26	A	Imaging, cardiac cath	0.83	0.34	0.34	0.03	1.20	1.20	XXX
93556	TC	A	Imaging, cardiac cath	0.00	7.61	NA	0.51	8.12	NA	XXX
93561		A	Cardiac output measurement	0.50	NA	NA	0.08	NA	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	NA	NA	0.06	NA	NA	000
93562		A	Cardiac output measurement	0.16	NA	NA	0.05	NA	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	NA	NA	0.04	NA	NA	000
93571		A	Heart flow reserve measure	1.80	NA	NA	0.30	NA	NA	ZZZ
93571	26	A	Heart flow reserve measure	1.80	0.70	0.70	0.06	2.57	2.57	ZZZ
93571	TC	A	Heart flow reserve measure	0.00	NA	NA	0.24	NA	NA	ZZZ
93572		A	Heart flow reserve measure	1.44	NA	NA	0.17	NA	NA	ZZZ
93572	26	A	Heart flow reserve measure	1.44	0.50	0.50	0.04	1.98	1.98	ZZZ
93572	TC	A	Heart flow reserve measure	0.00	NA	NA	0.13	NA	NA	ZZZ
93580		A	Transcath closure of asd	18.01	NA	7.75	1.25	NA	27.00	000
93581		A	Transcath closure of vsd	24.44	NA	9.69	1.71	NA	35.84	000
93600		A	Bundle of His recording	2.12	NA	NA	0.29	NA	NA	000
93600	26	A	Bundle of His recording	2.12	0.87	0.87	0.16	3.15	3.15	000
93600	TC	A	Bundle of His recording	0.00	NA	NA	0.13	NA	NA	000
93602		A	Intra-atrial recording	2.12	NA	NA	0.24	NA	NA	000
93602	26	A	Intra-atrial recording	2.12	0.86	0.86	0.17	3.15	3.15	000
93602	TC	A	Intra-atrial recording	0.00	NA	NA	0.07	NA	NA	000
93603		A	Right ventricular recording	2.12	NA	NA	0.29	NA	NA	000
93603	26	A	Right ventricular recording	2.12	0.84	0.84	0.18	3.15	3.15	000
93603	TC	A	Right ventricular recording	0.00	NA	NA	0.11	NA	NA	000
93609		A	Map tachycardia, add-on	5.00	NA	NA	0.52	NA	NA	ZZZ
93609	26	A	Map tachycardia, add-on	5.00	2.03	2.03	0.35	7.38	7.38	ZZZ

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
93609	TC	A	Map tachycardia, add-on	0.00	NA	NA	0.17	NA	NA	ZZZ
93610		A	Intra-atrial pacing	3.03	NA	NA	0.34	NA	NA	000
93610	26	A	Intra-atrial pacing	3.03	1.21	1.21	0.24	4.47	4.47	000
93610	TC	A	Intra-atrial pacing	0.00	NA	NA	0.10	NA	NA	000
93612		A	Intraventricular pacing	3.03	NA	NA	0.36	NA	NA	000
93612	26	A	Intraventricular pacing	3.03	1.20	1.20	0.25	4.48	4.48	000
93612	TC	A	Intraventricular pacing	0.00	NA	NA	0.11	NA	NA	000
93613		A	Electrophys map 3d, add-on	7.00	NA	2.90	0.49	NA	10.39	ZZZ
93615		A	Esophageal recording	0.99	NA	NA	0.05	NA	NA	000
93615	26	A	Esophageal recording	0.99	0.27	0.27	0.03	1.30	1.30	000
93615	TC	A	Esophageal recording	0.00	NA	NA	0.02	NA	NA	000
93616		A	Esophageal recording	1.49	NA	NA	0.11	NA	NA	000
93616	26	A	Esophageal recording	1.49	0.44	0.44	0.09	2.02	2.02	000
93616	TC	A	Esophageal recording	0.00	NA	NA	0.02	NA	NA	000
93618		A	Heart rhythm pacing	4.26	NA	NA	0.54	NA	NA	000
93618	26	A	Heart rhythm pacing	4.26	1.75	1.75	0.30	6.30	6.30	000
93618	TC	A	Heart rhythm pacing	0.00	NA	NA	0.24	NA	NA	000
93619		A	Electrophysiology evaluation	7.32	NA	NA	0.98	NA	NA	000
93619	26	A	Electrophysiology evaluation	7.32	3.37	3.37	0.51	11.21	11.21	000
93619	TC	A	Electrophysiology evaluation	0.00	NA	NA	0.47	NA	NA	000
93620		C	Electrophysiology evaluation	0.00	0.00	0.00	0.00	0.00	0.00	000
93620	26	A	Electrophysiology evaluation	11.59	5.11	5.11	0.80	17.50	17.50	000
93620	TC	C	Electrophysiology evaluation	0.00	0.00	0.00	0.00	0.00	0.00	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	0.86	0.86	0.15	3.11	3.11	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	3.11	1.26	1.26	0.22	4.59	4.59	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	2.86	1.16	1.16	0.20	4.21	4.21	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	NA	NA	0.46	NA	NA	000
93624	26	A	Electrophysiologic study	4.81	2.33	2.33	0.33	7.47	7.47	000
93624	TC	A	Electrophysiologic study	0.00	NA	NA	0.13	NA	NA	000
93631		A	Heart pacing, mapping	7.61	NA	NA	1.60	NA	NA	000
93631	26	A	Heart pacing, mapping	7.61	2.83	2.83	0.97	11.41	11.41	000
93631	TC	A	Heart pacing, mapping	0.00	NA	NA	0.62	NA	NA	000
93640		A	Evaluation heart device	3.52	NA	NA	0.66	NA	NA	000
93640	26	A	Evaluation heart device	3.52	1.42	1.42	0.24	5.18	5.18	000
93640	TC	A	Evaluation heart device	0.00	NA	NA	0.42	NA	NA	000
93641		A	Electrophysiology evaluation	5.93	NA	NA	0.83	NA	NA	000
93641	26	A	Electrophysiology evaluation	5.93	2.41	2.41	0.41	8.75	8.75	000
93641	TC	A	Electrophysiology evaluation	0.00	NA	NA	0.42	NA	NA	000
93642		A	Electrophysiology evaluation	4.89	8.17	NA	0.57	13.63	NA	000
93642	26	A	Electrophysiology evaluation	4.89	2.35	2.35	0.15	7.39	7.39	000
93642	TC	A	Electrophysiology evaluation	0.00	5.81	NA	0.42	6.23	NA	000
93650		A	Ablate heart dysrhythm focus	10.51	NA	4.68	0.73	NA	15.92	000
93651		A	Ablate heart dysrhythm focus	16.26	NA	6.61	1.13	NA	24.00	000
93652		A	Ablate heart dysrhythm focus	17.69	NA	7.17	1.23	NA	26.08	000
93660		A	Tilt table evaluation	1.89	2.58	NA	0.08	4.55	NA	000
93660	26	A	Tilt table evaluation	1.89	0.77	0.77	0.06	2.73	2.73	000
93660	TC	A	Tilt table evaluation	0.00	1.81	NA	0.02	1.83	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)	2.81	1.16	1.16	0.09	4.06	4.06	ZZZ
93662	TC	C	Intracardiac ecg (ice)	0.00	0.00	0.00	0.00	0.00	0.00	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	0.94	NA	0.02	1.13	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	0.87	NA	0.01	0.88	NA	XXX
93720		A	Total body plethysmography	0.17	0.92	NA	0.07	1.16	NA	XXX
93721		A	Plethysmography tracing	0.00	0.87	NA	0.06	0.93	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	5.22	NA	0.39	10.50	NA	000
93724	26	A	Analyze pacemaker system	4.89	2.00	2.00	0.15	7.04	7.04	000
93724	TC	A	Analyze pacemaker system	0.00	3.22	NA	0.24	3.46	NA	000
93727		A	Analyze ilr system	0.52	0.37	0.20	0.02	0.91	0.74	XXX
93731		A	Analyze pacemaker system	0.45	0.74	NA	0.05	1.24	NA	XXX
93731	26	A	Analyze pacemaker system	0.45	0.18	0.18	0.01	0.64	0.64	XXX
93731	TC	A	Analyze pacemaker system	0.00	0.56	NA	0.04	0.60	NA	XXX
93732		A	Analyze pacemaker system	0.92	0.98	NA	0.07	1.97	NA	XXX
93732	26	A	Analyze pacemaker system	0.92	0.37	0.37	0.03	1.32	1.32	XXX
93732	TC	A	Analyze pacemaker system	0.00	0.62	NA	0.04	0.66	NA	XXX
93733		A	Telephone analy, pacemaker	0.17	0.69	NA	0.07	0.93	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
93733	26	A	Telephone analy, pacemaker	0.17	0.07	0.07	0.01	0.25	0.25	XXX
93733	TC	A	Telephone analy, pacemaker	0.00	0.62	NA	0.06	0.68	NA	XXX
93734		A	Analyze pacemaker system	0.38	0.59	NA	0.03	1.00	NA	XXX
93734	26	A	Analyze pacemaker system	0.38	0.16	0.16	0.01	0.55	0.55	XXX
93734	TC	A	Analyze pacemaker system	0.00	0.43	NA	0.02	0.45	NA	XXX
93735		A	Analyze pacemaker system	0.74	0.82	NA	0.06	1.62	NA	XXX
93735	26	A	Analyze pacemaker system	0.74	0.29	0.29	0.02	1.05	1.05	XXX
93735	TC	A	Analyze pacemaker system	0.00	0.53	NA	0.04	0.57	NA	XXX
93736		A	Telephonic analy, pacemaker	0.15	0.60	NA	0.07	0.82	NA	XXX
93736	26	A	Telephonic analy, pacemaker	0.15	0.06	0.06	0.01	0.22	0.22	XXX
93736	TC	A	Telephonic analy, pacemaker	0.00	0.54	NA	0.06	0.60	NA	XXX
93740		B	Temperature gradient studies	0.16	0.16	NA	0.02	0.34	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	0.12	NA	0.01	0.13	NA	XXX
93741		A	Analyze ht pace device sngl	0.80	1.04	NA	0.07	1.91	NA	XXX
93741	26	A	Analyze ht pace device sngl	0.80	0.32	0.32	0.03	1.15	1.15	XXX
93741	TC	A	Analyze ht pace device sngl	0.00	0.72	NA	0.04	0.76	NA	XXX
93742		A	Analyze ht pace device sngl	0.91	1.11	NA	0.07	2.09	NA	XXX
93742	26	A	Analyze ht pace device sngl	0.91	0.38	0.38	0.03	1.32	1.32	XXX
93742	TC	A	Analyze ht pace device sngl	0.00	0.73	NA	0.04	0.77	NA	XXX
93743		A	Analyze ht pace device dual	1.03	1.20	NA	0.07	2.30	NA	XXX
93743	26	A	Analyze ht pace device dual	1.03	0.42	0.42	0.03	1.48	1.48	XXX
93743	TC	A	Analyze ht pace device dual	0.00	0.78	NA	0.04	0.82	NA	XXX
93744		A	Analyze ht pace device dual	1.18	1.23	NA	0.08	2.50	NA	XXX
93744	26	A	Analyze ht pace device dual	1.18	0.48	0.48	0.04	1.70	1.70	XXX
93744	TC	A	Analyze ht pace device dual	0.00	0.75	NA	0.04	0.79	NA	XXX
93745		C	Set-up cardiovert-defibrill	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93745	26	C	Set-up cardiovert-defibrill	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93745	TC	C	Set-up cardiovert-defibrill	0.00	0.00	0.00	0.00	0.00	0.00	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	0.07	NA	0.02	0.25	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	0.02	NA	0.01	0.03	NA	XXX
93784		A	Ambulatory BP monitoring	0.38	1.66	NA	0.03	2.07	NA	XXX
93786		A	Ambulatory BP recording	0.00	0.99	NA	0.01	1.00	NA	XXX
93788		A	Ambulatory BP analysis	0.00	0.55	NA	0.01	0.56	NA	XXX
93790		A	Review/report BP recording	0.38	0.13	0.13	0.01	0.52	0.52	XXX
93797		A	Cardiac rehab	0.18	0.34	0.07	0.01	0.53	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	2.40	NA	0.12	2.75	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	2.32	NA	0.11	2.43	NA	XXX
93880		A	Extracranial study	0.60	5.78	NA	0.39	6.78	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	5.58	NA	0.35	5.93	NA	XXX
93882		A	Extracranial study	0.40	3.57	NA	0.26	4.23	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	3.43	NA	0.22	3.65	NA	XXX
93886		A	Intracranial study	0.94	6.78	NA	0.45	8.17	NA	XXX
93886	26	A	Intracranial study	0.94	0.36	0.36	0.06	1.37	1.37	XXX
93886	TC	A	Intracranial study	0.00	6.42	NA	0.39	6.81	NA	XXX
93888		A	Intracranial study	0.62	4.33	NA	0.32	5.27	NA	XXX
93888	26	A	Intracranial study	0.62	0.23	0.23	0.05	0.90	0.90	XXX
93888	TC	A	Intracranial study	0.00	4.11	NA	0.27	4.38	NA	XXX
93890		A	Tcd, vasoreactivity study	1.00	5.09	NA	0.45	6.54	NA	XXX
93890	26	A	Tcd, vasoreactivity study	1.00	0.39	0.39	0.06	1.45	1.45	XXX
93890	TC	A	Tcd, vasoreactivity study	0.00	4.70	NA	0.39	5.09	NA	XXX
93892		A	Tcd, emboli detect w/o inj	1.15	5.40	NA	0.45	7.00	NA	XXX
93892	26	A	Tcd, emboli detect w/o inj	1.15	0.45	0.45	0.06	1.66	1.66	XXX
93892	TC	A	Tcd, emboli detect w/o inj	0.00	4.95	NA	0.39	5.34	NA	XXX
93893		A	Tcd, emboli detect w/inj	1.15	5.23	NA	0.45	6.83	NA	XXX
93893	26	A	Tcd, emboli detect w/inj	1.15	0.45	0.45	0.06	1.66	1.66	XXX
93893	TC	A	Tcd, emboli detect w/inj	0.00	4.78	NA	0.39	5.17	NA	XXX
93922		A	Extremity study	0.25	2.74	NA	0.15	3.14	NA	XXX
93922	26	A	Extremity study	0.25	0.08	0.08	0.02	0.35	0.35	XXX
93922	TC	A	Extremity study	0.00	2.65	NA	0.13	2.78	NA	XXX
93923		A	Extremity study	0.45	4.15	NA	0.26	4.86	NA	XXX
93923	26	A	Extremity study	0.45	0.15	0.15	0.04	0.64	0.64	XXX
93923	TC	A	Extremity study	0.00	4.00	NA	0.22	4.22	NA	XXX
93924		A	Extremity study	0.50	5.02	NA	0.30	5.82	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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	4.85	NA	0.25	5.10	NA	XXX
93925		A	Lower extremity study	0.58	7.09	NA	0.39	8.06	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	6.89	NA	0.35	7.24	NA	XXX
93926		A	Lower extremity study	0.39	4.21	NA	0.27	4.87	NA	XXX
93926	26	A	Lower extremity study	0.39	0.13	0.13	0.04	0.56	0.56	XXX
93926	TC	A	Lower extremity study	0.00	4.08	NA	0.23	4.31	NA	XXX
93930		A	Upper extremity study	0.46	5.52	NA	0.41	6.39	NA	XXX
93930	26	A	Upper extremity study	0.46	0.16	0.16	0.04	0.66	0.66	XXX
93930	TC	A	Upper extremity study	0.00	5.35	NA	0.37	5.72	NA	XXX
93931		A	Upper extremity study	0.31	3.65	NA	0.27	4.24	NA	XXX
93931	26	A	Upper extremity study	0.31	0.10	0.10	0.03	0.44	0.44	XXX
93931	TC	A	Upper extremity study	0.00	3.55	NA	0.24	3.79	NA	XXX
93965		A	Extremity study	0.35	2.85	NA	0.14	3.34	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	2.73	NA	0.12	2.85	NA	XXX
93970		A	Extremity study	0.68	5.46	NA	0.46	6.60	NA	XXX
93970	26	A	Extremity study	0.68	0.23	0.23	0.06	0.97	0.97	XXX
93970	TC	A	Extremity study	0.00	5.22	NA	0.40	5.62	NA	XXX
93971		A	Extremity study	0.45	3.69	NA	0.30	4.44	NA	XXX
93971	26	A	Extremity study	0.45	0.16	0.16	0.03	0.64	0.64	XXX
93971	TC	A	Extremity study	0.00	3.53	NA	0.27	3.80	NA	XXX
93975		A	Vascular study	1.80	8.00	NA	0.56	10.36	NA	XXX
93975	26	A	Vascular study	1.80	0.62	0.62	0.13	2.55	2.55	XXX
93975	TC	A	Vascular study	0.00	7.38	NA	0.43	7.81	NA	XXX
93976		A	Vascular study	1.21	4.46	NA	0.35	6.02	NA	XXX
93976	26	A	Vascular study	1.21	0.42	0.42	0.05	1.68	1.68	XXX
93976	TC	A	Vascular study	0.00	4.04	NA	0.30	4.34	NA	XXX
93978		A	Vascular study	0.65	4.79	NA	0.43	5.88	NA	XXX
93978	26	A	Vascular study	0.65	0.22	0.22	0.06	0.93	0.93	XXX
93978	TC	A	Vascular study	0.00	4.57	NA	0.37	4.94	NA	XXX
93979		A	Vascular study	0.44	3.39	NA	0.27	4.10	NA	XXX
93979	26	A	Vascular study	0.44	0.15	0.15	0.03	0.62	0.62	XXX
93979	TC	A	Vascular study	0.00	3.24	NA	0.24	3.48	NA	XXX
93980		A	Penile vascular study	1.25	3.13	NA	0.42	4.80	NA	XXX
93980	26	A	Penile vascular study	1.25	0.44	0.44	0.08	1.78	1.78	XXX
93980	TC	A	Penile vascular study	0.00	2.69	NA	0.34	3.03	NA	XXX
93981		A	Penile vascular study	0.44	2.85	NA	0.33	3.62	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	2.71	NA	0.31	3.02	NA	XXX
93990		A	Doppler flow testing	0.25	4.13	NA	0.26	4.64	NA	XXX
93990	26	A	Doppler flow testing	0.25	0.09	0.09	0.03	0.37	0.37	XXX
93990	TC	A	Doppler flow testing	0.00	4.03	NA	0.23	4.26	NA	XXX
94010		A	Breathing capacity test	0.17	0.67	NA	0.03	0.87	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	0.62	NA	0.02	0.64	NA	XXX
94014		A	Patient recorded spirometry	0.52	0.77	NA	0.03	1.32	NA	XXX
94015		A	Patient recorded spirometry	0.00	0.60	NA	0.01	0.61	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	1.08	NA	0.07	1.46	NA	XXX
94060	26	A	Evaluation of wheezing	0.31	0.09	0.09	0.01	0.41	0.41	XXX
94060	TC	A	Evaluation of wheezing	0.00	0.99	NA	0.06	1.05	NA	XXX
94070		A	Evaluation of wheezing	0.60	0.83	NA	0.13	1.57	NA	XXX
94070	26	A	Evaluation of wheezing	0.60	0.18	0.18	0.03	0.81	0.81	XXX
94070	TC	A	Evaluation of wheezing	0.00	0.66	NA	0.10	0.76	NA	XXX
94150		B	Vital capacity test	0.07	0.47	NA	0.02	0.56	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	0.44	NA	0.01	0.45	NA	XXX
94200		A	Lung function test (MBC/MVV)	0.11	0.44	NA	0.03	0.58	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	0.41	NA	0.02	0.43	NA	XXX
94240		A	Residual lung capacity	0.26	0.66	NA	0.06	0.98	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	0.58	NA	0.05	0.63	NA	XXX
94250		A	Expired gas collection	0.11	0.61	NA	0.02	0.74	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	0.58	NA	0.01	0.59	NA	XXX
94260		A	Thoracic gas volume	0.13	0.58	NA	0.05	0.76	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	0.54	NA	0.04	0.58	NA	XXX
94350		A	Lung nitrogen washout curve	0.26	0.72	NA	0.05	1.03	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	0.64	NA	0.04	0.68	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
94360		A	Measure airflow resistance	0.26	0.71	NA	0.07	1.04	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	0.63	NA	0.06	0.69	NA	XXX
94370		A	Breath airway closing volume	0.26	0.69	NA	0.03	0.98	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	0.61	NA	0.02	0.63	NA	XXX
94375		A	Respiratory flow volume loop	0.31	0.60	NA	0.03	0.94	NA	XXX
94375	26	A	Respiratory flow volume loop	0.31	0.09	0.09	0.01	0.41	0.41	XXX
94375	TC	A	Respiratory flow volume loop	0.00	0.51	NA	0.02	0.53	NA	XXX
94400		A	CO2 breathing response curve	0.40	0.86	NA	0.09	1.35	NA	XXX
94400	26	A	CO2 breathing response curve	0.40	0.12	0.12	0.03	0.55	0.55	XXX
94400	TC	A	CO2 breathing response curve	0.00	0.74	NA	0.06	0.80	NA	XXX
94450		A	Hypoxia response curve	0.40	0.86	NA	0.04	1.30	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	0.74	NA	0.02	0.76	NA	XXX
94452		A	Hast w/report	0.31	1.00	NA	0.04	1.35	NA	XXX
94452	26	A	Hast w/report	0.31	0.09	0.09	0.02	0.42	0.42	XXX
94452	TC	A	Hast w/report	0.00	0.92	NA	0.02	0.94	NA	XXX
94453		A	Hast w/oxygen titrate	0.40	1.47	NA	0.04	1.91	NA	XXX
94453	26	A	Hast w/oxygen titrate	0.40	0.12	0.12	0.02	0.54	0.54	XXX
94453	TC	A	Hast w/oxygen titrate	0.00	1.36	NA	0.02	1.38	NA	XXX
94620		A	Pulmonary stress test/simple	0.64	2.17	NA	0.13	2.94	NA	XXX
94620	26	A	Pulmonary stress test/simple	0.64	0.20	0.20	0.03	0.87	0.87	XXX
94620	TC	A	Pulmonary stress test/simple	0.00	1.98	NA	0.10	2.08	NA	XXX
94621		A	Pulm stress test/complex	1.42	2.21	NA	0.16	3.79	NA	XXX
94621	26	A	Pulm stress test/complex	1.42	0.43	0.43	0.06	1.91	1.91	XXX
94621	TC	A	Pulm stress test/complex	0.00	1.78	NA	0.10	1.88	NA	XXX
94640		A	Airway inhalation treatment	0.00	0.30	NA	0.02	0.32	NA	XXX
94642		C	Aerosol inhalation treatment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94656		A	Initial ventilator mgmt	1.22	1.16	0.31	0.06	2.44	1.59	XXX
94657		A	Continued ventilator mgmt	0.83	0.98	0.24	0.04	1.85	1.11	XXX
94660		A	Pos airway pressure, CPAP	0.76	0.62	0.23	0.04	1.42	1.03	XXX
94662		A	Neg press ventilation, cnp	0.76	NA	0.23	0.03	NA	1.02	XXX
94664		A	Evaluate pt use of inhaler	0.00	0.31	NA	0.04	0.35	NA	XXX
94667		A	Chest wall manipulation	0.00	0.51	NA	0.05	0.56	NA	XXX
94668		A	Chest wall manipulation	0.00	0.44	NA	0.02	0.46	NA	XXX
94680		A	Exhaled air analysis, o2	0.26	1.70	NA	0.07	2.03	NA	XXX
94680	26	A	Exhaled air analysis, o2	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94680	TC	A	Exhaled air analysis, o2	0.00	1.62	NA	0.06	1.68	NA	XXX
94681		A	Exhaled air analysis, o2/co2	0.20	2.27	NA	0.13	2.60	NA	XXX
94681	26	A	Exhaled air analysis, o2/co2	0.20	0.06	0.06	0.01	0.27	0.27	XXX
94681	TC	A	Exhaled air analysis, o2/co2	0.00	2.21	NA	0.12	2.33	NA	XXX
94690		A	Exhaled air analysis	0.07	1.76	NA	0.05	1.88	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	1.74	NA	0.04	1.78	NA	XXX
94720		A	Monoxide diffusing capacity	0.26	0.98	NA	0.07	1.31	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	0.90	NA	0.06	0.96	NA	XXX
94725		A	Membrane diffusion capacity	0.26	2.55	NA	0.13	2.94	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	2.47	NA	0.12	2.59	NA	XXX
94750		A	Pulmonary compliance study	0.23	1.37	NA	0.05	1.65	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	1.30	NA	0.04	1.34	NA	XXX
94760		T	Measure blood oxygen level	0.00	0.04	NA	0.02	0.06	NA	XXX
94761		T	Measure blood oxygen level	0.00	0.07	NA	0.06	0.13	NA	XXX
94762		A	Measure blood oxygen level	0.00	0.52	NA	0.10	0.62	NA	XXX
94770		A	Exhaled carbon dioxide test	0.15	0.76	NA	0.08	0.99	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	0.72	NA	0.07	0.79	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	0.11	NA	0.01	0.12	NA	XXX
95010		A	Percut allergy titrate test	0.15	0.33	0.07	0.01	0.49	0.23	XXX
95015		A	Id allergy titrate-drug/bug	0.15	0.16	0.06	0.01	0.32	0.22	XXX
95024		A	Id allergy test, drug/bug	0.00	0.16	NA	0.01	0.17	NA	XXX
95027		A	Id allergy titrate-airborne	0.00	0.16	NA	0.01	0.17	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	0.19	NA	0.01	0.20	NA	XXX
95052		A	Photo patch test	0.00	0.23	NA	0.01	0.24	NA	XXX

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<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
95056		A	Photosensitivity tests	0.00	0.34	NA	0.01	0.35	NA	XXX
95060		A	Eye allergy tests	0.00	0.42	NA	0.02	0.44	NA	XXX
95065		A	Nose allergy test	0.00	0.31	NA	0.01	0.32	NA	XXX
95070		A	Bronchial allergy tests	0.00	1.91	NA	0.02	1.93	NA	XXX
95071		A	Bronchial allergy tests	0.00	2.50	NA	0.02	2.52	NA	XXX
95075		A	Ingestion challenge test	0.95	0.83	0.40	0.03	1.81	1.38	XXX
95078		A	Provocative testing	0.00	0.27	NA	0.02	0.29	NA	XXX
95115		A	Immunotherapy, one injection	0.00	0.35	NA	0.02	0.37	NA	000
95117		A	Immunotherapy injections	0.00	0.45	NA	0.02	0.47	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	0.21	0.02	0.01	0.28	0.09	000
95145		A	Antigen therapy services	0.06	0.33	0.02	0.01	0.40	0.09	000
95146		A	Antigen therapy services	0.06	0.48	0.03	0.01	0.55	0.10	000
95147		A	Antigen therapy services	0.06	0.46	0.02	0.01	0.53	0.09	000
95148		A	Antigen therapy services	0.06	0.65	0.03	0.01	0.72	0.10	000
95149		A	Antigen therapy services	0.06	0.89	0.03	0.01	0.96	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	0.15	0.03	0.01	0.22	0.10	000
95180		A	Rapid desensitization	2.01	2.07	0.97	0.04	4.13	3.03	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	3.91	NA	0.01	3.92	NA	XXX
95805		A	Multiple sleep latency test	1.88	15.27	NA	0.43	17.58	NA	XXX
95805	26	A	Multiple sleep latency test	1.88	0.64	0.64	0.09	2.62	2.62	XXX
95805	TC	A	Multiple sleep latency test	0.00	14.62	NA	0.34	14.96	NA	XXX
95806		A	Sleep study, unattended	1.66	3.31	NA	0.39	5.36	NA	XXX
95806	26	A	Sleep study, unattended	1.66	0.53	0.53	0.08	2.27	2.27	XXX
95806	TC	A	Sleep study, unattended	0.00	2.78	NA	0.31	3.09	NA	XXX
95807		A	Sleep study, attended	1.66	11.70	NA	0.50	13.86	NA	XXX
95807	26	A	Sleep study, attended	1.66	0.52	0.52	0.08	2.26	2.26	XXX
95807	TC	A	Sleep study, attended	0.00	11.18	NA	0.42	11.60	NA	XXX
95808		A	Polysomnography, 1-3	2.66	12.98	NA	0.55	16.18	NA	XXX
95808	26	A	Polysomnography, 1-3	2.66	0.90	0.90	0.13	3.68	3.68	XXX
95808	TC	A	Polysomnography, 1-3	0.00	12.08	NA	0.42	12.50	NA	XXX
95810		A	Polysomnography, 4 or more	3.53	17.14	NA	0.59	21.26	NA	XXX
95810	26	A	Polysomnography, 4 or more	3.53	1.15	1.15	0.17	4.85	4.85	XXX
95810	TC	A	Polysomnography, 4 or more	0.00	15.99	NA	0.42	16.41	NA	XXX
95811		A	Polysomnography w/cpap	3.80	18.83	NA	0.61	23.24	NA	XXX
95811	26	A	Polysomnography w/cpap	3.80	1.24	1.24	0.18	5.22	5.22	XXX
95811	TC	A	Polysomnography w/cpap	0.00	17.59	NA	0.43	18.02	NA	XXX
95812		A	Eeg, 41-60 minutes	1.08	3.85	NA	0.17	5.10	NA	XXX
95812	26	A	Eeg, 41-60 minutes	1.08	0.44	0.44	0.06	1.58	1.58	XXX
95812	TC	A	Eeg, 41-60 minutes	0.00	3.40	NA	0.11	3.51	NA	XXX
95813		A	Eeg, over 1 hour	1.73	4.77	NA	0.20	6.71	NA	XXX
95813	26	A	Eeg, over 1 hour	1.73	0.68	0.68	0.09	2.50	2.50	XXX
95813	TC	A	Eeg, over 1 hour	0.00	4.09	NA	0.11	4.20	NA	XXX
95816		A	Eeg, awake and drowsy	1.08	3.52	NA	0.16	4.77	NA	XXX
95816	26	A	Eeg, awake and drowsy	1.08	0.45	0.45	0.06	1.59	1.59	XXX
95816	TC	A	Eeg, awake and drowsy	0.00	3.08	NA	0.10	3.18	NA	XXX
95819		A	Eeg, awake and asleep	1.08	3.00	NA	0.16	4.24	NA	XXX
95819	26	A	Eeg, awake and asleep	1.08	0.45	0.45	0.06	1.59	1.59	XXX
95819	TC	A	Eeg, awake and asleep	0.00	2.55	NA	0.10	2.65	NA	XXX
95822		A	Eeg, coma or sleep only	1.08	4.29	NA	0.19	5.56	NA	XXX
95822	26	A	Eeg, coma or sleep only	1.08	0.45	0.45	0.06	1.59	1.59	XXX
95822	TC	A	Eeg, coma or sleep only	0.00	3.84	NA	0.13	3.97	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	0.30	0.30	0.04	1.08	1.08	XXX
95824	TC	C	Eeg, cerebral death only	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95827		A	Eeg, all night recording	1.08	5.15	NA	0.19	6.42	NA	XXX
95827	26	A	Eeg, all night recording	1.08	0.40	0.40	0.05	1.53	1.53	XXX
95827	TC	A	Eeg, all night recording	0.00	4.75	NA	0.14	4.89	NA	XXX
95829		A	Surgery electrocorticogram	6.21	28.77	NA	0.50	35.49	NA	XXX
95829	26	A	Surgery electrocorticogram	6.21	2.25	2.25	0.48	8.94	8.94	XXX
95829	TC	A	Surgery electrocorticogram	0.00	26.53	NA	0.02	26.55	NA	XXX
95830		A	Insert electrodes for EEG	1.70	3.14	0.71	0.11	4.95	2.52	XXX
95831		A	Limb muscle testing, manual	0.28	0.44	NA	0.01	0.73	NA	XXX
95832		A	Hand muscle testing, manual	0.29	0.33	NA	0.02	0.64	NA	XXX
95833		A	Body muscle testing, manual	0.47	0.56	NA	0.02	1.05	NA	XXX
95834		A	Body muscle testing, manual	0.60	0.62	NA	0.03	1.25	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
95851		A	Range of motion measurements	0.16	0.35	NA	0.01	0.52	NA	XXX
95852		A	Range of motion measurements	0.11	0.25	NA	0.01	0.37	NA	XXX
95857		A	Tension test	0.53	0.59	0.22	0.02	1.14	0.77	XXX
95858		A	Tension test & myogram	1.56	NA	NA	0.12	NA	NA	XXX
95858	26	A	Tension test & myogram	1.56	0.65	0.65	0.08	2.30	2.30	XXX
95858	TC	A	Tension test & myogram	0.00	NA	NA	0.04	NA	NA	XXX
95860		A	Muscle test, one limb	0.96	1.35	NA	0.07	2.38	NA	XXX
95860	26	A	Muscle test, one limb	0.96	0.41	0.41	0.05	1.42	1.42	XXX
95860	TC	A	Muscle test, one limb	0.00	0.94	NA	0.02	0.96	NA	XXX
95861		A	Muscle test, 2 limbs	1.54	1.47	NA	0.13	3.15	NA	XXX
95861	26	A	Muscle test, 2 limbs	1.54	0.66	0.66	0.07	2.27	2.27	XXX
95861	TC	A	Muscle test, 2 limbs	0.00	0.81	NA	0.06	0.87	NA	XXX
95863		A	Muscle test, 3 limbs	1.87	1.78	NA	0.15	3.80	NA	XXX
95863	26	A	Muscle test, 3 limbs	1.87	0.78	0.78	0.09	2.74	2.74	XXX
95863	TC	A	Muscle test, 3 limbs	0.00	0.99	NA	0.06	1.05	NA	XXX
95864		A	Muscle test, 4 limbs	1.99	2.53	NA	0.21	4.73	NA	XXX
95864	26	A	Muscle test, 4 limbs	1.99	0.85	0.85	0.09	2.93	2.93	XXX
95864	TC	A	Muscle test, 4 limbs	0.00	1.68	NA	0.12	1.80	NA	XXX
95867		A	Muscle test cran nerv unilat	0.79	0.96	NA	0.07	1.82	NA	XXX
95867	26	A	Muscle test cran nerv unilat	0.79	0.34	0.34	0.03	1.16	1.16	XXX
95867	TC	A	Muscle test cran nerv unilat	0.00	0.62	NA	0.04	0.66	NA	XXX
95868		A	Muscle test cran nerve bilat	1.18	1.26	NA	0.10	2.54	NA	XXX
95868	26	A	Muscle test cran nerve bilat	1.18	0.49	0.49	0.05	1.73	1.73	XXX
95868	TC	A	Muscle test cran nerve bilat	0.00	0.77	NA	0.05	0.82	NA	XXX
95869		A	Muscle test, thor paraspinal	0.37	0.52	NA	0.04	0.93	NA	XXX
95869	26	A	Muscle test, thor paraspinal	0.37	0.16	0.16	0.02	0.55	0.55	XXX
95869	TC	A	Muscle test, thor paraspinal	0.00	0.37	NA	0.02	0.39	NA	XXX
95870		A	Muscle test, nonparaspinal	0.37	0.51	NA	0.04	0.92	NA	XXX
95870	26	A	Muscle test, nonparaspinal	0.37	0.16	0.16	0.02	0.55	0.55	XXX
95870	TC	A	Muscle test, nonparaspinal	0.00	0.35	NA	0.02	0.37	NA	XXX
95872		A	Muscle test, one fiber	1.50	1.28	NA	0.13	2.91	NA	XXX
95872	26	A	Muscle test, one fiber	1.50	0.61	0.61	0.08	2.20	2.20	XXX
95872	TC	A	Muscle test, one fiber	0.00	0.66	NA	0.05	0.71	NA	XXX
95875		A	Limb exercise test	1.10	1.40	NA	0.11	2.61	NA	XXX
95875	26	A	Limb exercise test	1.10	0.46	0.46	0.05	1.61	1.61	XXX
95875	TC	A	Limb exercise test	0.00	0.94	NA	0.06	1.00	NA	XXX
95900		A	Motor nerve conduction test	0.42	1.18	NA	0.04	1.64	NA	XXX
95900	26	A	Motor nerve conduction test	0.42	0.18	0.18	0.02	0.62	0.62	XXX
95900	TC	A	Motor nerve conduction test	0.00	1.00	NA	0.02	1.02	NA	XXX
95903		A	Motor nerve conduction test	0.60	1.14	NA	0.05	1.79	NA	XXX
95903	26	A	Motor nerve conduction test	0.60	0.25	0.25	0.03	0.88	0.88	XXX
95903	TC	A	Motor nerve conduction test	0.00	0.89	NA	0.02	0.91	NA	XXX
95904		A	Sense nerve conduction test	0.34	1.03	NA	0.04	1.41	NA	XXX
95904	26	A	Sense nerve conduction test	0.34	0.15	0.15	0.02	0.51	0.51	XXX
95904	TC	A	Sense nerve conduction test	0.00	0.88	NA	0.02	0.90	NA	XXX
95920		A	Intraop nerve test add-on	2.11	2.06	NA	0.23	4.40	NA	ZZZ
95920	26	A	Intraop nerve test add-on	2.11	0.90	0.90	0.16	3.18	3.18	ZZZ
95920	TC	A	Intraop nerve test add-on	0.00	1.15	NA	0.07	1.22	NA	ZZZ
95921		A	Autonomic nerv function test	0.90	0.79	NA	0.06	1.75	NA	XXX
95921	26	A	Autonomic nerv function test	0.90	0.32	0.32	0.04	1.26	1.26	XXX
95921	TC	A	Autonomic nerv function test	0.00	0.47	NA	0.02	0.49	NA	XXX
95922		A	Autonomic nerv function test	0.96	0.89	NA	0.07	1.92	NA	XXX
95922	26	A	Autonomic nerv function test	0.96	0.40	0.40	0.05	1.41	1.41	XXX
95922	TC	A	Autonomic nerv function test	0.00	0.50	NA	0.02	0.52	NA	XXX
95923		A	Autonomic nerv function test	0.90	1.87	NA	0.07	2.84	NA	XXX
95923	26	A	Autonomic nerv function test	0.90	0.37	0.37	0.05	1.32	1.32	XXX
95923	TC	A	Autonomic nerv function test	0.00	1.50	NA	0.02	1.52	NA	XXX
95925		A	*Somatosensory testing	0.54	1.57	NA	0.10	2.21	NA	XXX
95925	26	A	Somatosensory testing	0.54	0.22	0.22	0.04	0.80	0.80	XXX
95925	TC	A	Somatosensory testing	0.00	1.35	NA	0.06	1.41	NA	XXX
95926		A	*Somatosensory testing	0.54	1.52	NA	0.09	2.15	NA	XXX
95926	26	A	Somatosensory testing	0.54	0.23	0.23	0.03	0.80	0.80	XXX
95926	TC	A	Somatosensory testing	0.00	1.30	NA	0.06	1.36	NA	XXX
95927		A	Somatosensory testing	0.54	1.63	NA	0.10	2.27	NA	XXX
95927	26	A	Somatosensory testing	0.54	0.24	0.24	0.04	0.82	0.82	XXX
95927	TC	A	Somatosensory testing	0.00	1.39	NA	0.06	1.45	NA	XXX
95928		A	C motor evoked, uppr limbs	1.50	3.03	NA	0.09	4.63	NA	XXX
95928	26	A	C motor evoked, uppr limbs	1.50	0.63	0.63	0.06	2.19	2.19	XXX
95928	TC	A	C motor evoked, uppr limbs	0.00	2.40	NA	0.03	2.43	NA	XXX
95929		A	Cmotor evoked, lwr limbs	1.50	3.23	NA	0.09	4.82	NA	XXX
95929	26	A	C motor evoked, lwr limbs	1.50	0.63	0.63	0.06	2.19	2.19	XXX
95929	TC	A	C motor evoked, lwr limbs	0.00	2.60	NA	0.03	2.63	NA	XXX
95930		A	Visual evoked potential test	0.35	2.20	NA	0.03	2.59	NA	XXX
95930	26	A	Visual evoked potential test	0.35	0.15	0.15	0.02	0.52	0.52	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
95930	TC	A	Visual evoked potential test	0.00	2.06	NA	0.01	2.07	NA	XXX
95933		A	Blink reflex test	0.59	1.02	NA	0.10	1.71	NA	XXX
95933	26	A	Blink reflex test	0.59	0.23	0.23	0.04	0.86	0.86	XXX
95933	TC	A	Blink reflex test	0.00	0.78	NA	0.06	0.84	NA	XXX
95934		A	H-reflex test	0.51	0.55	NA	0.04	1.10	NA	XXX
95934	26	A	H-reflex test	0.51	0.22	0.22	0.02	0.75	0.75	XXX
95934	TC	A	H-reflex test	0.00	0.34	NA	0.02	0.36	NA	XXX
95936		A	H-reflex test	0.55	0.48	NA	0.05	1.08	NA	XXX
95936	26	A	H-reflex test	0.55	0.23	0.23	0.03	0.81	0.81	XXX
95936	TC	A	H-reflex test	0.00	0.25	NA	0.02	0.27	NA	XXX
95937		A	Neuromuscular junction test	0.65	0.65	NA	0.10	1.41	NA	XXX
95937	26	A	Neuromuscular junction test	0.65	0.26	0.26	0.08	0.99	0.99	XXX
95937	TC	A	Neuromuscular junction test	0.00	0.39	NA	0.02	0.41	NA	XXX
95950		A	Ambulatory eeg monitoring	1.51	3.77	NA	0.51	5.79	NA	XXX
95950	26	A	Ambulatory eeg monitoring	1.51	0.62	0.62	0.08	2.22	2.22	XXX
95950	TC	A	Ambulatory eeg monitoring	0.00	3.15	NA	0.43	3.58	NA	XXX
95951	TC	C	EEG monitoring/videorecord	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95951	26	A	EEG monitoring/videorecord	6.00	2.48	2.48	0.32	8.81	8.81	XXX
95951	TC	C	EEG monitoring/videorecord	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95953		A	EEG monitoring/computer	3.09	7.05	NA	0.60	10.73	NA	XXX
95953	26	A	EEG monitoring/computer	3.09	1.25	1.25	0.17	4.51	4.51	XXX
95953	TC	A	EEG monitoring/computer	0.00	5.79	NA	0.43	6.22	NA	XXX
95954		A	EEG monitoring/giving drugs	2.45	4.19	NA	0.19	6.83	NA	XXX
95954	26	A	EEG monitoring/giving drugs	2.45	1.01	1.01	0.13	3.60	3.60	XXX
95954	TC	A	EEG monitoring/giving drugs	0.00	3.17	NA	0.06	3.23	NA	XXX
95955		A	EEG during surgery	1.01	2.70	NA	0.22	3.93	NA	XXX
95955	26	A	EEG during surgery	1.01	0.35	0.35	0.05	1.41	1.41	XXX
95955	TC	A	EEG during surgery	0.00	2.34	NA	0.17	2.51	NA	XXX
95956	TC	A	Eeg monitoring, cable/radio	3.09	14.65	NA	0.59	18.33	NA	XXX
95956	26	A	Eeg monitoring, cable/radio	3.09	1.27	1.27	0.16	4.51	4.51	XXX
95956	TC	A	Eeg monitoring, cable/radio	0.00	13.38	NA	0.43	13.81	NA	XXX
95957		A	EEG digital analysis	1.98	3.19	NA	0.23	5.41	NA	XXX
95957	26	A	EEG digital analysis	1.98	0.83	0.83	0.11	2.92	2.92	XXX
95957	TC	A	EEG digital analysis	0.00	2.36	NA	0.12	2.48	NA	XXX
95958		A	EEG monitoring/function test	4.25	3.95	NA	0.34	8.54	NA	XXX
95958	26	A	EEG monitoring/function test	4.25	1.71	1.71	0.21	6.17	6.17	XXX
95958	TC	A	EEG monitoring/function test	0.00	2.24	NA	0.13	2.37	NA	XXX
95961		A	Electrode stimulation, brain	2.98	2.76	NA	0.55	6.28	NA	XXX
95961	26	A	Electrode stimulation, brain	2.98	1.29	1.29	0.48	4.74	4.74	XXX
95961	TC	A	Electrode stimulation, brain	0.00	1.47	NA	0.07	1.54	NA	XXX
95962		A	Electrode stim, brain add-on	3.22	2.58	NA	0.39	6.18	NA	ZZZ
95962	26	A	Electrode stim, brain add-on	3.22	1.36	1.36	0.32	4.89	4.89	ZZZ
95962	TC	A	Electrode stim, brain add-on	0.00	1.22	NA	0.07	1.29	NA	ZZZ
95965		C	Meg, spontaneous	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95965	26	A	Meg, spontaneous	8.01	3.36	3.36	0.46	11.83	11.83	XXX
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	1.67	1.67	0.19	5.85	5.85	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 add'l	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
95967	26	A	Meg, evoked, each add'l	3.50	1.23	1.23	0.16	4.89	4.89	ZZZ
95967	TC	C	Meg, evoked, each add'l	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
95970		A	Analyze neurostim, no prog	0.45	0.84	0.14	0.03	1.32	0.62	XXX
95971		A	Analyze neurostim, simple	0.78	0.67	0.22	0.07	1.53	1.07	XXX
95972		A	Analyze neurostim, complex	1.50	1.21	0.48	0.14	2.85	2.13	XXX
95973		A	Analyze neurostim, complex	0.92	0.62	0.33	0.07	1.61	1.32	ZZZ
95974		A	Cranial neurostim, complex	3.01	1.68	1.27	0.16	4.85	4.43	XXX
95975		A	Cranial neurostim, complex	1.70	0.88	0.71	0.12	2.70	2.53	ZZZ
95978		A	Analyze neurostim brain/1h	3.51	1.96	1.32	0.18	5.65	5.00	XXX
95979		A	Analyz neurostim brain add-on	1.64	0.86	0.67	0.08	2.58	2.39	ZZZ
95990		A	Spin/brain pump refill & main	0.00	1.53	NA	0.06	1.59	NA	XXX
95991		A	Spin/brain pump refill & main	0.77	1.38	NA	0.06	2.21	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	0.52	0.11	NA	2.43	XXX
96001		A	Motion test w/ft press meas	2.15	NA	0.64	0.10	NA	2.90	XXX
96002		A	Dynamic surface emg	0.41	NA	0.15	0.02	NA	0.58	XXX
96003		A	Dynamic fine wire emg	0.37	NA	0.13	0.02	NA	0.52	XXX
96004		A	Phys review of motion tests	2.14	0.96	0.89	0.11	3.21	3.15	XXX
96100		A	Psychological testing	0.00	1.74	NA	0.18	1.92	NA	XXX
96105		A	Assessment of aphasia	0.00	1.64	NA	0.18	1.82	NA	XXX
96110		A	Developmental test, lim	0.00	0.17	NA	0.18	0.35	NA	XXX
96111		A	Developmental test, extend	2.61	1.01	0.99	0.18	3.79	3.78	XXX
96115		A	Neurobehavior status exam	0.00	1.82	NA	0.18	2.00	NA	XXX
96117		A	Neuropsych test battery	0.00	1.78	NA	0.18	1.96	NA	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
96150		A	Assess hlth/behav, init	0.50	0.17	0.17	0.01	0.68	0.68	XXX
96151		A	Assess hlth/behav, subseq	0.48	0.17	0.16	0.01	0.66	0.65	XXX
96152		A	Intervene hlth/behav, indiv	0.46	0.16	0.15	0.01	0.63	0.62	XXX
96153		A	Intervene hlth/behav, group	0.10	0.04	0.03	0.01	0.15	0.14	XXX
96154		A	Interv hlth/behav, fam w/pt	0.45	0.16	0.15	0.01	0.62	0.61	XXX
96155		N	Interv hlth/behav fam no pt	0.44	0.17	0.16	0.02	0.63	0.62	XXX
96400		I	Chemotherapy, sc/im	0.17	0.00	0.00	0.01	0.18	0.18	XXX
96405		A	Intralesional chemo admin	0.52	2.58	0.24	0.03	3.13	0.79	000
96406		A	Intralesional chemo admin	0.80	3.20	0.29	0.03	4.03	1.12	000
96408		I	Chemotherapy, push technique	0.17	0.00	0.00	0.06	0.23	0.23	XXX
96410		I	Chemotherapy,infusion method	0.17	0.00	0.00	0.08	0.25	0.25	XXX
96412		I	Chemo, infuse method add-on	0.17	0.00	0.00	0.07	0.24	0.24	ZZZ
96414		I	Chemo, infuse method add-on	0.17	0.00	0.00	0.08	0.25	0.25	XXX
96420		A	Chemotherapy, push technique	0.17	2.67	NA	0.08	2.92	NA	XXX
96422		A	Chemotherapy,infusion method	0.17	4.87	NA	0.08	5.12	NA	XXX
96423		A	Chemo, infuse method add-on	0.17	1.89	NA	0.02	2.08	NA	ZZZ
96425		A	Chemotherapy,infusion method	0.17	4.50	NA	0.08	4.75	NA	XXX
96440		A	Chemotherapy, intracavitary	2.37	7.56	1.20	0.17	10.10	3.74	000
96445		A	Chemotherapy, intracavitary	2.20	7.64	1.15	0.14	9.99	3.50	000
96450		A	Chemotherapy, into CNS	1.89	6.62	1.07	0.08	8.59	3.04	000
96520		A	Port pump refill & main	0.21	3.79	NA	0.06	4.06	NA	XXX
96530		A	Syst pump refill & main	0.21	2.66	NA	0.06	2.93	NA	XXX
96542		A	Chemotherapy injection	1.42	4.09	0.64	0.06	5.57	2.12	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	1.45	NA	0.04	1.49	NA	XXX
96570		A	Photodynamic tx, 30 min	1.10	0.00	0.37	0.11	1.21	1.58	ZZZ
96571		A	Photodynamic tx, addl 15 min	0.55	0.00	0.20	0.03	0.58	0.78	ZZZ
96900		A	Ultraviolet light therapy	0.00	0.45	NA	0.02	0.47	NA	XXX
96902		B	Trichogram	0.41	0.18	0.16	0.01	0.60	0.58	XXX
96910		A	Photochemotherapy with UV-B	0.00	1.13	NA	0.04	1.17	NA	XXX
96912		A	Photochemotherapy with UV-A	0.00	1.45	NA	0.05	1.50	NA	XXX
96913		A	Photochemotherapy, UV-A or B	0.00	1.97	NA	0.10	2.07	NA	XXX
96920		A	Laser tx, skin < 250 sq cm	1.15	2.91	0.61	0.02	4.08	1.78	000
96921		A	Laser tx, skin 250-500 sq cm	1.17	3.00	0.63	0.03	4.21	1.83	000
96922		A	Laser tx, skin > 500 sq cm	2.10	3.96	0.60	0.04	6.10	2.75	000
96999		C	Dermatological procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97001		A	Pt evaluation	1.20	0.75	NA	0.05	2.00	NA	XXX
97002		A	Pt re-evaluation	0.60	0.44	NA	0.02	1.06	NA	XXX
97003		A	Ot evaluation	1.20	0.86	NA	0.06	2.12	NA	XXX
97004		A	Ot re-evaluation	0.60	0.64	NA	0.02	1.26	NA	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	0.06	NA	0.01	0.13	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	NA	0.01	0.38	NA	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
97022		A	Whirlpool therapy	0.17	0.23	NA	0.01	0.41	NA	XXX
97024		A	Diathermy treatment	0.06	0.07	NA	0.01	0.14	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	0.17	NA	0.01	0.43	NA	XXX
97033		A	Electric current therapy	0.26	0.30	NA	0.01	0.57	NA	XXX
97034		A	Contrast bath therapy	0.21	0.16	NA	0.01	0.38	NA	XXX
97035		A	Ultrasound therapy	0.21	0.10	NA	0.01	0.32	NA	XXX
97036		A	Hydrotherapy	0.28	0.34	NA	0.01	0.63	NA	XXX
97039		C	Physical therapy treatment	0.20	0.10	NA	0.01	0.31	NA	XXX
97110		A	Therapeutic exercises	0.45	0.28	NA	0.02	0.75	NA	XXX
97112		A	Neuromuscular reeducation	0.45	0.32	NA	0.01	0.78	NA	XXX
97113		A	Aquatic therapy/exercises	0.44	0.42	NA	0.01	0.87	NA	XXX
97116		A	Gait training therapy	0.40	0.25	NA	0.01	0.66	NA	XXX
97124		A	Massage therapy	0.35	0.24	NA	0.01	0.60	NA	XXX
97139		C	Physical medicine procedure	0.21	0.21	NA	0.01	0.43	NA	XXX
97140		A	Manual therapy	0.43	0.26	NA	0.01	0.70	NA	XXX
97150		A	Group therapeutic procedures	0.27	0.19	NA	0.01	0.47	NA	XXX
97504		A	Orthotic training	0.45	0.35	NA	0.03	0.83	NA	XXX
97520		A	Prosthetic training	0.45	0.28	NA	0.01	0.74	NA	XXX
97530		A	Therapeutic activities	0.44	0.33	NA	0.01	0.78	NA	XXX
97532		A	Cognitive skills development	0.44	0.21	NA	0.01	0.66	NA	XXX
97533		A	Sensory integration	0.44	0.25	NA	0.01	0.70	NA	XXX
97535		A	Self care mngment training	0.45	0.34	NA	0.01	0.80	NA	XXX
97537		A	Community/work reintegration	0.45	0.27	NA	0.01	0.73	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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
97597		A	Active wound care/20 cm or <	0.58	0.74	NA	0.05	1.37	NA	XXX
97598		A	Active wound care > 20 cm	0.80	0.88	NA	0.05	1.73	NA	XXX
97602		B	Wound(s) care non-selective	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97605		B	Neg press wound tx, < 50 cm	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97606		B	Neg press wound tx, > 50 cm	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97703		A	Prosthetic checkout	0.25	0.47	NA	0.02	0.74	NA	XXX
97750		A	Physical performance test	0.45	0.33	NA	0.02	0.80	NA	XXX
97755		A	Assistive technology assess	0.62	0.29	NA	0.02	0.93	NA	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	0.43	NA	0.01	0.44	NA	XXX
97803		A	Med nutrition, indiv, subseq	0.00	0.42	NA	0.01	0.43	NA	XXX
97804		A	Medical nutrition, group	0.00	0.16	NA	0.01	0.17	NA	XXX
97810		N	Acupunct w/o stim 15 min	0.60	0.09	0.06	0.03	0.72	0.69	XXX
97811		N	Acupunct w/o stim addl 15m	0.50	0.06	0.05	0.03	0.59	0.58	ZZZ
97813		N	Acupunct w/stim 15 min	0.65	0.09	0.06	0.03	0.77	0.74	XXX
97814		N	Acupunct w/stim addl 15m	0.55	0.07	0.05	0.03	0.65	0.63	ZZZ
98925		A	Osteopathic manipulation	0.45	0.31	0.14	0.02	0.78	0.61	000
98926		A	Osteopathic manipulation	0.65	0.40	0.24	0.03	1.08	0.92	000
98927		A	Osteopathic manipulation	0.87	0.49	0.28	0.03	1.40	1.18	000
98928		A	Osteopathic manipulation	1.03	0.58	0.33	0.04	1.65	1.41	000
98929		A	Osteopathic manipulation	1.19	0.66	0.36	0.05	1.90	1.60	000
98940		A	Chiropractic manipulation	0.45	0.22	0.12	0.01	0.68	0.58	000
98941		A	Chiropractic manipulation	0.65	0.29	0.17	0.01	0.95	0.83	000
98942		A	Chiropractic manipulation	0.87	0.35	0.23	0.02	1.24	1.12	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
99026		N	In-hospital on call service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99027		N	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	1.84	0.38	0.05	2.69	1.23	XXX
99142		B	Sedation, oral/rectal/nasal	0.60	0.94	0.30	0.04	1.59	0.94	XXX
99170		A	Anogenitalexam, child	1.75	1.71	0.55	0.08	3.55	2.38	000
99172		N	Ocular function screen	0.00	0.00	0.00	0.00	0.00	0.00	XXX
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	1.16	NA	0.10	1.26	NA	XXX
99183		A	Hyperbaric oxygen therapy	2.34	3.09	0.70	0.16	5.60	3.21	XXX
99185		A	Regional hypothermia	0.00	0.82	NA	0.04	0.86	NA	XXX
99186		A	Total body hypothermia	0.00	1.62	NA	0.45	2.07	NA	XXX
99195		A	Phlebotomy	0.00	0.88	NA	0.02	0.90	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	0.51	0.15	0.03	0.99	0.63	XXX
99202		A	Office/outpatient visit, new	0.88	0.81	0.31	0.05	1.74	1.24	XXX
99203		A	Office/outpatient visit, new	1.34	1.14	0.47	0.09	2.57	1.91	XXX
99204		A	Office/outpatient visit, new	2.00	1.51	0.70	0.12	3.63	2.82	XXX
99205		A	Office/outpatient visit, new	2.68	1.78	0.93	0.15	4.61	3.76	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	0.55	0.16	0.03	1.03	0.64	XXX
99213		A	Office/outpatient visit, est	0.67	0.70	0.24	0.03	1.40	0.94	XXX
99214		A	Office/outpatient visit, est	1.10	1.04	0.40	0.05	2.20	1.55	XXX
99215		A	Office/outpatient visit, est	1.77	1.33	0.64	0.08	3.18	2.49	XXX
99217		A	Observation care discharge	1.28	NA	0.54	0.06	NA	1.88	XXX
99218		A	Observation care	1.28	NA	0.43	0.06	NA	1.78	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
99219		A	Observation care	2.14	NA	0.71	0.10	NA	2.95	XXX
99220		A	Observation care	3.00	NA	1.02	0.14	NA	4.16	XXX
99221		A	Initial hospital care	1.28	NA	0.44	0.07	NA	1.80	XXX
99222		A	Initial hospital care	2.14	NA	0.73	0.10	NA	2.97	XXX
99223		A	Initial hospital care	3.00	NA	1.02	0.13	NA	4.15	XXX
99231		A	Subsequent hospital care	0.64	NA	0.23	0.03	NA	0.90	XXX
99232		A	Subsequent hospital care	1.06	NA	0.37	0.04	NA	1.47	XXX
99233		A	Subsequent hospital care	1.51	NA	0.52	0.06	NA	2.09	XXX
99234		A	Observ/hosp same date	2.57	NA	0.88	0.13	NA	3.58	XXX
99235		A	Observ/hosp same date	3.42	NA	1.14	0.16	NA	4.71	XXX
99236		A	Observ/hosp same date	4.27	NA	1.43	0.19	NA	5.89	XXX
99238		A	Hospital discharge day	1.28	NA	0.54	0.05	NA	1.87	XXX
99239		A	Hospital discharge day	1.75	NA	0.73	0.07	NA	2.55	XXX
99241		A	Office consultation	0.64	0.65	NA	0.05	1.34	NA	XXX
99242		A	Office consultation	1.29	1.07	NA	0.10	2.46	NA	XXX
99243		A	Office consultation	1.72	1.42	NA	0.13	3.27	NA	XXX
99244		A	Office consultation	2.59	1.85	NA	0.16	4.60	NA	XXX
99245		A	Office consultation	3.43	2.29	NA	0.21	5.93	NA	XXX
99251		A	Initial inpatient consult	0.66	NA	0.24	0.05	NA	0.95	XXX
99252		A	Initial inpatient consult	1.32	NA	0.50	0.09	NA	1.92	XXX
99253		A	Initial inpatient consult	1.82	NA	0.69	0.11	NA	2.62	XXX
99254		A	Initial inpatient consult	2.65	NA	0.98	0.13	NA	3.76	XXX
99255		A	Initial inpatient consult	3.65	NA	1.35	0.18	NA	5.17	XXX
99261		A	Follow-up inpatient consult	0.42	NA	0.15	0.02	NA	0.59	XXX
99262		A	Follow-up inpatient consult	0.85	NA	0.31	0.04	NA	1.20	XXX
99263		A	Follow-up inpatient consult	1.27	NA	0.45	0.06	NA	1.78	XXX
99271		A	Confirmatory consultation	0.45	0.55	0.16	0.03	1.03	0.64	XXX
99272		A	Confirmatory consultation	0.84	0.84	0.31	0.06	1.74	1.21	XXX
99273		A	Confirmatory consultation	1.19	1.11	0.45	0.10	2.40	1.74	XXX
99274		A	Confirmatory consultation	1.73	1.37	0.64	0.12	3.22	2.49	XXX
99275		A	Confirmatory consultation	2.31	1.65	0.83	0.15	4.12	3.30	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	0.14	0.04	NA	0.73	XXX
99283		A	Emergency dept visit	1.24	NA	0.30	0.09	NA	1.64	XXX
99284		A	Emergency dept visit	1.95	NA	0.46	0.14	NA	2.55	XXX
99285		A	Emergency dept visit	3.07	NA	0.70	0.23	NA	4.00	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	1.42	0.24	NA	6.45	XXX
99290		A	Ped crit care transport addl	2.40	NA	0.81	0.12	NA	3.34	ZZZ
99291		A	Critical care, first hour	4.00	2.52	1.26	0.21	6.73	5.47	XXX
99292		A	Critical care, addl 30 min	2.00	0.89	0.63	0.11	3.01	2.75	ZZZ
99293		A	Ped critical care, initial	16.01	NA	4.66	1.12	NA	21.80	XXX
99294		A	Ped critical care, subseq	8.01	NA	2.35	0.45	NA	10.81	XXX
99295		A	Neonate crit care, initial	18.50	NA	5.27	1.16	NA	24.93	XXX
99296		A	Neonate critical care subseq	8.01	NA	2.47	0.32	NA	10.80	XXX
99298		A	lc for lbw infant < 1500 gm	2.76	NA	0.92	0.17	NA	3.85	XXX
99299		A	lc, lbw infant 1500-2500 gm	2.51	NA	0.84	0.16	NA	3.51	XXX
99301		A	Nursing facility care	1.20	0.50	0.50	0.05	1.75	1.75	XXX
99302		A	Nursing facility care	1.61	0.63	0.63	0.07	2.32	2.32	XXX
99303		A	Nursing facility care	2.01	0.75	0.75	0.08	2.84	2.84	XXX
99311		A	Nursing fac care, subseq	0.60	0.27	0.27	0.03	0.90	0.90	XXX
99312		A	Nursing fac care, subseq	1.00	0.45	0.45	0.04	1.49	1.49	XXX
99313		A	Nursing fac care, subseq	1.42	0.62	0.62	0.06	2.10	2.10	XXX
99315		A	Nursing fac discharge day	1.13	0.45	0.45	0.05	1.63	1.63	XXX
99316		A	Nursing fac discharge day	1.50	0.58	0.58	0.06	2.14	2.14	XXX
99321		A	Rest home visit, new patient	0.71	0.34	0.32	0.03	1.08	1.06	XXX
99322		A	Rest home visit, new patient	1.01	0.45	0.44	0.05	1.52	1.50	XXX
99323		A	Rest home visit, new patient	1.28	0.54	0.52	0.05	1.87	1.85	XXX
99331		A	Rest home visit, est pat	0.60	0.31	0.29	0.03	0.94	0.92	XXX
99332		A	Rest home visit, est pat	0.80	0.37	0.35	0.03	1.20	1.18	XXX
99333		A	Rest home visit, est pat	1.00	0.45	0.43	0.04	1.49	1.47	XXX
99341		A	Home visit, new patient	1.01	0.48	0.45	0.05	1.54	1.52	XXX
99342		A	Home visit, new patient	1.52	0.67	0.65	0.07	2.27	2.24	XXX
99343		A	Home visit, new patient	2.27	0.92	0.90	0.10	3.30	3.27	XXX
99344		A	Home visit, new patient	3.04	1.15	1.13	0.13	4.32	4.29	XXX
99345		A	Home visit, new patient	3.79	1.40	1.37	0.16	5.34	5.32	XXX
99347		A	Home visit, est patient	0.76	0.40	0.37	0.04	1.20	1.17	XXX
99348		A	Home visit, est patient	1.26	0.57	0.54	0.06	1.89	1.87	XXX
99349		A	Home visit, est patient	2.02	0.81	0.79	0.09	2.93	2.90	XXX
99350		A	Home visit, est patient	3.04	1.15	1.12	0.13	4.32	4.29	XXX
99354		A	Prolonged service, office	1.77	0.77	0.65	0.08	2.63	2.50	ZZZ
99355		A	Prolonged service, office	1.77	0.75	0.61	0.07	2.59	2.45	ZZZ
99356		A	Prolonged service, inpatient	1.71	NA	0.61	0.07	NA	2.39	ZZZ
99357		A	Prolonged service, inpatient	1.71	NA	0.62	0.08	NA	2.42	ZZZ

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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
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	0.70	0.42	0.05	1.85	1.57	XXX
99375		I	Home health care supervision	1.73	0.00	0.00	0.07	1.80	1.80	XXX
99377		B	Hospice care supervision	1.10	0.70	0.42	0.05	1.85	1.57	XXX
99378		I	Hospice care supervision	1.73	0.00	0.00	0.07	1.80	1.80	XXX
99379		B	Nursing fac care supervision	1.10	0.70	0.42	0.04	1.84	1.56	XXX
99380		B	Nursing fac care supervision	1.73	0.99	0.66	0.06	2.79	2.45	XXX
99381		N	Prev visit, new, infant	1.19	1.42	0.45	0.05	2.67	1.69	XXX
99382		N	Prev visit, new, age 1-4	1.36	1.47	0.52	0.05	2.88	1.93	XXX
99383		N	Prev visit, new, age 5-11	1.36	1.42	0.52	0.05	2.83	1.93	XXX
99384		N	Prev visit, new, age 12-17	1.53	1.49	0.59	0.06	3.08	2.18	XXX
99385		N	Prev visit, new, age 18-39	1.53	1.49	0.59	0.06	3.08	2.18	XXX
99386		N	Prev visit, new, age 40-64	1.88	1.66	0.72	0.07	3.62	2.67	XXX
99387		N	Prev visit, new, 65 & over	2.06	1.80	0.78	0.07	3.94	2.92	XXX
99391		N	Prev visit, est, infant	1.02	1.02	0.39	0.04	2.08	1.45	XXX
99392		N	Prev visit, est, age 1-4	1.19	1.09	0.45	0.05	2.33	1.69	XXX
99393		N	Prev visit, est, age 5-11	1.19	1.07	0.45	0.05	2.31	1.69	XXX
99394		N	Prev visit, est, age 12-17	1.36	1.13	0.52	0.05	2.55	1.93	XXX
99395		N	Prev visit, est, age 18-39	1.36	1.16	0.52	0.05	2.57	1.93	XXX
99396		N	Prev visit, est, age 40-64	1.53	1.24	0.59	0.06	2.83	2.18	XXX
99397		N	Prev visit, est, 65 & over	1.71	1.37	0.65	0.06	3.14	2.43	XXX
99401		N	Preventive counseling, indiv	0.48	0.58	0.19	0.01	1.07	0.68	XXX
99402		N	Preventive counseling, indiv	0.98	0.81	0.37	0.02	1.81	1.37	XXX
99403		N	Preventive counseling, indiv	1.46	1.02	0.56	0.04	2.52	2.06	XXX
99404		N	Preventive counseling, indiv	1.95	1.24	0.74	0.05	3.24	2.75	XXX
99411		N	Preventive counseling, group	0.15	0.20	0.06	0.01	0.36	0.22	XXX
99412		N	Preventive counseling, group	0.25	0.26	0.10	0.01	0.52	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	0.00	0.37	0.05	1.22	1.59	XXX
99432		A	Newborn care, not in hosp	1.26	1.01	NA	0.07	2.34	NA	XXX
99433		A	Normal newborn care/hospital	0.62	NA	0.19	0.02	NA	0.83	XXX
99435		A	Newborn discharge day hosp	1.50	NA	0.59	0.06	NA	2.15	XXX
99436		A	Attendance, birth	1.50	NA	0.46	0.06	NA	2.02	XXX
99440		A	Newborn resuscitation	2.94	NA	0.91	0.12	NA	3.96	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
99507		I	Home visit, cath maintain	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 for hemodialysis	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
99601		I	Home infusion/visit, 2 hrs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99602		I	Home infusion, each addtl hr	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	Comprehensive 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
D0416		R	Viral culture	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0421		R	Gen tst suscept oral disease	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0431		R	Diag tst detect mucos abnorm	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

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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
D0475		R	Decalcification procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0476		R	Spec stains for microorganism	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0477		R	Spec stains not for microorg	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0478		R	Immunohistochemical stains	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0479		R	Tissue in-situ hybridization	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
D0481		R	Electron microscopy diagnost	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0482		R	Direct immunofluorescence	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0483		R	Indirect immunofluorescence	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0484		R	Consult slides prep elsewhere	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0485		R	Consult inc prep of slides	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
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 delivery antimicro	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	Extraction coronal remnants	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 flap	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
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
D7283		R	Place device impacted tooth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7288		R	Brush biopsy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7291		R	Transseptal fiberotomy	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7321		R	Alveoloplasty not w/extracts	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7511		R	Incision/drain abscess intra	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7521		R	Incision/drain abscess extra	0.00	0.00	0.00	0.00	0.00	0.00	XXX
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
G0008		X	Admin influenza virus vac	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0009		X	Admin pneumococcal vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0010		X	Admin hepatitis b vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0030		I	PET imaging prev PET single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0030	26	I	PET imaging prev PET single	1.50	0.61	0.61	0.06	2.17	2.17	XXX
G0030	TC	I	PET imaging prev PET single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0031		I	PET imaging prev PET multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0031	26	I	PET imaging prev PET multiple	1.87	0.76	0.76	0.07	2.70	2.70	XXX

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<sup>3</sup> +Indicates RVUs are not used for Medicare payment.

## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
G0031	TC	I	PET imaging prev PET multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0032		I	PET follow SPECT 78464 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0032	26	I	PET follow SPECT 78464 singl	1.50	0.57	0.57	0.06	2.13	2.13	XXX
G0032	TC	I	PET follow SPECT 78464 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0033		I	PET follow SPECT 78464 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0033	26	I	PET follow SPECT 78464 mult	1.87	0.78	0.78	0.07	2.72	2.72	XXX
G0033	TC	I	PET follow SPECT 78464 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0034		I	PET follow SPECT 76865 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0034	26	I	PET follow SPECT 76865 singl	1.50	0.60	0.60	0.05	2.15	2.15	XXX
G0034	TC	I	PET follow SPECT 76865 singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0035		I	PET follow SPECT 78465 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0035	26	I	PET follow SPECT 78465 mult	1.87	0.76	0.76	0.06	2.70	2.70	XXX
G0035	TC	I	PET follow SPECT 78465 mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0036		I	PET follow cornry angio sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0036	26	I	PET follow cornry angio sing	1.50	0.59	0.59	0.05	2.14	2.14	XXX
G0036	TC	I	PET follow cornry angio sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0037		I	PET follow cornry angio mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0037	26	I	PET follow cornry angio mult	1.87	0.74	0.74	0.06	2.67	2.67	XXX
G0037	TC	I	PET follow cornry angio mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0038		I	PET follow myocard perf sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0038	26	I	PET follow myocard perf sing	1.50	0.51	0.51	0.07	2.09	2.09	XXX
G0038	TC	I	PET follow myocard perf sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0039		I	PET follow myocard perf mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0039	26	I	PET follow myocard perf mult	1.87	0.74	0.74	0.07	2.69	2.69	XXX
G0039	TC	I	PET follow myocard perf mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0040		I	PET follow stress echo singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0040	26	I	PET follow stress echo singl	1.50	0.61	0.61	0.06	2.18	2.18	XXX
G0040	TC	I	PET follow stress echo singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0041		I	PET follow stress echo mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0041	26	I	PET follow stress echo mult	1.87	0.76	0.76	0.06	2.70	2.70	XXX
G0041	TC	I	PET follow stress echo mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0042		I	PET follow ventriculogm sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0042	26	I	PET follow ventriculogm sing	1.50	0.63	0.63	0.05	2.18	2.18	XXX
G0042	TC	I	PET follow ventriculogm sing	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0043		I	PET follow ventriculogm mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0043	26	I	PET follow ventriculogm mult	1.87	0.79	0.79	0.07	2.73	2.73	XXX
G0043	TC	I	PET follow ventriculogm mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0044		I	PET following rest ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0044	26	I	PET following rest ECG singl	1.50	0.62	0.62	0.05	2.17	2.17	XXX
G0044	TC	I	PET following rest ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0045		I	PET following rest ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0045	26	I	PET following rest ECG mult	1.87	0.75	0.75	0.06	2.69	2.69	XXX
G0045	TC	I	PET following rest ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0046		I	PET follow stress ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0046	26	I	PET follow stress ECG singl	1.50	0.62	0.62	0.05	2.17	2.17	XXX
G0046	TC	I	PET follow stress ECG singl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0047		I	PET follow stress ECG mult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0047	26	I	PET follow stress ECG mult	1.87	0.76	0.76	0.06	2.70	2.70	XXX
G0047	TC	I	PET follow stress ECG mult	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	0.02	0.98	0.64	XXX
G0102		A	Prostate ca screening; dre	0.17	0.38	0.06	0.01	0.56	0.24	XXX
G0104		A	CA screen;flexi sigmoidscope	0.96	2.33	0.55	0.08	3.37	1.59	000
G0105		A	Colorectal scrn; hi risk ind	3.70	6.60	1.58	0.30	10.59	5.57	000
G0105	53	A	Colorectal scrn; hi risk ind	0.96	2.33	0.55	0.08	3.37	1.59	000
G0106		A	Colon CA screen;barium enema	0.99	3.35	NA	0.17	4.51	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	3.02	NA	0.13	3.15	NA	XXX
G0108		A	Diab manage trn per indiv	0.00	0.83	NA	0.01	0.84	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	0.68	NA	0.04	1.62	NA	XXX
G0111		R	Nett pulm-rehab educ; group	0.27	0.30	NA	0.01	0.58	NA	XXX
G0112		R	Nett;nutrition guid, initial	1.72	1.26	0.65	0.04	3.02	2.41	XXX
G0113		R	Nett;nutrition guid,subseqnt	1.29	0.81	0.40	0.05	2.15	1.74	XXX
G0114		R	Nett; psychosocial consult	1.20	0.46	NA	0.05	1.71	NA	XXX
G0115		R	Nett; psychological testing	1.20	0.78	NA	0.03	2.01	NA	XXX
G0116		R	Nett; psychosocial counsel	1.11	0.94	0.32	0.05	2.10	1.49	XXX
G0117		T	Glaucoma scrn hgh risk direc	0.45	0.73	0.19	0.01	1.19	0.65	XXX
G0118		T	Glaucoma scrn hgh risk direc	0.17	0.55	0.06	0.01	0.73	0.24	XXX
G0120		A	Colon ca scrn; barium enema	0.99	3.35	NA	0.17	4.51	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	3.02	NA	0.13	3.15	NA	XXX
G0121		A	Colon ca scrn not hi rsk ind	3.70	6.60	1.58	0.30	10.59	5.57	000
G0121	53	A	Colon ca scrn not hi rsk ind	0.96	2.33	0.55	0.08	3.37	1.59	000
G0122		N	Colon ca scrn; barium enema	0.99	3.51	NA	0.18	4.68	NA	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
G0122	26	N	Colon ca scrn; barium enema	0.99	0.38	0.38	0.05	1.42	1.42	XXX
G0122	TC	N	Colon ca scrn; barium enema	0.00	3.13	NA	0.13	3.26	NA	XXX
G0124		A	Screen c/v thin layer by MD	0.42	0.23	0.15	0.02	0.67	0.59	XXX
G0125		I	PET image pulmonary nodule	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0125	26	I	PET image pulmonary nodule	1.50	0.54	0.54	0.06	2.11	2.11	XXX
G0125	TC	I	PET image pulmonary nodule	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0127		R	Trim nail(s)	0.17	0.27	0.07	0.01	0.45	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	0.88	NA	0.06	1.16	NA	XXX
G0130	26	A	Single energy x-ray study	0.22	0.08	0.08	0.01	0.31	0.31	XXX
G0130	TC	A	Single energy x-ray study	0.00	0.80	NA	0.05	0.85	NA	XXX
G0141		A	Scr c/v cyto,autosys and md	0.42	0.23	0.15	0.02	0.67	0.59	XXX
G0166		A	Extrnl counterpulse, per tx	0.07	3.93	0.03	0.01	4.01	0.11	XXX
G0168		A	Wound closure by adhesive	0.45	1.80	0.21	0.03	2.28	0.69	000
G0179		A	MD recertification HHA PT	0.45	0.94	0.87	0.02	1.41	1.35	XXX
G0180		A	MD certification HHA patient	0.67	1.15	1.08	0.03	1.85	1.78	XXX
G0181		A	Home health care supervision	1.73	1.38	1.31	0.07	3.18	3.12	XXX
G0182		A	Hospice care supervision	1.73	1.54	1.47	0.07	3.34	3.27	XXX
G0186		C	Dstry eye lesn, fdr vsst tech	0.00	0.00	0.00	0.00	0.00	0.00	YYY
G0202		A	Screeningmammographydigital	0.70	2.78	NA	0.10	3.58	NA	XXX
G0202	26	A	Screeningmammographydigital	0.70	0.23	0.23	0.03	0.96	0.96	XXX
G0202	TC	A	Screeningmammographydigital	0.00	2.55	NA	0.07	2.62	NA	XXX
G0204		A	Diagnosticmammographydigital	0.87	2.79	NA	0.11	3.77	NA	XXX
G0204	26	A	Diagnosticmammographydigital	0.87	0.28	0.28	0.04	1.19	1.19	XXX
G0204	TC	A	Diagnosticmammographydigital	0.00	2.51	NA	0.07	2.58	NA	XXX
G0206		A	Diagnosticmammographydigital	0.70	2.25	NA	0.09	3.05	NA	XXX
G0206	26	A	Diagnosticmammographydigital	0.70	0.23	0.23	0.03	0.96	0.96	XXX
G0206	TC	A	Diagnosticmammographydigital	0.00	2.02	NA	0.06	2.08	NA	XXX
G0210		I	PET img wholebody dxlung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0210	26	I	PET img wholebody dxlung	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0210	TC	I	PET img wholebody dxlung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0211		I	PET img wholbody init lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0211	26	I	PET img wholbody init lung	1.50	0.53	0.53	0.06	2.10	2.10	XXX
G0211	TC	I	PET img wholbody init lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0212		I	PET img wholebod restag lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0212	26	I	PET img wholebod restag lung	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0212	TC	I	PET img wholebod restag lung	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0213		I	PET img wholbody dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0213	26	I	PET img wholbody dx	1.50	0.53	0.53	0.06	2.10	2.10	XXX
G0213	TC	I	PET img wholbody dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0214		I	PET img wholebod init	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0214	26	I	PET img wholebod init	1.50	0.53	0.53	0.06	2.10	2.10	XXX
G0214	TC	I	PET img wholebod init	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0215		I	PETimg wholebod restag	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0215	26	I	PETimg wholebod restag	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0215	TC	I	PETimg wholebod restag	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0216		I	PET img wholebod dx melanoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0216	26	I	PET img wholebod dx melanoma	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0216	TC	I	PET img wholebod dx melanoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0217		I	PET img wholebod init melan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0217	26	I	PET img wholebod init melan	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0217	TC	I	PET img wholebod init melan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0218		I	PET img wholebod restag mela	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0218	26	I	PET img wholebod restag mela	1.50	0.54	0.54	0.06	2.11	2.11	XXX
G0218	TC	I	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	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0219	26	N	PET img wholbod melano nonco	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0219	TC	N	PET img wholbod melano nonco	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0220		I	PET img wholebod dx lymphoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0220	26	I	PET img wholebod dx lymphoma	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0220	TC	I	PET img wholebod dx lymphoma	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0221		I	PET imag wholbod init lympho	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0221	26	I	PET imag wholbod init lympho	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0221	TC	I	PET imag wholbod init lympho	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0222		I	PET imag wholbod resta lymph	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0222	26	I	PET imag wholbod resta lymph	1.50	0.54	0.54	0.06	2.11	2.11	XXX
G0222	TC	I	PET imag wholbod resta lymph	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0223		I	PET imag wholbod reg dx head	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0223	26	I	PET imag wholbod reg dx head	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0223	TC	I	PET imag wholbod reg dx head	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0224		I	PET imag wholbod reg ini hea	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0224	26	I	PET imag wholbod reg ini hea	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0224	TC	I	PET imag wholbod reg ini hea	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0225		I	PET whol restag headneckonly	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
G0225	26	I	PET whol restag headneckonly	1.50	0.54	0.54	0.06	2.11	2.11	XXX
G0225	TC	I	PET whol restag headneckonly	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0226		I	PET img wholbody dx esophagl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0226	26	I	PET img wholbody dx esophagl	1.50	0.55	0.55	0.06	2.12	2.12	XXX
G0226	TC	I	PET img wholbody dx esophagl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0227		I	PET img wholbod ini esophage	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0227	26	I	PET img wholbod ini esophage	1.50	0.55	0.55	0.06	2.11	2.11	XXX
G0227	TC	I	PET img wholbod ini esophage	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0228		I	PET img wholbod restg esopha	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0228	26	I	PET img wholbod restg esopha	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0228	TC	I	PET img wholbod restg esopha	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0229		I	PET img metaboloc brain pres	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0229	26	I	PET img metaboloc brain pres	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0229	TC	I	PET img metaboloc brain pres	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0230		I	PET myocard viability post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0230	26	I	PET myocard viability post	1.50	0.55	0.55	0.06	2.12	2.12	XXX
G0230	TC	I	PET myocard viability post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0231		I	PET WhBD colorec; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0231	26	I	PET WhBD colorec; gamma cam	1.50	0.54	0.54	0.06	2.10	2.10	XXX
G0231	TC	I	PET WhBD colorec; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0232		I	PET whbd lymphoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0232	26	I	PET whbd lymphoma; gamma cam	1.50	0.55	0.55	0.06	2.11	2.11	XXX
G0232	TC	I	PET whbd lymphoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0233		I	PET whbd melanoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0233	26	I	PET whbd melanoma; gamma cam	1.50	0.55	0.55	0.06	2.11	2.11	XXX
G0233	TC	I	PET whbd melanoma; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0234		I	PET WhBD pulm nod; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0234	26	I	PET WhBD pulm nod; gamma cam	1.50	0.54	0.54	0.06	2.11	2.11	XXX
G0234	TC	I	PET WhBD pulm nod; gamma cam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0235		N	PET not otherwise specified	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0235	26	N	PET not otherwise specified	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0235	TC	N	PET not otherwise specified	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0237		A	Therapeutic procd strg endur	0.00	0.40	NA	0.02	0.42	NA	XXX
G0238		A	Oth resp proc, indiv	0.00	0.49	NA	0.00	0.49	NA	XXX
G0239		A	Oth resp proc, group	0.00	0.33	NA	0.00	0.33	NA	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	0.81	0.31	0.04	1.73	1.23	XXX
G0246		R	Followup eval of foot pt lop	0.45	0.55	0.16	0.02	1.02	0.63	XXX
G0247		R	Routine footcare pt w lops	0.50	0.55	0.21	0.02	1.07	0.73	ZZZ
G0248		R	Demonstrate use home inr mon	0.00	6.05	NA	0.01	6.06	NA	XXX
G0249		R	Provide test material,equipm	0.00	3.64	NA	0.01	3.65	NA	XXX
G0250		R	MD review interpret of test	0.18	0.06	0.06	0.01	0.25	0.25	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	0.59	0.59	0.04	2.13	2.13	XXX
G0252	TC	N	PET imaging initial dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0253		I	PET image brst dection recur	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0253	26	I	PET image brst dection recur	1.87	0.66	0.66	0.08	2.62	2.62	XXX
G0253	TC	I	PET image brst dection recur	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0254		I	PET image brst eval to tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0254	26	I	PET image brst eval to tx	1.87	0.68	0.68	0.08	2.64	2.64	XXX
G0254	TC	I	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	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0255	26	N	Current percep threshold tst	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0255	TC	N	Current percep threshold tst	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
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
G0268		A	Removal of impacted wax md	0.61	0.62	0.23	0.02	1.25	0.86	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	0.42	NA	0.01	0.43	NA	XXX
G0271		A	Group MNT 2 or more 30 mins	0.00	0.16	NA	0.01	0.17	NA	XXX
G0275		A	Renal angio, cardiac cath	0.25	NA	0.11	0.01	NA	0.37	ZZZ
G0278		A	Iliac art angio,cardiac cath	0.25	NA	0.11	0.01	NA	0.37	ZZZ
G0279		C	Excorp shock tx, elbow epi	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0280		C	Excorp shock tx other than	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0281		A	Elec stim unattend for press	0.18	0.12	NA	0.01	0.31	NA	XXX
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	0.12	NA	0.01	0.31	NA	XXX
G0288		A	Recon, CTA for surg plan	0.00	10.63	NA	0.18	10.81	NA	XXX
G0289		A	Arthro, loose body + chondro	1.48	NA	0.78	0.26	NA	2.52	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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
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
G0308		A	ESRD related svc 4+mo < 2yrs	12.77	8.56	8.56	0.42	21.74	21.74	XXX
G0309		A	ESRD related svc 2-3mo <2yrs	10.63	7.11	7.11	0.36	18.11	18.11	XXX
G0310		A	ESRD related svc 1 vst <2yrs	8.51	5.69	5.69	0.28	14.48	14.48	XXX
G0311		A	ESRD related svcs 4+mo 2-11yr	9.75	4.73	4.73	0.34	14.82	14.82	XXX
G0312		A	ESRD relate svcs 2-3 mo 2-11y	8.13	3.93	3.93	0.29	12.34	12.34	XXX
G0313		A	ESRD related svcs 1 mon 2-11y	6.50	3.15	3.15	0.22	9.87	9.87	XXX
G0314		A	ESRD related svcs 4+ mo 12-19	8.30	4.43	4.43	0.27	13.00	13.00	XXX
G0315		A	ESRD related svcs 2-3mo/12-19	6.91	3.68	3.68	0.23	10.82	10.82	XXX
G0316		A	ESRD related svcs 1vis/12-19y	5.53	2.95	2.95	0.17	8.65	8.65	XXX
G0317		A	ESRD related svcs 4+mo 20+yrs	5.10	2.87	2.87	0.17	8.14	8.14	XXX
G0318		A	ESRD related svcs 2-3 mo 20+y	4.25	2.38	2.38	0.14	6.77	6.77	XXX
G0319		A	ESRD related svcs 1visit 20+y	3.40	1.90	1.90	0.11	5.41	5.41	XXX
G0320		A	ESD related svcs home undr 2	10.63	7.11	7.11	0.36	18.11	18.11	XXX
G0321		A	ESRDrelatedsvcs home mo 2-11y	8.13	3.93	3.93	0.29	12.34	12.34	XXX
G0322		A	ESRD related svcs hom mo12-19	6.91	3.68	3.68	0.23	10.82	10.82	XXX
G0323		A	ESRD related svcs home mo 20+	4.25	2.38	2.38	0.14	6.77	6.77	XXX
G0324		A	ESRD related serv/dy,2y	0.35	0.24	0.24	0.01	0.60	0.60	XXX
G0325		A	ESRD relate serv/dy 2-11yr	0.23	0.12	0.12	0.01	0.36	0.36	XXX
G0326		A	ESRD relate serv/dy 12-19y	0.27	0.13	0.13	0.01	0.41	0.41	XXX
G0327		A	ESRD relate serv/dy 20+yrs	0.14	0.08	0.08	0.01	0.23	0.23	XXX
G0329		A	Electromagntic tx for ulcers	0.06	0.14	NA	0.01	0.21	NA	XXX
G0336	26	I	PET imaging brain alzheimers	1.50	0.52	0.52	0.05	2.07	2.07	XXX
G0336	TC	I	PET imaging brain alzheimers	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0337		X	Hospice evaluation preelecti	1.34	0.51	0.51	0.09	1.94	1.94	XXX
G0341		A	Percutaneous islet celltrans	6.99	NA	2.68	0.48	NA	10.15	000
G0342		A	Laparoscopy islet cell trans	11.94	NA	5.24	1.46	NA	18.64	090
G0343		A	Laparotomy islet cell transp	19.89	NA	8.62	2.06	NA	30.57	090
G0344		A	Initial preventive exam	1.34	1.14	0.47	0.10	2.58	1.92	XXX
G0345		A	IV infuse hydration, initial	0.17	1.43	NA	0.07	1.67	NA	XXX
G0346		A	Each additional infuse hour	0.09	0.40	NA	0.04	0.53	NA	ZZZ
G0347		A	IV infusion therapy/diagnost	0.21	1.76	NA	0.07	2.04	NA	XXX
G0348		A	Each additional hr up to 8hr	0.18	0.46	NA	0.04	0.68	NA	ZZZ
G0349		A	Additional sequential infuse	0.19	0.90	NA	0.04	1.13	NA	ZZZ
G0350		A	Concurrent infusion	0.17	0.44	NA	0.04	0.65	NA	ZZZ
G0351		A	Therapeutic/diagnostic injec	0.17	0.31	NA	0.01	0.49	NA	XXX
G0353		A	IV push,single orinital dru	0.18	1.30	NA	0.04	1.52	NA	XXX
G0354		A	Each addition sequential IV	0.10	0.57	NA	0.04	0.71	NA	ZZZ
G0355		A	Chemo adminisrate subcut/IM	0.21	1.15	NA	0.01	1.37	NA	XXX
G0356		A	Hormonal anti-neoplastic	0.19	0.75	NA	0.01	0.95	NA	XXX
G0357		A	IV push single/initial subst	0.24	2.94	NA	0.06	3.24	NA	XXX
G0358		A	IV push each additional drg	0.20	1.62	NA	0.06	1.88	NA	ZZZ
G0359		A	Chemotherapy IV one hr initi	0.28	4.22	NA	0.08	4.58	NA	XXX
G0360		A	Each additional hr 1-8 hrs	0.19	0.78	NA	0.07	1.04	NA	ZZZ
G0361		A	Prolong chemo infuse>8hrs pu	0.21	4.63	NA	0.08	4.92	NA	XXX
G0362		A	Each add sequential infusion	0.21	1.95	NA	0.07	2.23	NA	ZZZ
G0363		T	Irrigate implanted venous de	0.04	0.70	NA	0.01	0.75	NA	XXX
G0364		A	Bone marrow aspirate &biopsy	0.16	0.14	0.06	0.04	0.34	0.26	ZZZ
G0365		A	Vessel mapping hemo access	0.25	4.13	NA	0.25	4.63	NA	XXX
G0365	26	A	Vessel mapping hemo access	0.25	0.09	0.09	0.02	0.36	0.36	XXX
G0365	TC	A	Vessel mapping hemo access	0.00	4.03	NA	0.23	4.26	NA	XXX
G0366		A	EKG for initial prevent exam	0.17	0.47	0.00	0.03	0.67	0.20	XXX
G0367		A	EKG tracing for initial prev	0.00	0.41	NA	0.02	0.43	NA	XXX
G0368		A	EKG interpret & report preve	0.17	0.06	0.06	0.01	0.24	0.24	XXX
G0375		A	Smoke/Tobacco counseling3-10	0.24	0.00	0.00	0.01	0.25	0.25	XXX
G0376		A	Smoke/Tobacco counseling >10	0.48	0.00	0.00	0.01	0.49	0.49	XXX
G9013		N	ESRD demo bundle level I	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G9014		N	ESRD demo bundle-level II	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
M0064		A	Visit for drug monitoring	0.37	0.38	0.12	0.01	0.76	0.50	XXX
P3001		A	Screening pap smear by phys	0.42	0.23	0.15	0.02	0.67	0.59	XXX
Q0035		A	Cardiokymography	0.17	0.41	NA	0.03	0.61	NA	XXX
Q0035	26	A	Cardiokymography	0.17	0.06	0.06	0.01	0.24	0.24	XXX
Q0035	TC	A	Cardiokymography	0.00	0.35	NA	0.02	0.37	NA	XXX
Q0091		A	Obtaining screen pap smear	0.37	0.68	NA	0.02	1.07	NA	XXX
Q0092		A	Set up port xray equipment	0.00	0.33	NA	0.01	0.34	NA	XXX
Q3001		C	Brachytherapy Radioelements	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

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## ADDENDUM B.—RELATIVE VALUE UNITS (RVUs) AND RELATED INFORMATION—Continued

CPT <sup>1</sup> HCPCS <sup>2</sup>	Mod	Status	Description	Physician work RVUs <sup>3</sup>	Non- facility PE RVUs	Facility PE RVUs	Mal- practice RVUs	Non- facility total	Facility total	Global
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

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<sup>3</sup>+Indicates RVUs are not used for Medicare payment.

ADDENDUM C.—CODES FOR WHICH WE RECEIVED PRACTICE EXPENSE REVIEW COMMITTEE (PERC) RECOMMENDATIONS ON PRACTICE EXPENSE DIRECT COST INPUTS

CPT Code	Short descriptors
00104 ..	Anesth, electroshock
00124 ..	Anesth, ear exam
11100 ..	Biopsy, skin lesion
11101 ..	Biopsy, skin add-on
11950 ..	Therapy for contour defects
11951 ..	Therapy for contour defects
11952 ..	Therapy for contour defects
11954 ..	Therapy for contour defects
11975 ..	Insert contraceptive cap
11976 ..	Removal of contraceptive cap
11977 ..	Removal/reinsert contra cap
12031 ..	Layer closure of wound(s)
12034 ..	Layer closure of wound(s)
12041 ..	Layer closure of wound(s)
12042 ..	Layer closure of wound(s)
12044 ..	Layer closure of wound(s)
12051 ..	Layer closure of wound(s)
12052 ..	Layer closure of wound(s)
12053 ..	Layer closure of wound(s)
12054 ..	Layer closure of wound(s)
12055 ..	Layer closure of wound(s)
12056 ..	Layer closure of wound(s)
12057 ..	Layer closure of wound(s)
13152 ..	Repair of wound or lesion
15775 ..	Hair transplant punch grafts
15776 ..	Hair transplant punch grafts
15851 ..	Removal of sutures
15852 ..	Dressing change not for burn
17250 ..	Chemical cautery, tissue
17304 ..	1 stage mohs, up to 5 spec
17305 ..	2 stage mohs, up to 5 spec
17306 ..	3 stage mohs, up to 5 spec
17307 ..	Mohs addl stage up to 5 spec
17310 ..	Mohs any stage > 5 spec each
17360 ..	Skin peel therapy
19000 ..	Drainage of breast lesion
19396 ..	Design custom breast implant
20500 ..	Injection of sinus tract
21300 ..	Treatment of skull fracture
21310 ..	Treatment of nose fracture
21480 ..	Reset dislocated jaw
31700 ..	Insertion of airway catheter
31730 ..	Intro, windpipe wire/tube
32960 ..	Therapeutic pneumothorax
33960 ..	External circulation assist
33961 ..	External circulation assist
36522 ..	Photopheresis
36860 ..	External cannula declotting
38230 ..	Bone marrow collection
38794 ..	Access thoracic lymph duct
40490 ..	Biopsy of lip
41250 ..	Repair tongue laceration
41251 ..	Repair tongue laceration
41252 ..	Repair tongue laceration
41800 ..	Drainage of gum lesion
41805 ..	Removal foreign body, gum
41806 ..	Removal foreign body, jawbone
41822 ..	Excision of gum lesion
41825 ..	Excision of gum lesion
41826 ..	Excision of gum lesion
41828 ..	Excision of gum lesion
41830 ..	Removal of gum tissue
42100 ..	Biopsy roof of mouth
42104 ..	Excision lesion, mouth roof

ADDENDUM C.—CODES FOR WHICH WE RECEIVED PRACTICE EXPENSE REVIEW COMMITTEE (PERC) RECOMMENDATIONS ON PRACTICE EXPENSE DIRECT COST INPUTS—Continued

CPT Code	Short descriptors
42106 ..	Excision lesion, mouth roof
42107 ..	Excision lesion, mouth roof
42160 ..	Treatment mouth roof lesion
42280 ..	Preparation, palate mold
43750 ..	Place gastrostomy tube
43760 ..	Change gastrostomy tube
47000 ..	Needle biopsy of liver
48102 ..	Needle biopsy, pancreas
49080 ..	Puncture, peritoneal cavity
49081 ..	Removal of abdominal fluid
49428 ..	Ligation of shunt
51000 ..	Drainage of bladder
51005 ..	Drainage of bladder
54450 ..	Preputial stretching
56420 ..	Drainage of gland abscess
57150 ..	Treat vagina infection
57170 ..	Fitting of diaphragm/cap
57180 ..	Treat vaginal bleeding
58300 ..	Insert intrauterine device
58323 ..	Sperm washing
59160 ..	D & c after delivery
59300 ..	Episiotomy or vaginal repair
60000 ..	Drain thyroid/tongue cyst
60001 ..	Aspirate/inject thyroid cyst
61888 ..	Revise/remove neuroreceiver
62194 ..	Replace/irrigate catheter
67221 ..	Ocular photodynamic ther
67225 ..	Eye photodynamic ther add-on
68400 ..	Incise/drain tear gland
68420 ..	Incise/drain tear sac
68510 ..	Biopsy of tear gland
68530 ..	Clearance of tear duct
69100 ..	Biopsy of external ear
69300 ..	Revise external ear
76120 ..	Cine/video x-rays
76940 ..	Us guide, tissue ablation
76942 ..	Echo guide for biopsy
76975 ..	GI endoscopic ultrasound
78160 ..	Plasma iron turnover
78162 ..	Radioiron absorption exam
78170 ..	Red cell iron utilization
78172 ..	Total body iron estimation
78282 ..	GI protein loss exam
78350 ..	Bone mineral, single photon
78351 ..	Bone mineral, dual photon
78455 ..	Venous thrombosis study
79200 ..	Nuclear rx, intracav admin
79300 ..	Nuclr rx, interstit colloid
79440 ..	Nuclear rx, intra-articular
86585 ..	TB tine test
88355 ..	Analysis, skeletal muscle
88356 ..	Analysis, nerve
89100 ..	Sample intestinal contents
89105 ..	Sample intestinal contents
89130 ..	Sample stomach contents
89132 ..	Sample stomach contents
89135 ..	Sample stomach contents
89136 ..	Sample stomach contents
89140 ..	Sample stomach contents
89141 ..	Sample stomach contents
90465 ..	Immune admin 1 inj, < 8 yrs
90466 ..	Immune admin addl inj, < 8 y
90467 ..	Immune admin o or n, < 8 yrs

ADDENDUM C.—CODES FOR WHICH WE RECEIVED PRACTICE EXPENSE REVIEW COMMITTEE (PERC) RECOMMENDATIONS ON PRACTICE EXPENSE DIRECT COST INPUTS—Continued

CPT Code	Short descriptors
90468 ..	Immune admin o/n, addl < 8 y
90880 ..	Hypnotherapy
90997 ..	Hemoperfusion
92015 ..	Refraction
92230 ..	Eye exam with photos
92260 ..	Ophthalmoscopy/dynamometry
92265 ..	Eye muscle evaluation
92284 ..	Dark adaptation eye exam
92287 ..	Internal eye photography
92310 ..	Contact lens fitting
92311 ..	Contact lens fitting
92312 ..	Contact lens fitting
92313 ..	Contact lens fitting
92314 ..	Prescription of contact lens
92315 ..	Prescription of contact lens
92316 ..	Prescription of contact lens
92317 ..	Prescription of contact lens
92340 ..	Fitting of spectacles
92341 ..	Fitting of spectacles
92342 ..	Fitting of spectacles
92370 ..	Repair & adjust spectacles
92510 ..	Rehab for ear implant
92551 ..	Pure tone hearing test, air
93012 ..	Transmission of ecg
93271 ..	Ecg/monitoring and analysis
93561 ..	Cardiac output measurement
93562 ..	Cardiac output measurement
94014 ..	Patient recorded spirometry
94015 ..	Patient recorded spirometry
94016 ..	Review patient spirometry
94200 ..	Lung function test (MBC/MVV)
94250 ..	Expired gas collection
94350 ..	Lung nitrogen washout curve
94370 ..	Breath airway closing volume
94400 ..	CO2 breathing response curve
94620 ..	Pulmonary stress test/simple
94660 ..	Pos airway pressure, CPAP
94667 ..	Chest wall manipulation
94668 ..	Chest wall manipulation
94680 ..	Exhaled air analysis, o2
94681 ..	Exhaled air analysis, o2/co2
94690 ..	Exhaled air analysis
94725 ..	Membrane diffusion capacity
94750 ..	Pulmonary compliance study
95060 ..	Eye allergy tests
95065 ..	Nose allergy test
95071 ..	Bronchial allergy tests
95075 ..	Ingestion challenge test
95078 ..	Provocative testing
95805 ..	Multiple sleep latency test
95812 ..	Eeg, 41-60 minutes
95813 ..	Eeg, over 1 hour
95816 ..	Eeg, awake and drowsy
95819 ..	Eeg, awake and asleep
95822 ..	Eeg, coma or sleep only
95950 ..	Ambulatory eeg monitoring
95954 ..	EEG monitoring/giving drugs
95956 ..	Eeg monitoring, cable/radio
96900 ..	Ultraviolet light therapy
96105 ..	Assessment of aphasia
99185 ..	Regional hypothermia
99186 ..	Total body hypothermia

## ADDENDUM D—2006 GEOGRAPHIC PRACTICE COST INDICIES (GPCI) BY MEDICARE CARRIER AND LOCALITY

Carrier	Locality	Locality name	Work GPCI	PE GPCI	MP GPCI
00510	00	Alabama	1.000	0.846	0.752
00831	01	Alaska	1.017	1.103	1.029
00832	00	Arizona	1.000	0.992	1.069
00520	13	Arkansas	1.000	0.831	0.438
31140	03	Marin/Napa/Solano, CA	1.035	1.340	0.651
31140	05	San Francisco, CA	1.060	1.543	0.651
31140	06	San Mateo, CA	1.073	1.536	0.639
31140	07	Oakland/Berkley, CA	1.054	1.371	0.651
31140	09	Santa Clara, CA	1.083	1.540	0.604
31140	TBD**	Santa Cruz, CA	1.014	1.218	0.717
31140	99	Rest of California*	1.010	1.042	0.717
31146	17	Ventura, CA	1.028	1.179	0.744
31146	18	Los Angeles, CA	1.041	1.156	0.954
31146	26	Anaheim/Santa Ana, CA	1.034	1.236	0.954
31140	TBD**	Sonoma, CA	1.017	1.230	0.717
31146	99	Rest of California*	1.010	1.042	0.717
00824	01	Colorado	1.000	1.014	0.803
00591	00	Connecticut	1.038	1.170	0.900
00903	01	DC + MD/VA Suburbs	1.048	1.250	0.926
00902	01	Delaware	1.012	1.018	0.892
00590	03	Fort Lauderdale, FL	1.000	0.988	1.703
00590	04	Miami, FL	1.000	1.046	2.269
00590	99	Rest of Florida	1.000	0.934	1.272
00511	01	Atlanta, GA	1.010	1.089	0.966
00511	99	Rest of Georgia	1.000	0.872	0.966
00833	01	Hawaii/Guam	1.005	1.111	0.800
05130	00	Idaho	1.000	0.868	0.459
00952	12	East St. Louis, IL	1.000	0.939	1.750
00952	15	Suburban Chicago, IL	1.018	1.115	1.652
00952	16	Chicago, IL	1.025	1.126	1.867
00952	99	Rest of Illinois	1.000	0.872	1.193
00630	00	Indiana	1.000	0.906	0.436
00826	00	Iowa	1.000	0.868	0.589
00650	00	Kansas*	1.000	0.878	0.721
00740	04	Kansas*	1.000	0.878	0.721
00660	00	Kentucky	1.000	0.854	0.873
00528	01	New Orleans, LA	1.000	0.946	1.197
00528	99	Rest of Louisiana	1.000	0.847	1.058
31142	03	Southern Maine	1.000	1.013	0.637
31142	99	Rest of Maine	1.000	0.886	0.637
00901	01	Baltimore/Surr. Cntys, MD	1.012	1.078	0.947
00901	99	Rest of Maryland	1.000	0.980	0.760
31143	01	Metropolitan Boston	1.030	1.329	0.823
31143	99	Rest of Massachusetts	1.007	1.103	0.823
00953	01	Detroit, MI	1.037	1.054	2.744
00953	99	Rest of Michigan	1.000	0.921	1.518
00954	00	Minnesota	1.000	1.005	0.410
00512	00	Mississippi	1.000	0.839	0.722
00740	02	Metropolitan Kansas City, MO	1.000	0.975	0.946
00523	01	Metropolitan St. Louis, MO	1.000	0.955	0.941
00523	99	Rest of Missouri*	1.000	0.802	0.892
00740	99	Rest of Missouri*	1.000	0.802	0.892
00751	01	Montana	1.000	0.844	0.904
00655	00	Nebraska	1.000	0.875	0.454
00834	00	Nevada	1.003	1.043	1.068
31144	40	New Hampshire	1.000	1.027	0.942
00805	01	Northern NJ	1.058	1.220	0.973
00805	99	Rest of New Jersey	1.043	1.119	0.973
00521	05	New Mexico	1.000	0.887	0.895
00801	99	Rest of New York	1.000	0.917	0.677
00803	01	Manhattan, NY	1.065	1.298	1.504
00803	02	NYC Suburbs/Long I., NY	1.052	1.280	1.785
00803	03	Poughkpsie/N NYC Suburbs, NY	1.014	1.074	1.167
14330	04	Queens, NY	1.032	1.228	1.710
05535	00	North Carolina	1.000	0.920	0.640
00820	01	North Dakota	1.000	0.860	0.602
00883	00	Ohio	1.000	0.933	0.976
00522	00	Oklahoma	1.000	0.854	0.382
00835	01	Portland, OR	1.002	1.057	0.441
00835	99	Rest of Oregon	1.000	0.925	0.441
00865	01	Metropolitan Philadelphia, PA	1.016	1.104	1.386

ADDENDUM D—2006 GEOGRAPHIC PRACTICE COST INDICIES (GPCI) BY MEDICARE CARRIER AND LOCALITY—Continued

Carrier	Locality	Locality name	Work GPCI	PE GPCI	MP GPCI
00865	99	Rest of Pennsylvania	1.000	0.902	0.806
00973	20	Puerto Rico	1.000	0.698	0.261
00870	01	Rhode Island	1.045	0.989	0.909
00880	01	South Carolina	1.000	0.893	0.394
00820	02	South Dakota	1.000	0.876	0.365
05440	35	Tennessee	1.000	0.879	0.631
00900	09	Brazoria, TX	1.020	0.961	1.298
00900	11	Dallas, TX	1.009	1.062	1.061
00900	15	Galveston, TX	1.000	0.952	1.298
00900	18	Houston, TX	1.016	1.014	1.297
00900	20	Beaumont, TX	1.000	0.860	1.298
00900	28	Fort Worth, TX	1.000	0.989	1.061
00900	31	Austin, TX	1.000	1.046	0.986
00900	99	Rest of Texas	1.000	0.865	1.138
00910	09	Utah	1.000	0.937	0.662
31145	50	Vermont	1.000	0.968	0.514
00973	50	Virgin Islands	1.000	1.014	1.003
00904	00	Virginia	1.000	0.940	0.579
00836	02	Seattle (King Cnty), WA	1.014	1.131	0.819
00836	99	Rest of Washington	1.000	0.978	0.819
00884	16	West Virginia	1.000	0.819	1.547
00951	00	Wisconsin	1.000	0.918	0.790
00825	21	Wyoming	1.000	0.853	0.935

For 2005 and 2006, if the work GPCI falls below a 1.0 work index, then the work GPCI equals 1.0.  
 For 2005, if the Work, PE and MP GPCI for Alaska falls below 1.67, then the Work, PE and MP GPCIs equal 1.67.  
 \* states are served by more than one carrier  
 \*\* locality numbers not assigned to proposed localities

ADDENDUM E.—PROPOSED 2006 GEOGRAPHIC ADJUSTMENT FACTORS (GAFs)

Carrier	Locality	Locality name	2006 GAF
31140	06	San Mateo, CA	1.259
31140	05	San Francisco, CA	1.256
31140	09	Santa Clara, CA	1.256
00803	01	Manhattan, NY	1.184
00803	02	NYC Suburbs/Long I., NY	1.180
31140	07	Oakland/Berkley, CA	1.177
31140	03	Marin/Napa/Solano, CA	1.154
31143	01	Metropolitan Boston	1.153
14330	04	Queens, NY	1.144
00903	01	DC + MD/VA Suburbs	1.132
00805	01	Northern NJ	1.126
31146	26	Anaheim/Santa Ana, CA	1.119
31140	TBD*	Santa Cruz, CA	1.119
00953	01	Detroit, MI	1.111
00952	16	Chicago, IL	1.102
31140	TBD**	Sonoma, CA	1.098
00591	00	Connecticut	1.091
31146	18	Los Angeles, CA	1.088
00952	15	Suburban Chicago, IL	1.085
31146	17	Ventura, CA	1.083
00805	99	Rest of New Jersey	1.074
00865	01	Metropolitan Philadelphia, PA	1.069
00590	04	Miami, FL	1.069
00836	02	Seattle (King Cnty), WA	1.058
00831	01	Alaska	1.055
00803	03	Poughkpsie/N NYC Suburbs, NY	1.046
00833	01	Hawaii/Guam	1.044
00511	01	Atlanta, GA	1.043
31143	99	Rest of Massachusetts	1.042
00901	01	Baltimore/Surr. Cntys, MD	1.039
00900	11	Dallas, TX	1.034
00900	18	Houston, TX	1.026
00834	00	Nevada	1.023
00590	03	Fort Lauderdale, FL	1.022
00900	31	Austin, TX	1.020
31146	99	Rest of California *	1.014
31140	99	Rest of California *	1.014
31144	40	New Hampshire	1.010

## ADDENDUM E.—PROPOSED 2006 GEOGRAPHIC ADJUSTMENT FACTORS (GAFs)—Continued

Carrier	Locality	Locality name	2006 GAF
00902	01	Delaware	1.010
00973	50	Virgin Islands	1.007
00900	09	Brazoria, TX	1.005
00835	01	Portland, OR	1.005
00952	12	East St. Louis, IL	1.003
00832	00	Arizona	0.999
00824	01	Colorado	0.999
00900	28	Fort Worth, TX	0.998
31142	03	Southern Maine	0.992
00900	15	Galveston, TX	0.991
00740	02	Metropolitan Kansas City, MO	0.987
00953	99	Rest of Michigan	0.986
00836	99	Rest of Washington	0.984
00528	01	New Orleans, LA	0.984
00901	99	Rest of Maryland	0.982
00590	99	Rest of Florida	0.982
00954	00	Minnesota	0.980
00523	01	Metropolitan St. Louis, MO	0.978
00883	00	Ohio	0.970
31145	50	Vermont	0.968
00910	09	Utah	0.960
00904	00	Virginia	0.958
00951	00	Wisconsin	0.956
00952	99	Rest of Illinois	0.952
00801	99	Rest of New York	0.952
05535	00	North Carolina	0.951
00900	20	Beaumont, TX	0.951
00865	99	Rest of Pennsylvania	0.950
00900	99	Rest of Texas	0.947
00521	05	New Mexico	0.947
00835	99	Rest of Oregon	0.946
00511	99	Rest of Georgia	0.943
00884	16	West Virginia	0.942
00630	00	Indiana	0.937
31142	99	Rest of Maine	0.936
00740	04	Kansas*	0.936
00650	00	Kansas*	0.936
00528	99	Rest of Louisiana	0.936
00825	21	Wyoming	0.934
05440	35	Tennessee	0.933
00660	00	Kentucky	0.932
00880	01	South Carolina	0.930
00870	01	Rhode Island	0.930
00751	01	Montana	0.928
00826	00	Iowa	0.927
00655	00	Nebraska	0.925
00820	01	North Dakota	0.924
00510	00	Alabama	0.923
05130	00	Idaho	0.922
00820	02	South Dakota	0.922
00512	00	Mississippi	0.919
00522	00	Oklahoma	0.913
00740	99	Rest of Missouri*	0.910
00523	99	Rest of Missouri*	0.910
00520	13	Arkansas	0.905
00973	20	Puerto Rico	0.840

For 2005 and 2006, if the work GPCI falls below a 1.0 work index, the work GPCI equals 1.0.

\*states are served by more than one carrier

\*\*locality numbers not assigned to proposed localities

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
01000	Autauga County, Alabama	5240	33860
01010	Baldwin County, Alabama	5160	01
01020	Barbour County, Alabama	01	01
01030	Bibb County, Alabama	01	13820

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
01040	Blount County, Alabama	1000	13820
01050	Bullock County, Alabama	01	01
01060	Butler County, Alabama	01	01
01070	Calhoun County, Alabama	0450	11500
01080	Chambers County, Alabama	01	01
01090	Cherokee County, Alabama	01	01
01100	Chilton County, Alabama	01	13820
01110	Choctaw County, Alabama	01	01
01120	Clarke County, Alabama	01	01
01130	Clay County, Alabama	01	01
01140	Cleburne County, Alabama	01	01
01150	Coffee County, Alabama	01	01
01160	Colbert County, Alabama	2650	22520
01170	Conecuh County, Alabama	01	01
01180	Coosa County, Alabama	01	01
01190	Covington County, Alabama	01	01
01200	Crenshaw County, Alabama	01	01
01210	Cullman County, Alabama	01	01
01220	Dale County, Alabama	2180	01
01230	Dallas County, Alabama	01	01
01240	De Kalb County, Alabama	01	01
01250	Elmore County, Alabama	5240	33860
01260	Escambia County, Alabama	01	01
01270	Etowah County, Alabama	2880	23460
01280	Fayette County, Alabama	01	01
01290	Franklin County, Alabama	01	01
01300	Geneva County, Alabama	01	20020
01310	Greene County, Alabama	01	46220
01320	Hale County, Alabama	01	46220
01330	Henry County, Alabama	01	20020
01340	Houston County, Alabama	2180	20020
01350	Jackson County, Alabama	01	01
01360	Jefferson County, Alabama	1000	13820
01370	Lamar County, Alabama	01	01
01380	Lauderdale County, Alabama	2650	22520
01390	Lawrence County, Alabama	01	19460
01400	Lee County, Alabama	01	12220
01410	Limestone County, Alabama	01	26620
01420	Lowndes County, Alabama	01	33860
01430	Macon County, Alabama	01	01
01440	Madison County, Alabama	3440	26620
01450	Marengo County, Alabama	01	01
01460	Marion County, Alabama	01	01
01470	Marshall County, Alabama	01	01
01480	Mobile County, Alabama	5160	33660
01490	Monroe County, Alabama	01	01
01500	Montgomery County, Alabama	5240	33860
01510	Morgan County, Alabama	01	19460
01520	Perry County, Alabama	01	01
01530	Pickens County, Alabama	01	01
01540	Pike County, Alabama	01	01
01550	Randolph County, Alabama	01	01
01560	Russell County, Alabama	1800	17980
01570	St Clair County, Alabama	1000	13820
01580	Shelby County, Alabama	1000	13820
01590	Sumter County, Alabama	01	01
01600	Talladega County, Alabama	01	01
01610	Tallapoosa County, Alabama	01	01
01620	Tuscaloosa County, Alabama	8600	46220
01630	Walker County, Alabama	1000	13820
01640	Washington County, Alabama	01	01
01650	Wilcox County, Alabama	01	01
01660	Winston County, Alabama	01	01
02013	Aleutians County East, Alaska	02	02
02016	Aleutians County West, Alaska	02	02
02020	Anchorage County, Alaska	0380	11260
02030	Angoon County, Alaska	02	02
02040	Barrow-North Slope County, Alaska	02	02
02050	Bethel County, Alaska	02	02
02060	Bristol Bay Borough County, Alaska	02	02

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
02068	Denali County, Alaska	02	02
02070	Bristol Bay County, Alaska	02	02
02080	Cordova-Mc Carthy County, Alaska	02	02
02090	Fairbanks County, Alaska	02	21820
02100	Haines County, Alaska	02	02
02110	Juneau County, Alaska	02	02
02120	Kenai-Cook Inlet County, Alaska	02	02
02122	Kenai Peninsula Borough, Alaska	02	02
02130	Ketchikan County, Alaska	02	02
02140	Kobuk County, Alaska	02	02
02150	Kodiak County, Alaska	02	02
02160	Kuskokwin County, Alaska	02	02
02164	Lake and Peninsula Borough, Alaska	02	02
02170	Matanuska County, Alaska	02	11260
02180	Nome County, Alaska	02	02
02185	North Slope Borough, Alaska	02	02
02188	Northwest Arctic Borough, Alaska	02	02
02190	Outer Ketchikan County, Alaska	02	02
02200	Prince Of Wales County, Alaska	02	02
02201	Prince of Wales-Outer Ketchikan Census Area, Alaska	02	02
02210	Seward County, Alaska	02	02
02220	Sitka County, Alaska	02	02
02230	Skagway-Yakutat County, Alaska	02	02
02231	Skagway-Yakutat-Angoon Census Area, Alaska	02	02
02232	Skagway-Hoonah-Angoon Census Area, Alaska	02	02
02240	Southeast Fairbanks County, Alaska	02	02
02250	Upper Yukon County, Alaska	02	02
02260	Valdez-Chitna-Whitier County, Alaska	02	02
02261	Valdez-Cordove Census Area, Alaska	02	02
02270	Wade Hampton County, Alaska	02	02
02280	Wrangell-Petersburg County, Alaska	02	02
02282	Yakutat Borough, Alaska	02	02
02290	Yukon-Koyukuk County, Alaska	02	02
03000	Apache County, Arizona	03	03
03010	Cochise County, Arizona	03	03
03020	Coconino County, Arizona	03	22380
03030	Gila County, Arizona	03	03
03040	Graham County, Arizona	03	03
03050	Greenlee County, Arizona	03	03
03055	La Paz County, Arizona	03	03
03060	Maricopa County, Arizona	6200	38060
03070	Mohave County, Arizona	03	03
03080	Navajo County, Arizona	03	03
03090	Pima County, Arizona	8520	46060
03100	Pinal County, Arizona	03	38060
03110	Santa Cruz County, Arizona	03	03
03120	Yavapai County, Arizona	03	39140
03130	Yuma County, Arizona	03	49740
04000	Arkansas County, Arkansas	04	04
04010	Ashley County, Arkansas	04	04
04020	Baxter County, Arkansas	04	04
04030	Benton County, Arkansas	04	22220
04040	Boone County, Arkansas	04	04
04050	Bradley County, Arkansas	04	04
04060	Calhoun County, Arkansas	04	04
04070	Carroll County, Arkansas	04	04
04080	Chicot County, Arkansas	04	04
04090	Clark County, Arkansas	04	04
04100	Clay County, Arkansas	04	04
04110	Cleburne County, Arkansas	04	04
04120	Cleveland County, Arkansas	04	38220
04130	Columbia County, Arkansas	04	04
04140	Conway County, Arkansas	04	04
04150	Craighead County, Arkansas	04	27860
04160	Crawford County, Arkansas	2720	22900
04170	Crittenden County, Arkansas	4920	32820
04180	Cross County, Arkansas	04	04
04190	Dallas County, Arkansas	04	04
04200	Desha County, Arkansas	04	04
04210	Drew County, Arkansas	04	04

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
04220	Faulkner County, Arkansas	4400	30780
04230	Franklin County, Arkansas	04	22900
04240	Fulton County, Arkansas	04	04
04250	Garland County, Arkansas	04	26300
04260	Grant County, Arkansas	04	30780
04270	Greene County, Arkansas	04	04
04280	Hempstead County, Arkansas	04	04
04290	Hot Spring County, Arkansas	04	04
04300	Howard County, Arkansas	04	04
04310	Independence County, Arkansas	04	04
04320	Izard County, Arkansas	04	04
04330	Jackson County, Arkansas	04	04
04340	Jefferson County, Arkansas	6240	38220
04350	Johnson County, Arkansas	04	04
04360	Lafayette County, Arkansas	04	04
04370	Lawrence County, Arkansas	04	04
04380	Lee County, Arkansas	04	04
04390	Lincoln County, Arkansas	04	38220
04400	Little River County, Arkansas	04	04
04410	Logan County, Arkansas	04	04
04420	Lonoke County, Arkansas	4400	30780
04430	Madison County, Arkansas	04	22220
04440	Marion County, Arkansas	04	04
04450	Miller County, Arkansas	8360	45500
04460	Mississippi County, Arkansas	04	04
04470	Monroe County, Arkansas	04	04
04480	Montgomery County, Arkansas	04	04
04490	Nevada County, Arkansas	04	04
04500	Newton County, Arkansas	04	04
04510	Ouachita County, Arkansas	04	04
04520	Perry County, Arkansas	04	30780
04530	Phillips County, Arkansas	04	04
04540	Pike County, Arkansas	04	04
04550	Poinsett County, Arkansas	04	27860
04560	Polk County, Arkansas	04	04
04570	Pope County, Arkansas	04	04
04580	Prairie County, Arkansas	04	04
04590	Pulaski County, Arkansas	4400	30780
04600	Randolph County, Arkansas	04	04
04610	St Francis County, Arkansas	04	04
04620	Saline County, Arkansas	4400	30780
04630	Scott County, Arkansas	04	04
04640	Searcy County, Arkansas	04	04
04650	Sebastian County, Arkansas	2720	22900
04660	Sevier County, Arkansas	04	04
04670	Sharp County, Arkansas	04	04
04680	Stone County, Arkansas	04	04
04690	Union County, Arkansas	04	04
04700	Van Buren County, Arkansas	04	04
04710	Washington County, Arkansas	2580	22220
04720	White County, Arkansas	04	04
04730	Woodruff County, Arkansas	04	04
04740	Yell County, Arkansas	04	04
05000	Alameda County, California	5775	36084
05010	Alpine County, California	05	05
05020	Amador County, California	05	05
05030	Butte County, California	1620	17020
05040	Calaveras County, California	05	05
05050	Colusa County, California	05	05
05060	Contra Costa County, California	5775	36084
05070	Del Norte County, California	05	05
05080	Eldorado County, California	6920	40900
05090	Fresno County, California	2840	23420
05100	Glenn County, California	05	05
05110	Humboldt County, California	05	05
05120	Imperial County, California	05	20940
05130	Inyo County, California	05	05
05140	Kern County, California	0680	12540
05150	Kings County, California	05	25260
05160	Lake County, California	05	05

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
05170	Lassen County, California	05	05
05200	Los Angeles County, California	4480	31084
05210	Los Angeles County, California	4480	31084
05300	Madera County, California	05	31460
05310	Marin County, California	7360	41884
05320	Mariposa County, California	05	05
05330	Mendocino County, California	05	05
05340	Merced County, California	4940	32900
05350	Modoc County, California	05	05
05360	Mono County, California	05	05
05370	Monterey County, California	7120	41500
05380	Napa County, California	8720	34900
05390	Nevada County, California	05	05
05400	Orange County, California	0360	42044
05410	Placer County, California	6920	40900
05420	Plumas County, California	05	05
05430	Riverside County, California	6780	40140
05440	Sacramento County, California	6920	40900
05450	San Benito County, California	05	41940
05460	San Bernardino County, California	6780	40140
05470	San Diego County, California	7320	41740
05480	San Francisco County, California	7360	41884
05490	San Joaquin County, California	8120	44700
05500	San Luis Obispo County, California	05	42020
05510	San Mateo County, California	7360	41884
05520	Santa Barbara County, California	7480	42060
05530	Santa Clara County, California	7400	41940
05540	Santa Cruz County, California	7485	42100
05550	Shasta County, California	6690	39820
05560	Sierra County, California	05	05
05570	Siskiyou County, California	05	05
05580	Solano County, California	8720	46700
05590	Sonoma County, California	7500	42220
05600	Stanislaus County, California	5170	33700
05610	Sutter County, California	9340	49700
05620	Tehama County, California	05	05
05630	Trinity County, California	05	05
05640	Tulare County, California	8780	47300
05650	Tuolumne County, California	05	05
05660	Ventura County, California	6000	37100
05670	Yolo County, California	6920	40900
05680	Yuba County, California	9340	49700
06000	Adams County, Colorado	2080	19740
06010	Alamosa County, Colorado	06	06
06020	Arapahoe County, Colorado	2080	19740
06030	Archuleta County, Colorado	06	06
06040	Baca County, Colorado	06	06
06050	Bent County, Colorado	06	06
06060	Boulder County, Colorado	1125	14500
06070	Chaffee County, Colorado	06	06
06080	Cheyenne County, Colorado	06	06
06090	Clear Creek County, Colorado	06	19740
06100	Conejos County, Colorado	06	06
06110	Costilla County, Colorado	06	06
06120	Crowley County, Colorado	06	06
06130	Custer County, Colorado	06	06
06140	Delta County, Colorado	06	06
06150	Denver County, Colorado	2080	19740
06160	Dolores County, Colorado	06	06
06170	Douglas County, Colorado	2080	19740
06180	Eagle County, Colorado	06	06
06190	Elbert County, Colorado	06	19740
06200	El Paso County, Colorado	1720	17820
06210	Fremont County, Colorado	06	06
06220	Garfield County, Colorado	06	06
06230	Gilpin County, Colorado	06	19740
06240	Grand County, Colorado	06	06
06250	Gunnison County, Colorado	06	06
06260	Hinsdale County, Colorado	06	06
06270	Huerfano County, Colorado	06	06

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
06280	Jackson County, Colorado	06	06
06290	Jefferson County, Colorado	2080	19740
06300	Kiowa County, Colorado	06	06
06310	Kit Carson County, Colorado	06	06
06320	Lake County, Colorado	06	06
06330	La Plata County, Colorado	06	06
06340	Larimer County, Colorado	2670	22660
06350	Las Animas County, Colorado	06	06
06360	Lincoln County, Colorado	06	06
06370	Logan County, Colorado	06	06
06380	Mesa County, Colorado	06	24300
06390	Mineral County, Colorado	06	06
06400	Moffat County, Colorado	06	06
06410	Montezuma County, Colorado	06	06
06420	Montrose County, Colorado	06	06
06430	Morgan County, Colorado	06	06
06440	Otero County, Colorado	06	06
06450	Ouray County, Colorado	06	06
06460	Park County, Colorado	06	19740
06470	Phillips County, Colorado	06	06
06480	Pitkin County, Colorado	06	06
06490	Prowers County, Colorado	06	06
06500	Pueblo County, Colorado	6560	39380
06510	Rio Blanco County, Colorado	06	06
06520	Rio Grande County, Colorado	06	06
06530	Routt County, Colorado	06	06
06540	Saguache County, Colorado	06	06
06550	San Juan County, Colorado	06	06
06560	San Miguel County, Colorado	06	06
06570	Sedgwick County, Colorado	06	06
06580	Summit County, Colorado	06	06
06590	Teller County, Colorado	06	17820
06600	Washington County, Colorado	06	06
06610	Weld County, Colorado	3060	24540
06620	Yuma County, Colorado	06	06
06630	Broomfield County, Colorado	06	19740
07000	Fairfield County, Connecticut	1163	14860
07010	Hartford County, Connecticut	3283	25540
07020	Litchfield County, Connecticut	3283	25540
07030	Middlesex County, Connecticut	3283	25540
07040	New Haven County, Connecticut	5483	35300
07050	New London County, Connecticut	5523	35980
07060	Tolland County, Connecticut	3283	25540
07070	Windham County, Connecticut	07	07
08000	Kent County, Delaware	07	20100
08010	New Castle County, Delaware	9160	48864
08020	Sussex County, Delaware	08	08
09000	Washington DC County, Dist Of Col	8840	47894
10000	Alachua County, Florida	2900	23540
10010	Baker County, Florida	10	27260
10020	Bay County, Florida	6015	37460
10030	Bradford County, Florida	10	10
10040	Brevard County, Florida	4900	37340
10050	Broward County, Florida	2680	22744
10060	Calhoun County, Florida	10	10
10070	Charlotte County, Florida	10	39460
10080	Citrus County, Florida	10	10
10090	Clay County, Florida	3600	27260
10100	Collier County, Florida	5345	34940
10110	Columbia County, Florida	10	10
10120	Dade County, Florida	5000	33124
10130	De Soto County, Florida	10	10
10140	Dixie County, Florida	10	10
10150	Duval County, Florida	3600	27260
10160	Escambia County, Florida	6080	37860
10170	Flagler County, Florida	10	10
10180	Franklin County, Florida	10	10
10190	Gadsden County, Florida	8240	45220
10200	Gilchrist County, Florida	10	23540
10210	Glades County, Florida	10	10

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
10220	Gulf County, Florida	10	10
10230	Hamilton County, Florida	10	10
10240	Hardee County, Florida	10	10
10250	Hendry County, Florida	10	10
10260	Hernando County, Florida	8280	45300
10270	Highlands County, Florida	10	10
10280	Hillsborough County, Florida	8280	45300
10290	Holmes County, Florida	10	10
10300	Indian River County, Florida	10	46940
10310	Jackson County, Florida	10	10
10320	Jefferson County, Florida	10	45220
10330	Lafayette County, Florida	10	10
10340	Lake County, Florida	10	36740
10350	Lee County, Florida	2700	15980
10360	Leon County, Florida	8240	45220
10370	Levy County, Florida	10	10
10380	Liberty County, Florida	10	10
10390	Madison County, Florida	10	10
10400	Manatee County, Florida	1140	42260
10410	Marion County, Florida	5790	36100
10420	Martin County, Florida	2710	38940
10430	Monroe County, Florida	10	10
10440	Nassau County, Florida	3600	27260
10450	Okaloosa County, Florida	2750	23020
10460	Okeechobee County, Florida	10	10
10470	Orange County, Florida	5960	36740
10480	Osceola County, Florida	5960	36740
10490	Palm Beach County, Florida	8960	48424
10500	Pasco County, Florida	8280	45300
10510	Pinellas County, Florida	8280	45300
10520	Polk County, Florida	3980	29460
10530	Putnam County, Florida	10	10
10540	St. Johns County, Florida	3600	27260
10550	St. Lucie County, Florida	2710	38940
10560	Santa Rosa County, Florida	6080	37860
10570	Sarasota County, Florida	7510	42260
10580	Seminole County, Florida	5960	36740
10590	Sumter County, Florida	10	10
10600	Suwannee County, Florida	10	10
10610	Taylor County, Florida	10	10
10620	Union County, Florida	10	10
10630	Volusia County, Florida	2020	19660
10640	Wakulla County, Florida	10	45220
10650	Walton County, Florida	10	10
10660	Washington County, Florida	10	10
11000	Appling County, Georgia	11	11
11010	Atkinson County, Georgia	11	11
11011	Bacon County, Georgia	11	11
11020	Baker County, Georgia	11	10500
11030	Baldwin County, Georgia	11	11
11040	Banks County, Georgia	11	11
11050	Barrow County, Georgia	0520	12060
11060	Bartow County, Georgia	11	12060
11070	Ben Hill County, Georgia	11	11
11080	Berrien County, Georgia	11	11
11090	Bibb County, Georgia	4680	31420
11100	Bleckley County, Georgia	11	11
11110	Brantley County, Georgia	11	15260
11120	Brooks County, Georgia	11	46660
11130	Bryan County, Georgia	11	42340
11140	Bulloch County, Georgia	11	11
11150	Burke County, Georgia	11	12260
11160	Butts County, Georgia	0520	12060
11161	Calhoun County, Georgia	11	11
11170	Camden County, Georgia	11	11
11180	Candler County, Georgia	11	11
11190	Carroll County, Georgia	11	12060
11200	Catoosa County, Georgia	1560	16860
11210	Charlton County, Georgia	11	11
11220	Chatham County, Georgia	7520	42340

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
11230	Chattahoochee County, Georgia	1800	17980
11240	Chattooga County, Georgia	11	11
11250	Cherokee County, Georgia	0520	12060
11260	Clarke County, Georgia	0500	12020
11270	Clay County, Georgia	11	11
11280	Clayton County, Georgia	0520	12060
11281	Clinch County, Georgia	11	11
11290	Cobb County, Georgia	0520	12060
11291	Coffee County, Georgia	11	11
11300	Colquitt County, Georgia	11	11
11310	Columbia County, Georgia	0600	12260
11311	Cook County, Georgia	11	11
11320	Coweta County, Georgia	0520	12060
11330	Crawford County, Georgia	11	31420
11340	Crisp County, Georgia	11	11
11341	Dade County, Georgia	1560	16860
11350	Dawson County, Georgia	11	12060
11360	Decatur County, Georgia	11	11
11370	De Kalb County, Georgia	0520	12060
11380	Dodge County, Georgia	11	11
11381	Dooly County, Georgia	11	11
11390	Dougherty County, Georgia	0120	10500
11400	Douglas County, Georgia	0520	12060
11410	Early County, Georgia	11	11
11420	Echols County, Georgia	11	46660
11421	Effingham County, Georgia	7520	42340
11430	Elbert County, Georgia	11	11
11440	Emanuel County, Georgia	11	11
11441	Evans County, Georgia	11	11
11450	Fannin County, Georgia	11	11
11451	Fayette County, Georgia	0520	12060
11460	Floyd County, Georgia	11	40660
11461	Forsyth County, Georgia	0520	12060
11462	Franklin County, Georgia	11	11
11470	Fulton County, Georgia	0520	12060
11471	Gilmer County, Georgia	11	11
11480	Glascok County, Georgia	11	11
11490	Glynn County, Georgia	11	15260
11500	Gordon County, Georgia	11	11
11510	Grady County, Georgia	11	11
11520	Greene County, Georgia	11	11
11530	Gwinnett County, Georgia	0520	12060
11540	Habersham County, Georgia	11	11
11550	Hall County, Georgia	11	23580
11560	Hancock County, Georgia	11	11
11570	Haralson County, Georgia	11	12060
11580	Harris County, Georgia	11	17980
11581	Hart County, Georgia	11	11
11590	Heard County, Georgia	11	12060
11591	Henry County, Georgia	0520	12060
11600	Houston County, Georgia	4680	47580
11601	Irwin County, Georgia	11	11
11610	Jackson County, Georgia	0500	11
11611	Jasper County, Georgia	11	12060
11612	Jeff Davis County, Georgia	11	11
11620	Jefferson County, Georgia	11	11
11630	Jenkins County, Georgia	11	11
11640	Johnson County, Georgia	11	11
11650	Jones County, Georgia	4680	31420
11651	Lamar County, Georgia	11	12060
11652	Lanier County, Georgia	11	46660
11660	Laurens County, Georgia	11	11
11670	Lee County, Georgia	0120	10500
11680	Liberty County, Georgia	11	25980
11690	Lincoln County, Georgia	11	11
11691	Long County, Georgia	11	25980
11700	Lowndes County, Georgia	11	46660
11701	Lumpkin County, Georgia	11	11
11702	Mc Duffie County, Georgia	0600	12260
11703	Mc Intosh County, Georgia	11	15260

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
11710	Macon County, Georgia	11	11
11720	Madison County, Georgia	0500	12020
11730	Marion County, Georgia	11	17980
11740	Meriwether County, Georgia	11	12060
11741	Miller County, Georgia	11	11
11750	Mitchell County, Georgia	11	11
11760	Monroe County, Georgia	11	31420
11770	Montgomery County, Georgia	11	11
11771	Morgan County, Georgia	11	11
11772	Murray County, Georgia	11	19140
11780	Muscogee County, Georgia	1800	17980
11790	Newton County, Georgia	0520	12060
11800	Oconee County, Georgia	0500	12020
11801	Oglethorpe County, Georgia	11	12020
11810	Paulding County, Georgia	0520	12060
11811	Peach County, Georgia	4680	11
11812	Pickens County, Georgia	11	12060
11820	Pierce County, Georgia	11	11
11821	Pike County, Georgia	11	12060
11830	Polk County, Georgia	11	11
11831	Pulaski County, Georgia	11	11
11832	Putnam County, Georgia	11	11
11833	Quitman County, Georgia	11	11
11834	Rabun County, Georgia	11	11
11835	Randolph County, Georgia	11	11
11840	Richmond County, Georgia	0600	12260
11841	Rockdale County, Georgia	0520	12060
11842	Schley County, Georgia	11	11
11850	Screven County, Georgia	11	11
11851	Seminole County, Georgia	11	11
11860	Spalding County, Georgia	0520	12060
11861	Stephens County, Georgia	11	11
11862	Stewart County, Georgia	11	11
11870	Sumter County, Georgia	11	11
11880	Talbot County, Georgia	11	11
11881	Taliaferro County, Georgia	11	11
11882	Tattnall County, Georgia	11	11
11883	Taylor County, Georgia	11	11
11884	Telfair County, Georgia	11	11
11885	Terrell County, Georgia	11	10500
11890	Thomas County, Georgia	11	11
11900	Tift County, Georgia	11	11
11901	Toombs County, Georgia	11	11
11902	Towns County, Georgia	11	11
11903	Treutlen County, Georgia	11	11
11910	Troup County, Georgia	11	11
11911	Turner County, Georgia	11	11
11912	Twiggs County, Georgia	11	31420
11913	Union County, Georgia	11	11
11920	Upson County, Georgia	11	11
11921	Walker County, Georgia	1560	16860
11930	Walton County, Georgia	0520	12060
11940	Ware County, Georgia	11	11
11941	Warren County, Georgia	11	11
11950	Washington County, Georgia	11	11
11960	Wayne County, Georgia	11	11
11961	Webster County, Georgia	11	11
11962	Wheeler County, Georgia	11	11
11963	White County, Georgia	11	11
11970	Whitfield County, Georgia	11	19140
11971	Wilcox County, Georgia	11	11
11972	Wilkes County, Georgia	11	11
11973	Wilkinson County, Georgia	11	11
11980	Worth County, Georgia	11	10500
12005	Kalawao County, Hawaii	12	12
12010	Hawaii County, Hawaii	12	12
12020	Honolulu County, Hawaii	3320	26180
12040	Kauai County, Hawaii	12	12
12050	Maui County, Hawaii	12	12
13000	Ada County, Idaho	1080	14260

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
13010	Adams County, Idaho	13	13
13020	Bannock County, Idaho	13	38540
13030	Bear Lake County, Idaho	13	13
13040	Benewah County, Idaho	13	13
13050	Bingham County, Idaho	13	13
13060	Blaine County, Idaho	13	13
13070	Boise County, Idaho	13	14260
13080	Bonner County, Idaho	13	13
13090	Bonneville County, Idaho	13	26820
13100	Boundary County, Idaho	13	13
13110	Butte County, Idaho	13	13
13120	Camas County, Idaho	13	13
13130	Canyon County, Idaho	13	14260
13140	Caribou County, Idaho	13	13
13150	Cassia County, Idaho	13	13
13160	Clark County, Idaho	13	13
13170	Clearwater County, Idaho	13	13
13180	Custer County, Idaho	13	13
13190	Elmore County, Idaho	13	13
13200	Franklin County, Idaho	13	30860
13210	Fremont County, Idaho	13	13
13220	Gem County, Idaho	13	14260
13230	Gooding County, Idaho	13	13
13240	Idaho County, Idaho	13	13
13250	Jefferson County, Idaho	13	26820
13260	Jerome County, Idaho	13	13
13270	Kootenai County, Idaho	13	17660
13280	Latah County, Idaho	13	13
13290	Lemhi County, Idaho	13	13
13300	Lewis County, Idaho	13	13
13310	Lincoln County, Idaho	13	13
13320	Madison County, Idaho	13	13
13330	Minidoka County, Idaho	13	13
13340	Nez Perce County, Idaho	13	30300
13350	Oneida County, Idaho	13	13
13360	Owyhee County, Idaho	13	14260
13370	Payette County, Idaho	13	13
13380	Power County, Idaho	13	38540
13390	Shoshone County, Idaho	13	13
13400	Teton County, Idaho	13	13
13410	Twin Falls County, Idaho	13	13
13420	Valley County, Idaho	13	13
13430	Washington County, Idaho	13	13
14000	Adams County, Illinois	14	14
14010	Alexander County, Illinois	14	14
14020	Bond County, Illinois	14	41180
14030	Boone County, Illinois	6880	40420
14040	Brown County, Illinois	14	14
14050	Bureau County, Illinois	14	14
14060	Calhoun County, Illinois	14	41180
14070	Carroll County, Illinois	14	14
14080	Cass County, Illinois	14	14
14090	Champaign County, Illinois	1400	16580
14100	Christian County, Illinois	14	14
14110	Clark County, Illinois	14	14
14120	Clay County, Illinois	14	14
14130	Clinton County, Illinois	7040	41180
14140	Coles County, Illinois	14	14
14141	Cook County, Illinois	1600	16974
14150	Crawford County, Illinois	14	14
14160	Cumberland County, Illinois	14	14
14170	De Kalb County, Illinois	14	16974
14180	De Witt County, Illinois	14	14
14190	Douglas County, Illinois	14	14
14250	Du Page County, Illinois	1600	16974
14310	Edgar County, Illinois	14	14
14320	Edwards County, Illinois	14	14
14330	Effingham County, Illinois	14	14
14340	Fayette County, Illinois	14	14
14350	Ford County, Illinois	14	16580

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
14360	Franklin County, Illinois	14	14
14370	Fulton County, Illinois	14	14
14380	Gallatin County, Illinois	14	14
14390	Greene County, Illinois	14	14
14400	Grundy County, Illinois	3690	16974
14410	Hamilton County, Illinois	14	14
14420	Hancock County, Illinois	14	14
14421	Hardin County, Illinois	14	14
14440	Henderson County, Illinois	14	14
14450	Henry County, Illinois	1960	19340
14460	Iroquois County, Illinois	14	14
14470	Jackson County, Illinois	14	14
14480	Jasper County, Illinois	14	14
14490	Jefferson County, Illinois	14	14
14500	Jersey County, Illinois	7040	41180
14510	Jo Daviess County, Illinois	14	14
14520	Johnson County, Illinois	14	14
14530	Kane County, Illinois	0620	16974
14540	Kankakee County, Illinois	3740	28100
14550	Kendall County, Illinois	0620	16974
14560	Knox County, Illinois	14	14
14570	Lake County, Illinois	3965	29404
14580	La Salle County, Illinois	14	14
14590	Lawrence County, Illinois	14	14
14600	Lee County, Illinois	14	14
14610	Livingston County, Illinois	14	14
14620	Logan County, Illinois	14	14
14630	Mc Donough County, Illinois	14	14
14640	Mc Henry County, Illinois	1600	16974
14650	Mclean County, Illinois	1040	14060
14660	Macon County, Illinois	2040	19500
14670	Macoupin County, Illinois	14	41180
14680	Madison County, Illinois	7040	41180
14690	Marion County, Illinois	14	14
14700	Marshall County, Illinois	14	37900
14710	Mason County, Illinois	14	14
14720	Massac County, Illinois	14	14
14730	Menard County, Illinois	7880	44100
14740	Mercer County, Illinois	14	19340
14750	Monroe County, Illinois	7040	41180
14760	Montgomery County, Illinois	14	14
14770	Morgan County, Illinois	14	14
14780	Moultrie County, Illinois	14	14
14790	Ogle County, Illinois	14	14
14800	Peoria County, Illinois	6120	37900
14810	Perry County, Illinois	14	14
14820	Piatt County, Illinois	14	16580
14830	Pike County, Illinois	14	14
14831	Pope County, Illinois	14	14
14850	Pulaski County, Illinois	14	14
14860	Putnam County, Illinois	14	14
14870	Randolph County, Illinois	14	14
14880	Richland County, Illinois	14	14
14890	Rock Island County, Illinois	1960	19340
14900	St Clair County, Illinois	7040	41180
14910	Saline County, Illinois	14	14
14920	Sangamon County, Illinois	7880	44100
14921	Schuyler County, Illinois	14	14
14940	Scott County, Illinois	14	14
14950	Shelby County, Illinois	14	14
14960	Stark County, Illinois	14	37900
14970	Stephenson County, Illinois	14	14
14980	Tazewell County, Illinois	6120	37900
14981	Union County, Illinois	14	14
14982	Vermilion County, Illinois	14	19180
14983	Wabash County, Illinois	14	14
14984	Warren County, Illinois	14	14
14985	Washington County, Illinois	14	14
14986	Wayne County, Illinois	14	14
14987	White County, Illinois	14	14

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
14988	Whiteside County, Illinois	14	14
14989	Will County, Illinois	3690	16974
14990	Williamson County, Illinois	14	14
14991	Winnebago County, Illinois	6880	40420
14992	Woodford County, Illinois	6120	37900
15000	Adams County, Indiana	15	15
15010	Allen County, Indiana	2760	23060
15020	Bartholomew County, Indiana	15	18020
15030	Benton County, Indiana	15	29140
15040	Blackford County, Indiana	15	15
15050	Boone County, Indiana	3480	26900
15060	Brown County, Indiana	15	26900
15070	Carroll County, Indiana	15	29140
15080	Cass County, Indiana	15	15
15090	Clark County, Indiana	4520	31140
15100	Clay County, Indiana	8320	45460
15110	Clinton County, Indiana	15	15
15120	Crawford County, Indiana	15	15
15130	Daviess County, Indiana	15	15
15140	Dearborn County, Indiana	1640	17140
15150	Decatur County, Indiana	15	15
15160	De Kalb County, Indiana	2760	15
15170	Delaware County, Indiana	5280	34620
15180	Dubois County, Indiana	15	15
15190	Elkhart County, Indiana	2330	21140
15200	Fayette County, Indiana	15	15
15210	Floyd County, Indiana	4520	31140
15220	Fountain County, Indiana	15	15
15230	Franklin County, Indiana	15	17140
15240	Fulton County, Indiana	15	15
15250	Gibson County, Indiana	15	21780
15260	Grant County, Indiana	15	15
15270	Greene County, Indiana	15	14020
15280	Hamilton County, Indiana	3480	26900
15290	Hancock County, Indiana	3480	26900
15300	Harrison County, Indiana	4520	31140
15310	Hendricks County, Indiana	3480	26900
15320	Henry County, Indiana	15	15
15330	Howard County, Indiana	3850	29020
15340	Huntington County, Indiana	15	15
15350	Jackson County, Indiana	15	15
15360	Jasper County, Indiana	15	23844
15370	Jay County, Indiana	15	15
15380	Jefferson County, Indiana	15	15
15390	Jennings County, Indiana	15	15
15400	Johnson County, Indiana	3480	26900
15410	Knox County, Indiana	15	15
15420	Kosciusko County, Indiana	15	15
15430	Lagrange County, Indiana	15	15
15440	Lake County, Indiana	2960	23844
15450	La Porte County, Indiana	15	33140
15460	Lawrence County, Indiana	15	15
15470	Madison County, Indiana	0400	11300
15480	Marion County, Indiana	3480	26900
15490	Marshall County, Indiana	15	15
15500	Martin County, Indiana	15	15
15510	Miami County, Indiana	15	15
15520	Monroe County, Indiana	1020	14020
15530	Montgomery County, Indiana	15	15
15540	Morgan County, Indiana	3480	26900
15550	Newton County, Indiana	15	23844
15560	Noble County, Indiana	15	15
15570	Ohio County, Indiana	15	17140
15580	Orange County, Indiana	15	15
15590	Owen County, Indiana	15	14020
15600	Parke County, Indiana	15	15
15610	Perry County, Indiana	15	15
15620	Pike County, Indiana	15	15
15630	Porter County, Indiana	2960	23844
15640	Posey County, Indiana	2440	21780

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
15650	Pulaski County, Indiana	15	15
15660	Putnam County, Indiana	15	26900
15670	Randolph County, Indiana	15	15
15680	Ripley County, Indiana	15	15
15690	Rush County, Indiana	15	15
15700	St Joseph County, Indiana	7800	43780
15710	Scott County, Indiana	15	15
15720	Shelby County, Indiana	3480	26900
15730	Spencer County, Indiana	15	15
15740	Starke County, Indiana	15	15
15750	Steuben County, Indiana	15	15
15760	Sullivan County, Indiana	15	45460
15770	Switzerland County, Indiana	15	15
15780	Tippecanoe County, Indiana	3920	29140
15790	Tipton County, Indiana	3850	29020
15800	Union County, Indiana	15	15
15810	Vanderburgh County, Indiana	2440	21780
15820	Vermillion County, Indiana	15	45460
15830	Vigo County, Indiana	8320	45460
15840	Wabash County, Indiana	15	15
15850	Warren County, Indiana	15	15
15860	Warrick County, Indiana	2440	21780
15870	Washington County, Indiana	15	31140
15880	Wayne County, Indiana	15	15
15890	Wells County, Indiana	15	23060
15900	White County, Indiana	15	15
15910	Whitley County, Indiana	2760	23060
16000	Adair County, Iowa	16	16
16010	Adams County, Iowa	16	16
16020	Allamakee County, Iowa	16	16
16030	Appanoose County, Iowa	16	16
16040	Audubon County, Iowa	16	16
16050	Benton County, Iowa	16	16300
16060	Black Hawk County, Iowa	8920	47940
16070	Boone County, Iowa	16	16
16080	Bremer County, Iowa	8920	47940
16090	Buchanan County, Iowa	16	16
16100	Buena Vista County, Iowa	16	16
16110	Butler County, Iowa	16	16
16120	Calhoun County, Iowa	16	16
16130	Carroll County, Iowa	16	16
16140	Cass County, Iowa	16	16
16150	Cedar County, Iowa	16	16
16160	Cerro Gordo County, Iowa	16	16
16170	Cherokee County, Iowa	16	16
16180	Chickasaw County, Iowa	16	16
16190	Clarke County, Iowa	16	16
16200	Clay County, Iowa	16	16
16210	Clayton County, Iowa	16	16
16220	Clinton County, Iowa	16	16
16230	Crawford County, Iowa	16	16
16240	Dallas County, Iowa	2120	19780
16250	Davis County, Iowa	16	16
16260	Decatur County, Iowa	16	16
16270	Delaware County, Iowa	16	16
16280	Des Moines County, Iowa	16	16
16290	Dickinson County, Iowa	16	16
16300	Dubuque County, Iowa	2200	20220
16310	Emmet County, Iowa	16	16
16320	Fayette County, Iowa	16	16
16330	Floyd County, Iowa	16	16
16340	Franklin County, Iowa	16	16
16350	Fremont County, Iowa	16	16
16360	Greene County, Iowa	16	16
16370	Grundy County, Iowa	16	47940
16380	Guthrie County, Iowa	16	19780
16390	Hamilton County, Iowa	16	16
16400	Hancock County, Iowa	16	16
16410	Hardin County, Iowa	16	16
16420	Harrison County, Iowa	16	36540

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
16430	Henry County, Iowa	16	16
16440	Howard County, Iowa	16	16
16450	Humboldt County, Iowa	16	16
16460	Ida County, Iowa	16	16
16470	Iowa County, Iowa	16	16
16480	Jackson County, Iowa	16	16
16490	Jasper County, Iowa	16	16
16500	Jefferson County, Iowa	16	16
16510	Johnson County, Iowa	3500	26980
16520	Jones County, Iowa	16	16300
16530	Keokuk County, Iowa	16	16
16540	Kossuth County, Iowa	16	16
16550	Lee County, Iowa	16	16
16560	Linn County, Iowa	1360	16300
16570	Louisa County, Iowa	16	16
16580	Lucas County, Iowa	16	16
16590	Lyon County, Iowa	16	16
16600	Madison County, Iowa	16	19780
16610	Mahaska County, Iowa	16	16
16620	Marion County, Iowa	16	16
16630	Marshall County, Iowa	16	16
16640	Mills County, Iowa	16	36540
16650	Mitchell County, Iowa	16	16
16660	Monona County, Iowa	16	16
16670	Monroe County, Iowa	16	16
16680	Montgomery County, Iowa	16	16
16690	Muscatine County, Iowa	16	16
16700	O'Brien County, Iowa	16	16
16710	Osceola County, Iowa	16	16
16720	Page County, Iowa	16	16
16730	Palo Alto County, Iowa	16	16
16740	Plymouth County, Iowa	16	16
16750	Pocahontas County, Iowa	16	16
16760	Polk County, Iowa	2120	19780
16770	Pottawattamie County, Iowa	5920	36540
16780	Poweshiek County, Iowa	16	16
16790	Ringgold County, Iowa	16	16
16800	Sac County, Iowa	16	16
16810	Scott County, Iowa	1960	19340
16820	Shelby County, Iowa	16	16
16830	Sioux County, Iowa	16	16
16840	Story County, Iowa	16	11180
16850	Tama County, Iowa	16	16
16860	Taylor County, Iowa	16	16
16870	Union County, Iowa	16	16
16880	Van Buren County, Iowa	16	16
16890	Wapello County, Iowa	16	16
16900	Warren County, Iowa	2120	19780
16910	Washington County, Iowa	16	26980
16920	Wayne County, Iowa	16	16
16930	Webster County, Iowa	16	16
16940	Winnebago County, Iowa	16	16
16950	Winneshiek County, Iowa	16	16
16960	Woodbury County, Iowa	7720	43580
16970	Worth County, Iowa	16	16
16980	Wright County, Iowa	16	16
17000	Allen County, Kansas	17	17
17010	Anderson County, Kansas	17	17
17020	Atchison County, Kansas	17	17
17030	Barber County, Kansas	17	17
17040	Barton County, Kansas	17	17
17050	Bourbon County, Kansas	17	17
17060	Brown County, Kansas	17	17
17070	Butler County, Kansas	9040	48620
17080	Chase County, Kansas	17	17
17090	Chautauqua County, Kansas	17	17
17100	Cherokee County, Kansas	17	17
17110	Cheyenne County, Kansas	17	17
17120	Clark County, Kansas	17	17
17130	Clay County, Kansas	17	17

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
17140	Cloud County, Kansas	17	17
17150	Coffey County, Kansas	17	17
17160	Comanche County, Kansas	17	17
17170	Cowley County, Kansas	17	17
17180	Crawford County, Kansas	17	17
17190	Decatur County, Kansas	17	17
17200	Dickinson County, Kansas	17	17
17210	Doniphan County, Kansas	17	41140
17220	Douglas County, Kansas	4150	29940
17230	Edwards County, Kansas	17	17
17240	Elk County, Kansas	17	17
17250	Ellis County, Kansas	17	17
17260	Ellsworth County, Kansas	17	17
17270	Finney County, Kansas	17	17
17280	Ford County, Kansas	17	17
17290	Franklin County, Kansas	17	28140
17300	Geary County, Kansas	17	17
17310	Gove County, Kansas	17	17
17320	Graham County, Kansas	17	17
17330	Grant County, Kansas	17	17
17340	Gray County, Kansas	17	17
17350	Greeley County, Kansas	17	17
17360	Greenwood County, Kansas	17	17
17370	Hamilton County, Kansas	17	17
17380	Harper County, Kansas	17	17
17390	Harvey County, Kansas	17	48620
17391	Haskell County, Kansas	17	17
17410	Hodgeman County, Kansas	17	17
17420	Jackson County, Kansas	17	45820
17430	Jefferson County, Kansas	17	45820
17440	Jewell County, Kansas	17	17
17450	Johnson County, Kansas	3760	28140
17451	Kearny County, Kansas	17	17
17470	Kingman County, Kansas	17	17
17480	Kiowa County, Kansas	17	17
17490	Labette County, Kansas	17	17
17500	Lane County, Kansas	17	17
17510	Leavenworth County, Kansas	3760	28140
17520	Lincoln County, Kansas	17	17
17530	Linn County, Kansas	17	28140
17540	Logan County, Kansas	17	17
17550	Lyon County, Kansas	17	17
17560	Mc Pherson County, Kansas	17	17
17570	Marion County, Kansas	17	17
17580	Marshall County, Kansas	17	17
17590	Meade County, Kansas	17	17
17600	Miami County, Kansas	3760	28140
17610	Mitchell County, Kansas	17	17
17620	Montgomery County, Kansas	17	17
17630	Morris County, Kansas	17	17
17640	Morton County, Kansas	17	17
17650	Nemaha County, Kansas	17	17
17660	Neosho County, Kansas	17	17
17670	Ness County, Kansas	17	17
17680	Norton County, Kansas	17	17
17690	Osage County, Kansas	17	45820
17700	Osborne County, Kansas	17	17
17710	Ottawa County, Kansas	17	17
17720	Pawnee County, Kansas	17	17
17730	Phillips County, Kansas	17	17
17740	Pottawatomie County, Kansas	17	17
17750	Pratt County, Kansas	17	17
17760	Rawlins County, Kansas	17	17
17770	Reno County, Kansas	17	17
17780	Republic County, Kansas	17	17
17790	Rice County, Kansas	17	17
17800	Riley County, Kansas	17	17
17810	Rooks County, Kansas	17	17
17820	Rush County, Kansas	17	17
17830	Russell County, Kansas	17	17

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
17840	Saline County, Kansas	17	17
17841	Scott County, Kansas	17	17
17860	Sedgwick County, Kansas	9040	48620
17870	Seward County, Kansas	17	17
17880	Shawnee County, Kansas	8440	45820
17890	Sheridan County, Kansas	17	17
17900	Sherman County, Kansas	17	17
17910	Smith County, Kansas	17	17
17920	Stafford County, Kansas	17	17
17921	Stanton County, Kansas	17	17
17940	Stevens County, Kansas	17	17
17950	Sumner County, Kansas	17	48620
17960	Thomas County, Kansas	17	17
17970	Trego County, Kansas	17	17
17980	Wabaunsee County, Kansas	17	17
17981	Wallace County, Kansas	17	17
17982	Washington County, Kansas	17	17
17983	Wichita County, Kansas	17	17
17984	Wilson County, Kansas	17	17
17985	Woodson County, Kansas	17	17
17986	Wyandotte County, Kansas	3760	28140
18000	Adair County, Kentucky	18	18
18010	Allen County, Kentucky	18	18
18020	Anderson County, Kentucky	18	18
18030	Ballard County, Kentucky	18	18
18040	Barren County, Kentucky	18	18
18050	Bath County, Kentucky	18	18
18060	Bell County, Kentucky	18	18
18070	Boone County, Kentucky	1640	17140
18080	Bourbon County, Kentucky	4280	30460
18090	Boyd County, Kentucky	3400	26580
18100	Boyle County, Kentucky	18	18
18110	Bracken County, Kentucky	18	17140
18120	Breathitt County, Kentucky	18	18
18130	Breckinridge County, Kentucky	18	18
18140	Bullitt County, Kentucky	4520	31140
18150	Butler County, Kentucky	18	18
18160	Caldwell County, Kentucky	18	18
18170	Calloway County, Kentucky	18	18
18180	Campbell County, Kentucky	1640	17140
18190	Carlisle County, Kentucky	18	18
18191	Carroll County, Kentucky	18	18
18210	Carter County, Kentucky	3400	18
18220	Casey County, Kentucky	18	18
18230	Christian County, Kentucky	1660	17300
18240	Clark County, Kentucky	4280	30460
18250	Clay County, Kentucky	18	18
18260	Clinton County, Kentucky	18	18
18270	Crittenden County, Kentucky	18	18
18271	Cumberland County, Kentucky	18	18
18290	Daviess County, Kentucky	5990	36980
18291	Edmonson County, Kentucky	18	14540
18310	Elliott County, Kentucky	18	18
18320	Estill County, Kentucky	18	18
18330	Fayette County, Kentucky	4280	30460
18340	Fleming County, Kentucky	18	18
18350	Floyd County, Kentucky	18	18
18360	Franklin County, Kentucky	18	18
18361	Fulton County, Kentucky	18	18
18362	Gallatin County, Kentucky	18	17140
18390	Garrard County, Kentucky	18	18
18400	Grant County, Kentucky	18	17140
18410	Graves County, Kentucky	18	18
18420	Grayson County, Kentucky	18	18
18421	Green County, Kentucky	18	18
18440	Greenup County, Kentucky	3400	26580
18450	Hancock County, Kentucky	18	36980
18460	Hardin County, Kentucky	18	21060
18470	Harlan County, Kentucky	18	18
18480	Harrison County, Kentucky	18	18

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
18490	Hart County, Kentucky	18	18
18500	Henderson County, Kentucky	2440	21780
18510	Henry County, Kentucky	18	31140
18511	Hickman County, Kentucky	18	18
18530	Hopkins County, Kentucky	18	18
18540	Jackson County, Kentucky	18	18
18550	Jefferson County, Kentucky	4520	31140
18560	Jessamine County, Kentucky	4280	30460
18570	Johnson County, Kentucky	18	18
18580	Kenton County, Kentucky	1640	17140
18590	Knott County, Kentucky	18	18
18600	Knox County, Kentucky	18	18
18610	Larue County, Kentucky	18	21060
18620	Laurel County, Kentucky	18	18
18630	Lawrence County, Kentucky	18	18
18640	Lee County, Kentucky	18	18
18650	Leslie County, Kentucky	18	18
18660	Letcher County, Kentucky	18	18
18670	Lewis County, Kentucky	18	18
18680	Lincoln County, Kentucky	18	18
18690	Livingston County, Kentucky	18	18
18700	Logan County, Kentucky	18	18
18710	Lyon County, Kentucky	18	18
18720	Mc Cracken County, Kentucky	18	18
18730	Mc Creary County, Kentucky	18	18
18740	Mc Lean County, Kentucky	18	18
18750	Madison County, Kentucky	18	18
18760	Magoffin County, Kentucky	18	18
18770	Marion County, Kentucky	18	18
18780	Marshall County, Kentucky	18	18
18790	Martin County, Kentucky	18	18
18800	Mason County, Kentucky	18	18
18801	Meade County, Kentucky	18	31140
18802	Menifee County, Kentucky	18	18
18830	Mercer County, Kentucky	18	18
18831	Metcalfe County, Kentucky	18	18
18850	Monroe County, Kentucky	18	18
18860	Montgomery County, Kentucky	18	18
18861	Morgan County, Kentucky	18	18
18880	Muhlenberg County, Kentucky	18	18
18890	Nelson County, Kentucky	18	31140
18900	Nicholas County, Kentucky	18	18
18910	Ohio County, Kentucky	18	18
18920	Oldham County, Kentucky	4520	31140
18930	Owen County, Kentucky	18	18
18931	Owsley County, Kentucky	18	18
18932	Pendleton County, Kentucky	18	17140
18960	Perry County, Kentucky	18	18
18970	Pike County, Kentucky	18	18
18971	Powell County, Kentucky	18	18
18972	Pulaski County, Kentucky	18	18
18973	Robertson County, Kentucky	18	18
18974	Rockcastle County, Kentucky	18	18
18975	Rowan County, Kentucky	18	18
18976	Russell County, Kentucky	18	18
18977	Scott County, Kentucky	4280	30460
18978	Shelby County, Kentucky	4520	31140
18979	Simpson County, Kentucky	18	18
18980	Spencer County, Kentucky	18	31140
18981	Taylor County, Kentucky	18	18
18982	Todd County, Kentucky	18	18
18983	Trigg County, Kentucky	18	17300
18984	Trimble County, Kentucky	18	31140
18985	Union County, Kentucky	18	18
18986	Warren County, Kentucky	18	14540
18987	Washington County, Kentucky	18	18
18988	Wayne County, Kentucky	18	18
18989	Webster County, Kentucky	18	21780
18990	Whitley County, Kentucky	18	18
18991	Wolfe County, Kentucky	18	18

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
18992	Woodford County, Kentucky	4280	30460
19000	Acadia County, Louisiana	19	19
19010	Allen County, Louisiana	19	19
19020	Ascension County, Louisiana	0760	12940
19030	Assumption County, Louisiana	19	19
19040	Avoyelles County, Louisiana	19	19
19050	Beauregard County, Louisiana	19	19
19060	Bienville County, Louisiana	19	19
19070	Bossier County, Louisiana	7680	43340
19080	Caddo County, Louisiana	7680	43340
19090	Calcasieu County, Louisiana	3960	29340
19100	Caldwell County, Louisiana	19	19
19110	Cameron County, Louisiana	19	29340
19120	Catahoula County, Louisiana	19	19
19130	Claiborne County, Louisiana	19	19
19140	Concordia County, Louisiana	19	19
19150	De Soto County, Louisiana	19	43340
19160	East Baton Rouge County, Louisiana	0760	12940
19170	East Carroll County, Louisiana	19	19
19180	East Feliciana County, Louisiana	19	12940
19190	Evangeline County, Louisiana	19	19
19200	Franklin County, Louisiana	19	19
19210	Grant County, Louisiana	19	10780
19220	Iberia County, Louisiana	19	19
19230	Iberville County, Louisiana	19	12940
19240	Jackson County, Louisiana	19	19
19250	Jefferson County, Louisiana	5560	35380
19260	Jefferson Davis County, Louisiana	19	19
19270	Lafayette County, Louisiana	3880	29180
19280	Lafourche County, Louisiana	3350	26380
19290	La Salle County, Louisiana	19	19
19300	Lincoln County, Louisiana	19	19
19310	Livingston County, Louisiana	0760	12940
19320	Madison County, Louisiana	19	19
19330	Morehouse County, Louisiana	19	19
19340	Natchitoches County, Louisiana	19	19
19350	Orleans County, Louisiana	5560	35380
19360	Ouachita County, Louisiana	5200	33740
19370	Plaquemines County, Louisiana	19	35380
19380	Pointe Coupee County, Louisiana	19	12940
19390	Rapides County, Louisiana	0220	10780
19400	Red River County, Louisiana	19	19
19410	Richland County, Louisiana	19	19
19420	Sabine County, Louisiana	19	19
19430	St Bernard County, Louisiana	5560	35380
19440	St Charles County, Louisiana	5560	35380
19450	St Helena County, Louisiana	19	12940
19460	St James County, Louisiana	19	19
19470	St John Baptist County, Louisiana	5560	35380
19480	St Landry County, Louisiana	19	19
19490	St Martin County, Louisiana	3880	29180
19500	St Mary County, Louisiana	19	19
19510	St Tammany County, Louisiana	5560	35380
19520	Tangipahoa County, Louisiana	19	19
19530	Tensas County, Louisiana	19	19
19540	Terrebonne County, Louisiana	3350	26380
19550	Union County, Louisiana	19	33740
19560	Vermilion County, Louisiana	19	19
19570	Vernon County, Louisiana	19	19
19580	Washington County, Louisiana	19	19
19590	Webster County, Louisiana	19	19
19600	West Baton Rouge County, Louisiana	0760	12940
19610	West Carroll County, Louisiana	19	19
19620	West Feliciana County, Louisiana	19	12940
19630	Winn County, Louisiana	19	19
20000	Androscoggin County, Maine	4243	30340
20010	Aroostook County, Maine	20	20
20020	Cumberland County, Maine	6403	38860
20030	Franklin County, Maine	20	20
20040	Hancock County, Maine	20	20

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
20050	Kennebec County, Maine	20	20
20060	Knox County, Maine	20	20
20070	Lincoln County, Maine	20	20
20080	Oxford County, Maine	20	20
20090	Penobscot County, Maine	0733	12620
20100	Piscataquis County, Maine	20	20
20110	Sagadahoc County, Maine	6403	38860
20120	Somerset County, Maine	20	20
20130	Waldo County, Maine	20	20
20140	Washington County, Maine	20	20
20150	York County, Maine	6403	38860
21000	Allegany County, Maryland	1900	19060
21010	Anne Arundel County, Maryland	0720	12580
21020	Baltimore County, Maryland	0720	12580
21030	Baltimore City County, Maryland	0720	12580
21040	Calvert County, Maryland	8840	47894
21050	Caroline County, Maryland	21	21
21060	Carroll County, Maryland	0720	12580
21070	Cecil County, Maryland	9160	48864
21080	Charles County, Maryland	8840	47894
21090	Dorchester County, Maryland	21	21
21100	Frederick County, Maryland	8840	13644
21110	Garrett County, Maryland	21	21
21120	Harford County, Maryland	0720	12580
21130	Howard County, Maryland	0720	12580
21140	Kent County, Maryland	21	21
21150	Montgomery County, Maryland	8840	13644
21160	Prince Georges County, Maryland	8840	47894
21170	Queen Annes County, Maryland	0720	12580
21180	St Marys County, Maryland	21	21
21190	Somerset County, Maryland	21	41540
21200	Talbot County, Maryland	21	21
21210	Washington County, Maryland	3180	25180
21220	Wicomico County, Maryland	21	41540
21230	Worcester County, Maryland	21	21
22000	Barnstable County, Massachusetts	0743	12700
22010	Berkshire County, Massachusetts	6323	38340
22020	Bristol County, Massachusetts	5403	39300
22030	Dukes County, Massachusetts	22	22
22040	Essex County, Massachusetts	1123	21604
22060	Franklin County, Massachusetts	22	44140
22070	Hampden County, Massachusetts	8003	44140
22080	Hampshire County, Massachusetts	8003	44140
22090	Middlesex County, Massachusetts	1123	15764
22120	Nantucket County, Massachusetts	22	22
22130	Norfolk County, Massachusetts	1123	14484
22150	Plymouth County, Massachusetts	1123	14484
22160	Suffolk County, Massachusetts	1123	14484
22170	Worcester County, Massachusetts	9243	49340
23000	Alcona County, Michigan	23	23
23010	Alger County, Michigan	23	23
23020	Allegan County, Michigan	23	23
23030	Alpena County, Michigan	23	23
23040	Antrim County, Michigan	23	23
23050	Arenac County, Michigan	23	23
23060	Baraga County, Michigan	23	23
23070	Barry County, Michigan	23	24340
23080	Bay County, Michigan	6960	13020
23090	Benzie County, Michigan	23	23
23100	Berrien County, Michigan	0870	35660
23110	Branch County, Michigan	23	23
23120	Calhoun County, Michigan	0780	12980
23130	Cass County, Michigan	23	43780
23140	Charlevoix County, Michigan	23	23
23150	Cheboygan County, Michigan	23	23
23160	Chippewa County, Michigan	23	23
23170	Clare County, Michigan	23	23
23180	Clinton County, Michigan	4040	29620
23190	Crawford County, Michigan	23	23
23200	Delta County, Michigan	23	23

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
23210	Dickinson County, Michigan	23	23
23220	Eaton County, Michigan	4040	29620
23230	Emmet County, Michigan	23	23
23240	Genesee County, Michigan	2640	22420
23250	Gladwin County, Michigan	23	23
23260	Gogebic County, Michigan	23	23
23270	Grand Traverse County, Michigan	23	23
23280	Gratiot County, Michigan	23	23
23290	Hillsdale County, Michigan	23	23
23300	Houghton County, Michigan	23	23
23310	Huron County, Michigan	23	23
23320	Ingham County, Michigan	4040	29620
23330	Ionia County, Michigan	23	24340
23340	Iosco County, Michigan	23	23
23350	Iron County, Michigan	23	23
23360	Isabella County, Michigan	23	23
23370	Jackson County, Michigan	3520	27100
23380	Kalamazoo County, Michigan	3720	28020
23390	Kalkaska County, Michigan	23	23
23400	Kent County, Michigan	3000	24340
23410	Keweenaw County, Michigan	23	23
23420	Lake County, Michigan	23	23
23430	Lapeer County, Michigan	2160	47644
23440	Leelanau County, Michigan	23	23
23450	Lenawee County, Michigan	23	23
23460	Livingston County, Michigan	2160	47644
23470	Luce County, Michigan	23	23
23480	Mackinac County, Michigan	23	23
23490	Macomb County, Michigan	2160	47644
23500	Manistee County, Michigan	23	23
23510	Marquette County, Michigan	23	23
23520	Mason County, Michigan	23	23
23530	Mecosta County, Michigan	23	23
23540	Menominee County, Michigan	23	23
23550	Midland County, Michigan	6960	23
23560	Missaukee County, Michigan	23	23
23570	Monroe County, Michigan	2160	33780
23580	Montcalm County, Michigan	23	23
23590	Montmorency County, Michigan	23	23
23600	Muskegon County, Michigan	5320	34740
23610	Newaygo County, Michigan	23	24340
23620	Oakland County, Michigan	2160	47644
23630	Oceana County, Michigan	23	23
23640	Ogemaw County, Michigan	23	23
23650	Ontonagon County, Michigan	23	23
23660	Osceola County, Michigan	23	23
23670	Oscoda County, Michigan	23	23
23680	Otsego County, Michigan	23	23
23690	Ottawa County, Michigan	3000	26100
23700	Presque Isle County, Michigan	23	23
23710	Roscommon County, Michigan	23	23
23720	Saginaw County, Michigan	6960	40980
23730	St Clair County, Michigan	2160	47644
23740	St Joseph County, Michigan	23	23
23750	Sanilac County, Michigan	23	23
23760	Schoolcraft County, Michigan	23	23
23770	Shiawassee County, Michigan	23	23
23780	Tuscola County, Michigan	23	23
23790	Van Buren County, Michigan	23	28020
23800	Washtenaw County, Michigan	0440	11460
23810	Wayne County, Michigan	2160	19804
23830	Wexford County, Michigan	23	23
24000	Aitkin County, Minnesota	24	24
24010	Anoka County, Minnesota	5120	33460
24020	Becker County, Minnesota	24	24
24030	Beltrami County, Minnesota	24	24
24040	Benton County, Minnesota	6980	41060
24050	Big Stone County, Minnesota	24	24
24060	Blue Earth County, Minnesota	24	24
24070	Brown County, Minnesota	24	24

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
24080	Carlton County, Minnesota	24	20260
24090	Carver County, Minnesota	5120	33460
24100	Cass County, Minnesota	24	24
24110	Chippewa County, Minnesota	24	24
24120	Chisago County, Minnesota	5120	33460
24130	Clay County, Minnesota	2520	22020
24140	Clearwater County, Minnesota	24	24
24150	Cook County, Minnesota	24	24
24160	Cottonwood County, Minnesota	24	24
24170	Crow Wing County, Minnesota	24	24
24180	Dakota County, Minnesota	5120	33460
24190	Dodge County, Minnesota	24	40340
24200	Douglas County, Minnesota	24	24
24210	Faribault County, Minnesota	24	24
24220	Fillmore County, Minnesota	24	24
24230	Freeborn County, Minnesota	24	24
24240	Goodhue County, Minnesota	24	24
24250	Grant County, Minnesota	24	24
24260	Hennepin County, Minnesota	5120	33460
24270	Houston County, Minnesota	24	29100
24280	Hubbard County, Minnesota	24	24
24290	Isanti County, Minnesota	5120	33460
24300	Itasca County, Minnesota	24	24
24310	Jackson County, Minnesota	24	24
24320	Kanabec County, Minnesota	24	24
24330	Kandiyohi County, Minnesota	24	24
24340	Kittson County, Minnesota	24	24
24350	Koochiching County, Minnesota	24	24
24360	Lac Qui Parle County, Minnesota	24	24
24370	Lake County, Minnesota	24	24
24380	Lake Of Woods County, Minnesota	24	24
24390	Le Sueur County, Minnesota	24	24
24400	Lincoln County, Minnesota	24	24
24410	Lyon County, Minnesota	24	24
24420	Mc Leod County, Minnesota	24	24
24430	Mahnomen County, Minnesota	24	24
24440	Marshall County, Minnesota	24	24
24450	Martin County, Minnesota	24	24
24460	Meeker County, Minnesota	24	24
24470	Mille Lacs County, Minnesota	24	24
24480	Morrison County, Minnesota	24	24
24490	Mower County, Minnesota	24	24
24500	Murray County, Minnesota	24	24
24510	Nicollet County, Minnesota	24	24
24520	Nobles County, Minnesota	24	24
24530	Norman County, Minnesota	24	24
24540	Olmsted County, Minnesota	6820	40340
24550	Otter Tail County, Minnesota	24	24
24560	Pennington County, Minnesota	24	24
24570	Pine County, Minnesota	24	24
24580	Pipestone County, Minnesota	24	24
24590	Polk County, Minnesota	24	24220
24600	Pope County, Minnesota	24	24
24610	Ramsey County, Minnesota	5120	33460
24620	Red Lake County, Minnesota	24	24
24630	Redwood County, Minnesota	24	24
24640	Renville County, Minnesota	24	24
24650	Rice County, Minnesota	24	24
24660	Rock County, Minnesota	24	24
24670	Roseau County, Minnesota	24	24
24680	St Louis County, Minnesota	2240	20260
24690	Scott County, Minnesota	5120	33460
24700	Sherburne County, Minnesota	6980	33460
24710	Sibley County, Minnesota	24	24
24720	Stearns County, Minnesota	6980	41060
24730	Steele County, Minnesota	24	24
24740	Stevens County, Minnesota	24	24
24750	Swift County, Minnesota	24	24
24760	Todd County, Minnesota	24	24
24770	Traverse County, Minnesota	24	24

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
24780	Wabasha County, Minnesota	24	40340
24790	Wadena County, Minnesota	24	24
24800	Waseca County, Minnesota	24	24
24810	Washington County, Minnesota	5120	33460
24820	Watonwan County, Minnesota	24	24
24830	Wilkin County, Minnesota	24	24
24840	Winona County, Minnesota	24	24
24850	Wright County, Minnesota	5120	33460
24860	Yellow Medicine County, Minnesota	24	24
25000	Adams County, Mississippi	25	25
25010	Alcorn County, Mississippi	25	25
25020	Amite County, Mississippi	25	25
25030	Attala County, Mississippi	25	25
25040	Benton County, Mississippi	25	25
25050	Bolivar County, Mississippi	25	25
25060	Calhoun County, Mississippi	25	25
25070	Carroll County, Mississippi	25	25
25080	Chickasaw County, Mississippi	25	25
25090	Choctaw County, Mississippi	25	25
25100	Claiborne County, Mississippi	25	25
25110	Clarke County, Mississippi	25	25
25120	Clay County, Mississippi	25	25
25130	Coahoma County, Mississippi	25	25
25140	Copiah County, Mississippi	25	27140
25150	Covington County, Mississippi	25	25
25160	Desoto County, Mississippi	4920	32820
25170	Forrest County, Mississippi	25	25620
25180	Franklin County, Mississippi	25	25
25190	George County, Mississippi	25	37700
25200	Greene County, Mississippi	25	25
25210	Grenada County, Mississippi	25	25
25220	Hancock County, Mississippi	0920	25060
25230	Harrison County, Mississippi	0920	25060
25240	Hinds County, Mississippi	3560	27140
25250	Holmes County, Mississippi	25	25
25260	Humphreys County, Mississippi	25	25
25270	Issaquena County, Mississippi	25	25
25280	Itawamba County, Mississippi	25	25
25290	Jackson County, Mississippi	6025	37700
25300	Jasper County, Mississippi	25	25
25310	Jefferson County, Mississippi	25	25
25320	Jefferson Davis County, Mississippi	25	25
25330	Jones County, Mississippi	25	25
25340	Kemper County, Mississippi	25	25
25350	Lafayette County, Mississippi	25	25
25360	Lamar County, Mississippi	25	25620
25370	Lauderdale County, Mississippi	25	25
25380	Lawrence County, Mississippi	25	25
25390	Leake County, Mississippi	25	25
25400	Lee County, Mississippi	25	25
25410	Leflore County, Mississippi	25	25
25420	Lincoln County, Mississippi	25	25
25430	Lowndes County, Mississippi	25	25
25440	Madison County, Mississippi	3560	27140
25450	Marion County, Mississippi	25	25
25460	Marshall County, Mississippi	25	32820
25470	Monroe County, Mississippi	25	25
25480	Montgomery County, Mississippi	25	25
25490	Neshoba County, Mississippi	25	25
25500	Newton County, Mississippi	25	25
25510	Noxubee County, Mississippi	25	25
25520	Oktibbeha County, Mississippi	25	25
25530	Panola County, Mississippi	25	25
25540	Pearl River County, Mississippi	25	25
25550	Perry County, Mississippi	25	25620
25560	Pike County, Mississippi	25	25
25570	Pontotoc County, Mississippi	25	25
25580	Prentiss County, Mississippi	25	25
25590	Quitman County, Mississippi	25	25
25600	Rankin County, Mississippi	3560	27140

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
25610	Scott County, Mississippi	25	25
25620	Sharkey County, Mississippi	25	25
25630	Simpson County, Mississippi	25	27140
25640	Smith County, Mississippi	25	25
25650	Stone County, Mississippi	25	25060
25660	Sunflower County, Mississippi	25	25
25670	Tallahatchie County, Mississippi	25	25
25680	Tate County, Mississippi	25	32820
25690	Tippah County, Mississippi	25	25
25700	Tishomingo County, Mississippi	25	25
25710	Tunica County, Mississippi	25	32820
25720	Union County, Mississippi	25	25
25730	Walthall County, Mississippi	25	25
25740	Warren County, Mississippi	25	25
25750	Washington County, Mississippi	25	25
25760	Wayne County, Mississippi	25	25
25770	Webster County, Mississippi	25	25
25780	Wilkinson County, Mississippi	25	25
25790	Winston County, Mississippi	25	25
25800	Yalobusha County, Mississippi	25	25
25810	Yazoo County, Mississippi	25	25
26000	Adair County, Missouri	26	26
26010	Andrew County, Missouri	26	41140
26020	Atchison County, Missouri	26	26
26030	Audrain County, Missouri	26	26
26040	Barry County, Missouri	26	26
26050	Barton County, Missouri	26	26
26060	Bates County, Missouri	26	28140
26070	Benton County, Missouri	26	26
26080	Bollinger County, Missouri	26	26
26090	Boone County, Missouri	1740	17860
26100	Buchanan County, Missouri	7000	41140
26110	Butler County, Missouri	26	26
26120	Caldwell County, Missouri	26	28140
26130	Callaway County, Missouri	26	27620
26140	Camden County, Missouri	26	26
26150	Cape Girardeau County, Missouri	26	26
26160	Carroll County, Missouri	26	26
26170	Carter County, Missouri	26	26
26180	Cass County, Missouri	3760	28140
26190	Cedar County, Missouri	26	26
26200	Chariton County, Missouri	26	26
26210	Christian County, Missouri	7920	44180
26220	Clark County, Missouri	26	26
26230	Clay County, Missouri	3760	28140
26240	Clinton County, Missouri	26	28140
26250	Cole County, Missouri	26	27620
26260	Cooper County, Missouri	26	26
26270	Crawford County, Missouri	26	41180
26280	Dade County, Missouri	26	26
26290	Dallas County, Missouri	26	44180
26300	Daviess County, Missouri	26	26
26310	De Kalb County, Missouri	26	41140
26320	Dent County, Missouri	26	26
26330	Douglas County, Missouri	26	26
26340	Dunklin County, Missouri	26	26
26350	Franklin County, Missouri	7040	41180
26360	Gasconade County, Missouri	26	26
26370	Gentry County, Missouri	26	26
26380	Greene County, Missouri	7920	44180
26390	Grundy County, Missouri	26	26
26400	Harrison County, Missouri	26	26
26410	Henry County, Missouri	26	26
26411	Hickory County, Missouri	26	26
26412	Holt County, Missouri	26	26
26440	Howard County, Missouri	26	17860
26450	Howell County, Missouri	26	26
26460	Iron County, Missouri	26	26
26470	Jackson County, Missouri	3760	28140
26480	Jasper County, Missouri	3710	27900

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
26490	Jefferson County, Missouri	7040	41180
26500	Johnson County, Missouri	26	26
26510	Knox County, Missouri	26	26
26520	Laclede County, Missouri	26	26
26530	Lafayette County, Missouri	3760	28140
26540	Lawrence County, Missouri	26	26
26541	Lewis County, Missouri	26	26
26560	Lincoln County, Missouri	26	41180
26570	Linn County, Missouri	26	26
26580	Livingston County, Missouri	26	26
26590	Mc Donald County, Missouri	26	22220
26600	Macon County, Missouri	26	26
26601	Madison County, Missouri	26	26
26620	Maries County, Missouri	26	26
26630	Marion County, Missouri	26	26
26631	Mercer County, Missouri	26	26
26650	Miller County, Missouri	26	26
26660	Mississippi County, Missouri	26	26
26670	Moniteau County, Missouri	26	27620
26680	Monroe County, Missouri	26	26
26690	Montgomery County, Missouri	26	26
26700	Morgan County, Missouri	26	26
26710	New Madrid County, Missouri	26	26
26720	Newton County, Missouri	3710	27900
26730	Nodaway County, Missouri	26	26
26740	Oregon County, Missouri	26	26
26750	Osage County, Missouri	26	27620
26751	Ozark County, Missouri	26	26
26770	Pemiscot County, Missouri	26	26
26780	Perry County, Missouri	26	26
26790	Pettis County, Missouri	26	26
26800	Phelps County, Missouri	26	26
26810	Pike County, Missouri	26	26
26820	Platte County, Missouri	3760	28140
26821	Polk County, Missouri	26	44180
26840	Pulaski County, Missouri	26	26
26850	Putnam County, Missouri	26	26
26860	Ralls County, Missouri	26	26
26870	Randolph County, Missouri	26	26
26880	Ray County, Missouri	3760	28140
26881	Reynolds County, Missouri	26	26
26900	Ripley County, Missouri	26	26
26910	St Charles County, Missouri	7040	41180
26911	St Clair County, Missouri	26	26
26930	St Francois County, Missouri	26	26
26940	St Louis County, Missouri	7040	41180
26950	St Louis City County, Missouri	7040	41180
26960	Ste Genevieve County, Missouri	26	26
26970	Saline County, Missouri	26	26
26980	Schuylar County, Missouri	26	26
26981	Scotland County, Missouri	26	26
26982	Scott County, Missouri	26	26
26983	Shannon County, Missouri	26	26
26984	Shelby County, Missouri	26	26
26985	Stoddard County, Missouri	26	26
26986	Stone County, Missouri	26	26
26987	Sullivan County, Missouri	26	26
26988	Taney County, Missouri	26	26
26989	Texas County, Missouri	26	26
26990	Vernon County, Missouri	26	26
26991	Warren County, Missouri	26	41180
26992	Washington County, Missouri	26	41180
26993	Wayne County, Missouri	26	26
26994	Webster County, Missouri	26	44180
26995	Worth County, Missouri	26	26
26996	Wright County, Missouri	26	26
27000	Beaverhead County, Montana	27	27
27010	Big Horn County, Montana	27	27
27020	Blaine County, Montana	27	27
27030	Broadwater County, Montana	27	27

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
27040	Carbon County, Montana	27	13740
27050	Carter County, Montana	27	27
27060	Cascade County, Montana	3040	24500
27070	Chouteau County, Montana	27	27
27080	Custer County, Montana	27	27
27090	Daniels County, Montana	27	27
27100	Dawson County, Montana	27	27
27110	Deer Lodge County, Montana	27	27
27113	Yellowstone National Park, Montana	0880	27
27120	Fallon County, Montana	27	27
27130	Fergus County, Montana	27	27
27140	Flathead County, Montana	27	27
27150	Gallatin County, Montana	27	27
27160	Garfield County, Montana	27	27
27170	Glacier County, Montana	27	27
27180	Golden Valley County, Montana	27	27
27190	Granite County, Montana	27	27
27200	Hill County, Montana	27	27
27210	Jefferson County, Montana	27	27
27220	Judith Basin County, Montana	27	27
27230	Lake County, Montana	27	27
27240	Lewis And Clark County, Montana	27	27
27250	Liberty County, Montana	27	27
27260	Lincoln County, Montana	27	27
27270	Mc Cone County, Montana	27	27
27280	Madison County, Montana	27	27
27290	Meagher County, Montana	27	27
27300	Mineral County, Montana	27	27
27310	Missoula County, Montana	27	33540
27320	Musselshell County, Montana	27	27
27330	Park County, Montana	27	27
27340	Petroleum County, Montana	27	27
27350	Phillips County, Montana	27	27
27360	Pondera County, Montana	27	27
27370	Powder River County, Montana	27	27
27380	Powell County, Montana	27	27
27390	Prairie County, Montana	27	27
27400	Ravalli County, Montana	27	27
27410	Richland County, Montana	27	27
27420	Roosevelt County, Montana	27	27
27430	Rosebud County, Montana	27	27
27440	Sanders County, Montana	27	27
27450	Sheridan County, Montana	27	27
27460	Silver Bow County, Montana	27	27
27470	Stillwater County, Montana	27	27
27480	Sweet Grass County, Montana	27	27
27490	Teton County, Montana	27	27
27500	Toole County, Montana	27	27
27510	Treasure County, Montana	27	27
27520	Valley County, Montana	27	27
27530	Wheatland County, Montana	27	27
27540	Wibaux County, Montana	27	27
27550	Yellowstone County, Montana	0880	13740
28000	Adams County, Nebraska	28	28
28010	Antelope County, Nebraska	28	28
28020	Arthur County, Nebraska	28	28
28030	Banner County, Nebraska	28	28
28040	Blaine County, Nebraska	28	28
28050	Boone County, Nebraska	28	28
28060	Box Butte County, Nebraska	28	28
28070	Boyd County, Nebraska	28	28
28080	Brown County, Nebraska	28	28
28090	Buffalo County, Nebraska	28	28
28100	Burt County, Nebraska	28	28
28110	Butler County, Nebraska	28	28
28120	Cass County, Nebraska	28	36540
28130	Cedar County, Nebraska	28	28
28140	Chase County, Nebraska	28	28
28150	Cherry County, Nebraska	28	28
28160	Cheyenne County, Nebraska	28	28

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
28170	Clay County, Nebraska	28	28
28180	Colfax County, Nebraska	28	28
28190	Cuming County, Nebraska	28	28
28200	Custer County, Nebraska	28	28
28210	Dakota County, Nebraska	7720	43580
28220	Dawes County, Nebraska	28	28
28230	Dawson County, Nebraska	28	28
28240	Deuel County, Nebraska	28	28
28250	Dixon County, Nebraska	28	43580
28260	Dodge County, Nebraska	28	28
28270	Douglas County, Nebraska	5920	36540
28280	Dundy County, Nebraska	28	28
28290	Fillmore County, Nebraska	28	28
28300	Franklin County, Nebraska	28	28
28310	Frontier County, Nebraska	28	28
28320	Furnas County, Nebraska	28	28
28330	Gage County, Nebraska	28	28
28340	Garden County, Nebraska	28	28
28350	Garfield County, Nebraska	28	28
28360	Gosper County, Nebraska	28	28
28370	Grant County, Nebraska	28	28
28380	Greeley County, Nebraska	28	28
28390	Hall County, Nebraska	28	28
28400	Hamilton County, Nebraska	28	28
28410	Harlan County, Nebraska	28	28
28420	Hayes County, Nebraska	28	28
28430	Hitchcock County, Nebraska	28	28
28440	Holt County, Nebraska	28	28
28450	Hooker County, Nebraska	28	28
28460	Howard County, Nebraska	28	28
28470	Jefferson County, Nebraska	28	28
28480	Johnson County, Nebraska	28	28
28490	Kearney County, Nebraska	28	28
28500	Keith County, Nebraska	28	28
28510	Keya Paha County, Nebraska	28	28
28520	Kimball County, Nebraska	28	28
28530	Knox County, Nebraska	28	28
28540	Lancaster County, Nebraska	4360	30700
28550	Lincoln County, Nebraska	28	28
28560	Logan County, Nebraska	28	28
28570	Loup County, Nebraska	28	28
28580	Mc Pherson County, Nebraska	28	28
28590	Madison County, Nebraska	28	28
28600	Merrick County, Nebraska	28	28
28610	Morrill County, Nebraska	28	28
28620	Nance County, Nebraska	28	28
28630	Nemaha County, Nebraska	28	28
28640	Nuckolls County, Nebraska	28	28
28650	Otoe County, Nebraska	28	28
28660	Pawnee County, Nebraska	28	28
28670	Perkins County, Nebraska	28	28
28680	Phelps County, Nebraska	28	28
28690	Pierce County, Nebraska	28	28
28700	Platte County, Nebraska	28	28
28710	Polk County, Nebraska	28	28
28720	Redwillow County, Nebraska	28	28
28730	Richardson County, Nebraska	28	28
28740	Rock County, Nebraska	28	28
28750	Saline County, Nebraska	28	28
28760	Sarpy County, Nebraska	5920	36540
28770	Saunders County, Nebraska	28	36540
28780	Scotts Bluff County, Nebraska	28	28
28790	Seward County, Nebraska	28	30700
28800	Sheridan County, Nebraska	28	28
28810	Sherman County, Nebraska	28	28
28820	Sioux County, Nebraska	28	28
28830	Stanton County, Nebraska	28	28
28840	Thayer County, Nebraska	28	28
28850	Thomas County, Nebraska	28	28
28860	Thurston County, Nebraska	28	28

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
28870	Valley County, Nebraska	28	28
28880	Washington County, Nebraska	5920	36540
28890	Wayne County, Nebraska	28	28
28900	Webster County, Nebraska	28	28
28910	Wheeler County, Nebraska	28	28
28920	York County, Nebraska	28	28
29000	Churchill County, Nevada	29	29
29010	Clark County, Nevada	4120	29820
29020	Douglas County, Nevada	29	29
29030	Elko County, Nevada	29	29
29040	Esmeralda County, Nevada	29	29
29050	Eureka County, Nevada	29	29
29060	Humboldt County, Nevada	29	29
29070	Lander County, Nevada	29	29
29080	Lincoln County, Nevada	29	29
29090	Lyon County, Nevada	29	29
29100	Mineral County, Nevada	29	29
29110	Nye County, Nevada	29	29
29120	Carson City County, Nevada	29	16180
29130	Pershing County, Nevada	29	29
29140	Storey County, Nevada	29	39900
29150	Washoe County, Nevada	6720	39900
29160	White Pine County, Nevada	29	29
30000	Belknap County, New Hampshire	30	30
30010	Carroll County, New Hampshire	30	30
30020	Cheshire County, New Hampshire	30	30
30030	Coos County, New Hampshire	30	30
30040	Grafton County, New Hampshire	30	30
30050	Hillsboro County, New Hampshire	4763	31700
30060	Merrimack County, New Hampshire	4763	31700
30070	Rockingham County, New Hampshire	6453	40484
30080	Strafford County, New Hampshire	6453	40484
30090	Sullivan County, New Hampshire	30	30
31000	Atlantic County, New Jersey	0560	12100
31100	Bergen County, New Jersey	0875	35644
31150	Burlington County, New Jersey	6160	15804
31160	Camden County, New Jersey	6160	15804
31180	Cape May County, New Jersey	0560	36140
31190	Cumberland County, New Jersey	8760	47220
31200	Essex County, New Jersey	5640	35084
31220	Gloucester County, New Jersey	6160	15804
31230	Hudson County, New Jersey	3640	35644
31250	Hunterdon County, New Jersey	5015	35084
31260	Mercer County, New Jersey	8480	45940
31270	Middlesex County, New Jersey	5015	20764
31290	Monmouth County, New Jersey	5190	20764
31300	Morris County, New Jersey	5640	35084
31310	Ocean County, New Jersey	5190	20764
31320	Passaic County, New Jersey	0875	35644
31340	Salem County, New Jersey	9160	48864
31350	Somerset County, New Jersey	5015	20764
31360	Sussex County, New Jersey	5640	35084
31370	Union County, New Jersey	5640	35084
31390	Warren County, New Jersey	0240	10900
32000	Bernalillo County, New Mexico	0200	10740
32010	Catron County, New Mexico	32	32
32020	Chaves County, New Mexico	32	32
32025	Cibola County, New Mexico	32	32
32030	Colfax County, New Mexico	32	32
32040	Curry County, New Mexico	32	32
32050	De Baca County, New Mexico	32	32
32060	Dona Ana County, New Mexico	4100	29740
32070	Eddy County, New Mexico	32	32
32080	Grant County, New Mexico	32	32
32090	Guadalupe County, New Mexico	32	32
32100	Harding County, New Mexico	32	32
32110	Hidalgo County, New Mexico	32	32
32120	Lea County, New Mexico	32	32
32130	Lincoln County, New Mexico	32	32
32131	Los Alamos County, New Mexico	7490	32

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
32140	Luna County, New Mexico	32	32
32150	Mc Kinley County, New Mexico	32	32
32160	Mora County, New Mexico	32	32
32170	Otero County, New Mexico	32	32
32180	Quay County, New Mexico	32	32
32190	Rio Arriba County, New Mexico	32	32
32200	Roosevelt County, New Mexico	32	32
32210	Sandoval County, New Mexico	32	10740
32220	San Juan County, New Mexico	32	22140
32230	San Miguel County, New Mexico	32	32
32240	Santa Fe County, New Mexico	7490	42140
32250	Sierra County, New Mexico	32	32
32260	Socorro County, New Mexico	32	32
32270	Taos County, New Mexico	32	32
32280	Torrance County, New Mexico	32	10740
32290	Union County, New Mexico	32	32
32300	Valencia County, New Mexico	32	10740
33000	Albany County, New York	0160	10580
33010	Allegany County, New York	33	33
33020	Bronx County, New York	5600	35644
33030	Broome County, New York	0960	13780
33040	Cattaraugus County, New York	33	33
33050	Cayuga County, New York	33	33
33060	Chautauqua County, New York	33	33
33070	Chemung County, New York	2335	21300
33080	Chenango County, New York	33	33
33090	Clinton County, New York	33	33
33200	Columbia County, New York	33	33
33210	Cortland County, New York	33	33
33220	Delaware County, New York	33	33
33230	Dutchess County, New York	6460	39100
33240	Erie County, New York	1280	15380
33260	Essex County, New York	33	33
33270	Franklin County, New York	33	33
33280	Fulton County, New York	33	33
33290	Genesee County, New York	33	33
33300	Greene County, New York	0160	33
33310	Hamilton County, New York	33	33
33320	Herkimer County, New York	8680	46540
33330	Jefferson County, New York	33	33
33331	Kings County, New York	5600	35644
33340	Lewis County, New York	33	33
33350	Livingston County, New York	6840	40380
33360	Madison County, New York	8160	45060
33370	Monroe County, New York	6840	40380
33380	Montgomery County, New York	0160	33
33400	Nassau County, New York	5380	35004
33420	New York County, New York	5600	35644
33500	Niagara County, New York	5700	15380
33510	Oneida County, New York	8680	46540
33520	Onondaga County, New York	8160	45060
33530	Ontario County, New York	6840	40380
33540	Orange County, New York	5950	39100
33550	Orleans County, New York	6840	40380
33560	Oswego County, New York	8160	45060
33570	Otsego County, New York	33	33
33580	Putnam County, New York	5600	35644
33590	Queens County, New York	5600	35644
33600	Rensselaer County, New York	0160	10580
33610	Richmond County, New York	5600	35644
33620	Rockland County, New York	5600	35644
33630	St Lawrence County, New York	33	33
33640	Saratoga County, New York	0160	10580
33650	Schenectady County, New York	0160	10580
33660	Schoharie County, New York	33	10580
33670	Schuyler County, New York	33	33
33680	Seneca County, New York	33	33
33690	Steuben County, New York	33	33
33700	Suffolk County, New York	5380	35004
33710	Sullivan County, New York	33	33

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
33720	Tioga County, New York	0960	13780
33730	Tompkins County, New York	33	27060
33740	Ulster County, New York	33	28740
33750	Warren County, New York	2975	24020
33760	Washington County, New York	2975	24020
33770	Wayne County, New York	6840	40380
33800	Westchester County, New York	5600	35644
33900	Wyoming County, New York	33	33
33910	Yates County, New York	33	33
34000	Alamance County, N Carolina	1300	15500
34010	Alexander County, N Carolina	3290	25860
34020	Alleghany County, N Carolina	34	34
34030	Anson County, N Carolina	34	16740
34040	Ashe County, N Carolina	34	34
34050	Avery County, N Carolina	34	34
34060	Beaufort County, N Carolina	34	34
34070	Bertie County, N Carolina	34	34
34080	Bladen County, N Carolina	34	34
34090	Brunswick County, N Carolina	34	48900
34100	Buncombe County, N Carolina	0480	11700
34110	Burke County, N Carolina	3290	25860
34120	Cabarrus County, N Carolina	1520	16740
34130	Caldwell County, N Carolina	34	25860
34140	Camden County, N Carolina	34	34
34150	Carteret County, N Carolina	34	34
34160	Caswell County, N Carolina	34	34
34170	Catawba County, N Carolina	3290	25860
34180	Chatham County, N Carolina	34	20500
34190	Cherokee County, N Carolina	34	34
34200	Chowan County, N Carolina	34	34
34210	Clay County, N Carolina	34	34
34220	Cleveland County, N Carolina	34	34
34230	Columbus County, N Carolina	34	34
34240	Craven County, N Carolina	34	34
34250	Cumberland County, N Carolina	2560	22180
34251	Currituck County, N Carolina	34	47260
34270	Dare County, N Carolina	34	34
34280	Davidson County, N Carolina	3120	34
34290	Davie County, N Carolina	3120	49180
34300	Duplin County, N Carolina	34	34
34310	Durham County, N Carolina	6640	20500
34320	Edgecombe County, N Carolina	34	40580
34330	Forsyth County, N Carolina	3120	49180
34340	Franklin County, N Carolina	6640	39580
34350	Gaston County, N Carolina	1520	16740
34360	Gates County, N Carolina	34	34
34370	Graham County, N Carolina	34	34
34380	Granville County, N Carolina	34	34
34390	Greene County, N Carolina	34	24780
34400	Guilford County, N Carolina	3120	24660
34410	Halifax County, N Carolina	34	34
34420	Harnett County, N Carolina	34	34
34430	Haywood County, N Carolina	34	11700
34440	Henderson County, N Carolina	34	11700
34450	Hertford County, N Carolina	34	34
34460	Hoke County, N Carolina	34	22180
34470	Hyde County, N Carolina	34	34
34480	Iredell County, N Carolina	34	34
34490	Jackson County, N Carolina	34	34
34500	Johnston County, N Carolina	34	39580
34510	Jones County, N Carolina	34	34
34520	Lee County, N Carolina	34	34
34530	Lenoir County, N Carolina	34	34
34540	Lincoln County, N Carolina	1520	34
34550	Mc Dowell County, N Carolina	34	34
34560	Macon County, N Carolina	34	34
34570	Madison County, N Carolina	34	11700
34580	Martin County, N Carolina	34	34
34590	Mecklenburg County, N Carolina	1520	16740
34600	Mitchell County, N Carolina	34	34

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
34610	Montgomery County, N Carolina	34	34
34620	Moore County, N Carolina	34	34
34630	Nash County, N Carolina	34	40580
34640	New Hanover County, N Carolina	9200	48900
34650	Northampton County, N Carolina	34	34
34660	Onslow County, N Carolina	3605	27340
34670	Orange County, N Carolina	6640	20500
34680	Pamlico County, N Carolina	34	34
34690	Pasquotank County, N Carolina	34	34
34700	Pender County, N Carolina	34	48900
34710	Perquimans County, N Carolina	34	34
34720	Person County, N Carolina	34	20500
34730	Pitt County, N Carolina	34	24780
34740	Polk County, N Carolina	34	34
34750	Randolph County, N Carolina	3120	24660
34760	Richmond County, N Carolina	34	34
34770	Robeson County, N Carolina	34	34
34780	Rockingham County, N Carolina	34	24660
34790	Rowan County, N Carolina	1520	34
34800	Rutherford County, N Carolina	34	34
34810	Sampson County, N Carolina	34	34
34820	Scotland County, N Carolina	34	34
34830	Stanly County, N Carolina	34	16740
34840	Stokes County, N Carolina	3120	49180
34850	Surry County, N Carolina	34	34
34860	Swain County, N Carolina	34	34
34870	Transylvania County, N Carolina	34	34
34880	Tyrrell County, N Carolina	34	34
34890	Union County, N Carolina	1520	16740
34900	Vance County, N Carolina	34	34
34910	Wake County, N Carolina	6640	39580
34920	Warren County, N Carolina	34	34
34930	Washington County, N Carolina	34	34
34940	Watauga County, N Carolina	34	34
34950	Wayne County, N Carolina	34	24140
34960	Wilkes County, N Carolina	34	34
34970	Wilson County, N Carolina	34	34
34980	Yadkin County, N Carolina	3120	49180
34981	Yancey County, N Carolina	34	34
35000	Adams County, N Dakota	35	35
35010	Barnes County, N Dakota	35	35
35020	Benson County, N Dakota	35	35
35030	Billings County, N Dakota	35	35
35040	Bottineau County, N Dakota	35	35
35050	Bowman County, N Dakota	35	35
35060	Burke County, N Dakota	35	35
35070	Burleigh County, N Dakota	1010	13900
35080	Cass County, N Dakota	2520	22020
35090	Cavalier County, N Dakota	35	35
35100	Dickey County, N Dakota	35	35
35110	Divide County, N Dakota	35	35
35120	Dunn County, N Dakota	35	35
35130	Eddy County, N Dakota	35	35
35140	Emmons County, N Dakota	35	35
35150	Foster County, N Dakota	35	35
35160	Golden Valley County, N Dakota	35	35
35170	Grand Forks County, N Dakota	2985	24220
35180	Grant County, N Dakota	35	35
35190	Griggs County, N Dakota	35	35
35200	Hettinger County, N Dakota	35	35
35210	Kidder County, N Dakota	35	35
35220	La Moure County, N Dakota	35	35
35230	Logan County, N Dakota	35	35
35240	Mc Henry County, N Dakota	35	35
35250	Mc Intosh County, N Dakota	35	35
35260	Mc Kenzie County, N Dakota	35	35
35270	Mc Lean County, N Dakota	35	35
35280	Mercer County, N Dakota	35	35
35290	Morton County, N Dakota	1010	13900
35300	Mountrail County, N Dakota	35	35

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
35310	Nelson County, N Dakota	35	35
35320	Oliver County, N Dakota	35	35
35330	Pembina County, N Dakota	35	35
35340	Pierce County, N Dakota	35	35
35350	Ramsey County, N Dakota	35	35
35360	Ransom County, N Dakota	35	35
35370	Renville County, N Dakota	35	35
35380	Richland County, N Dakota	35	35
35390	Rolette County, N Dakota	35	35
35400	Sargent County, N Dakota	35	35
35410	Sheridan County, N Dakota	35	35
35420	Sioux County, N Dakota	35	35
35430	Slope County, N Dakota	35	35
35440	Stark County, N Dakota	35	35
35450	Steele County, N Dakota	35	35
35460	Stutsman County, N Dakota	35	35
35470	Towner County, N Dakota	35	35
35480	Traill County, N Dakota	35	35
35490	Walsh County, N Dakota	35	35
35500	Ward County, N Dakota	35	35
35510	Wells County, N Dakota	35	35
35520	Williams County, N Dakota	35	35
36000	Adams County, Ohio	36	36
36010	Allen County, Ohio	4320	30620
36020	Ashland County, Ohio	36	36
36030	Ashtabula County, Ohio	36	36
36040	Athens County, Ohio	36	36
36050	Auglaize County, Ohio	4320	36
36060	Belmont County, Ohio	9000	48540
36070	Brown County, Ohio	36	17140
36080	Butler County, Ohio	3200	17140
36090	Carroll County, Ohio	1320	15940
36100	Champaign County, Ohio	36	36
36110	Clark County, Ohio	2000	44220
36120	Clermont County, Ohio	1640	17140
36130	Clinton County, Ohio	36	36
36140	Columbiana County, Ohio	36	36
36150	Coshocton County, Ohio	36	36
36160	Crawford County, Ohio	36	36
36170	Cuyahoga County, Ohio	1680	17460
36190	Darke County, Ohio	36	36
36200	Defiance County, Ohio	36	36
36210	Delaware County, Ohio	1840	18140
36220	Erie County, Ohio	36	41780
36230	Fairfield County, Ohio	1840	18140
36240	Fayette County, Ohio	36	36
36250	Franklin County, Ohio	1840	18140
36260	Fulton County, Ohio	8400	45780
36270	Gallia County, Ohio	36	36
36280	Geauga County, Ohio	1680	17460
36290	Greene County, Ohio	2000	19380
36300	Guernsey County, Ohio	36	36
36310	Hamilton County, Ohio	1640	17140
36330	Hancock County, Ohio	36	36
36340	Hardin County, Ohio	36	36
36350	Harrison County, Ohio	36	36
36360	Henry County, Ohio	36	36
36370	Highland County, Ohio	36	36
36380	Hocking County, Ohio	36	36
36390	Holmes County, Ohio	36	36
36400	Huron County, Ohio	36	36
36410	Jackson County, Ohio	36	36
36420	Jefferson County, Ohio	8080	48260
36430	Knox County, Ohio	36	36
36440	Lake County, Ohio	1680	17460
36450	Lawrence County, Ohio	3400	26580
36460	Licking County, Ohio	1840	18140
36470	Logan County, Ohio	36	36
36480	Lorain County, Ohio	4440	17460
36490	Lucas County, Ohio	8400	45780

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
36500	Madison County, Ohio	1840	18140
36510	Mahoning County, Ohio	9320	49660
36520	Marion County, Ohio	36	36
36530	Medina County, Ohio	1680	17460
36540	Meigs County, Ohio	36	36
36550	Mercer County, Ohio	36	36
36560	Miami County, Ohio	2000	19380
36570	Monroe County, Ohio	36	36
36580	Montgomery County, Ohio	2000	19380
36590	Morgan County, Ohio	36	36
36600	Morrow County, Ohio	36	18140
36610	Muskingum County, Ohio	36	36
36620	Noble County, Ohio	36	36
36630	Ottawa County, Ohio	36	45780
36640	Paulding County, Ohio	36	36
36650	Perry County, Ohio	36	36
36660	Pickaway County, Ohio	1840	18140
36670	Pike County, Ohio	36	36
36680	Portage County, Ohio	0080	10420
36690	Preble County, Ohio	36	19380
36700	Putnam County, Ohio	36	36
36710	Richland County, Ohio	4800	31900
36720	Ross County, Ohio	36	36
36730	Sandusky County, Ohio	36	36
36740	Scioto County, Ohio	36	36
36750	Seneca County, Ohio	36	36
36760	Shelby County, Ohio	36	36
36770	Stark County, Ohio	1320	15940
36780	Summit County, Ohio	0080	10420
36790	Trumbull County, Ohio	9320	49660
36800	Tuscarawas County, Ohio	36	36
36810	Union County, Ohio	1840	18140
36820	Van Wert County, Ohio	36	36
36830	Vinton County, Ohio	36	36
36840	Warren County, Ohio	1640	17140
36850	Washington County, Ohio	6020	37620
36860	Wayne County, Ohio	36	36
36870	Williams County, Ohio	36	36
36880	Wood County, Ohio	8400	45780
36890	Wyandot County, Ohio	36	36
37000	Adair County, Oklahoma	37	37
37010	Alfalfa County, Oklahoma	37	37
37020	Atoka County, Oklahoma	37	37
37030	Beaver County, Oklahoma	37	37
37040	Beckham County, Oklahoma	37	37
37050	Blaine County, Oklahoma	37	37
37060	Bryan County, Oklahoma	37	37
37070	Caddo County, Oklahoma	37	37
37080	Canadian County, Oklahoma	5880	36420
37090	Carter County, Oklahoma	37	37
37100	Cherokee County, Oklahoma	37	37
37110	Choctaw County, Oklahoma	37	37
37120	Cimarron County, Oklahoma	37	37
37130	Cleveland County, Oklahoma	5880	36420
37140	Coal County, Oklahoma	37	37
37150	Comanche County, Oklahoma	4200	30020
37160	Cotton County, Oklahoma	37	37
37170	Craig County, Oklahoma	37	37
37180	Creek County, Oklahoma	8560	46140
37190	Custer County, Oklahoma	37	37
37200	Delaware County, Oklahoma	37	37
37210	Dewey County, Oklahoma	37	37
37220	Ellis County, Oklahoma	37	37
37230	Garfield County, Oklahoma	2340	37
37240	Garvin County, Oklahoma	37	37
37250	Grady County, Oklahoma	37	36420
37260	Grant County, Oklahoma	37	37
37270	Greer County, Oklahoma	37	37
37280	Harmon County, Oklahoma	37	37
37290	Harper County, Oklahoma	37	37

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
37300	Haskell County, Oklahoma	37	37
37310	Hughes County, Oklahoma	37	37
37320	Jackson County, Oklahoma	37	37
37330	Jefferson County, Oklahoma	37	37
37340	Johnston County, Oklahoma	37	37
37350	Kay County, Oklahoma	37	37
37360	Kingfisher County, Oklahoma	37	37
37370	Kiowa County, Oklahoma	37	37
37380	Latimer County, Oklahoma	37	37
37390	Le Flore County, Oklahoma	37	22900
37400	Lincoln County, Oklahoma	37	36420
37410	Logan County, Oklahoma	5880	36420
37420	Love County, Oklahoma	37	37
37430	Mc Clain County, Oklahoma	5880	36420
37440	Mc Curtain County, Oklahoma	37	37
37450	Mc Intosh County, Oklahoma	37	37
37460	Major County, Oklahoma	37	37
37470	Marshall County, Oklahoma	37	37
37480	Mayes County, Oklahoma	37	37
37490	Murray County, Oklahoma	37	37
37500	Muskogee County, Oklahoma	37	37
37510	Noble County, Oklahoma	37	37
37520	Nowata County, Oklahoma	37	37
37530	Okfuskee County, Oklahoma	37	37
37540	Oklahoma County, Oklahoma	5880	36420
37550	Okmulgee County, Oklahoma	37	46140
37560	Osage County, Oklahoma	8560	46140
37570	Ottawa County, Oklahoma	37	37
37580	Pawnee County, Oklahoma	37	46140
37590	Payne County, Oklahoma	37	37
37600	Pittsburg County, Oklahoma	37	37
37610	Pontotoc County, Oklahoma	37	37
37620	Pottawatomie County, Oklahoma	5880	37
37630	Pushmataha County, Oklahoma	37	37
37640	Roger Mills County, Oklahoma	37	37
37650	Rogers County, Oklahoma	8560	46140
37660	Seminole County, Oklahoma	37	37
37670	Sequoyah County, Oklahoma	2720	22900
37680	Stephens County, Oklahoma	37	37
37690	Texas County, Oklahoma	37	37
37700	Tillman County, Oklahoma	37	37
37710	Tulsa County, Oklahoma	8560	46140
37720	Wagoner County, Oklahoma	8560	46140
37730	Washington County, Oklahoma	37	37
37740	Washita County, Oklahoma	37	37
37750	Woods County, Oklahoma	37	37
37760	Woodward County, Oklahoma	37	37
38000	Baker County, Oregon	38	38
38010	Benton County, Oregon	38	18700
38020	Clackamas County, Oregon	6440	38900
38030	Clatsop County, Oregon	38	38
38040	Columbia County, Oregon	38	38900
38050	Coos County, Oregon	38	38
38060	Crook County, Oregon	38	38
38070	Curry County, Oregon	38	38
38080	Deschutes County, Oregon	38	13460
38090	Douglas County, Oregon	38	38
38100	Gilliam County, Oregon	38	38
38110	Grant County, Oregon	38	38
38120	Harney County, Oregon	38	38
38130	Hood River County, Oregon	38	38
38140	Jackson County, Oregon	4890	32780
38150	Jefferson County, Oregon	38	38
38160	Josephine County, Oregon	38	38
38170	Klamath County, Oregon	38	38
38180	Lake County, Oregon	38	38
38190	Lane County, Oregon	2400	21660
38200	Lincoln County, Oregon	38	38
38210	Linn County, Oregon	38	38
38220	Malheur County, Oregon	38	38

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
38230	Marion County, Oregon	7080	41420
38240	Morrow County, Oregon	38	38
38250	Multnomah County, Oregon	6440	38900
38260	Polk County, Oregon	7080	41420
38270	Sherman County, Oregon	38	38
38280	Tillamook County, Oregon	38	38
38290	Umatilla County, Oregon	38	38
38300	Union County, Oregon	38	38
38310	Wallowa County, Oregon	38	38
38320	Wasco County, Oregon	38	38
38330	Washington County, Oregon	6440	38900
38340	Wheeler County, Oregon	38	38
38350	Yamhill County, Oregon	6440	38900
39000	Adams County, Pennsylvania	9280	39
39010	Allegheny County, Pennsylvania	6280	38300
39070	Armstrong County, Pennsylvania	39	38300
39080	Beaver County, Pennsylvania	0845	38300
39100	Bedford County, Pennsylvania	39	39
39110	Berks County, Pennsylvania	6680	39740
39120	Blair County, Pennsylvania	0280	11020
39130	Bradford County, Pennsylvania	39	39
39140	Bucks County, Pennsylvania	6160	37964
39150	Butler County, Pennsylvania	39	38300
39160	Cambria County, Pennsylvania	3680	27780
39180	Cameron County, Pennsylvania	39	39
39190	Carbon County, Pennsylvania	0240	10900
39200	Centre County, Pennsylvania	8050	44300
39210	Chester County, Pennsylvania	6160	37964
39220	Clarion County, Pennsylvania	39	39
39230	Clearfield County, Pennsylvania	39	39
39240	Clinton County, Pennsylvania	39	39
39250	Columbia County, Pennsylvania	7560	39
39260	Crawford County, Pennsylvania	39	39
39270	Cumberland County, Pennsylvania	3240	25420
39280	Dauphin County, Pennsylvania	3240	25420
39290	Delaware County, Pennsylvania	6160	37964
39310	Elk County, Pennsylvania	39	39
39320	Erie County, Pennsylvania	2360	21500
39330	Fayette County, Pennsylvania	6280	38300
39340	Forest County, Pennsylvania	39	39
39350	Franklin County, Pennsylvania	39	39
39360	Fulton County, Pennsylvania	39	39
39370	Greene County, Pennsylvania	39	39
39380	Huntingdon County, Pennsylvania	39	39
39390	Indiana County, Pennsylvania	39	39
39400	Jefferson County, Pennsylvania	39	39
39410	Juniata County, Pennsylvania	39	39
39420	Lackawanna County, Pennsylvania	7560	42540
39440	Lancaster County, Pennsylvania	4000	29540
39450	Lawrence County, Pennsylvania	39	39
39460	Lebanon County, Pennsylvania	3240	30140
39470	Lehigh County, Pennsylvania	0240	10900
39480	Luzerne County, Pennsylvania	7560	42540
39510	Lycoming County, Pennsylvania	9140	48700
39520	Mc Kean County, Pennsylvania	39	39
39530	Mercer County, Pennsylvania	7610	49660
39540	Mifflin County, Pennsylvania	39	39
39550	Monroe County, Pennsylvania	7560	39
39560	Montgomery County, Pennsylvania	6160	37964
39580	Montour County, Pennsylvania	39	39
39590	Northampton County, Pennsylvania	0240	10900
39600	Northumberland County, Pennsylvania	39	39
39610	Perry County, Pennsylvania	3240	25420
39620	Philadelphia County, Pennsylvania	6160	37964
39630	Pike County, Pennsylvania	5660	35084
39640	Potter County, Pennsylvania	39	39
39650	Schuylkill County, Pennsylvania	39	39
39670	Snyder County, Pennsylvania	39	39
39680	Somerset County, Pennsylvania	3680	39
39690	Sullivan County, Pennsylvania	39	39

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
39700	Susquehanna County, Pennsylvania	39	39
39710	Tioga County, Pennsylvania	39	39
39720	Union County, Pennsylvania	39	39
39730	Venango County, Pennsylvania	39	39
39740	Warren County, Pennsylvania	39	39
39750	Washington County, Pennsylvania	6280	38300
39760	Wayne County, Pennsylvania	39	39
39770	Westmoreland County, Pennsylvania	6280	38300
39790	Wyoming County, Pennsylvania	7560	42540
39800	York County, Pennsylvania	9280	49620
40010	Adjuntas County, Puerto Rico	40	40
40020	Aguada County, Puerto Rico	0060	10380
40030	Aguadilla County, Puerto Rico	0060	10380
40040	Aguas Buenas County, Puerto Rico	7440	41980
40050	Aibonito County, Puerto Rico	40	41980
40060	Anasco County, Puerto Rico	4840	10380
40070	Arecibo County, Puerto Rico	0470	41980
40080	Arroyo County, Puerto Rico	40	25020
40090	Barceloneta County, Puerto Rico	7440	41980
40100	Barranquitas County, Puerto Rico	40	41980
40110	Bayamon County, Puerto Rico	7440	41980
40120	Cabo Rojo County, Puerto Rico	4840	41900
40130	Caguas County, Puerto Rico	1310	41980
40140	Camuy County, Puerto Rico	0470	41980
40145	Canovanas County, Puerto Rico	7440	41980
40150	Carolina County, Puerto Rico	7440	41980
40160	Catano County, Puerto Rico	7440	41980
40170	Cayey County, Puerto Rico	1310	41980
40180	Ceiba County, Puerto Rico	40	21940
40190	Ciales County, Puerto Rico	40	41980
40200	Cidra County, Puerto Rico	1310	41980
40210	Coamo County, Puerto Rico	40	40
40220	Comerio County, Puerto Rico	40	41980
40230	Corozal County, Puerto Rico	40	41980
40240	Culebra County, Puerto Rico	40	40
40250	Dorado County, Puerto Rico	40	41980
40260	Fajardo County, Puerto Rico	40	21940
40265	Florida County, Puerto Rico	40	41980
40270	Guanica County, Puerto Rico	40	49500
40280	Guayama County, Puerto Rico	40	25020
40290	Guayanilla County, Puerto Rico	6360	49500
40300	Guaynabo County, Puerto Rico	40	41980
40310	Gurabo County, Puerto Rico	1310	41980
40320	Hatillo County, Puerto Rico	0470	41980
40330	Hormigueros County, Puerto Rico	4840	32420
40340	Humacao County, Puerto Rico	40	41980
40350	Isabela County, Puerto Rico	40	10380
40360	Jayuya County, Puerto Rico	40	40
40370	Juana Diaz County, Puerto Rico	6360	38660
40380	Juncos County, Puerto Rico	40	41980
40390	Lajas County, Puerto Rico	40	41900
40400	Lares County, Puerto Rico	40	10380
40410	Las Marias County, Puerto Rico	40	40
40420	Las Piedras County, Puerto Rico	40	41980
40430	Loiza County, Puerto Rico	7440	41980
40440	Luquillo County, Puerto Rico	40	21940
40450	Manati County, Puerto Rico	40	41980
40460	Maricao County, Puerto Rico	40	40
40470	Maunabo County, Puerto Rico	40	41980
40480	Mayaguez County, Puerto Rico	4840	32420
40490	Moca County, Puerto Rico	0060	10380
40500	Morovis County, Puerto Rico	40	41980
40510	Naguabo County, Puerto Rico	40	41980
40520	Naranjito County, Puerto Rico	40	41980
40530	Orocovis County, Puerto Rico	40	41980
40540	Patillas County, Puerto Rico	40	25020
40550	Penuelas County, Puerto Rico	6360	49500
40560	Ponce County, Puerto Rico	6360	38660
40570	Quebradillas County, Puerto Rico	40	41980
40580	Rincon County, Puerto Rico	40	10380

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
40590	Rio Grande County, Puerto Rico	40	41980
40610	Sabana Grande County, Puerto Rico	4840	41900
40620	Salinas County, Puerto Rico	40	40
40630	San German County, Puerto Rico	4840	41900
40640	San Juan County, Puerto Rico	40	41980
40650	San Lorenzo County, Puerto Rico	1310	41980
40660	San Sebastian County, Puerto Rico	40	10380
40670	Santa Isabel County, Puerto Rico	40	40
40680	Toa Alta County, Puerto Rico	40	41980
40690	Toa Baja County, Puerto Rico	40	41980
40700	Trujillo Alto County, Puerto Rico	40	41980
40710	Utua County, Puerto Rico	40	40
40720	Vega Alta County, Puerto Rico	40	41980
40730	Vega Baja County, Puerto Rico	40	41980
40740	Vieques County, Puerto Rico	40	40
40750	Villalba County, Puerto Rico	6360	38660
40760	Yabucoa County, Puerto Rico	40	41980
40770	Yauco County, Puerto Rico	6360	49500
41000	Bristol County, Rhode Island	6483	39300
41010	Kent County, Rhode Island	6483	39300
41020	Newport County, Rhode Island	6483	39300
41030	Providence County, Rhode Island	6483	39300
41050	Washington County, Rhode Island	6483	39300
42000	Abbeville County, S Carolina	42	42
42010	Aiken County, S Carolina	0600	12260
42020	Allendale County, S Carolina	42	42
42030	Anderson County, S Carolina	3160	11340
42040	Bamberg County, S Carolina	42	42
42050	Barnwell County, S Carolina	42	42
42060	Beaufort County, S Carolina	42	42
42070	Berkeley County, S Carolina	1440	16700
42080	Calhoun County, S Carolina	42	17900
42090	Charleston County, S Carolina	1440	16700
42100	Cherokee County, S Carolina	42	42
42110	Chester County, S Carolina	42	42
42120	Chesterfield County, S Carolina	42	42
42130	Clarendon County, S Carolina	42	42
42140	Colleton County, S Carolina	42	42
42150	Darlington County, S Carolina	42	22500
42160	Dillon County, S Carolina	42	42
42170	Dorchester County, S Carolina	1440	16700
42180	Edgefield County, S Carolina	42	12260
42190	Fairfield County, S Carolina	42	17900
42200	Florence County, S Carolina	2655	22500
42210	Georgetown County, S Carolina	42	42
42220	Greenville County, S Carolina	3160	24860
42230	Greenwood County, S Carolina	42	42
42240	Hampton County, S Carolina	42	42
42250	Horry County, S Carolina	42	34820
42260	Jasper County, S Carolina	42	42
42270	Kershaw County, S Carolina	42	17900
42280	Lancaster County, S Carolina	42	42
42290	Laurens County, S Carolina	42	24860
42300	Lee County, S Carolina	42	42
42310	Lexington County, S Carolina	1760	17900
42320	Mc Cormick County, S Carolina	42	42
42330	Marion County, S Carolina	42	42
42340	Marlboro County, S Carolina	42	42
42350	Newberry County, S Carolina	42	42
42360	Oconee County, S Carolina	42	42
42370	Orangeburg County, S Carolina	42	42
42380	Pickens County, S Carolina	3160	24860
42390	Richland County, S Carolina	1760	17900
42400	Saluda County, S Carolina	42	17900
42410	Spartanburg County, S Carolina	3160	43900
42420	Sumter County, S Carolina	42	44940
42430	Union County, S Carolina	42	42
42440	Williamsburg County, S Carolina	42	42
42450	York County, S Carolina	1520	16740
43010	Aurora County, S Dakota	43	43

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
43020	Beadle County, S Dakota	43	43
43030	Bennett County, S Dakota	43	43
43040	Bon Homme County, S Dakota	43	43
43050	Brookings County, S Dakota	43	43
43060	Brown County, S Dakota	43	43
43070	Brule County, S Dakota	43	43
43080	Buffalo County, S Dakota	43	43
43090	Butte County, S Dakota	43	43
43100	Campbell County, S Dakota	43	43
43110	Charles Mix County, S Dakota	43	43
43120	Clark County, S Dakota	43	43
43130	Clay County, S Dakota	43	43
43140	Codington County, S Dakota	43	43
43150	Corson County, S Dakota	43	43
43160	Custer County, S Dakota	43	43
43170	Davison County, S Dakota	43	43
43180	Day County, S Dakota	43	43
43190	Deuel County, S Dakota	43	43
43200	Dewey County, S Dakota	43	43
43210	Douglas County, S Dakota	43	43
43220	Edmunds County, S Dakota	43	43
43230	Fall River County, S Dakota	43	43
43240	Faulk County, S Dakota	43	43
43250	Grant County, S Dakota	43	43
43260	Gregory County, S Dakota	43	43
43270	Haakon County, S Dakota	43	43
43280	Hamlin County, S Dakota	43	43
43290	Hand County, S Dakota	43	43
43300	Hanson County, S Dakota	43	43
43310	Harding County, S Dakota	43	43
43320	Hughes County, S Dakota	43	43
43330	Hutchinson County, S Dakota	43	43
43340	Hyde County, S Dakota	43	43
43350	Jackson County, S Dakota	43	43
43360	Jerauld County, S Dakota	43	43
43370	Jones County, S Dakota	43	43
43380	Kingsbury County, S Dakota	43	43
43390	Lake County, S Dakota	43	43
43400	Lawrence County, S Dakota	43	43
43410	Lincoln County, S Dakota	43	43620
43420	Lyman County, S Dakota	43	43
43430	Mc Cook County, S Dakota	43	43620
43440	Mc Pherson County, S Dakota	43	43
43450	Marshall County, S Dakota	43	43
43460	Meade County, S Dakota	43	39660
43470	Mellette County, S Dakota	43	43
43480	Miner County, S Dakota	43	43
43490	Minnehaha County, S Dakota	7760	43620
43500	Moody County, S Dakota	43	43
43510	Pennington County, S Dakota	6660	39660
43520	Perkins County, S Dakota	43	43
43530	Potter County, S Dakota	43	43
43540	Roberts County, S Dakota	43	43
43550	Sanborn County, S Dakota	43	43
43560	Shannon County, S Dakota	43	43
43570	Spink County, S Dakota	43	43
43580	Stanley County, S Dakota	43	43
43590	Sully County, S Dakota	43	43
43600	Todd County, S Dakota	43	43
43610	Tripp County, S Dakota	43	43
43620	Turner County, S Dakota	43	43620
43630	Union County, S Dakota	43	43580
43640	Walworth County, S Dakota	43	43
43650	Washabaugh County, S Dakota	43	43
43670	Yankton County, S Dakota	43	43
43680	Ziebach County, S Dakota	43	43
44000	Anderson County, Tennessee	3840	28940
44010	Bedford County, Tennessee	44	44
44020	Benton County, Tennessee	44	44
44030	Bledsoe County, Tennessee	44	44

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
44040	Blount County, Tennessee	3840	28940
44050	Bradley County, Tennessee	44	17420
44060	Campbell County, Tennessee	44	44
44070	Cannon County, Tennessee	44	34980
44080	Carroll County, Tennessee	44	44
44090	Carter County, Tennessee	3660	27740
44100	Cheatham County, Tennessee	5360	34980
44110	Chester County, Tennessee	44	27180
44120	Claiborne County, Tennessee	44	44
44130	Clay County, Tennessee	44	44
44140	Cocke County, Tennessee	44	44
44150	Coffee County, Tennessee	44	44
44160	Crockett County, Tennessee	44	44
44170	Cumberland County, Tennessee	44	44
44180	Davidson County, Tennessee	5360	34980
44190	Decatur County, Tennessee	44	44
44200	De Kalb County, Tennessee	44	44
44210	Dickson County, Tennessee	5360	34980
44220	Dyer County, Tennessee	44	44
44230	Fayette County, Tennessee	44	32820
44240	Fentress County, Tennessee	44	44
44250	Franklin County, Tennessee	44	44
44260	Gibson County, Tennessee	44	44
44270	Giles County, Tennessee	44	44
44280	Grainger County, Tennessee	3840	34100
44290	Greene County, Tennessee	44	44
44300	Grundy County, Tennessee	44	44
44310	Hamblen County, Tennessee	44	34100
44320	Hamilton County, Tennessee	1560	16860
44330	Hancock County, Tennessee	44	44
44340	Hardeman County, Tennessee	44	44
44350	Hardin County, Tennessee	44	44
44360	Hawkins County, Tennessee	3660	28700
44370	Haywood County, Tennessee	44	44
44380	Henderson County, Tennessee	44	44
44390	Henry County, Tennessee	44	44
44400	Hickman County, Tennessee	44	34980
44410	Houston County, Tennessee	44	44
44420	Humphreys County, Tennessee	44	44
44430	Jackson County, Tennessee	44	44
44440	Jefferson County, Tennessee	3840	34100
44450	Johnson County, Tennessee	44	44
44460	Knox County, Tennessee	3840	28940
44470	Lake County, Tennessee	44	44
44480	Lauderdale County, Tennessee	44	44
44490	Lawrence County, Tennessee	44	44
44500	Lewis County, Tennessee	44	44
44510	Lincoln County, Tennessee	44	44
44520	Loudon County, Tennessee	44	28940
44530	Mc Minn County, Tennessee	44	44
44540	Mc Nairy County, Tennessee	44	44
44550	Macon County, Tennessee	44	34980
44560	Madison County, Tennessee	3580	27180
44570	Marion County, Tennessee	1560	16860
44580	Marshall County, Tennessee	44	44
44590	Maury County, Tennessee	44	44
44600	Meigs County, Tennessee	44	44
44610	Monroe County, Tennessee	44	44
44620	Montgomery County, Tennessee	1660	17300
44630	Moore County, Tennessee	44	44
44640	Morgan County, Tennessee	44	44
44650	Obion County, Tennessee	44	44
44660	Overton County, Tennessee	44	44
44670	Perry County, Tennessee	44	44
44680	Pickett County, Tennessee	44	44
44690	Polk County, Tennessee	44	17420
44700	Putnam County, Tennessee	44	44
44710	Rhea County, Tennessee	44	44
44720	Roane County, Tennessee	44	44
44730	Robertson County, Tennessee	5360	34980

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
44740	Rutherford County, Tennessee	5360	34980
44750	Scott County, Tennessee	44	44
44760	Sequatchie County, Tennessee	1560	16860
44770	Sevier County, Tennessee	3840	44
44780	Shelby County, Tennessee	4920	32820
44790	Smith County, Tennessee	44	34980
44800	Stewart County, Tennessee	44	17300
44810	Sullivan County, Tennessee	3660	28700
44820	Sumner County, Tennessee	5360	34980
44830	Tipton County, Tennessee	4920	32820
44840	Trousdale County, Tennessee	44	34980
44850	Unicoi County, Tennessee	3660	27740
44860	Union County, Tennessee	3840	28940
44870	Van Buren County, Tennessee	44	44
44880	Warren County, Tennessee	44	44
44890	Washington County, Tennessee	3660	27740
44900	Wayne County, Tennessee	44	44
44910	Weakley County, Tennessee	44	44
44920	White County, Tennessee	44	44
44930	Williamson County, Tennessee	5360	34980
44940	Wilson County, Tennessee	5360	34980
45000	Anderson County, Texas	45	45
45010	Andrews County, Texas	45	45
45020	Angelina County, Texas	45	45
45030	Aransas County, Texas	45	18580
45040	Archer County, Texas	9080	48660
45050	Armstrong County, Texas	45	11100
45060	Atascosa County, Texas	45	41700
45070	Austin County, Texas	45	26420
45080	Bailey County, Texas	45	45
45090	Bandera County, Texas	45	41700
45100	Bastrop County, Texas	0640	12420
45110	Baylor County, Texas	45	45
45113	Bee County, Texas	45	45
45120	Bell County, Texas	3810	28660
45130	Bexar County, Texas	7240	41700
45140	Blanco County, Texas	45	45
45150	Borden County, Texas	45	45
45160	Bosque County, Texas	45	45
45170	Bowie County, Texas	8360	45500
45180	Brazoria County, Texas	1145	26420
45190	Brazos County, Texas	1260	17780
45200	Brewster County, Texas	45	45
45201	Briscoe County, Texas	45	45
45210	Brooks County, Texas	45	45
45220	Brown County, Texas	45	45
45221	Burleson County, Texas	45	17780
45222	Burnet County, Texas	45	45
45223	Caldwell County, Texas	45	12420
45224	Calhoun County, Texas	45	47020
45230	Callahan County, Texas	45	10180
45240	Cameron County, Texas	1240	15180
45250	Camp County, Texas	45	45
45251	Carson County, Texas	45	11100
45260	Cass County, Texas	45	45
45270	Castro County, Texas	45	45
45280	Chambers County, Texas	45	26420
45281	Cherokee County, Texas	45	45
45290	Childress County, Texas	45	45
45291	Clay County, Texas	45	48660
45292	Cochran County, Texas	45	45
45300	Coke County, Texas	45	45
45301	Coleman County, Texas	45	45
45310	Collin County, Texas	1920	19124
45311	Collingsworth County, Texas	45	45
45312	Colorado County, Texas	45	45
45320	Comal County, Texas	7240	41700
45321	Comanche County, Texas	45	45
45330	Concho County, Texas	45	45
45340	Cooke County, Texas	45	45

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
45341	Coryell County, Texas	3810	28660
45350	Cottle County, Texas	45	45
45360	Crane County, Texas	45	45
45361	Crockett County, Texas	45	45
45362	Crosby County, Texas	45	31180
45370	Culberson County, Texas	45	45
45380	Dallam County, Texas	45	45
45390	Dallas County, Texas	1920	19124
45391	Dawson County, Texas	45	45
45392	Deaf Smith County, Texas	45	45
45400	Delta County, Texas	45	19124
45410	Denton County, Texas	1920	19124
45420	De Witt County, Texas	45	45
45421	Dickens County, Texas	45	45
45430	Dimmit County, Texas	45	45
45431	Donley County, Texas	45	45
45440	Duval County, Texas	45	45
45450	Eastland County, Texas	45	45
45451	Ector County, Texas	5800	36220
45460	Edwards County, Texas	45	45
45470	Ellis County, Texas	1920	19124
45480	El Paso County, Texas	2320	21340
45490	Erath County, Texas	45	45
45500	Falls County, Texas	45	45
45510	Fannin County, Texas	45	45
45511	Fayette County, Texas	45	45
45520	Fisher County, Texas	45	45
45521	Floyd County, Texas	45	45
45522	Foard County, Texas	45	45
45530	Fort Bend County, Texas	3360	26420
45531	Franklin County, Texas	45	45
45540	Freestone County, Texas	45	45
45541	Frio County, Texas	45	45
45542	Gaines County, Texas	45	45
45550	Galveston County, Texas	2920	26420
45551	Garza County, Texas	45	45
45552	Gillespie County, Texas	45	45
45560	Glasscock County, Texas	45	45
45561	Goliad County, Texas	45	47020
45562	Gonzales County, Texas	45	45
45563	Gray County, Texas	45	45
45564	Grayson County, Texas	7640	43300
45570	Gregg County, Texas	4420	30980
45580	Grimes County, Texas	45	45
45581	Guadalupe County, Texas	7240	41700
45582	Hale County, Texas	45	45
45583	Hall County, Texas	45	45
45590	Hamilton County, Texas	45	45
45591	Hansford County, Texas	45	45
45592	Hardeman County, Texas	45	45
45600	Hardin County, Texas	0840	13140
45610	Harris County, Texas	3360	26420
45620	Harrison County, Texas	4420	45
45621	Hartley County, Texas	45	45
45630	Haskell County, Texas	45	45
45631	Hays County, Texas	0640	12420
45632	Hemphill County, Texas	45	45
45640	Henderson County, Texas	45	45
45650	Hidalgo County, Texas	4880	32580
45651	Hill County, Texas	45	45
45652	Hockley County, Texas	45	45
45653	Hood County, Texas	45	45
45654	Hopkins County, Texas	45	45
45660	Houston County, Texas	45	45
45661	Howard County, Texas	45	45
45662	Hudspeth County, Texas	45	45
45670	Hunt County, Texas	45	19124
45671	Hutchinson County, Texas	45	45
45672	Irion County, Texas	45	41660
45680	Jack County, Texas	45	45

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
45681	Jackson County, Texas	45	45
45690	Jasper County, Texas	45	45
45691	Jeff Davis County, Texas	45	45
45700	Jefferson County, Texas	0840	13140
45710	Jim Hogg County, Texas	45	45
45711	Jim Wells County, Texas	45	45
45720	Johnson County, Texas	2800	23104
45721	Jones County, Texas	45	10180
45722	Karnes County, Texas	45	45
45730	Kaufman County, Texas	1920	19124
45731	Kendall County, Texas	45	41700
45732	Kenedy County, Texas	45	45
45733	Kent County, Texas	45	45
45734	Kerr County, Texas	45	45
45740	Kimble County, Texas	45	45
45741	King County, Texas	45	45
45742	Kinney County, Texas	45	45
45743	Kleberg County, Texas	45	45
45744	Knox County, Texas	45	45
45750	Lamar County, Texas	45	45
45751	Lamb County, Texas	45	45
45752	Lampasas County, Texas	45	28660
45753	La Salle County, Texas	45	45
45754	Lavaca County, Texas	45	45
45755	Lee County, Texas	45	45
45756	Leon County, Texas	45	45
45757	Liberty County, Texas	3360	26420
45758	Limestone County, Texas	45	45
45759	Lipscomb County, Texas	45	45
45760	Live Oak County, Texas	45	45
45761	Llano County, Texas	45	45
45762	Loving County, Texas	45	45
45770	Lubbock County, Texas	4600	31180
45771	Lynn County, Texas	45	45
45772	Mc Culloch County, Texas	45	45
45780	Mc Lennan County, Texas	8800	47380
45781	Mc Mullen County, Texas	45	45
45782	Madison County, Texas	45	45
45783	Marion County, Texas	45	45
45784	Martin County, Texas	45	45
45785	Mason County, Texas	45	45
45790	Matagorda County, Texas	45	45
45791	Maverick County, Texas	45	45
45792	Medina County, Texas	45	41700
45793	Menard County, Texas	45	45
45794	Midland County, Texas	5040	33260
45795	Milam County, Texas	45	45
45796	Mills County, Texas	45	45
45797	Mitchell County, Texas	45	45
45800	Montague County, Texas	45	45
45801	Montgomery County, Texas	3360	26420
45802	Moore County, Texas	45	45
45803	Morris County, Texas	45	45
45804	Motley County, Texas	45	45
45810	Nacogdoches County, Texas	45	45
45820	Navarro County, Texas	45	45
45821	Newton County, Texas	45	45
45822	Nolan County, Texas	45	45
45830	Nueces County, Texas	1880	18580
45831	Ochiltree County, Texas	45	45
45832	Oldham County, Texas	45	45
45840	Orange County, Texas	0840	13140
45841	Palo Pinto County, Texas	45	45
45842	Panola County, Texas	45	45
45843	Parker County, Texas	2800	23104
45844	Parmer County, Texas	45	45
45845	Pecos County, Texas	45	45
45850	Polk County, Texas	45	45
45860	Potter County, Texas	0320	11100
45861	Presidio County, Texas	45	45

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
45870	Rains County, Texas	45	45
45871	Randall County, Texas	0320	11100
45872	Reagan County, Texas	45	45
45873	Real County, Texas	45	45
45874	Red River County, Texas	45	45
45875	Reeves County, Texas	45	45
45876	Refugio County, Texas	45	45
45877	Roberts County, Texas	45	45
45878	Robertson County, Texas	45	17780
45879	Rockwall County, Texas	1920	19124
45880	Runnels County, Texas	45	45
45881	Rusk County, Texas	45	30980
45882	Sabine County, Texas	45	45
45883	San Augustine County, Texas	45	45
45884	San Jacinto County, Texas	45	26420
45885	San Patricio County, Texas	1880	18580
45886	San Saba County, Texas	45	45
45887	Schleicher County, Texas	45	45
45888	Scurry County, Texas	45	45
45889	Shackelford County, Texas	45	45
45890	Shelby County, Texas	45	45
45891	Sherman County, Texas	45	45
45892	Smith County, Texas	8640	46340
45893	Somervell County, Texas	45	45
45900	Starr County, Texas	45	45
45901	Stephens County, Texas	45	45
45902	Sterling County, Texas	45	45
45903	Stonewall County, Texas	45	45
45904	Sutton County, Texas	45	45
45905	Swisher County, Texas	45	45
45910	Tarrant County, Texas	2800	23104
45911	Taylor County, Texas	0040	10180
45912	Terrell County, Texas	45	45
45913	Terry County, Texas	45	45
45920	Throckmorton County, Texas	45	45
45921	Titus County, Texas	45	45
45930	Tom Green County, Texas	7200	41660
45940	Travis County, Texas	0640	12420
45941	Trinity County, Texas	45	45
45942	Tyler County, Texas	45	45
45943	Upshur County, Texas	45	30980
45944	Upton County, Texas	45	45
45945	Uvalde County, Texas	45	45
45946	Val Verde County, Texas	45	45
45947	Van Zandt County, Texas	45	45
45948	Victoria County, Texas	8750	47020
45949	Walker County, Texas	45	45
45950	Waller County, Texas	3360	26420
45951	Ward County, Texas	45	45
45952	Washington County, Texas	45	45
45953	Webb County, Texas	4080	29700
45954	Wharton County, Texas	45	45
45955	Wheeler County, Texas	45	45
45960	Wichita County, Texas	9080	48660
45961	Wilbarger County, Texas	45	45
45962	Willacy County, Texas	45	45
45970	Williamson County, Texas	0640	12420
45971	Wilson County, Texas	45	41700
45972	Winkler County, Texas	45	45
45973	Wise County, Texas	45	23104
45974	Wood County, Texas	45	45
45980	Yoakum County, Texas	45	45
45981	Young County, Texas	45	45
45982	Zapata County, Texas	45	45
45983	Zavala County, Texas	45	45
46000	Beaver County, Utah	46	46
46010	Box Elder County, Utah	46	46
46020	Cache County, Utah	46	30860
46030	Carbon County, Utah	46	46
46040	Daggett County, Utah	46	46

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
46050	Davis County, Utah	7160	36260
46060	Duchesne County, Utah	46	46
46070	Emery County, Utah	46	46
46080	Garfield County, Utah	46	46
46090	Grand County, Utah	46	46
46100	Iron County, Utah	46	46
46110	Juab County, Utah	46	39340
46120	Kane County, Utah	45	46
46130	Millard County, Utah	46	46
46140	Morgan County, Utah	46	36260
46150	Piute County, Utah	46	46
46160	Rich County, Utah	46	46
46170	Salt Lake County, Utah	7160	41620
46180	San Juan County, Utah	46	46
46190	Sanpete County, Utah	46	46
46200	Sevier County, Utah	46	46
46210	Summit County, Utah	46	41620
46220	Tooele County, Utah	46	41620
46230	Uintah County, Utah	46	46
46240	Utah County, Utah	6520	39340
46250	Wasatch County, Utah	46	46
46260	Washington County, Utah	46	41100
46270	Wayne County, Utah	46	46
46280	Weber County, Utah	7160	36260
47000	Addison County, Vermont	47	47
47010	Bennington County, Vermont	47	47
47020	Caledonia County, Vermont	47	47
47030	Chittenden County, Vermont	1303	15540
47040	Essex County, Vermont	47	47
47050	Franklin County, Vermont	47	15540
47060	Grand Isle County, Vermont	1303	15540
47070	Lamoille County, Vermont	47	47
47080	Orange County, Vermont	47	47
47090	Orleans County, Vermont	47	47
47100	Rutland County, Vermont	47	47
47110	Washington County, Vermont	47	47
47120	Windham County, Vermont	47	47
47130	Windsor County, Vermont	47	47
49000	Accomack County, Virginia	49	49
49010	Albemarle County, Virginia	1540	16820
49011	Alexandria City County, Virginia	8840	47894
49020	Alleghany County, Virginia	49	49
49030	Amelia County, Virginia	49	40060
49040	Amherst County, Virginia	4640	31340
49050	Appomattox County, Virginia	49	31340
49060	Arlington County, Virginia	8840	47894
49070	Augusta County, Virginia	49	49
49080	Bath County, Virginia	49	49
49088	Bedford City County, Virginia	49	31340
49090	Bedford County, Virginia	49	31340
49100	Bland County, Virginia	49	49
49110	Botetourt County, Virginia	6800	40220
49111	Bristol City County, Virginia	3660	28700
49120	Brunswick County, Virginia	49	49
49130	Buchanan County, Virginia	49	49
49140	Buckingham County, Virginia	49	49
49141	Buena Vista City County, Virginia	49	49
49150	Campbell County, Virginia	4640	31340
49160	Caroline County, Virginia	49	40060
49170	Carroll County, Virginia	49	49
49180	Charles City County, Virginia	6760	40060
49190	Charlotte County, Virginia	49	49
49191	Charlottesville City County, Virginia	1540	16820
49194	Chesapeake County, Virginia	5720	47260
49200	Chesterfield County, Virginia	6760	40060
49210	Clarke County, Virginia	49	47894
49211	Clifton Forge City County, Virginia	49	49
49212	Colonial Heights County, Virginia	6760	40060
49213	Covington City County, Virginia	49	49
49220	Craig County, Virginia	49	40220

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
49230	Culpeper County, Virginia	49	49
49240	Cumberland County, Virginia	49	40060
49241	Danville City County, Virginia	1950	19260
49250	Dickenson County, Virginia	49	49
49260	Dinniddie County, Virginia	6760	40060
49270	Emporia County, Virginia	49	49
49280	Essex County, Virginia	49	49
49288	Fairfax City County, Virginia	8840	47894
49290	Fairfax County, Virginia	8840	47894
49291	Falls Church City County, Virginia	8840	47894
49300	Fauquier County, Virginia	49	47894
49310	Floyd County, Virginia	49	49
49320	Fluvanna County, Virginia	1540	16820
49328	Franklin City County, Virginia	49	49
49330	Franklin County, Virginia	49	40220
49340	Frederick County, Virginia	49	49020
49342	Fredericksburg City County, Virginia	49	47894
49343	Galax City County, Virginia	49	49
49350	Giles County, Virginia	49	13980
49360	Gloucester County, Virginia	5720	47260
49370	Goochland County, Virginia	6760	40060
49380	Grayson County, Virginia	49	49
49390	Greene County, Virginia	1540	16820
49400	Greensville County, Virginia	49	49
49410	Halifax County, Virginia	49	49
49411	Hampton City County, Virginia	5720	47260
49420	Hanover County, Virginia	6760	40060
49421	Harrisonburg City County, Virginia	49	25500
49430	Henrico County, Virginia	6760	40060
49440	Henry County, Virginia	49	49
49450	Highland County, Virginia	49	49
49451	Hopewell City County, Virginia	6760	40060
49460	Isle Of Wight County, Virginia	49	47260
49470	James City Co County, Virginia	5720	47260
49480	King And Queen County, Virginia	49	40060
49490	King George County, Virginia	49	49
49500	King William County, Virginia	49	40060
49510	Lancaster County, Virginia	49	49
49520	Lee County, Virginia	49	49
49522	Lexington County, Virginia	49	49
49530	Loudoun County, Virginia	8840	47894
49540	Louisa County, Virginia	49	40060
49550	Lunenburg County, Virginia	49	49
49551	Lynchburg City County, Virginia	4640	31340
49560	Madison County, Virginia	49	49
49561	Martinsville City County, Virginia	49	49
49563	Manassas City County, Virginia	8840	47894
49565	Manassas Park City County, Virginia	8840	47894
49570	Mathews County, Virginia	49	47260
49580	Mecklenburg County, Virginia	49	49
49590	Middlesex County, Virginia	49	49
49600	Montgomery County, Virginia	49	13980
49610	Nansemond County, Virginia	49	49
49620	Nelson County, Virginia	49	16820
49621	New Kent County, Virginia	6760	40060
49622	Newport News City County, Virginia	5720	47260
49641	Norfolk City County, Virginia	5720	47260
49650	Northampton County, Virginia	49	49
49660	Northumberland County, Virginia	49	49
49661	Norton City County, Virginia	49	49
49670	Nottoway County, Virginia	49	49
49680	Orange County, Virginia	49	49
49690	Page County, Virginia	49	49
49700	Patrick County, Virginia	49	49
49701	Petersburg City County, Virginia	6760	40060
49710	Pittsylvania County, Virginia	1950	19260
49711	Portsmouth City County, Virginia	5720	47260
49712	Poquoson City County, Virginia	5720	47260
49720	Powhatan County, Virginia	6760	40060
49730	Prince Edward County, Virginia	49	49

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
49740	Prince George County, Virginia	6760	40060
49750	Prince William County, Virginia	8840	47894
49770	Pulaski County, Virginia	49	13980
49771	Radford City County, Virginia	49	13980
49780	Rappahannock County, Virginia	49	49
49790	Richmond County, Virginia	49	49
49791	Richmond City County, Virginia	6760	40060
49800	Roanoke County, Virginia	6800	40220
49801	Roanoke City County, Virginia	6800	40220
49810	Rockbridge County, Virginia	49	49
49820	Rockingham County, Virginia	49	25500
49830	Russell County, Virginia	49	49
49838	Salem County, Virginia	6800	40220
49840	Scott County, Virginia	3660	28700
49850	Shenandoah County, Virginia	49	49
49860	Smyth County, Virginia	49	49
49867	South Boston City County, Virginia	49	49
49870	Southampton County, Virginia	49	49
49880	Spotsylvania County, Virginia	49	47894
49890	Stafford County, Virginia	8840	47894
49891	Staunton City County, Virginia	49	49
49892	Suffolk City County, Virginia	5720	47260
49900	Surry County, Virginia	49	47260
49910	Sussex County, Virginia	49	40060
49920	Tazewell County, Virginia	49	49
49921	Virginia Beach City County, Virginia	5720	47260
49930	Warren County, Virginia	49	47894
49950	Washington County, Virginia	3660	28700
49951	Waynesboro City County, Virginia	49	49
49960	Westmoreland County, Virginia	49	49
49961	Williamsburg City County, Virginia	5720	47260
49962	Winchester City County, Virginia	49	49020
49970	Wise County, Virginia	49	49
49980	Wythe County, Virginia	49	49
49981	York County, Virginia	5720	47260
50000	Adams County, Washington	50	50
50010	Asotin County, Washington	50	30300
50020	Benton County, Washington	6740	28420
50030	Chelan County, Washington	50	48300
50040	Clallam County, Washington	50	50
50050	Clark County, Washington	8725	38900
50060	Columbia County, Washington	50	50
50070	Cowlitz County, Washington	50	31020
50080	Douglas County, Washington	50	48300
50090	Ferry County, Washington	50	50
50100	Franklin County, Washington	6740	28420
50110	Garfield County, Washington	50	50
50120	Grant County, Washington	50	50
50130	Grays Harbor County, Washington	50	50
50140	Island County, Washington	50	50
50150	Jefferson County, Washington	50	50
50160	King County, Washington	7600	42644
50170	Kitsap County, Washington	1150	14740
50180	Kittitas County, Washington	50	50
50190	Klickitat County, Washington	50	50
50200	Lewis County, Washington	50	50
50210	Lincoln County, Washington	50	50
50220	Mason County, Washington	50	50
50230	Okanogan County, Washington	50	50
50240	Pacific County, Washington	50	50
50250	Pend Oreille County, Washington	50	50
50260	Pierce County, Washington	8200	45104
50270	San Juan County, Washington	50	50
50280	Skagit County, Washington	50	34580
50290	Skamania County, Washington	50	38900
50300	Snohomish County, Washington	7600	42644
50310	Spokane County, Washington	7840	44060
50320	Stevens County, Washington	50	50
50330	Thurston County, Washington	5910	36500
50340	Wahkiakum County, Washington	50	50

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
50350	Walla Walla County, Washington	50	50
50360	Whatcom County, Washington	0860	13380
50370	Whitman County, Washington	50	50
50380	Yakima County, Washington	9260	49420
51000	Barbour County, W Virginia	51	51
51010	Berkeley County, W Virginia	51	25180
51020	Boone County, W Virginia	51	16620
51030	Braxton County, W Virginia	51	51
51040	Brooke County, W Virginia	8080	48260
51050	Cabell County, W Virginia	3400	26580
51060	Calhoun County, W Virginia	51	51
51070	Clay County, W Virginia	51	16620
51080	Doddridge County, W Virginia	51	51
51090	Fayette County, W Virginia	51	51
51100	Gilmer County, W Virginia	51	51
51110	Grant County, W Virginia	51	51
51120	Greenbrier County, W Virginia	51	51
51130	Hampshire County, W Virginia	51	49020
51140	Hancock County, W Virginia	8080	48260
51150	Hardy County, W Virginia	51	51
51160	Harrison County, W Virginia	51	51
51170	Jackson County, W Virginia	51	51
51180	Jefferson County, W Virginia	51	47894
51190	Kanawha County, W Virginia	1480	16620
51200	Lewis County, W Virginia	51	51
51210	Lincoln County, W Virginia	51	16620
51220	Logan County, W Virginia	51	51
51230	Mc Dowell County, W Virginia	51	51
51240	Marion County, W Virginia	51	51
51250	Marshall County, W Virginia	9000	48540
51260	Mason County, W Virginia	51	51
51270	Mercer County, W Virginia	51	51
51280	Mineral County, W Virginia	1900	19060
51290	Mingo County, W Virginia	51	51
51300	Monongalia County, W Virginia	51	34060
51310	Monroe County, W Virginia	51	51
51320	Morgan County, W Virginia	51	25180
51330	Nicholas County, W Virginia	51	51
51340	Ohio County, W Virginia	9000	48540
51350	Pendleton County, W Virginia	51	51
51360	Pleasants County, W Virginia	51	37620
51370	Pocahontas County, W Virginia	51	51
51380	Preston County, W Virginia	51	34060
51390	Putnam County, W Virginia	1480	16620
51400	Raleigh County, W Virginia	51	51
51410	Randolph County, W Virginia	51	51
51420	Ritchie County, W Virginia	51	51
51430	Roane County, W Virginia	51	51
51440	Summers County, W Virginia	51	51
51450	Taylor County, W Virginia	51	51
51460	Tucker County, W Virginia	51	51
51470	Tyler County, W Virginia	51	51
51480	Upshur County, W Virginia	51	51
51490	Wayne County, W Virginia	3400	26580
51500	Webster County, W Virginia	51	51
51510	Wetzel County, W Virginia	51	51
51520	Wirt County, W Virginia	51	37620
51530	Wood County, W Virginia	6020	37620
51540	Wyoming County, W Virginia	51	51
52000	Adams County, Wisconsin	52	52
52010	Ashland County, Wisconsin	52	52
52020	Barron County, Wisconsin	52	52
52030	Bayfield County, Wisconsin	52	52
52040	Brown County, Wisconsin	3080	24580
52050	Buffalo County, Wisconsin	52	52
52060	Burnett County, Wisconsin	52	52
52070	Calumet County, Wisconsin	0460	11540
52080	Chippewa County, Wisconsin	2290	20740
52090	Clark County, Wisconsin	52	52
52100	Columbia County, Wisconsin	52	31540

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
52110	Crawford County, Wisconsin	52	52
52120	Dane County, Wisconsin	4720	31540
52130	Dodge County, Wisconsin	52	52
52140	Door County, Wisconsin	52	52
52150	Douglas County, Wisconsin	2240	20260
52160	Dunn County, Wisconsin	52	52
52170	Eau Claire County, Wisconsin	2290	20740
52180	Florence County, Wisconsin	52	52
52190	Fond Du Lac County, Wisconsin	52	22540
52200	Forest County, Wisconsin	52	52
52210	Grant County, Wisconsin	52	52
52220	Green County, Wisconsin	52	52
52230	Green Lake County, Wisconsin	52	52
52240	Iowa County, Wisconsin	52	31540
52250	Iron County, Wisconsin	52	52
52260	Jackson County, Wisconsin	52	52
52270	Jefferson County, Wisconsin	52	52
52280	Juneau County, Wisconsin	52	52
52290	Kenosha County, Wisconsin	3800	29404
52300	Kewaunee County, Wisconsin	52	24580
52310	La Crosse County, Wisconsin	3870	29100
52320	Lafayette County, Wisconsin	3880	52
52330	Langlade County, Wisconsin	52	52
52340	Lincoln County, Wisconsin	52	52
52350	Manitowoc County, Wisconsin	52	52
52360	Marathon County, Wisconsin	8940	48140
52370	Marinette County, Wisconsin	52	52
52380	Marquette County, Wisconsin	52	52
52381	Menominee County, Wisconsin	52	52
52390	Milwaukee County, Wisconsin	5080	33340
52400	Monroe County, Wisconsin	52	52
52410	Oconto County, Wisconsin	52	24580
52420	Oneida County, Wisconsin	52	52
52430	Outagamie County, Wisconsin	0460	11540
52440	Ozaukee County, Wisconsin	5080	33340
52450	Pepin County, Wisconsin	52	52
52460	Pierce County, Wisconsin	52	33460
52470	Polk County, Wisconsin	52	52
52480	Portage County, Wisconsin	52	52
52490	Price County, Wisconsin	52	52
52500	Racine County, Wisconsin	6600	39540
52510	Richland County, Wisconsin	52	52
52520	Rock County, Wisconsin	3620	27500
52530	Rusk County, Wisconsin	52	52
52540	St Croix County, Wisconsin	5120	33460
52550	Sauk County, Wisconsin	52	52
52560	Sawyer County, Wisconsin	52	52
52570	Shawano County, Wisconsin	52	52
52580	Sheboygan County, Wisconsin	7620	43100
52590	Taylor County, Wisconsin	52	52
52600	Trempealeau County, Wisconsin	52	52
52610	Vernon County, Wisconsin	52	52
52620	Vilas County, Wisconsin	52	52
52630	Walworth County, Wisconsin	52	52
52640	Washburn County, Wisconsin	52	52
52650	Washington County, Wisconsin	5080	33340
52660	Waukesha County, Wisconsin	5080	33340
52670	Waupaca County, Wisconsin	52	52
52680	Waushara County, Wisconsin	52	52
52690	Winnebago County, Wisconsin	0460	36780
52700	Wood County, Wisconsin	52	52
53000	Albany County, Wyoming	53	53
53010	Big Horn County, Wyoming	53	53
53020	Campbell County, Wyoming	53	53
53030	Carbon County, Wyoming	53	53
53040	Converse County, Wyoming	53	53
53050	Crook County, Wyoming	53	53
53060	Fremont County, Wyoming	53	53
53070	Goshen County, Wyoming	53	53
53080	Hot Springs County, Wyoming	53	53

ADDENDUM F.—ESRD FACILITIES—METROPOLITAN STATISTICAL AREAS (MSA)/CORE-BASED STATISTICAL AREAS (CBSA)  
CROSSWALK—Continued

SSA state/county code	County and state name	ESRD MSA No.	CBSA No.
53090	Johnson County, Wyoming	53	53
53100	Laramie County, Wyoming	1580	16940
53110	Lincoln County, Wyoming	53	53
53120	Natrona County, Wyoming	1350	16220
53130	Niobrara County, Wyoming	53	53
53140	Park County, Wyoming	53	53
53150	Platte County, Wyoming	53	53
53160	Sheridan County, Wyoming	53	53
53170	Sublette County, Wyoming	53	53
53180	Sweetwater County, Wyoming	53	53
53190	Teton County, Wyoming	53	53
53200	Uinta County, Wyoming	53	53
53210	Washakie County, Wyoming	53	53
53220	Weston County, Wyoming	53	53

ADDENDUM G.—LIST OF CPT/HCPCS CODES USED TO DESCRIBE NUCLEAR MEDICINE DESIGNATED HEALTH SERVICES  
UNDER SECTION 1877 OF THE SOCIAL SECURITY ACT

[Effective January 1, 2006]

CPT/HCPCS Codes	MOD	Description	Status code
78000		Thyroid, single uptake	A
78000	TC	Thyroid, single uptake	A
78000	26	Thyroid, single uptake	A
78001		Thyroid, multiple uptakes	A
78001	TC	Thyroid, multiple uptakes	A
78001	26	Thyroid, multiple uptakes	A
78003		Thyroid suppress/stimul	A
78003	TC	Thyroid suppress/stimul	A
78003	26	Thyroid suppress/stimul	A
78006		Thyroid imaging with uptake	A
78006	TC	Thyroid imaging with uptake	A
78006	26	Thyroid imaging with uptake	A
78007		Thyroid image, mult uptakes	A
78007	TC	Thyroid image, mult uptakes	A
78007	26	Thyroid image, mult uptakes	A
78010		Thyroid imaging	A
78010	TC	Thyroid imaging	A
78010	26	Thyroid imaging	A
78011		Thyroid imaging with flow	A
78011	TC	Thyroid imaging with flow	A
78011	26	Thyroid imaging with flow	A
78015		Thyroid met imaging	A
78015	TC	Thyroid met imaging	A
78015	26	Thyroid met imaging	A
78016		Thyroid met imaging/studies	A
78016	TC	Thyroid met imaging/studies	A
78016	26	Thyroid met imaging/studies	A
78018		Thyroid met imaging, body	A
78018	TC	Thyroid met imaging, body	A
78018	26	Thyroid met imaging, body	A
78020		Thyroid met uptake	A
78020	TC	Thyroid met uptake	A
78020	26	Thyroid met uptake	A
78070		Parathyroid nuclear imaging	A
78070	TC	Parathyroid nuclear imaging	A
78070	26	Parathyroid nuclear imaging	A
78075		Adrenal nuclear imaging	A
78075	TC	Adrenal nuclear imaging	A
78075	26	Adrenal nuclear imaging	A
78099		Endocrine nuclear procedure	C
78099	TC	Endocrine nuclear procedure	C
78099	26	Endocrine nuclear procedure	C

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ADDENDUM G.—LIST OF CPT/HCPCS CODES USED TO DESCRIBE NUCLEAR MEDICINE DESIGNATED HEALTH SERVICES  
UNDER SECTION 1877 OF THE SOCIAL SECURITY ACT—Continued

[Effective January 1, 2006]

CPT/HCPCS Codes	MOD	Description	Status code
78102		Bone marrow imaging, ltd	A
78102	TC	Bone marrow imaging, ltd	A
78102	26	Bone marrow imaging, ltd	A
78103		Bone marrow imaging, mult	A
78103	TC	Bone marrow imaging, mult	A
78103	26	Bone marrow imaging, mult	A
78104		Bone marrow imaging, body	A
78104	TC	Bone marrow imaging, body	A
78104	26	Bone marrow imaging, body	A
78110		Plasma volume, single	A
78110	TC	Plasma volume, single	A
78110	26	Plasma volume, single	A
78111		Plasma volume, multiple	A
78111	TC	Plasma volume, multiple	A
78111	26	Plasma volume, multiple	A
78120		Red cell mass, single	A
78120	TC	Red cell mass, single	A
78120	26	Red cell mass, single	A
78121		Red cell mass, multiple	A
78121	TC	Red cell mass, multiple	A
78121	26	Red cell mass, multiple	A
78122		Blood volume	A
78122	TC	Blood volume	A
78122	26	Blood volume	A
78130		Red cell survival study	A
78130	TC	Red cell survival study	A
78130	26	Red cell survival study	A
78135		Red cell survival kinetics	A
78135	TC	Red cell survival kinetics	A
78135	26	Red cell survival kinetics	A
78140		Red cell sequestration	A
78140	TC	Red cell sequestration	A
78140	26	Red cell sequestration	A
78160		Plasma iron turnover	A
78160	TC	Plasma iron turnover	A
78160	26	Plasma iron turnover	A
78162		Radioiron absorption exam	A
78162	TC	Radioiron absorption exam	A
78162	26	Radioiron absorption exam	A
78170		Red cell iron utilization	A
78170	TC	Red cell iron utilization	A
78170	26	Red cell iron utilization	A
78172		Total body iron estimation	C
78172	TC	Total body iron estimation	C
78172	26	Total body iron estimation	A
78185		Spleen imaging	A
78185	TC	Spleen imaging	A
78185	26	Spleen imaging	A
78190		Platelet survival, kinetics	A
78190	TC	Platelet survival, kinetics	A
78190	26	Platelet survival, kinetics	A
78191		Platelet survival	A
78191	TC	Platelet survival	A
78191	26	Platelet survival	A
78195		Lymph system imaging	A
78195	TC	Lymph system imaging	A
78195	26	Lymph system imaging	A
78199		Blood/lymph nuclear exam	C
78199	TC	Blood/lymph nuclear exam	C
78199	26	Blood/lymph nuclear exam	C
78201		Liver imaging	A
78201	TC	Liver imaging	A
78201	26	Liver imaging	A
78202		Liver imaging with flow	A

ADDENDUM G.—LIST OF CPT/HCPSCS CODES USED TO DESCRIBE NUCLEAR MEDICINE DESIGNATED HEALTH SERVICES UNDER SECTION 1877 OF THE SOCIAL SECURITY ACT—Continued

[Effective January 1, 2006]

CPT/HCPSCS Codes	MOD	Description	Status code
78202	TC	Liver imaging with flow	A
78202	26	Liver imaging with flow	A
78205		Liver imaging (3D)	A
78205	TC	Liver imaging (3D)	A
78205	26	Liver imaging (3D)	A
78206		Liver image (3d) with flow	A
78206	TC	Liver image (3d) with flow	A
78206	26	Liver image (3d) with flow	A
78215		Liver and spleen imaging	A
78215	TC	Liver and spleen imaging	A
78215	26	Liver and spleen imaging	A
78216		Liver & spleen image/flow	A
78216	TC	Liver & spleen image/flow	A
78216	26	Liver & spleen image/flow	A
78220		Liver function study	A
78220	TC	Liver function study	A
78220	26	Liver function study	A
78223		Hepatobiliary imaging	A
78223	TC	Hepatobiliary imaging	A
78223	26	Hepatobiliary imaging	A
78230		Salivary gland imaging	A
78230	TC	Salivary gland imaging	A
78230	26	Salivary gland imaging	A
78231		Serial salivary imaging	A
78231	TC	Serial salivary imaging	A
78231	26	Serial salivary imaging	A
78232		Salivary gland function exam	A
78232	TC	Salivary gland function exam	A
78232	26	Salivary gland function exam	A
78258		Esophageal motility study	A
78258	TC	Esophageal motility study	A
78258	26	Esophageal motility study	A
78261		Gastric mucosa imaging	A
78261	TC	Gastric mucosa imaging	A
78261	26	Gastric mucosa imaging	A
78262		Gastroesophageal reflux exam	A
78262	TC	Gastroesophageal reflux exam	A
78262	26	Gastroesophageal reflux exam	A
78264		Gastric emptying study	A
78264	TC	Gastric emptying study	A
78264	26	Gastric emptying study	A
78270		Vit B-12 absorption exam	A
78270	TC	Vit B-12 absorption exam	A
78270	26	Vit B-12 absorption exam	A
78271		Vit b-12 absrp exam, int fac	A
78271	TC	Vit b-12 absrp exam, int fac	A
78271	26	Vit b-12 absrp exam, int fac	A
78272		Vit B-12 absorp, combined	A
78272	TC	Vit B-12 absorp, combined	A
78272	26	Vit B-12 absorp, combined	A
78278		Acute GI blood loss imaging	A
78278	TC	Acute GI blood loss imaging	A
78278	26	Acute GI blood loss imaging	A
78282		GI protein loss exam	C
78282	TC	GI protein loss exam	C
78282	26	GI protein loss exam	A
78290		Meckel's divert exam	A
78290	TC	Meckel's divert exam	A
78290	26	Meckel's divert exam	A
78291		Leveen/shunt patency exam	A
78291	TC	Leveen/shunt patency exam	A
78291	26	Leveen/shunt patency exam	A
78299		GI nuclear procedure	C
78299	TC	GI nuclear procedure	C

## ADDENDUM G.—LIST OF CPT/HCPCS CODES USED TO DESCRIBE NUCLEAR MEDICINE DESIGNATED HEALTH SERVICES UNDER SECTION 1877 OF THE SOCIAL SECURITY ACT—Continued

[Effective January 1, 2006]

CPT/HCPCS Codes	MOD	Description	Status code
78299	26	GI nuclear procedure	C
78300		Bone imaging, limited area	A
78300	TC	Bone imaging, limited area	A
78300	26	Bone imaging, limited area	A
78305		Bone imaging, multiple areas	A
78305	TC	Bone imaging, multiple areas	A
78305	26	Bone imaging, multiple areas	A
78306		Bone imaging, whole body	A
78306	TC	Bone imaging, whole body	A
78306	26	Bone imaging, whole body	A
78315		Bone imaging, 3 phase	A
78315	TC	Bone imaging, 3 phase	A
78315	26	Bone imaging, 3 phase	A
78320		Bone imaging (3D)	A
78320	TC	Bone imaging (3D)	A
78320	26	Bone imaging (3D)	A
78350		Bone mineral, single photon	A
78350	TC	Bone mineral, single photon	A
78350	26	Bone mineral, single photon	A
78351		Bone mineral, dual photon	N
78399		Musculoskeletal nuclear exam	C
78399	TC	Musculoskeletal nuclear exam	C
78399	26	Musculoskeletal nuclear exam	C
78414		Non-imaging heart function	C
78414	TC	Non-imaging heart function	C
78414	26	Non-imaging heart function	A
78428		Cardiac shunt imaging	A
78428	TC	Cardiac shunt imaging	A
78428	26	Cardiac shunt imaging	A
78445		Vascular flow imaging	A
78445	TC	Vascular flow imaging	A
78445	26	Vascular flow imaging	A
78455		Venous thrombosis study	A
78455	TC	Venous thrombosis study	A
78455	26	Venous thrombosis study	A
78456		Acute venous thrombus image	A
78456	TC	Acute venous thrombus image	A
78456	26	Acute venous thrombus image	A
78457		Venous thrombosis imaging	A
78457	TC	Venous thrombosis imaging	A
78457	26	Venous thrombosis imaging	A
78458		Ven thrombosis images, bilat	A
78458	TC	Ven thrombosis images, bilat	A
78458	26	Ven thrombosis images, bilat	A
78459		Heart muscle imaging (PET)	C
78459	TC	Heart muscle imaging (PET)	C
78459	26	Heart muscle imaging (PET)	A
78460		Heart muscle blood, single	A
78460	TC	Heart muscle blood, single	A
78460	26	Heart muscle blood, single	A
78461		Heart muscle blood, multiple	A
78461	TC	Heart muscle blood, multiple	A
78461	26	Heart muscle blood, multiple	A
78464		Heart image (3d), single	A
78464	TC	Heart image (3d), single	A
78464	26	Heart image (3d), single	A
78465		Heart image (3d), multiple	A
78465	TC	Heart image (3d), multiple	A
78465	26	Heart image (3d), multiple	A
78466		Heart infarct image	A
78466	TC	Heart infarct image	A
78466	26	Heart infarct image	A
78468		Heart infarct image (ef)	A
78468	TC	Heart infarct image (ef)	A

ADDENDUM G.—LIST OF CPT/HCPSCS CODES USED TO DESCRIBE NUCLEAR MEDICINE DESIGNATED HEALTH SERVICES UNDER SECTION 1877 OF THE SOCIAL SECURITY ACT—Continued

[Effective January 1, 2006]

CPT/HCPSCS Codes	MOD	Description	Status code
78468	26	Heart infarct image (ef)	A
78469		Heart infarct image (3D)	A
78469	TC	Heart infarct image (3D)	A
78469	26	Heart infarct image (3D)	A
78472		Gated heart, planar, single	A
78472	TC	Gated heart, planar, single	A
78472	26	Gated heart, planar, single	A
78473		Gated heart, multiple	A
78473	TC	Gated heart, multiple	A
78473	26	Gated heart, multiple	A
78478		Heart wall motion add-on	A
78478	TC	Heart wall motion add-on	A
78478	26	Heart wall motion add-on	A
78480		Heart function add-on	A
78480	TC	Heart function add-on	A
78480	26	Heart function add-on	A
78481		Heart first pass, single	A
78481	TC	Heart first pass, single	A
78481	26	Heart first pass, single	A
78483		Heart first pass, multiple	A
78483	TC	Heart first pass, multiple	A
78483	26	Heart first pass, multiple	A
78491		Heart image (pet), single	C
78491	TC	Heart image (pet), single	C
78491	26	Heart image (pet), single	A
78492		Heart image (pet), multiple	C
78492	TC	Heart image (pet), multiple	C
78492	26	Heart image (pet), multiple	A
78494		Heart image, spect	A
78494	TC	Heart image, spect	A
78494	26	Heart image, spect	A
78496		Heart first pass add-on	A
78496	TC	Heart first pass add-on	A
78496	26	Heart first pass add-on	A
78499		Cardiovascular nuclear exam	C
78499	TC	Cardiovascular nuclear exam	C
78499	26	Cardiovascular nuclear exam	C
78580		Lung perfusion imaging	A
78580	TC	Lung perfusion imaging	A
78580	26	Lung perfusion imaging	A
78584		Lung V/Q image single breath	A
78584	TC	Lung V/Q image single breath	A
78584	26	Lung V/Q image single breath	A
78585		Lung V/Q imaging	A
78585	TC	Lung V/Q imaging	A
78585	26	Lung V/Q imaging	A
78586		Aerosol lung image, single	A
78586	TC	Aerosol lung image, single	A
78586	26	Aerosol lung image, single	A
78587		Aerosol lung image, multiple	A
78587	TC	Aerosol lung image, multiple	A
78587	26	Aerosol lung image, multiple	A
78588		Perfusion lung image	A
78588	TC	Perfusion lung image	A
78588	26	Perfusion lung image	A
78591		Vent image, 1 breath, 1 proj	A
78591	TC	Vent image, 1 breath, 1 proj	A
78591	26	Vent image, 1 breath, 1 proj	A
78593		Vent image, 1 proj, gas	A
78593	TC	Vent image, 1 proj, gas	A
78593	26	Vent image, 1 proj, gas	A
78594		Vent image, mult proj, gas	A
78594	TC	Vent image, mult proj, gas	A
78594	26	Vent image, mult proj, gas	A

ADDENDUM G.—LIST OF CPT/HCPCS CODES USED TO DESCRIBE NUCLEAR MEDICINE DESIGNATED HEALTH SERVICES  
UNDER SECTION 1877 OF THE SOCIAL SECURITY ACT—Continued

[Effective January 1, 2006]

CPT/HCPCS Codes	MOD	Description	Status code
78596		Lung differential function	A
78596	TC	Lung differential function	A
78596	26	Lung differential function	A
78599		Respiratory nuclear exam	C
78599	TC	Respiratory nuclear exam	C
78599	26	Respiratory nuclear exam	C
78600		Brain imaging, ltd static	A
78600	TC	Brain imaging, ltd static	A
78600	26	Brain imaging, ltd static	A
78601		Brain imaging, ltd w/flow	A
78601	TC	Brain imaging, ltd w/flow	A
78601	26	Brain imaging, ltd w/flow	A
78605		Brain imaging, complete	A
78605	TC	Brain imaging, complete	A
78605	26	Brain imaging, complete	A
78606		Brain imaging, compl w/flow	A
78606	TC	Brain imaging, compl w/flow	A
78606	26	Brain imaging, compl w/flow	A
78607		Brain imaging (3D)	A
78607	TC	Brain imaging (3D)	A
78607	26	Brain imaging (3D)	A
78608		Brain imaging (PET)	C
78608	TC	Brain imaging (PET)	C
78608	26	Brain imaging (PET)	A
78609		Brain imaging (PET)	C
78609	TC	Brain imaging (PET)	C
78609	26	Brain imaging (PET)	A
78610		Brain flow imaging only	A
78610	TC	Brain flow imaging only	A
78610	26	Brain flow imaging only	A
78615		Cerebral vascular flow image	A
78615	TC	Cerebral vascular flow image	A
78615	26	Cerebral vascular flow image	A
78630		Cerebrospinal fluid scan	A
78630	TC	Cerebrospinal fluid scan	A
78630	26	Cerebrospinal fluid scan	A
78635		CSF ventriculography	A
78635	TC	CSF ventriculography	A
78635	26	CSF ventriculography	A
78645		CSF shunt evaluation	A
78645	TC	CSF shunt evaluation	A
78645	26	CSF shunt evaluation	A
78647		Cerebrospinal fluid scan	A
78647	TC	Cerebrospinal fluid scan	A
78647	26	Cerebrospinal fluid scan	A
78650		CSF leakage imaging	A
78650	TC	CSF leakage imaging	A
78650	26	CSF leakage imaging	A
78660		Nuclear exam of tear flow	A
78660	TC	Nuclear exam of tear flow	A
78660	26	Nuclear exam of tear flow	A
78699		Nervous system nuclear exam	C
78699	TC	Nervous system nuclear exam	C
78699	26	Nervous system nuclear exam	C
78700		Kidney imaging, static	A
78700	TC	Kidney imaging, static	A
78700	26	Kidney imaging, static	A
78701		Kidney imaging with flow	A
78701	TC	Kidney imaging with flow	A
78701	26	Kidney imaging with flow	A
78704		Imaging renogram	A
78704	TC	Imaging renogram	A
78704	26	Imaging renogram	A
78707		Kidney flow/function image	A

ADDENDUM G.—LIST OF CPT/HCPCS CODES USED TO DESCRIBE NUCLEAR MEDICINE DESIGNATED HEALTH SERVICES UNDER SECTION 1877 OF THE SOCIAL SECURITY ACT—Continued

[Effective January 1, 2006]

CPT/HCPCS Codes	MOD	Description	Status code
78707	TC	Kidney flow/function image	A
78707	26	Kidney flow/function image	A
78708		Kidney flow/function image	A
78708	TC	Kidney flow/function image	A
78708	26	Kidney flow/function image	A
78709		Kidney flow/function image	A
78709	TC	Kidney flow/function image	A
78709	26	Kidney flow/function image	A
78710		Kidney imaging (3D)	A
78710	TC	Kidney imaging (3D)	A
78710	26	Kidney imaging (3D)	A
78715		Renal vascular flow exam	A
78715	TC	Renal vascular flow exam	A
78715	26	Renal vascular flow exam	A
78725		Kidney function study	A
78725	TC	Kidney function study	A
78725	26	Kidney function study	A
78730		Urinary bladder retention	A
78730	TC	Urinary bladder retention	A
78730	26	Urinary bladder retention	A
78740		Ureteral reflux study	A
78740	TC	Ureteral reflux study	A
78740	26	Ureteral reflux study	A
78760		Testicular imaging	A
78760	TC	Testicular imaging	A
78760	26	Testicular imaging	A
78761		Testicular imaging/flow	A
78761	TC	Testicular imaging/flow	A
78761	26	Testicular imaging/flow	A
78799		Genitourinary nuclear exam	C
78799	TC	Genitourinary nuclear exam	C
78799	26	Genitourinary nuclear exam	C
78800		Tumor imaging, limited area	A
78800	TC	Tumor imaging, limited area	A
78800	26	Tumor imaging, limited area	A
78801		Tumor imaging, mult areas	A
78801	TC	Tumor imaging, mult areas	A
78801	26	Tumor imaging, mult areas	A
78802		Tumor imaging, whole body	A
78802	TC	Tumor imaging, whole body	A
78802	26	Tumor imaging, whole body	A
78803		Tumor imaging (3D)	A
78803	TC	Tumor imaging (3D)	A
78803	26	Tumor imaging (3D)	A
78804		Tumor imaging, whole body	A
78804	TC	Tumor imaging, whole body	A
78804	26	Tumor imaging, whole body	A
78805		Abscess imaging, ltd area	A
78805	TC	Abscess imaging, ltd area	A
78805	26	Abscess imaging, ltd area	A
78806		Abscess imaging, whole body	A
78806	TC	Abscess imaging, whole body	A
78806	26	Abscess imaging, whole body	A
78807		Nuclear localization/abscess	A
78807	TC	Nuclear localization/abscess	A
78807	26	Nuclear localization/abscess	A
78811		Tumor imaging (pet), limited	C
78811	TC	Tumor imaging (pet), limited	C
78811	26	Tumor imaging (pet), limited	A
78812		Tumor image (pet)/skul-thigh	C
78812	TC	Tumor image (pet)/skul-thigh	C
78812	26	Tumor image (pet)/skul-thigh	A
78813		Tumor image (pet) full body	C
78813	TC	Tumor image (pet) full body	C

ADDENDUM G.—LIST OF CPT/HCPSCS CODES USED TO DESCRIBE NUCLEAR MEDICINE DESIGNATED HEALTH SERVICES  
UNDER SECTION 1877 OF THE SOCIAL SECURITY ACT—Continued

[Effective January 1, 2006]

CPT/HCPSCS Codes	MOD	Description	Status code
78813	26	Tumor image (pet) full body	A
78814		Tumor image pet/ct, limited	C
78814	TC	Tumor image pet/ct, limited	C
78814	26	Tumor image pet/ct, limited	A
78815		Tumorimage pet/ct skul-thigh	C
78815	TC	Tumorimage pet/ct skul-thigh	C
78815	26	Tumorimage pet/ct skul-thigh	A
78816		Tumor image pet/ct full body	C
78816	TC	Tumor image pet/ct full body	C
78816	26	Tumor image pet/ct full body	A
78890		Nuclear medicine data proc	B
78890	TC	Nuclear medicine data proc	B
78890	26	Nuclear medicine data proc	B
78891		Nuclear med data proc	B
78891	TC	Nuclear med data proc	B
78891	26	Nuclear med data proc	B
78999		Nuclear diagnostic exam	C
78999	TC	Nuclear diagnostic exam	C
78999	26	Nuclear diagnostic exam	C
79005		Nuclear rx, oral admin	A
79005	TC	Nuclear rx, oral admin	A
79005	26	Nuclear rx, oral admin	A
79101		Nuclear rx, iv admin	A
79101	TC	Nuclear rx, iv admin	A
79101	26	Nuclear rx, iv admin	A
79200		Nuclear rx, intracav admin	A
79200	TC	Nuclear rx, intracav admin	A
79200	26	Nuclear rx, intracav admin	A
79300		Nuclr rx, interstit colloid	C
79300	TC	Nuclr rx, interstit colloid	C
79300	26	Nuclr rx, interstit colloid	A
79403		Hematopoietic nuclear tx	A
79403	TC	Hematopoietic nuclear tx	A
79403	26	Hematopoietic nuclear tx	A
79440		Nuclear rx, intra-articular	A
79440	TC	Nuclear rx, intra-articular	A
79440	26	Nuclear rx, intra-articular	A
79445		Nuclear rx, intra-arterial	A
79445	TC	Nuclear rx, intra-arterial	A
79445	26	Nuclear rx, intra-arterial	A
79999		Nuclear medicine therapy	C
79999	TC	Nuclear medicine therapy	C
79999	26	Nuclear medicine therapy	C
A4641		Diagnostic imaging agent.	
A4642		Satumomab pendetide per dose.	
A9500		Technetium TC 99m sestamibi.	
A9502		Technetium TC99M tetrofosmin.	
A9503		Technetium TC 99m medronate.	
A9504		Technetium tc 99m apcitide.	
A9505		Thallous chloride TL 201/mci.	
A9507		Indium/111 capromab pendetid.	
A9508		Iobenguane sulfate I-131.	
A9510		Technetium TC99m Disofenin.	
A9511		Technetium TC 99m depreotide.	
A9512		Technetiumtc99mpertechetate.	
A9513		Technetium tc-99m mebrofenin.	
A9514		Technetiumtc99mpyrophosphate.	
A9515		Technetium tc-99m pentetate.	
A9516		I-123 sodium iodide capsule.	
A9517		Th I131 so iodide cap millic.	
A9519		Technetiumtc-99mmacroag albu.	
A9520		Technetiumtc-99m sulfur cild.	
A9521		Technetiumtc-99m exametazine.	
A9522		Indium111ibritumomabtiuxetan.	

ADDENDUM G.—LIST OF CPT/HCPCS CODES USED TO DESCRIBE NUCLEAR MEDICINE DESIGNATED HEALTH SERVICES UNDER SECTION 1877 OF THE SOCIAL SECURITY ACT—Continued

[Effective January 1, 2006]

CPT/HCPCS Codes	MOD	Description	Status code
A9523	.....	Yttrium90ibritumomabtiuxetan.	
A9524	.....	Iodinated I-131 serumalbumin.	
A9526	.....	Ammonia N-13, per dose.	
A9527	.....	I-131 tositumomab therapeut.	
A9528	.....	Dx I131 so iodide cap millic.	
A9529	.....	Dx I131 so iodide sol millic.	
A9530	.....	Th I131 so iodide sol millic.	
A9531	.....	Dx I131 so iodide microcurie.	
A9532	.....	I-125 serum albumin micro.	
A9533	.....	I-131 tositumomab diagnostic.	
A9534	.....	I-131 tositumomab therapeut.	
A9600	.....	Strontium-89 chloride.	
A9603	.....	I-131sodiumiodidecap per mci.	
A9605	.....	Samarium sm153 lexidronamm.	
A9699	.....	Noc therapeutic radiopharm.	
C1079	.....	CO 57/58 per 0.5 uCi.	
C1080	.....	I-131 tositumomab, dx.	
C1081	.....	I-131 tositumomab, tx.	
C1082	.....	In-111 ibritumomab tiuxetan.	
C1083	.....	Yttrium 90 ibritumomab tiuxe.	
C1091	.....	IN111 oxyquinoline,per0.5mCi.	
C1092	.....	IN 111 pentetate per 0.5 mCi.	
C1093	.....	TC99M fanolesomab.	
C1122	.....	Tc 99M ARCITUMOMAB PER VIAL.	
C1200	.....	TC 99M Sodium Glucoheptonat.	
C1201	.....	TC 99M SUCCIMER, PER Vial.	
C1775	.....	FDG, per dose (4-40 mCi/ml).	
C9102	.....	51 Na Chromate, 50mCi.	
C9103	.....	Na lothalamate I-125, 10 uCi.	
C9400	.....	Thalious chloride, brand.	
C9401	.....	Strontium-89 chloride,brand.	
C9402	.....	Th I131 so iodide cap, brand.	
C9403	.....	Dx I131 so iodide cap, brand.	
C9404	.....	Dx I131 so iodide sol, brand.	
C9405	.....	Th I131 so iodide sol, brand.	
Q3000	.....	Rubidium RB-82.	
Q3002	.....	Gallium ga 67.	
Q3003	.....	Technetium tc99m bicasate.	
Q3004	.....	Xenon xe 133.	
Q3005	.....	Technetium tc99m mertiatide.	
Q3006	.....	Technetium tc99m glucepatate.	
Q3007	.....	Sodium phosphate p32.	
Q3008	.....	Indium 111-in pentetreotide.	
Q3009	.....	Technetium tc99m oxidronate.	
Q3010	.....	Technetium tc99mlabeledrbc.	
Q3011	.....	Chromic phosphate p32.	

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- Drawbridge operations: Florida; comments due by 8-19-05; published 7-20-05 [FR 05-14247]
- Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.: San Diego Bay, CA; comments due by 8-15-05; published 7-15-05 [FR 05-13958]
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
- Grants and cooperative agreements; availability, etc.: Homeless assistance; excess and surplus Federal properties; Open for comments until further notice; published 8-5-05 [FR 05-15251]
- INTERIOR DEPARTMENT Land Management Bureau**
- Minerals management: Fee changes; comments due by 8-18-05; published 7-19-05 [FR 05-13613]
- INTERIOR DEPARTMENT Fish and Wildlife Service**
- Endangered and threatened species permit applications Recovery plans— Paiute cutthroat trout; Open for comments until further notice; published 9-10-04 [FR 04-20517]
- Endangered and threatened species: Findings on petitions, etc.— Mexican bobcat; comments due by 8-17-05; published 5-19-05 [FR 05-10002]
- Migratory bird hunting: Federal Indian reservations, off-reservation trust lands, and ceded lands; comments due by 8-15-05; published 8-5-05 [FR 05-15531]
- LIBRARY OF CONGRESS Copyright Office, Library of Congress**
- Copyright Arbitration Royalty Panel rules and procedures: Cable statutory license; royalty rates adjustment; comments due by 8-19-05; published 7-20-05 [FR 05-14270]
- NUCLEAR REGULATORY COMMISSION**
- Environmental statements; availability, etc.: Fort Wayne State Developmental Center; Open for comments until further notice; published 5-10-04 [FR 04-10516]
- PERSONNEL MANAGEMENT OFFICE**
- Pay under General Schedule: Locality pay areas; adjustments; comments due by 8-19-05; published 6-20-05 [FR 05-12033]
- SMALL BUSINESS ADMINISTRATION**
- Disaster loan areas: Maine; Open for comments until further notice; published 2-17-04 [FR 04-03374]
- SOCIAL SECURITY ADMINISTRATION**
- Social security benefits and supplemental security income: Federal old-age, survivors, and disability insurance, and aged, blind, and disabled— Medical equivalence; evidentiary requirements for making findings; comments due by 8-16-05; published 6-17-05 [FR 05-11886]
- OFFICE OF UNITED STATES TRADE REPRESENTATIVE Trade Representative, Office of United States**
- Generalized System of Preferences: 2003 Annual Product Review, 2002 Annual Country Practices Review, and previously deferred product decisions; petitions disposition; Open for comments until further notice; published 7-6-04 [FR 04-15361]
- TRANSPORTATION DEPARTMENT**
- Airport concessions; participation by

disadvantaged business enterprise; comments due by 8-19-05; published 7-15-05 [FR 05-14056]

## TRANSPORTATION DEPARTMENT

### Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 8-15-05; published 6-15-05 [FR 05-11707]

Boeing; comments due by 8-15-05; published 6-14-05 [FR 05-11515]

Bombardier; comments due by 8-16-05; published 6-17-05 [FR 05-11792]

Hartzell Propeller Inc.; comments due by 8-15-05; published 6-15-05 [FR 05-11798]

McDonnell Douglas; comments due by 8-15-05; published 6-16-05 [FR 05-11879]

Raytheon; comments due by 8-19-05; published 6-20-05 [FR 05-12060]

Rockwell International; comments due by 8-15-05; published 6-21-05 [FR 05-12151]

Sikorsky; comments due by 8-15-05; published 6-14-05 [FR 05-11516]

SOCATA-Groupe AEROSPATIALE; comments due by 8-19-05; published 7-7-05 [FR 05-13333]

Turbomeca S.A.; comments due by 8-15-05; published 6-14-05 [FR 05-11611]

Airworthiness standards:

Special conditions—

Gulfstream Aerospace Limited Partnership Model G150 airplane; comments due by 8-15-05; published 6-30-05 [FR 05-12883]

Area navigation routes; comments due by 8-19-05; published 7-20-05 [FR 05-14255]

Class E airspace; comments due by 8-15-05; published 7-1-05 [FR 05-13085]

## TRANSPORTATION DEPARTMENT

### Federal Motor Carrier Safety Administration

Motor carrier safety standards: Unified Registration System; comments due by 8-17-

05; published 5-19-05 [FR 05-09692]

## TRANSPORTATION DEPARTMENT

### National Highway Traffic Safety Administration

Motor vehicle safety standards:

Occupant crash protection—

Attaching child restraints to LATCH system for suppression test; comments due by 8-17-05; published 7-13-05 [FR 05-13760]

Transmission shift lever sequence, starter interlock, and transmission braking effect; comments due by 8-15-05; published 7-1-05 [FR 05-13062]

## TREASURY DEPARTMENT

### Internal Revenue Service

Income taxes:

Partnerships with foreign partners; obligation to pay withholding tax on taxable income; comments due by 8-16-05; published 5-18-05 [FR 05-09423]

## VETERANS AFFAIRS DEPARTMENT

Adjudication; pensions, compensation, dependency, etc.:

Benefit claims; reconsideration based on service record discovery after initial claim decision; comments due by 8-19-05; published 6-20-05 [FR 05-12103]

## LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at [http://www.archives.gov/federal\\_register/public\\_laws/public\\_laws.html](http://www.archives.gov/federal_register/public_laws/public_laws.html).

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402

(phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.gpoaccess.gov/plaws/index.html>. Some laws may not yet be available.

### H.R. 3423/P.L. 109-43

Medical Device User Fee Stabilization Act of 2005 (Aug. 1, 2005; 119 Stat. 439)

### H.R. 38/P.L. 109-44

Upper White Salmon Wild and Scenic Rivers Act (Aug. 2, 2005; 119 Stat. 443)

### H.R. 481/P.L. 109-45

Sand Creek Massacre National Historic Site Trust Act of 2005 (Aug. 2, 2005; 119 Stat. 445)

### H.R. 541/P.L. 109-46

To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries. (Aug. 2, 2005; 119 Stat. 448)

### H.R. 794/P.L. 109-47

Colorado River Indian Reservation Boundary Correction Act (Aug. 2, 2005; 119 Stat. 451)

### H.R. 1046/P.L. 109-48

To authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming. (Aug. 2, 2005; 119 Stat. 455)

### H.J. Res. 59/P.L. 109-49

Expressing the sense of Congress with respect to the women suffragists who fought for and won the right of women to vote in the United States. (Aug. 2, 2005; 119 Stat. 457)

### S. 571/P.L. 109-50

To designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building". (Aug. 2, 2005; 119 Stat. 459)

### S. 775/P.L. 109-51

To designate the facility of the United States Postal Service located at 123 W. 7th Street

in Holdenville, Oklahoma, as the "Boone Pickens Post Office". (Aug. 2, 2005; 119 Stat. 460)

### S. 904/P.L. 109-52

To designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building". (Aug. 2, 2005; 119 Stat. 461)

### H.R. 3045/P.L. 109-53

Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Aug. 2, 2005; 119 Stat. 462)

### H.R. 2361/P.L. 109-54

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Aug. 2, 2005; 119 Stat. 499)

### H.R. 2985/P.L. 109-55

Legislative Branch Appropriations Act, 2006 (Aug. 2, 2005; 119 Stat. 565)

### S. 45/P.L. 109-56

To amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes. (Aug. 2, 2005; 119 Stat. 591)

### S. 1395/P.L. 109-57

Controlled Substances Export Reform Act of 2005 (Aug. 2, 2005; 119 Stat. 592)

Last List August 2, 2005

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**CFR CHECKLIST**

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (\*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1	(869-056-00001-4)	5.00	Jan. 1, 2005
2	(869-056-00002-2)	5.00	Jan. 1, 2005
3 (2003 Compilation and Parts 100 and 101)	(869-056-00003-1)	35.00	1 Jan. 1, 2005
4	(869-056-00004-9)	10.00	4 Jan. 1, 2005
<b>5 Parts:</b>			
1-699	(869-056-00005-7)	60.00	Jan. 1, 2005
700-1199	(869-056-00006-5)	50.00	Jan. 1, 2005
1200-End	(869-056-00007-3)	61.00	Jan. 1, 2005
6	(869-056-00008-1)	10.50	Jan. 1, 2005
<b>7 Parts:</b>			
1-26	(869-056-00009-0)	44.00	Jan. 1, 2005
27-52	(869-056-00010-3)	49.00	Jan. 1, 2005
53-209	(869-056-00011-1)	37.00	Jan. 1, 2005
210-299	(869-056-00012-0)	62.00	Jan. 1, 2005
300-399	(869-056-00013-8)	46.00	Jan. 1, 2005
400-699	(869-056-00014-6)	42.00	Jan. 1, 2005
700-899	(869-056-00015-4)	43.00	Jan. 1, 2005
900-999	(869-056-00016-2)	60.00	Jan. 1, 2005
1000-1199	(869-056-00017-1)	22.00	Jan. 1, 2005
1200-1599	(869-056-00018-9)	61.00	Jan. 1, 2005
1600-1899	(869-056-00019-7)	64.00	Jan. 1, 2005
1900-1939	(869-056-00020-1)	31.00	Jan. 1, 2005
1940-1949	(869-056-00021-9)	50.00	Jan. 1, 2005
1950-1999	(869-056-00022-7)	46.00	Jan. 1, 2005
2000-End	(869-056-00023-5)	50.00	Jan. 1, 2005
8	(869-056-00024-3)	63.00	Jan. 1, 2005
<b>9 Parts:</b>			
1-199	(869-056-00025-1)	61.00	Jan. 1, 2005
200-End	(869-056-00026-0)	58.00	Jan. 1, 2005
<b>10 Parts:</b>			
1-50	(869-056-00027-8)	61.00	Jan. 1, 2005
51-199	(869-056-00028-6)	58.00	Jan. 1, 2005
200-499	(869-056-00029-4)	46.00	Jan. 1, 2005
500-End	(869-056-00030-8)	62.00	Jan. 1, 2005
11	(869-056-00031-6)	41.00	Jan. 1, 2005
<b>12 Parts:</b>			
1-199	(869-056-00032-4)	34.00	Jan. 1, 2005
200-219	(869-056-00033-2)	37.00	Jan. 1, 2005
220-299	(869-056-00034-1)	61.00	Jan. 1, 2005
300-499	(869-056-00035-9)	47.00	Jan. 1, 2005
500-599	(869-056-00036-7)	39.00	Jan. 1, 2005
600-899	(869-056-00037-5)	56.00	Jan. 1, 2005

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900-End	(869-056-00038-3)	50.00	Jan. 1, 2005
13	(869-056-00039-1)	55.00	Jan. 1, 2005
<b>14 Parts:</b>			
1-59	(869-056-00040-5)	63.00	Jan. 1, 2005
60-139	(869-056-00041-3)	61.00	Jan. 1, 2005
140-199	(869-056-00042-1)	30.00	Jan. 1, 2005
200-1199	(869-056-00043-0)	50.00	Jan. 1, 2005
1200-End	(869-056-00044-8)	45.00	Jan. 1, 2005
<b>15 Parts:</b>			
0-299	(869-056-00045-6)	40.00	Jan. 1, 2005
300-799	(869-056-00046-4)	60.00	Jan. 1, 2005
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<b>16 Parts:</b>			
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<b>17 Parts:</b>			
1-199	(869-056-00051-1)	50.00	Apr. 1, 2005
200-239	(869-056-00052-9)	58.00	Apr. 1, 2005
240-End	(869-056-00053-7)	62.00	Apr. 1, 2005
<b>18 Parts:</b>			
1-399	(869-056-00054-5)	62.00	Apr. 1, 2005
400-End	(869-056-00055-3)	26.00	9 Apr. 1, 2005
<b>19 Parts:</b>			
1-140	(869-056-00056-1)	61.00	Apr. 1, 2005
141-199	(869-056-00057-0)	58.00	Apr. 1, 2005
200-End	(869-056-00058-8)	31.00	Apr. 1, 2005
<b>20 Parts:</b>			
1-399	(869-056-00059-6)	50.00	Apr. 1, 2005
400-499	(869-056-00060-0)	64.00	Apr. 1, 2005
500-End	(869-056-00061-8)	63.00	Apr. 1, 2005
<b>21 Parts:</b>			
1-99	(869-056-00062-6)	42.00	Apr. 1, 2005
100-169	(869-056-00063-4)	49.00	Apr. 1, 2005
170-199	(869-056-00064-2)	50.00	Apr. 1, 2005
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600-799	(869-056-00068-5)	15.00	Apr. 1, 2005
800-1299	(869-056-00069-3)	58.00	Apr. 1, 2005
1300-End	(869-056-00070-7)	24.00	Apr. 1, 2005
<b>22 Parts:</b>			
1-299	(869-056-00071-5)	63.00	Apr. 1, 2005
300-End	(869-056-00072-3)	45.00	Apr. 1, 2005
23	(869-056-00073-1)	45.00	Apr. 1, 2005
<b>24 Parts:</b>			
0-199	(869-056-00074-0)	60.00	Apr. 1, 2005
200-499	(869-056-00074-0)	50.00	Apr. 1, 2005
500-699	(869-056-00076-6)	30.00	Apr. 1, 2005
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1700-End	(869-056-00078-2)	30.00	Apr. 1, 2005
25	(869-056-00079-1)	63.00	Apr. 1, 2005
<b>26 Parts:</b>			
§§ 1.0-1.160	(869-056-00080-4)	49.00	Apr. 1, 2005
§§ 1.61-1.169	(869-056-00081-2)	63.00	Apr. 1, 2005
§§ 1.170-1.300	(869-056-00082-1)	60.00	Apr. 1, 2005
§§ 1.301-1.400	(869-056-00083-9)	46.00	Apr. 1, 2005
§§ 1.401-1.440	(869-056-00084-7)	62.00	Apr. 1, 2005
§§ 1.441-1.500	(869-056-00085-5)	57.00	Apr. 1, 2005
§§ 1.501-1.640	(869-056-00086-3)	49.00	Apr. 1, 2005
§§ 1.641-1.850	(869-056-00087-1)	60.00	Apr. 1, 2005
§§ 1.851-1.907	(869-056-00088-0)	61.00	Apr. 1, 2005
§§ 1.908-1.1000	(869-056-00089-8)	60.00	Apr. 1, 2005
§§ 1.1001-1.1400	(869-056-00090-1)	61.00	Apr. 1, 2005
§§ 1.1401-1.1550	(869-056-00091-0)	55.00	Apr. 1, 2005
§§ 1.1551-End	(869-056-00092-8)	55.00	Apr. 1, 2005
2-29	(869-056-00093-6)	60.00	Apr. 1, 2005
30-39	(869-056-00094-4)	41.00	Apr. 1, 2005
40-49	(869-056-00095-2)	28.00	Apr. 1, 2005
50-299	(869-056-00096-1)	41.00	Apr. 1, 2005

Title	Stock Number	Price	Revision Date	Title	Stock Number	Price	Revision Date
300-499	(869-056-00097-9)	61.00	Apr. 1, 2005	63 (63.8980-End)	(869-052-00149-0)	35.00	July 1, 2004
500-599	(869-056-00098-7)	12.00	<sup>5</sup> Apr. 1, 2005	64-71	(869-052-00150-3)	29.00	July 1, 2004
600-End	(869-056-00099-5)	17.00	Apr. 1, 2005	72-80	(869-052-00151-1)	62.00	July 1, 2004
<b>27 Parts:</b>				81-85	(869-052-00152-0)	60.00	July 1, 2004
1-199	(869-056-00100-2)	64.00	Apr. 1, 2005	86 (86.1-86.599-99)	(869-052-00153-8)	58.00	July 1, 2004
200-End	(869-056-00101-1)	21.00	Apr. 1, 2005	86 (86.600-1-End)	(869-052-00154-6)	50.00	July 1, 2004
<b>28 Parts:</b>				87-99	(869-052-00155-4)	60.00	July 1, 2004
0-42	(869-052-00101-5)	61.00	July 1, 2004	100-135	(869-052-00156-2)	45.00	July 1, 2004
43-End	(869-052-00102-3)	60.00	July 1, 2004	136-149	(869-052-00157-1)	61.00	July 1, 2004
<b>29 Parts:</b>				150-189	(869-052-00158-9)	50.00	July 1, 2004
0-99	(869-052-00103-1)	50.00	July 1, 2004	190-259	(869-052-00159-7)	39.00	July 1, 2004
100-499	(869-052-00104-0)	23.00	July 1, 2004	260-265	(869-052-00160-1)	50.00	July 1, 2004
500-899	(869-052-00105-8)	61.00	July 1, 2004	266-299	(869-052-00161-9)	50.00	July 1, 2004
900-1899	(869-052-00106-6)	36.00	July 1, 2004	300-399	(869-052-00162-7)	42.00	July 1, 2004
1900-1910 (§§ 1900 to 1910.999)	(869-052-00107-4)	61.00	July 1, 2004	400-424	(869-052-00163-5)	56.00	<sup>8</sup> July 1, 2004
1910 (§§ 1910.1000 to end)	(869-052-00108-2)	46.00	<sup>8</sup> July 1, 2004	425-699	(869-052-00164-3)	61.00	July 1, 2004
1911-1925	(869-052-00109-1)	30.00	July 1, 2004	700-789	(869-052-00165-1)	61.00	July 1, 2004
1926	(869-052-00110-4)	50.00	July 1, 2004	790-End	(869-052-00166-0)	61.00	July 1, 2004
1927-End	(869-052-00111-2)	62.00	July 1, 2004	<b>41 Chapters:</b>			
<b>30 Parts:</b>				1, 1-1 to 1-10		13.00	<sup>3</sup> July 1, 1984
1-199	(869-052-00112-1)	57.00	July 1, 2004	1, 1-11 to Appendix, 2 (2 Reserved)		13.00	<sup>3</sup> July 1, 1984
200-699	(869-052-00113-9)	50.00	July 1, 2004	3-6		14.00	<sup>3</sup> July 1, 1984
700-End	(869-052-00114-7)	58.00	July 1, 2004	7		6.00	<sup>3</sup> July 1, 1984
<b>31 Parts:</b>				8		4.50	<sup>3</sup> July 1, 1984
0-199	(869-052-00115-5)	41.00	July 1, 2004	9		13.00	<sup>3</sup> July 1, 1984
200-End	(869-052-00116-3)	65.00	July 1, 2004	10-17		9.50	<sup>3</sup> July 1, 1984
<b>32 Parts:</b>				18, Vol. I, Parts 1-5		13.00	<sup>3</sup> July 1, 1984
1-39, Vol. I		15.00	<sup>2</sup> July 1, 1984	18, Vol. II, Parts 6-19		13.00	<sup>3</sup> July 1, 1984
1-39, Vol. II		19.00	<sup>2</sup> July 1, 1984	18, Vol. III, Parts 20-52		13.00	<sup>3</sup> July 1, 1984
1-39, Vol. III		18.00	<sup>2</sup> July 1, 1984	19-100		13.00	<sup>3</sup> July 1, 1984
1-190	(869-052-00117-1)	61.00	July 1, 2004	1-100	(869-052-00167-8)	24.00	July 1, 2004
191-399	(869-052-00118-0)	63.00	July 1, 2004	101	(869-052-00168-6)	21.00	July 1, 2004
400-629	(869-052-00119-8)	50.00	<sup>8</sup> July 1, 2004	102-200	(869-052-00169-4)	56.00	July 1, 2004
630-699	(869-052-00120-1)	37.00	<sup>7</sup> July 1, 2004	201-End	(869-052-00170-8)	24.00	July 1, 2004
700-799	(869-052-00121-0)	46.00	July 1, 2004	<b>42 Parts:</b>			
800-End	(869-052-00122-8)	47.00	July 1, 2004	1-399	(869-052-00171-6)	61.00	Oct. 1, 2004
<b>33 Parts:</b>				400-429	(869-052-00172-4)	63.00	Oct. 1, 2004
1-124	(869-052-00123-6)	57.00	July 1, 2004	430-End	(869-052-00173-2)	64.00	Oct. 1, 2004
125-199	(869-052-00124-4)	61.00	July 1, 2004	<b>43 Parts:</b>			
200-End	(869-052-00125-2)	57.00	July 1, 2004	1-999	(869-052-00174-1)	56.00	Oct. 1, 2004
<b>34 Parts:</b>				1000-end	(869-052-00175-9)	62.00	Oct. 1, 2004
1-299	(869-052-00126-1)	50.00	July 1, 2004	<b>44</b>	(869-052-00176-7)	50.00	Oct. 1, 2004
300-399	(869-052-00127-9)	40.00	July 1, 2004	<b>45 Parts:</b>			
400-End	(869-052-00128-7)	61.00	July 1, 2004	1-199	(869-052-00177-5)	60.00	Oct. 1, 2004
<b>35</b>	(869-052-00129-5)	10.00	<sup>6</sup> July 1, 2004	200-499	(869-052-00178-3)	34.00	Oct. 1, 2004
<b>36 Parts:</b>				500-1199	(869-052-00179-1)	56.00	Oct. 1, 2004
1-199	(869-052-00130-9)	37.00	July 1, 2004	1200-End	(869-052-00180-5)	61.00	Oct. 1, 2004
200-299	(869-052-00131-7)	37.00	July 1, 2004	<b>46 Parts:</b>			
300-End	(869-052-00132-5)	61.00	July 1, 2004	1-40	(869-052-00181-3)	46.00	Oct. 1, 2004
<b>37</b>	(869-052-00133-3)	58.00	July 1, 2004	41-69	(869-052-00182-1)	39.00	Oct. 1, 2004
<b>38 Parts:</b>				70-89	(869-052-00183-0)	14.00	Oct. 1, 2004
0-17	(869-052-00134-1)	60.00	July 1, 2004	90-139	(869-052-00184-8)	44.00	Oct. 1, 2004
18-End	(869-052-00135-0)	62.00	July 1, 2004	140-155	(869-052-00185-6)	25.00	Oct. 1, 2004
<b>39</b>	(869-052-00136-8)	42.00	July 1, 2004	156-165	(869-052-00186-4)	34.00	Oct. 1, 2004
<b>40 Parts:</b>				166-199	(869-052-00187-2)	46.00	Oct. 1, 2004
1-49	(869-052-00137-6)	60.00	July 1, 2004	200-499	(869-052-00188-1)	40.00	Oct. 1, 2004
50-51	(869-052-00138-4)	45.00	July 1, 2004	500-End	(869-052-00189-9)	25.00	Oct. 1, 2004
52 (52.01-52.1018)	(869-052-00139-2)	60.00	July 1, 2004	<b>47 Parts:</b>			
52 (52.1019-End)	(869-052-00140-6)	61.00	July 1, 2004	0-19	(869-052-00190-2)	61.00	Oct. 1, 2004
53-59	(869-052-00141-4)	31.00	July 1, 2004	20-39	(869-052-00191-1)	46.00	Oct. 1, 2004
60 (60.1-End)	(869-052-00142-2)	58.00	July 1, 2004	40-69	(869-052-00192-9)	40.00	Oct. 1, 2004
60 (Apps)	(869-052-00143-1)	57.00	July 1, 2004	70-79	(869-052-00193-8)	63.00	Oct. 1, 2004
61-62	(869-052-00144-9)	45.00	July 1, 2004	80-End	(869-052-00194-5)	61.00	Oct. 1, 2004
63 (63.1-63.599)	(869-052-00145-7)	58.00	July 1, 2004	<b>48 Chapters:</b>			
63 (63.600-63.1199)	(869-052-00146-5)	50.00	July 1, 2004	1 (Parts 1-51)	(869-052-00195-3)	63.00	Oct. 1, 2004
63 (63.1200-63.1439)	(869-052-00147-3)	50.00	July 1, 2004	1 (Parts 52-99)	(869-052-00196-1)	49.00	Oct. 1, 2004
63 (63.1440-63.8830)	(869-052-00148-1)	64.00	July 1, 2004	2 (Parts 201-299)	(869-052-00197-0)	50.00	Oct. 1, 2004
				3-6	(869-052-00198-8)	34.00	Oct. 1, 2004
				7-14	(869-052-00199-6)	56.00	Oct. 1, 2004
				15-28	(869-052-00200-3)	47.00	Oct. 1, 2004
				29-End	(869-052-00201-1)	47.00	Oct. 1, 2004

Title	Stock Number	Price	Revision Date
<b>49 Parts:</b>			
1-99 .....	(869-052-00202-0) .....	60.00	Oct. 1, 2004
100-185 .....	(869-052-00203-8) .....	63.00	Oct. 1, 2004
186-199 .....	(869-052-00204-6) .....	23.00	Oct. 1, 2004
200-399 .....	(869-052-00205-4) .....	64.00	Oct. 1, 2004
400-599 .....	(869-052-00206-2) .....	64.00	Oct. 1, 2004
600-999 .....	(869-052-00207-1) .....	19.00	Oct. 1, 2004
1000-1199 .....	(869-052-00208-9) .....	28.00	Oct. 1, 2004
1200-End .....	(869-052-00209-7) .....	34.00	Oct. 1, 2004
<b>50 Parts:</b>			
1-16 .....	(869-052-00210-1) .....	11.00	Oct. 1, 2004
17.1-17.95 .....	(869-052-00211-9) .....	64.00	Oct. 1, 2004
17.96-17.99(h) .....	(869-052-00212-7) .....	61.00	Oct. 1, 2004
17.99(i)-end and 17.100-end .....	(869-052-00213-5) .....	47.00	Oct. 1, 2004
18-199 .....	(869-052-00214-3) .....	50.00	Oct. 1, 2004
200-599 .....	(869-052-00215-1) .....	45.00	Oct. 1, 2004
600-End .....	(869-052-00216-0) .....	62.00	Oct. 1, 2004
CFR Index and Findings			
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Complete set (one-time mailing) .....		298.00	2003

<sup>1</sup> Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

<sup>2</sup> The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

<sup>3</sup> The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

<sup>4</sup> No amendments to this volume were promulgated during the period January 1, 2004, through January 1, 2005. The CFR volume issued as of January 1, 2004 should be retained.

<sup>5</sup> No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2004. The CFR volume issued as of April 1, 2000 should be retained.

<sup>6</sup> No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2004. The CFR volume issued as of July 1, 2000 should be retained.

<sup>7</sup> No amendments to this volume were promulgated during the period July 1, 2002, through July 1, 2004. The CFR volume issued as of July 1, 2002 should be retained.

<sup>8</sup> No amendments to this volume were promulgated during the period July 1, 2003, through July 1, 2004. The CFR volume issued as of July 1, 2003 should be retained.

<sup>9</sup> No amendments to this volume were promulgated during the period April 1, 2004, through April 1, 2005. The CFR volume issued as of April 1, 2004 should be retained.